



The Arab Center for the Development of the Rule of Law and Integrity

“Promoting the Rule of Law and Integrity in the Arab Countries” Project

Draft

Comparative Regional Report on the State of the Parliament in Lebanon, Jordan, Morocco and Egypt

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Introduction

The comparative report on Parliament relies on national reports that examined each of Lebanon, Jordan, Egypt and Morocco Parliament adopting the same methodology, and the main and subsidiary principles and indications set by the Arab Center for the Development of the Rule of Law and Integrity (ACRLI) with the cooperation of the International Foundation for Election Systems (IFES) establishing the report's foundation, in addition to information stated in the survey carried out before public opinion, parliamentarians and parliament officials.

The comparative report tackled, as the national reports did, the subject of the concerned countries parliaments in three chapters divided as follow:

- Chapter 1 :** The contextual background considers the parliament's institution in the four countries, the prevalent historical, political and social circumstances and the parliament progress and development.
- Chapter 2 :** The analysis of requisite principles in Parliament enabling it to assume its role of good governance. These principles are : representation and participation, parliament independence, parliament performance and integrity. These essential principles were subdivided and indications showed the extent of these principles use in legal texts and the volume of commitment to execution.
- Chapter 3 :** The recommendations, which are deduced from the study about the parliament's situation in the concerned countries, in the light of the afore-cited principles and indications. These recommendations fall within the framework of a comprehensive overview about the parliaments' reform in these countries in order to achieve good performance.

The comparative report is built on information stated in national reports examining similarities and disparities among parliaments of Lebanon, Egypt and Morocco. It highlighted all positive aspects, as well as all gaps and defects in parliamentary experiences in these countries with the aim to put objectively these experiences into concrete actions within the sedate scientific approach, in order to contribute in the development and reform process, leading to the realization of regional population aspirations for a peaceful and honorable future.

Summary of the Comparative report

Diversified circumstances led to the institution of parliaments in Lebanon, Jordan, Egypt and Morocco. Nevertheless, parliament formation in Lebanon and Egypt started in the second half of the nineteenth century and the two parliaments were duly established in



the twenties of the twentieth century, simultaneously with the outset of the Jordanian parliament.

In Morocco, the Parliament was initiated after the independence in the early sixties of the twentieth century. It consisted in each of the four countries of two councils (bicameralism), but the Senate in Lebanon was dissolved one year after its institution, and the parliament subsisted with one council, i.e. the Assembly.

As regards the representation and participation through the parliament, the concerned countries seem to be suffering from defect in their electoral systems. This defect differs from one country to another as for its reasons, aspects and levels, consisting mainly of low participation rate in elections, weak representative capacity of Assemblies, feeble representation of women in general and minorities in some of these concerned countries, lack of equal opportunities among candidates, complaint of outreaches in election operations, affecting negatively their validity and integrity. The national reports also revealed the quasi-absence of accountability in elections and that the citizens' participation in decision-making after elections, through communication and deliberation with parliamentarians about public concern, is almost missing.

The independence of the Parliament as an institution is imperfect in most of the concerned countries by reason of the executive power hegemony over the legislative power. Actually, the executive power, in some cases, and in some of these countries, is entitled to legislate. The parliamentary immunity is generally safeguarded.

The parliaments' performance in the four countries is considerably deficient due to weak legislation and control, mainly the financial control, the protection of public money, the fight of corruption, the quasi full absence of participation in public politics drawing, the very restricted role of parliaments in practicing over the government to rationalize its performance. The administrative and technical systems in parliaments lack modernization, equipment and competence, and require specialized experts in financial, economical and legal affairs.

Some restrictions are adopted for integrity in performance in order to keep legislation operation under control and avoid violations of the constitution. Some legal texts, still insufficient, prohibiting influence abuse were also adopted, but rarely applied.

There is no legislation that stipulates the funding of parties and electoral campaigns, guaranteeing transparency and preventing the parliamentary post abuse in favor of the financing side. No legal texts in any of the concerned countries pertain to the rules of ethics the parliamentarians should abide by in their conducts.

The recommendations focus on the following :

- 1) Adopt electoral regulations appropriate to each country data, ensuring broader, just and valid representation of society fractions, inciting citizen's participation in elections, providing equal opportunities among candidates as well as free and fair polls.
- 2) Promote the parliament independence in the framework of the principle of separate and balanced powers.



- 3) Activate the role of parliamentary blocks enabling them to play a fundamental role in parliamentary life on different levels, by means of particular laws and the introduction of texts in these parliaments' bylaws organizing and activating their work.
- 4) Reform the parliaments' bylaws to promote their performance.
- 5) Modernize administrative and technical systems in parliaments.
- 6) Find research and study centers conducted by specialists and experts in order to assist parliamentarians in their functions.
- 7) Reform and motivate legislative operation through the linkage to public policies, the adoption of back papers and studies, and also at the level of the formulation.
- 8) Activate the parliaments' participation in the drawing of public policies.
- 9) Adopt means ensuring communication among the parliament, the civil society and the private sector.
- 10) Promote the parliamentarians integrity through innovated means and mechanisms capable to achieve progress in this regard.
- 11) Raise parliamentarians' capacities and promote their performance.
- 12) Observation of the Parliaments performances, especially in legislative and supervision matters, in purpose to develop the performance.

Summary of the Survey

The survey dealt with the situation of the parliament in Lebanon, Jordan, Egypt and Morocco, encompassing deputies and officials at the concerned parliaments as well as the public opinion. The question paper was elaborated within a series of principles adopted by the Center in the assessment of parliament condition, as regards four dimensions which are representation and participation, independence, performance and integrity. It comprised 61 questions, 44 of which aim at knowing the participants evaluation of specific aspects in the parliament, while the remaining 17 aim at defining requisite reforms.

The survey applications were separately formulated; one is consecrated to the public opinion and the other to the specialists (deputies, officials and consultants at the parliament)

The survey results revealed the following:

The officials' complaints in Morocco, Lebanon and Egypt were remarkably much more than those submitted by deputies, whereas in Jordan deputies' complaints exceeded those submitted by officials.

In Morocco, deputies and consultants expressed the same as regards negative assessments, noting that seven of these evaluations are commonly shared among deputies and officials.

The highest percentage of complaints was registered among the Jordanian deputies (44.4%) followed by the Moroccan deputies (25%) than the Egyptian deputies (22.2%) and finally the Lebanese deputies (20%). It's interesting to note that this disposal was reversed when questioning officials about the parliament situation, resulting into the following : Lebanon (44.4%), followed by Egypt (41.6%) then Morocco and finally Jordan (25%).



Deputies and officials in the four countries outlined the absence of equal opportunities as regards representation and participation. This common complaint is one of the strongest submitted complaints.

Officials in Egypt and Morocco expressed complaints relative to independence in exercising functions, whereas consultants in Morocco and deputies in Lebanon complain from insufficient protection.

Deputies and officials evaluated negatively the legislative operation performance and the parliamentary commissions' action.

As for the reform, deputies and officials views were greatly contradictory, linking most reforms' types to performance dimension.

Coming to the public opinion, the total assessment of parliament and of the participation basis was negative in the four countries. The participants to the survey disposed differently the reform's priorities in the four countries.



Chapter 1 : Contextual Background

Different circumstances contributed to the rise of parliament in the four concerned countries. In Egypt, the parliamentary regime started with the Deputies State Council in 1866, but the process faced multiple obstacles and obstructions resulting from political developments and social mutations till the formation of the Parliament, under the Constitution 1923, of the two councils : the Senate whose part of members is appointed and the other part elected, and the Chamber of Deputies elected over two rounds. However, the Parliament had a restricted authority and the King used his right to dissolve the parliament abusively, so that instability prevailed till 1952, the date of the royal regime collapse and the declaration of the republican regime.

After 1952 revolution, the parliament played a marginal and formal role in the Egyptian political life. According to the constitution of 1971 and its amendments, the legislative power is attributed to the People's Assembly elected for a period of five years through direct poll. There is also the State council, formed through election and appointment (the President of the Republic designates its third); its primary function is consultative and its opinion about core matters is essential.

In Lebanon, the Parliament was instituted in the course of historical progress of the principle of sharing authority that was firstly applied under the regime of Mount Lebanon Governorate, since 1961 where a large administrative board was elected, composed of 12 members, upon two rounds secret polls. Its functions were restricted to taxes distribution and imports control, giving consultative opinion in matters transferred to it by the governor. The seats were allotted on confessional basis. Political developments led to the Declaration of Great Lebanon State in 1920, and to the emergence of the Parliament in 1926, where the constitution stipulated the formation of an Assembly and a Senate which was later dissolved in 1927. Thus the parliament was composed of one council which is the Assembly, constituting the legislative power.

Till 1939, it was formed of both elected and appointed deputies. Afterwards, all assemblies' members became totally elected. Exceptionally in 1991, 55 deputies were appointed in conformity with Taëf agreement because of incapacity to hold parliamentary elections.

Parliamentarians' seats distribution is performed on confessional and regional basis.

The parliament in Lebanon is an essential element in the political life. In addition to its role in legislation and monitoring and other duties, it plays a substantive role in permanent inter-confessional dialogue in order to consolidate the common living.

In Jordan, since the declaration of the Eastern Emirate of Transjordan, efforts to establish a parliament have been exerted. A State Consultative Council (*Majlis shura*) was instituted in 1923 headed by the Judge of Judges and entrusted with the elaboration of laws and regulations. No sooner had the first British-Jordanian treaty been issued in 1928, the Organic Law (constitution of 1928) was promulgated. It provided for the authority to be put in the hands of the Prince of the country stating that “administrative and legislative powers are in the hands of the Prince, Head of the country who ratifies,



promulgates all the laws and supervises their enforcement”. This constitution also provided for a legislative council, charging both the Council and the Prince of the legislative power. The legislative council consists of representatives that are duly elected according to the electoral law that should guarantee the equitable representation of minorities. The Prime Minister and unelected ministers should be members of the legislative council, and the premier is to preside sessions when present. The council is not empowered to suggest draft projects, but is granted the right to concede permit for the same should the prince give his approval. The council was not granted the right to practice control over the executive authority. The first legislative council was established in 1929, consisting of 16 members, 14 of which were indirectly elected, while the two others were appointed.

Following the independence of Jordan in 1946, the Emirate became a Kingdom. In 1947, a constitution was promulgated. It stipulated that the regime shall be a hereditary parliamentary monarchy, skipping the principle of responsibility of the cabinet before the parliament; instead the cabinet was held accountable before the King. This constitution adopted also the principle of bicameralism, a National Assembly consisting of two houses: a Senate and a Chamber of Deputies. The legislative authority was granted to both the King and the National Assembly, the latter was given the right to practice political and monetary control. The first Jordanian parliament was established in 1947.

With the unification of the two banks, the constitution was amended in 1952. Under the constitution, the king appoints members of the Senate while members of the Chamber of Deputies are elected through general direct election. The constitution upheld the principle of equality between the two houses but gave the Chamber of Deputies the right to cast a vote of confidence regarding the cabinet and to retract trust in the cabinet or any of its ministers.

The parliamentary life in Jordan was particularly negatively influenced by the Israeli-Arab conflict. This was clear with the seven-time dissolution of the parliament because of differences between the legislative and the executive authorities, in the absence of the Chamber of Deputies and its replacement by Consultative Councils appointed by the King between 1978 and 1984.

In **Morocco**, the parliament was not established until 1962 with the promulgation of the first post-independence constitution. The constitution project, elaborated in 1908, but remaining dead letter, provided for the establishment of a parliamentary regime. However, the inexistence of a parliament till 1962 does not mean legislative emptiness. Morocco knew a legislative activity system that resorted to Islamic religious reference and to local traditions applied before Islam, namely the so-called the “Barbaric usage” – i.e. “Amazigi”- the provisions of which were contradictory with the Islamic Shari’a.

The Moroccan parliament adopted at times bicameralism and resorted, at other times, to unicameralism. While bicameralism was adopted in the constitutions of 1962 and 1996 – with a House of Representatives and a House of counsellors-, it opted for unicameralism- the House of Representatives- in the constitutions of 1970, 1972 and 1992. The return to



bicameralism was based on the need to have local groups, socio-economic sectors and professional organizations represented in the House of Counsellors. The House of Representatives was elected through general direct election while the House of Counsellors got elected through indirect polls. The constitution of 1996 granted the House of Counsellors powers previously denied in the first constitution, as regards monitoring the cabinet activities.

The Moroccan constitutional regime was influenced by the fifth Republic constitution in France. It restricted the parliament's powers and competences, subdividing legislative task between the Parliament and the executive power. The Moroccan legislator adopted as well the principle of delegating the legislative task to the executive power in two cases: authorization law and provisional governmental legislation. The King was also granted a major role in legislation. The status of the parliament seems rather modest in the Moroccan political regime.



Second chapter: Analysis of principles

This chapter addresses the basic principles that are supposed to be respected in a parliament, i.e. right representation and participation, independence, performance and integrity. It also compares them in the concerned four countries, to see to what extent they are available in constitutional and legal texts, and to which level they are applied in practice.

1- Representation and participation

Right and equitable representation is a basic condition to participate in the exercise of power through the parliament. Political regimes in the four countries are established on the principle that the parliament, mainly the House of Representatives, represents people and is a means to ensure participation.

1-1- Fair and just representation

Fair and just representation is the representation of the widest segments of the society proportionally to their real size; the structure of the parliament thus reflecting the structure of the society. The electoral system plays a major role in this field. The distribution of parliamentary seats among districts, as is the case in the four countries, guarantees the equitable representation of regions provided that the number of seats is proportional to the district demographical size. However this is not the case in the four countries for considerations specific to each and every country. The distribution of parliamentary seats among religious, confessional and ethnical groups, minorities, more particularly, in the electoral law, is a guarantee for their representation. This principle was adopted in Lebanon and is adopted in Jordan through a quota for Christians, Circassians and Chechens. A quota for women was also adopted as a step towards the representation of women in Jordan and Morocco. Whereas the representation of religious groups poses no problem in Morocco where almost the entire population is Muslim, it is indeed a problem in Egypt as Copts are not represented to their demographic size. The representation of women remains a problem in the four countries, despite the fact that some women have entered parliaments be it through political forces as is the case in Lebanon, or through appointment as in Egypt, or through the quota in Jordan and Morocco.

Many obstacles hinder fair and just representation of societal segments and political forces. There are no scientific on-site studies that show the extent of conformity of political forces size in the four countries to the size of their representation in the parliament. However, a flaw appeared to be existent at this level in Lebanon as it adopted the regime of majorities and elections through lists in large districts. Egypt also suffers from the same defect as the authority interferes at a large extent in the elections. In Morocco, some parties objected for the size of their representation does not match with their electoral base. In Jordan, some parties, namely Islamic, deem that the system of a single candidate election, weakens the size of their representations.



The ratio of electors represented in the parliament depends on the level of participation in elections as well as on the number of competing candidates on each seat. This ratio is negligible in Lebanon as well as in Jordan, Egypt and Morocco. It is indeed remarkable that the percentage of annulated ballots in Morocco reached 16 %, which is a very high level; while winning candidates got 10 to 15 % of votes, which is a very low level. The number of votes the women got in Jordan through the quota system is weak. This weakens the power of representation, especially that the participation in elections in the four countries is not high.

Professional entities and local organisations are not represented in the Lebanese, Egyptian and Jordanian parliaments- even if some deputies, because of their professions, belong to such organisations; while it is the case in the Moroccan House of Counsellors which is elected by the representatives of local groups, professional chambers, and representatives of wage-earners. This House is one of the two houses forming the Moroccan parliament.

[The elections in the four countries lead towards raising the level of senior businessmen representation in the parliament.](#)

1-2- Equal opportunity for candidates

Give candidates equal opportunities is a major requirement for right and equitable representation. It depends on the regulation of electoral media and advertisement campaigns, and the setting of an expenditure ceiling in the election campaign.

1-2-1- Organization of electoral media

The Moroccan law regulated electoral media through audiovisual means. Parties are entitled to use public audiovisual means in a way that ensures equal opportunities among them, noting that Morocco doesn't have any private audiovisual media it can resort to in elections; however deputies from different directions decry the very limited media portions allotted to them.

In Lebanon, the law does not regulate electoral media, where chaos is prevalent during elections especially that many audiovisual means are possessed by entities running for elections and making use of them for personal interest.

In Jordan, there are no electoral media regulations. However media chaos is much less redundant than in Lebanon in the absence of private audiovisual. In general, a law guaranteeing equality in the use of media means does not exist.

1-2-2- Regulation of electoral advertisement

The Lebanese electoral law stipulated that electoral publicity be organized, but this is not observed in electoral advertising. Moreover, the law needs modernization. In Jordan, the electoral law regulated electoral publicity; candidates were granted free publication of their electoral advertisement under specific conditions, and the right to organize festivals under the provisions of the law. In Morocco, electoral media and publicity were organized in the aim to achieve equality among competing candidates.



1-2-3- Setting of an expenditure ceiling in the election campaign

In Lebanon, there is no law setting a roof for expenditure in election campaigns. Money has acquired an even growing role in elections. In Jordan, the law does not set a roof for spending; capital plays a major role in most election campaigns. In Morocco, the law regulates the funding of election campaigns, and the contribution made by the state to these campaigns. The state money is distributed proportionally to the number of parliamentary seats of every political entity. The law also stipulates a mechanism to control expenditure and sets a roof for the same. It also prohibits local groups from managing their financial capabilities for electoral purposes.

In Egypt, the High Commission for Elections set in 2005 rules for elections expenditure, determining a ceiling. Nevertheless, the amounts spent by some candidates, mainly the businessmen, go far beyond the allowed maximum already imposed for expenditure.

1-2-4 Donating money for election campaigns

In both Lebanon and Jordan, there isn't any law that regulates donations for election campaigns. In Morocco, the 2005 law of parties dedicated a special clause to define and control funding of parties either directly by the state or indirectly through in kind or monetary donations the parties receive from legally licensed entities.

1-3- Free and fair elections

Freedom and integrity in elections are an elementary requirement for right representation.

1-3-1- Running electoral process according to international standards

Even if international standards are present to a large extent in the electoral laws in the concerned countries, they are almost not applied. The report of the European Union Delegation for Monitoring Parliamentary Elections in Lebanon in 2005 underlined many gaps in electoral operations. The report on the parliament in Jordan mentioned many falsifications during elections. The report on the parliament in Morocco stated that the results of the elections are falsified and the numbers are manipulated. [The elections in 2002 attend a positive evolution regarding the impartiality of the parliament.](#) In Egypt, the electoral process manifested many flaws. Points of view regarding the levels of freedom and integrity in each of the four countries vary.

1-3-2- Impartial entities to monitor elections

Elections are not monitored by an impartial authority in both Lebanon and Jordan, as this task is handled by the Ministry of Interior. In Morocco, the report on the Moroccan parliament did not clarify whether an impartial side oversees the elections but it did state that parties and organizations acknowledged administration impartiality in the 2002 legislative elections.

In Egypt, the constitution stipulates elections to be held under the judiciary supervision. The suggestion of the constitution amendment and the formation of a supervising commission, qualified to be independent.



1-3-3- Impartial and effective sides and mechanisms to look into challenges and complaints

Lebanon doesn't have a clear mechanism to look into complaints raised during elections. In Morocco, administrative courts examine these complaints. Appeals and challenges on parliamentary results are addressed according to a well defined mechanism in both Lebanon and Morocco by the constitutional council.

In Jordan, the parliament itself studies appeals on parliamentary results but it is not an impartial side. 53 appeals have been presented in the 2003 elections, but were all refuted.

In Egypt, the People's assembly settles challenges; however, the court of cassation is the concerned part in investigating challenges and has adopted a clear mechanism in this regard. Nevertheless, the final decision regarding the membership of a challenged member is in the hands of the People's Assembly. A membership is not considered null unless by virtue of a decision rendered by the majority of the two thirds of the People's Assembly. This fact raises many questions with regards to the validity of the settled appeals.

1-4- Accountability in elections

Democracy cannot be straightened up without accountability. Elections are not only a means to elect the best but also a tool to hold members of parliament (MPs) accountable for their performance. Thus, electors' will should be freed from all ties.

1-4-1- Sectarianism not to govern electors' decision

Confessionalism and doctrinarism played an important role in elections, mainly in Lebanon in 2005. Tribalism played a major role in elections in Jordan, except for some cities where parties and civil society's organisations operate, knowing that some partisans won elections thanks to their tribal affiliation. In Morocco, the report pointed out progress relative to sectarianism's role regression in shaping electors' decision, contrary to what was prevalent during the first years of independence. Parties have played a major role in bringing this progress ahead, but in practice there is no complete cut with sectarianism.

1-4-2- Personal and cliental relationships not to shape the choice of electors

Personal and cliental relationships play a role in the four countries in shaping electors' choice, mainly the relationship with money holders and people of influence.

1-4-3- Elections, the change in the parliament structure

Consecutive elections in Morocco did not lead to a serious change in the parliament structure. In Lebanon, the change in the parliament's structure is not due to the almost non-existent accountability because of formerly mentioned factors, but to the electoral alliances alteration and to circumstantial issues. In Jordan, elections are usually accompanied by a significant mutation in the parliament's structure due, as stated in the report, to the citizens' loss of confidence in the deputy and to this latter weak performance.



1-5- Participation

Participation in democratic regimes is not restricted to elections but supposes a contribution in the political decision through questioning and follow-up. Thus, a continuous dialogue between the citizen and the deputy is well in order.

1-5-1-Communication between citizen and deputy

The four countries complain from deputies' lack of communication with citizens to discuss with them public affairs. Dialogue only takes place during social occasions. However, deputies belonging to parties meet periodically their party bases. Some deputies meet citizens to offer them personal favours.

1-5-2- Communication between deputy and civil society organisations

In the four countries, an intermittent dialogue occurs between deputies and civil society organisations. However, parliamentary committees hold sometimes meetings with some civil society organisations to listen to their views regarding some issues. Civil society organisations hold workshops to which MPs are invited.

2- Independence of the parliament

Democratic regimes adopt the principle of separate powers prescribing the independence of the legislative power represented by the parliament in order to perform its duties.

2-1- Independence of the parliament as an institution

The independence of the parliament was restricted in constitutional texts in Egypt, Morocco and Jordan. In Lebanon, the constitution guaranteed the independence of the parliament in performing its duties.

2-1-1- Constitutional guarantee for the parliament independence

The status of the parliament in the Moroccan constitution is modest; the constitution consecrated the King as the “Supreme Representative of the Nation”, and as the parliament’s partner in the legislation task. He can “address both the Chamber of Representatives and the Nation and his speech cannot be the object of any debate”. The parliament's prerogatives in legislation were limited to specific issues.

In Jordan, powers granted to the head of the executive power and to the executive power itself, deprives the legislative power its true independence. The Jordanian constitution entrusted the National Assembly and the King with the legislative authority.

In Egypt, the executive authority governed by the president of the republic, prevails over the legislative authority, which leads to weaken the parliament independence, specifically the council of people which its sessions are held by invitation from the president of the republic.

In Lebanon, the constitution guaranteed that the parliament is an institution independent in running its own affairs and entrusted it solely with legislative power.

2-1-2- The parliament to solely manage its affairs

1-2-2-1- The parliament to solely draft its bylaw



The parliaments in the four countries elaborate themselves their bylaws.

2-1-2- 2- The parliament to solely run its affairs

The head of each of the two councils constituting the parliament in Egypt, Morocco and Jordan manages its administrative affairs assisted by the council's bureau. In Lebanon, the speaker and the council's bureau manage the parliament administrative affairs.

2-1-2-3- The parliament to solely set budget and expenditure

In Lebanon, the parliament draws its budget and expenditure without any interference from the executive power.

In Jordan, the heads of each of the two houses, the Senate and the Chamber of deputies, manages monetary affairs through the independent financial circumscription in each house. In Egypt, the People's Assembly and the State Council have each an independent budget.

In Morocco, the constitutional judiciary did not entrust the House of Representatives and the House of counsellors with financial independence. The decision of the constitutional council is such that the House of Representatives and the House of counsellors are not independent in drawing their budgets. The Moroccan parliament is an institution that lacks financial independence.

2-1-2-4- The parliament to solely organize its administration and keep its auto-security

In Lebanon and Jordan, the speaker assisted by the council's bureau, manages all administrative affairs, i.e. appointing and dismissing employees, preserving the council's security through the council's police which is independent from security systems in the state.

In Jordan, the limitation of the financial independence of the parliament affects its independence in running its affairs. Despite the fact that the law stipulated that the House of Representatives shall solely have the right to appoint, exempt, dismiss and send to retirement the council's employees; the house's administration is subjected to relevant governmental financial systems. The Moroccan parliament lacks his own security force, the council's special guard in formed by the royal armed forces and the appointed security men.

2-1-3 The constitution fixes parliamentary sessions

The constitution in the four countries fixed dates for regular parliamentary sessions, and stipulated extraordinary sessions to be held. The Lebanese constitution gave the president of the Republic the right to defer the parliamentary session to no more than one month. The Jordanian constitution gave the King the right to postpone the meeting of the National Assembly to no more than two months. The Moroccan constitution did not stipulate that the King be given this right, but the latter can rely on the symbolic provision of the 19th chapter providing that he is “the Commander of the Faithful, the Supreme Representative of the Nation, the Symbol of its unity. He is the guarantor of the State perpetuity and durability; he is the defender of the Faith, and the guardian of the Constitution.” to take the decision to defer the House of Representatives meeting.



In Egypt, the president of the republic invites the council of people to hold the ordinary annual session before the second Thursday of November. If not, the council meets by the authority of the constitution in the above-mentioned day. The president of the republic ends the ordinary session but not before to adopt the general budget of the state. He invites the council of people for extra-ordinary meetings when necessary.

2-1-4- The constitution sets the parliament's term of office

The parliament's term of office was set in the Moroccan, Egyptian and Jordanian constitution. In Lebanon, the term of office was set in the electoral law. Whereas the definition of the term of office by the constitution is a greater guarantee than that given by the law, being capable of easily amending the constitution weakens this guarantee. This is what happened in Morocco regarding the House of Representatives mandate which varies between 4 and 6 years, and is currently set to 5 years. The term of office was sometimes prolonged upon a royal interpretation of the 19th chapter of the constitution.

2-1-5- Clear Conditions for the dissolution of the parliament

The stability of the parliament requires that there be no arbitrariness in using the right to dissolve the same, that this right be recurred to, only in situations that require the same, to exit a quandary and preserve a sound performance of constitutional institutions.

In Lebanon, incapacitating requirements govern the dissolution of the parliament, so that it is practically hard even impossible to dissolve it. In Morocco and Jordan, dissolving the two houses of the parliament seems rather simple as it is dependent on the will of the King. In Egypt, the president of the Republic is not entitled to dissolve the People's Assembly unless when necessary and after a public referendum.

In the four countries, dissolving the parliament or any of the parliamentary councils in Morocco require a call for the electoral bodies to elect a new council within two months (Egypt) and for months (Jordan).

2-2- MPs Protection and Security

Protecting MPs is an elementary requirement so they could perform their duties independently.

2-2-1- Principle of Immunity

The aim behind parliamentary immunity is to protect MPs from prosecution for false and spiteful accusations and measures, and from attempts to prevent them from participating in parliamentary sessions and performing their duties.

The constitution guaranteed immunity for MPs in the four countries, be it for opinions they express or regarding penal measures and arrest during parliamentary sessions unless with the consent of the council the person in concern belongs to, except in cases of flagrant delicto. In Morocco, the constitution lifts immunity when the opinions are injurious to the monarchical system or the religion of Islam or derogatory to the respect owed to the King.

2-2-1-1- Restricting the possibility of lifting immunity



The immunity is not lifted in the four countries on MPs without the consent of the council the MP belongs to, as the immunity is the propriety of the council, it is dependent of it as an institution and is not dependent of the MP. The immunity is lifted only in criminal charges and felonies after verification of the accusations' seriousness by the council.

2-2-1-2- Clear mechanisms to lift parliamentary immunity

The bylaws of the councils forming the parliaments in the four countries stipulated clear mechanisms to lift immunity. These mechanisms are a guarantee that prevents lifting the immunity except in cases requiring that the immunity be lifted. Immunity is rarely lifted from MPs in the four countries, the thing that brought one Moroccan MP to state that "immunity is a right that has a wrongful facet".

2-2-2- Constitutional guarantee for the legislator's freedom of expression

The constitutions of the four countries guaranteed the right of the MP to express his opinion. In Morocco, the constitution forbids discussions about that the religion of Islam, opinions that are injurious to the monarchical system and derogatory to the respect owed to the King.

2-2-3- Physical security and illegal pressure

In principle, MPs in the four countries are not subjected to illegal threats and pressures. However, some Lebanese MPs pretended that they were subjected to pressure, and sometimes to threats, at the time when Lebanon was under the hegemony of the Syrian regime.

2-2-4- Appropriate financial indemnities for MPs

Monetary compensations for MPs are a tool that helps achieve their independence and entire devotion to their duties. Compensations vary from one country to another. It is rather high in Lebanon with 7500 USD per month. In Morocco, the compensation consists of 4300 dollars, in Jordan of 2300 dollars. [While it is rather low in Egypt, the People's Assembly and the State Constitution receive a reward estimated to two thousand pounds per month, equivalent to 250 dollars](#), in addition to 75 pounds for each session attendance.

2-3- Independence of the parliament in performing its duties

2-3-1- Right to legislate to be given only to the parliament

In Lebanon, the constitution gives the right to promulgate laws to the parliament alone. The cabinet pronounces requisite decrees to enforce the laws.

In Jordan, the constitution gave the right to legislate to the National Assembly which is formed by the elected Chamber of Deputies and the appointed Senate. However, it gave the executive power the authority to draw provisional laws in particular situations, as it stipulated that when the National Assembly is not in order or dissolved, the premier is entitled, with the consent of the King, to promulgate provisional laws in matters that require necessary measures to be taken without any delay. The use of this right has been expanded without any restrictions.



In Morocco, the constitution restricted the right of the parliament to legislate as it defined matters that fall exclusively within its specialization, and deferred the other matters to the care of the organizational power, i.e. the executive power. The government shared with the parliament some of its original arenas of jurisdiction through “delegation of legislation” and the “law of authorization”. The King is the highest Supreme Representative of the nation and consequently the highest legislator.

In Egypt, the People’s Assembly handles, pursuant to the constitution, the legislative power. However, the constitution also gave the president of the Republic extensive powers in the field of legislation; **while necessary, exceptional and upon a delegation from the council of people in majority of 2/3 of its members; the president could issue resolutions that have the power of law. These resolutions could be taken also by the president of the republic, in case, the council of people does not convene and these matters are highly urgent. In these two cases, these resolutions should be displayed to the council of people for decision making.** The president carried out his powers on a wide-spread level.

2-3-2- Extensive legislative power

In Lebanon, legislation is very far-reaching, whereas in Morocco it is limited and restricted in matters stipulated by the constitution.

In Jordan and Egypt, the parliament has vast powers in the field of legislation in the different political, economic, financial and other matters. However, the Jordanian constitution exempted independent regulations regarding the organization of public facilities, as they fall under the speciality of the Council of Ministers.

2-3-3- Absence of illegal pressure on parliament

The parliament is subjected in the four countries to pressures exerted by the executive authority and forces of pressure in the society. The pressures by the executive power often take the form of allurements by the government on MPs. The circumstances Lebanon went through during and after the civil war, led to illegal pressures exerted upon the parliament by forces of the real fact.

3-Performance

3-1-Efficient legislation

3-1-1- The parliament to settle draft projects and suggestions within acceptable delays

Legislation in the Lebanese parliament is done at a very quick pace. It is feared that the speed in legislating might be done at the expenses of the quality and formulation of the laws. In Jordan, because regular sessions are short, 4 months a year, the parliament suffers from weak achievements, low efficiency in performing the legislative task as well as incapacity to look into the highest number of draft laws submitted to it.

In Morocco, the conflict of interests and governmental pressures often lead to the delay in settling draft laws and suggestions.

3-1-2- Analysis and discussion of draft projects and suggestions



In the four concerned countries, law suggestions are proportionally excessively less than the draft laws.

In the Lebanese parliament, serious analysis and debate relative to draft laws, suggestions and laws provision vary from one law to another. The Jordanian parliament lacks seriousness and suffers from a hasty analysis of draft laws and suggestions, and sometimes a rush in settling the same. In Morocco, the role of the parliament is limited to the introduction of minor amendments to draft laws, and to the amendment of some enforced laws. In the last few years, as a result of the consensual climate, the parliament turned into some sort of room for recommendation of what had been approved outside its doors.

3-1-3- Parliament efficient participation in the elaboration of public policies

Government in the four countries draw public policies that seem rather weak. The parliament should participate in drawing the same through the laws that enforce them. The parliament in these countries does not perform an effective role in public policies elaboration and their implementation supervision.

3-1-4- Civil society participation in studying suggestions and draft laws

In the four countries, civil society organisations are intermittently and irregularly invited to participate in the study of suggestions and draft laws they are concerned about. There is a tendency towards an increasing participation of the civil society organisations in this regard. This fact was particularly outlined in Morocco, Jordan and Lebanon through the participation of these organisations in debating many projects and draft laws before the parliament makes up decisions. However, the role of these organisations still needs to be more activated.

3-1-5- Resorting to experts in studying suggestions and draft laws

In the four countries, the recourse to experts is still limited, especially that the parliaments lack experts in financial, economic, legislative and other matters. However, MPs start to realize that working experts are needed in parliamentary councils.

3-2- Efficient care for public money

3-2-1- Full analysis and debate regarding the budget

In the four countries, the cabinet draws the draft budget to be studied and ratified by the chamber of deputies. The Chamber of deputies in the concerned countries studies the draft budget in detail through the Parliamentary Committee for Financial Affairs. Sometimes experts are resorted to. Ministers are invited to attend this committee's meetings, however the limited knowledge of MPs in financial issues, low experience in this concern, and the majority of them being incapable of getting the assistance of experts, and the small delay for the settlement of the budget, all lead to the non-profound study of the draft budget.

3-2-1-1- Transparency in setting the budget numbers and their validation

The validity of the numbers cannot be verified unless if coupled with transparency. MPs are entitled to ask the government, responsible for the project, for explanations regarding



the numbers. This is what the financial committee usually does in the parliament. However, the verification of numbers validity requires capability, experience and great effort. This is why MPs seem to fail short in this difficult task, especially in the absence of reliable experts.

3-2-1-2- Verifying the budget effects on economical, financial and social conditions

The impact of the budget on the economic, financial and social affairs is studied by parliamentary councils, mainly the financial committee, but it is done within the available faculties and MPs personal capabilities. Counsellors-experts in financial and economic affairs should be appointed in parliamentary councils to assist MPs. The Jordanian parliament has already undertaken multiple steps in this concern.

3-2-1-3- The parliament to study the lump or fixed sum

The final account shows the true numbers of taxes and expenditures, so that MPs can verify the budget numbers veracity of the financial fixed year. This should help MPs to form an idea about the veracity and exactitude of numbers in the draft budget for the coming year through comparison and deduction. However, MPs in the concerned countries do not perform well their duty in analyzing the lump sum or fixed sum. Parliaments adjudge quickly and ratify lump accounts without any consideration of consequence. Sometimes, the fixed account operates delays.

3-2-2- Transparent voting for the budget

The constitutions of the concerned countries and their parliaments bylaws stipulated mechanisms that provide transparent voting for the budget, by show of hands or electronic devices. The Jordanian report however stated that the voting for the 2006 budget was not transparent with MPs coming out of the parliament in objection.

In Lebanon, the lack of transparency is not only apparent in the voting process but in the introduction to the budget draft law of non-relevant provisions with the purpose of amending some laws through smuggling. Such actions contravene the rules and the regulations.

3-2-3- Comprehensive monitoring over the budget

Comprehensive supervision of the budget falls within the parliaments of these concerned countries powers. If weak supervision is prevalent for reasons mentioned above in the analysis and ratification of the draft budget, the difficulty the government and the concerned administrations face in budget supervision is very serious due to the need of experience and follow-up. The parliamentary supervision of the budget is thus deemed, despite the concerned countries governments' accountability before the parliaments, weak and limited, so that supervision is handed over to administrative systems in charge of financial supervision, mainly the Department of Accounting (*Diwan Al Muhasaba*) or the Highest Council for Accounting in Morocco. These bodies draft financial reports and submit them to the parliament. The parliament count on such bodies when exerting supervision on the budget, thus their performance should be activated.

3-3- Efficient supervision and accountability to be imposed on government



The government in the concerned countries is accountable for its deeds before the parliament, and before the House of counsellors too in Morocco. This means that the council before which the government is held accountable should exert effective supervision on the same, as to monitor and rationalize its performance, and when necessary, to dissolve it and form a substitute government.

3-3-1- Existence of well-organized and effective opposition in parliament

The opposition is the parliamentary group that exerts control on the government. The opposition in the four countries seems to need in general organization, elaboration of programs and political strategies in order to become effective and capable of exerting serious control on the government. The strength of the opposition varies from one country to another, depending on political circumstances, political system structure and the enforced electoral system.

3-3-2- Effective interpellation of the government

Interpellation performed by the parliamentary councils is one of the adopted tools for government supervision. However, in Morocco, interpellation is not observed. In the concerned countries, a time frame was set for the minister or the cabinet to answer questions. Sometimes these delays are not respected and some questions are left without answers. Still, the ratio of answers in the Moroccan parliament is high and the questions raised by its members are considerable. However, interpellation role as regards government control remains limited leading rarely to retracting the vote of confidence from the government or one of its ministers.

3-3-3- Efficient power of parliament to vote no confidence in the Government

The government in these countries usually wins majority of votes, and is rarely put to vote of confidence. Toppling the government through the vote of no confidence is almost non-existent.

3-3-4- Parliament efficiency to watch over the government's commitments towards international agreements

Some international conventions in the four concerned countries cannot be definitely ratified without the consent of the parliament which is supposed to supervise their implementation by the government. This is primarily the task of the Parliamentary Committee for External Affairs, but the parliament follow-up of the implementation of international conventions is still limited in the four countries. The parliament usually leaves this matter to the care of the government without any control. It seems that the role of parliamentary committees of human rights and the effort for amending laws in the light of international conventions, need more activation.

3-3-5 Parliament's power to accuse Ministers, Premiers, president of Republic taking part in their trial

In the concerned countries, parliaments are empowered to accuse premiers and ministers. In Lebanon and Egypt, accusation may be raised against the president of the Republic as well. Accusation requires highly-voted decision. Political equilibrium inside the parliament and political considerations resulted without accusing some ministers except in very rare cases. This trial is held in Lebanon before the High Council for presidents



and ministers' prosecution, comprising MPs and judges. Heretofore, no accusations were transferred. In Jordan, such trials take place before the High Council comprising members of the Senate and judges. The Jordanian political history brings no example for trial of a minister or premier by the High Council. In Morocco, the trial is done before the Supreme Court comprising members of both the House of Representatives and the House of counsellors. The Moroccan experience shows no repetitive or remarkable case of such trials.

3-4- Efficiency of parliamentary committees

Parliamentary committees play an axial role in the performance of parliaments; it is the “kitchen” of projects and suggestions, the general parliamentary committee discusses and settles.

3-4-1- Permanent and provisional committees, specialized committees for specific issues and investigation committees

In the Lebanese and Jordanian parliaments, the number of permanent committees is relatively high, covering activities of all ministries. In the Moroccan parliament, the number of permanent committees is limited (6 committees) encompassing basic ministries, productive and social sectors. In addition to permanent committees, there are provisional committees and investigation committees. In Morocco, fact finding committees may be constituted. There is also a presidents' seminar, comprising its president, and presidents of parliamentary blocs, heads of permanent committees and the speaker representatives.

It seems that parliamentary committees in the concerned countries cover the different tasks of the parliament and play a major role in the parliament performance.

3-4-2 Committees' efficient and transparent role in legislation

In Lebanon, the committees' action varies from one committee to another, sometimes lacking transparency. In Jordan, due to the very limited period for the Assembly meeting, draft laws are accumulated in committees, without being adjudged so they are deferred from one session to another. The percentage of examined draft laws varies between 26 to 31% in one decade. In Morocco, the report outlined a relative good performance.

3-4-3 Committees' efficient and transparent role in monitoring and supervision

According to the constitution, one of the parliamentary committees' duties is the monitoring of the government performance. But in reality, this role still, in the four countries, limited and requires activation.

3-4-4 Investigations committees' efficient and transparent role

The inquiry committees in the four countries didn't achieve [general decisive](#) results. It appeared that their role was not effective and transparent because of the political pressures.

3-4-5 Civil society organizations to participate in the committees' meetings

In Lebanon and Jordan, some civil society organizations participate sometimes in the parliamentary committees meetings performing studies of specific suggestions or



projects, but irregularly and intermittently. The parliament bylaw in the four countries, do not stipulate compulsory obligation to send any convocation to the civil society organizations to contribute to the study and discussion of suggestions and projects.

3-4-6 Committees to resort to highly qualified experts

The committees in the concerned countries resort sometimes to some experts. The parliaments of these countries do not have experts working in the administrative and technical systems. If existing, they are very few.

3-5 Conformity of bylaw with the parliamentary performance

The parliament performance is related to its mechanism of work defined in its bylaw.

3-5-1 Bylaw guarantees of multi-trends, diversity of belongings, freedom of expression and discussion.

The bylaw guarantees to the Lebanese Assembly, to the parliament councils in Morocco, Egypt and Jordan, diversity and plurality of opinion, belonging, freedom of expression and discussion, according to the provisions of these countries constitutions, within good manners and specific rules for disciplined management of sessions.

3-5-2 Bylaw guarantees the differently belonging deputies right to participate in committees.

The adopted mechanism in the election of parliamentary committees, and the determination of the number of committees where the deputy could be a member, in the concerned countries, enable the MPs to take part in these committees, regardless their belongings. The volume of the bloc the MP belongs to, plays a role in this regard, thing that is normal in a democratic regime

3-5-3 Bylaw facilitates the parliament work

The parliament bylaw doesn't impede its performance, but organizes it. Nevertheless, this bylaw in the four countries needs to be developed in order to activate the parliament performance in legislation and monitoring.

3-5-4 Bylaw clearness

The parliament councils' bylaws in the concerned countries are clear and simplified revealing no ambiguity. The two Houses systems in the Moroccan Parliament were reviewed and compared. The report of the Moroccan constitutional council confirmed the necessity to more clarification about their provisions for the development of legislative institution internal life.

3-6 Efficiency of parliamentary blocs

Parliamentary blocs play a considerable role in parliamentary life, and their efficiency depends on their organization and performance.

3-6-1 Organization of parliamentary blocs on the basis of a bylaw



The nature of the parliamentary blocs' constitution in the four countries leads to their institution on the basis of delicate regulatory foundations in general, almost all lacking rules of procedures. They are generally constituted of influential parliamentary poles or partisan deputies. These blocs hold irregular meetings.

3-6-2 Parliamentary blocs members' commitment to their decisions

In Lebanon, given that blocs are gathered around poles, the degree of commitment is high. In Jordan and Morocco, there is a lack of discipline inside the parliamentary blocs witnessing disparities and withdrawals, except for the blocs established on ideological and party basis. In Morocco, there is a saying that goes about a phenomenon of unsettled parliamentarians moving from one bloc to another; but the new law of parties, issued in 2005, prohibits MPs from changing their political belongings during the legislative mandate, preventing them from performing transfers among parliamentary blocs.

3-6-3 The bylaw encourages the parliament to establish well organized and active parliamentary blocs.

The Parliamentary bylaw in both Lebanon and Jordan didn't mention parliamentary blocs. This constitutes a gap, whereas the Moroccan Council of Representatives bylaw consecrated an exclusive chapter for parliamentary blocs, showing the way and the required number for formation, its relation with the speaker, the financial capacities and human resources necessary for performing its duties and also the prohibited matters.

In Egypt, The list of the People's Assembly determined the rules of the deputies representation within parliamentarian corps comprising parties representatives.

3-7 Efficiency of administrative and technical systems

The Parliament performance is related to the performance of the operating administrative and technical systems, providing to MPs requisite conditions to perform their duties.

3-7-1 Specialized administrative and technical units

In the concerned countries parliaments, there are administrative and technical units as well as an integral administrative and technical system, but these parliaments lack studying centers and highly qualified experts well-acquainted with financial, economical legal and other affairs.

3-7-1-1 Adopt scientific and objective standards in appointment

Scientific and objective standards are rarely observed; mediation, favoritism and personal considerations play an important role in officials' appointment and promotion in the concerned countries parliaments.

3-7-1-2 Sufficient number of qualified officials.

In Lebanon and Jordan, the parliament administrative system is overstated. In Morocco, the parliament suffers from officials' shortage. In general, officials in the concerned countries parliament lack qualifications. In addition to these officials, there are consultants and researchers, some of which lack competence and experience.



3-7-1-3 Compulsory training sessions for the parliament officials

Training sessions were organized for the parliament officials in cooperation with the United Nations Development Program (UNDP) and the Program of International Cooperation. But these sessions didn't come out with the expected results because of non-seriousness.

3-7-1-4 Adequate salaries for parliament officials

The Parliament officials' salaries are the same as for other officials in the public sector in the concerned countries. Such salaries do not attract the highly qualified persons who'd rather work in the private sector.

3-7-2 Developed library, studying center, data bank

Libraries in the parliament still modest subject to under way development. They lack data banks. Some of these parliaments have studying centers but still need highly-ranked specialists. Internet is now accessible for deputies.

3-7-3 Modern buildings and equipment

In Lebanon and Jordan, the parliament buildings are spacious, and each MP has his own office with equipment under modernization. In Morocco, there is a problem in the insufficient buildings, but are efforts are exerted to widen them and modernize their equipment.

3-7-4 Publication of laws and reports

Parliament laws, achievements and activities are released in private publication in the four countries.

3-8 Sufficient MPs

The sufficient number of MPs is the main condition for the parliament performance.

3-8-1 MPs apprehension of their role

The percentage of MPs apprehension of parliament constitution, laws and bylaw varies from a parliamentarian to another in the concerned countries. New deputies lack knowledge and experience, senior deputies' number is low. Many parliamentarians need to develop their capabilities and potentials.

3-8-2 Legislator's access to information

The access to information is not easy by reason of the weak information, administrative and technical systems at the concerned parliaments, and to the MPs non-desire to search for information.

3-8-3 Training sessions for MPs

If ever there is a need to organize training sessions for new MPs to promote their performance, they are seemingly not willing to follow them for considerations related to their position. It is to be noted that the number of deputies participating in workshops, conferences is very low, and their participation is weak in general.

4- Integrity



Governance never straightens up unless in the presence of integrity in politics more particularly in the MPs practices given their responsibility and important role to monitor the Government performance and to fight corruption.

4-1 Parliamentary ethics

The parliamentarian should abide by ethical rules and abstain from abusing his post to achieve illegal profits, and establish dubitable relations with suspicious references.

4-1-1 Written rules about parliamentarians conduct

No written rules are available about the MPs conduct in the concerned countries, except for the texts stated in these countries parliament bylaws about the public ethics. In Lebanon, the electoral law stipulated provisions preventing the use of public post for electoral objectives and prohibiting deputy from contracting projects financed by public money. Moreover, the illegal enrichment code imposed on deputy to submit declaration about his properties. But this law was not effectively applied and nobody was prosecuted for illegal enrichment. In Morocco, the House of Representatives bylaw stipulated that the deputy should submit to the speaker a detailed list of his personal properties and assets.

In Egypt, ethics committee is formed in the Parliament Council at the beginning of each session, examining infractions attributed to the council's members against religious, ethical or social values, or against the political and economical principles of the Egyptian society.

In Jordan, the constitution stipulates “who has a financial benefit in one of the governmental offices could not be member of the houses of representative and people”. The member who violates this text loses his membership by a majority of 2/3 of its house. The Jordanian penal law states on the illegal profit, but there still violation of this text by persons who are pursuit.

4-1-2 An institution for commitment to parliamentary ethics

In the concerned countries, there is no institution watching over the MPs' commitment to parliamentary ethics. However, a parliamentarian could be judiciary prosecuted after the removal of immunity. This happens but rarely. In Egypt, the ethic committee can adopt, after investigations, measures against the contravening parliamentarian, ranging from the blame to the privation from participating in delegations or in the council works for a specific period.

4-1-3 Clear, efficient and applied sanctions

Some concerned countries determine clear but practically inapplicable sanctions.

4-1-4 Mechanisms for collecting data about the MPs' conduct

There is no mechanism for collecting data about the MPs' conduct in the four countries, but the state systems assume this task and the mass media play a role in the search for and diffusion of information.

4-2 Resolution of the conflict of interests



Integrity supposes the resolution of the conflict arising between personal and public interests, in favor of public interest.

4-2-1 Adopted clear rule in the conflict of interests

There are some adopted rules in the case of the conflict of interests or the so-called abuse of influence, but still insufficient and rarely applied.

4-2-2 Public data about the conflict of interests

Some MPs seek secretly for personal interests at the expense of public interests, nevertheless such practices are revealed to all through the mass medias.

4-2-3 The Parliament follow-up of rules efficient application

In the absence of clear rules in general, no words could be said about the parliament follow-up to these rules application. In the countries where some of such rules are applied, the parliament follow-up is almost nonexistent.

4-2-4 Law stipulates clear declaration of financial interests

In Lebanon, the deputy is bound, according to the law, to submit a declaration stating his movables and immovables. The House of representatives bylaw in Morocco binds the deputy to make declaration of his fortune and properties. In Jordan, a law is undergoing for financial liability revelation.

4-3 Transparent political funding

Transparent political funding is a main factor to consolidate integrity and fight corruption.

4-3-1 Clear Rules for the political funding organization

There are no legal texts in Lebanon and Jordan about the financing of parties and electoral campaigns. Whereas in Morocco, the law of election prescribes the financing of electoral campaigns, and the new law of parties specifies the means and the ways. In Egypt, the High Commission for Elections set in 2005 rules relative to the funding of electoral campaigns, but these are ineffective.

4-3-2 Clear laws for declaration of incomes, fortune and properties

In Lebanon, the code of illegal enrichment obligates every and any official to make declaration about his fortune and properties. In Morocco, the House of Representatives' bylaw binds the deputy to declare his fortune and properties. In Jordan, a law for financial liability [revelation was adopted](#).

4-3-3 Citizen's access to information about political funding

In the countries where the political funding is not subjected to any law (Lebanon, Jordan), and in the countries where it is submitted to a law (Morocco), considerable difficulties impede access to information about the political funding. More significant these obstacles are in the countries that lack till now, laws for political funding.

4-4 Transparent duties' performance



The Parliament transparency in exercising its duties is a basic condition for integrity.

4-4-1 A transparent mechanism for discussion and voting

The councils' bylaws in the concerned countries parliaments stipulated mechanisms for discussion and voting distinguished by transparency. However, some transactions occur outside these countries' parliamentary councils halls, influencing voting in these councils. This measure reduces transparency.

4-4-2 Broadcast the parliament sessions in audio-visual media

The parliament sessions in the concerned countries are broadcasted through audiovisual mass media, as well as in the written press, thus allowing citizens to have an idea about the parliament events and occurrences.

4-4-3 Give citizens opportunity to attend Parliament and relevant committees sessions

Citizens in the concerned countries are entitled to attend the parliament open sessions, even rarely occurring. But the committees' sessions can be attended only if personally invited by the committee's president, restricted to experts and some representatives of the civil society organizations.

4-4-4 Publication of sessions and discussions minutes

The minutes of sessions and discussions in the four countries are published by these councils and diffused in the mass media.

4-4-5 Free access to Parliament archives

Whoever wants can have access to the Parliament archives upon authorization

4-5 Non-discrimination among citizens

The non-discrimination among citizens is one of integrity conditions presuming unity of standards in legislation.

5-4-1 Impartiality of Parliament

In principle, no partiality in favor of a category at the expense of another; however, some laws, especially those having a political aspect such as the laws of election, revealed favoritism and partiality for some sides.

4-5-2 Non-discriminatory laws

Laws adopted by the chambers of deputies do not discriminate among citizens on the basis of their belonging. Nevertheless discrimination appears in codes of personal status and succession, as well as in public budgeting as for the region distribution of credits in some countries.

4-5-3 Legislations prohibiting discrimination

The concerned countries ratified international agreements prohibiting racial discrimination and all other sorts of discrimination among citizens and are bound to abide by their provisions. Moreover, constitutions of these countries stipulated the principle of



equality. The discrimination in the distribution of parliamentary seats in Lebanon falls within the framework of the pact concluded by the Lebanese.

4-6 Commitment to respect constitution

The constitution is the supreme law in the state that should be respected and never contradicted by any other ratified laws.

4-6-1 An independent organization examining the laws constitutionality

In Lebanon and Morocco, there is a constitutional council that examines the laws constitutionality. It is an organization independent from all other state authorities. In Egypt, the Supreme constitutional court looks into the laws constitutionality and enjoys independence. In Jordan, there is no constitutional judiciary, but the assembly and the Senate are assisted to enact by the legislation department encompassing experts in law. They both respect the constitution in formulating the laws. The Supreme Court of Justice Code granted it the power to abstain from applying any law or regulation contravening the constitution.

4-6-2 Laws in conformity with the constitution

Laws in general, in the concerned countries, abide by the constitution, but still many contradictory laws were drafted and applied. Although the constitutional judiciary exists it was not consulted.



Chapter 3: Recommendations

The study of parliamentary experiences in the four concerned countries confirms the necessity to achieve radical reforms leading to the rectification of the governance process, through the parliament reform. Nevertheless, reform faces obstacles and difficulties, some of which are attributable to the nature of still prevailing social relations in these countries societies governed by multi-sort fanaticism and sectarianism, impeding the growth and the spread of democracy culture, and some others stem from the non-desire of many inside and outside authority references to carry out serious reform, and the weak role of the forces in charge of enforceable real reform projects.

The reform policies should take obstacles into consideration, dealing with facts and characteristics of each country, advancing executable policies, because it is required to develop and improve the political situation, put society and government in process of democratic transformation, build the state of law and integrity, and rationalize the governance performance.

The suggestions stated in the national reports agree unanimously on the necessity to achieve reforms on the level of representation and participation, parliament independence, performance and integrity.

1- Representation and participation

People are the source of authority expressing their will through free and impartial elections leading to a just and fair representation of a large section of society including women and minorities, and thus consolidating the legitimacy of the elected authority. Accordingly, the following should be achieved :

- 1-1 Adopt elective systems in conformity with each country's data, in order to achieve a large-scale just and fair representation. Such systems encourage citizens to participate in elections.
- 1-2 Ensure equal opportunities among candidates by determining expenditures' ceiling for elections campaign, organizing elections media and advertisement, and adopt mechanisms guaranteeing the expenses control and the media and advertisement organization.
- 1-3 Adopt measures in elections' laws ensuring the elections process according to international standards, in order to achieve freedom and integrity and to put a definite end to falsification and manipulation in results.
- 1-4 Hold elections under the supervision of an impartial and independent organization.
- 1-5 Decide the validity of elections and parliamentary challenges by judicial reliable independent authorities.

2- The Parliament Independence

To safeguard the parliament independence, the following should be met :

- 1- Observe the principle of separate and balanced powers, restrict the power of legislation to parliament, co-ordinate the relation between the parliament two constituent councils in order to facilitate and monitor the legislation operation, and remove all obstructions.



- 2- Respect the parliament self-management independence in all levels including the financial budgeting.
- 3- Reduce constitutional powers to the Chamber of Deputies correlating them to real conditions, originating from the care for constitutional institutions good performance.

3- The Parliament Performance

The parliament performance activation requires the following :

- 3-1 Reform the legislation operation as regards the provisions and elaboration of laws, by adopting back papers and studies for each law.
- 3-2 Draw public policies and draft laws specifically for their execution and activation and not at random.
- 3-3 Increase the legislation sessions and lengthen the parliament rounds.
- 3-4 Activate the parliamentary committees control through an active and constructive parliamentary opposition.
- 3-5 Activate the parliamentary committees' performance supplying them with experts, and determine meetings with representatives of civil society and private sector organizations, concerned in projects and submitted suggestions.
- 3-6 Activate the parliamentary councils financial control having recourse to financial control systems, mainly the accounting department, and experts in financial affairs.
- 3-7 Develop parliament bylaws guaranteeing good performance.
- 3-8 Activate the role of parliamentary blocs through texts included in parliamentary councils rules of procedure stipulating their institution conditions, organization and mechanisms of work, introducing financial incentives from these councils budgets, for their role execution in parliamentary life.
- 3-9 Develop and organize administrative and technical systems in parliaments and adopt practical norms for employees' selection, organizing compulsory training and rehabilitation sessions to raise the level of performance.
- 3-10 Find studying centers in parliaments, supplying them with experts and consultants more particularly in financial, economical and legal affairs.
- 3-11 Organize training sessions for the new deputies (MP Members of Parliament).
- 3-12 Modernize the Parliament equipment.

4- Integrity

Integrity in parliamentary mission requires the following :

- 4-1 Draft laws for political funding ensuring transparency.
- 4-2 Draft laws prohibiting power abuse, stipulating active and clear mechanisms and sanctions imposed by reliable and fair judicial authorities.
- 4-3 Adopt and execute laws for illegal enrichment.
- 4-4 Adopt measures ensuring transparency in discussions and vote in parliamentary councils.
- 4-5 Extend and activate the constitutional judiciary to guarantee the laws constitutionality and avoid the adoption of unconstitutional laws.
- 4-6 Institute a commission in parliaments to supervise the parliamentarians conducts and acts.



In addition to these reforms directly related to the parliament, some other issues having direct effects on parliament should be achieved :

- 1- Spread the democracy culture to a large extent through education programs and mass media, because of their significant effect on sectarianism restraint, citizenship concept diffusion, participation of electors in elections choosing the best, and assuming their role in holding officials accountable and responsible.
- 2- Draft new regulations for parties activating their role in political life, developing the democracy culture among partisans. Parties should select competent and qualified candidates to stand for election.
- 3- Activate the role of civil society organizations in decision-making and monitor the rules implementation mainly the rules for fighting corruption and restricting powers.
- 4- Establish a center to ensure the permanent follow-up of the parliament performance and present proposals for the purpose of developing performance and achieving good governance.