



Update on the
Law Drafting Capacities (LDC)
Project

19-20 May 2009

Tunis, Tunisia



Republic of Tunisia
Prime ministry

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Fifth Regional Meeting of the GfD Working Group IV on Regulatory Reform, Public Private Partnerships and Public Service Delivery

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This document presents an update on the Project on Law Drafting Capacities (LDC) to delegates of Working Group IV on Public Service Delivery, Public Private Partnerships and Regulatory Reform of the Good Governance for Development (GfD) in Arab Countries Initiative.

Background information on the project

Delegates to Working Group IV have identified law drafting capacities as a main priority in the field of regulatory reform in the MENA region.

Laws and decrees are important in the implementation of many policy areas concerning taxation, budgets, public service, public private partnerships, e-government and so on, and thus have an impact on economic performance and sustainable development. Techniques and tools to improve law-drafting affect the quality of substantive legislation, reducing complexity and uncertainty.

A project was designed in consultation with delegates to Working Group IV to respond to the demand from participating countries. The project proposal was presented to and agreed by delegates of the Special Session of the Working Party on Regulatory Management and Reform held on 20 October 2008 at the OECD Headquarters, Paris, France.

First steps

Once the proposal was approved in October 2008, the Secretariat cooperated with interested authorities to formalise and launch the process:

- Support and endorsement was received officially from Egypt, Jordan, Palestinian National Authority and Tunisia.
- A process of data collection, analysis and discussions with participating countries has been running since. Information has been gathered through questionnaires replied by authorities, meetings with different stakeholders, and drafting of background reports on each of the participating countries.
- Data consolidation and analysis will take place in the coming months and a final report will be produced synthesising findings in the autumn 2009. Results will be presented in the forthcoming OECD publication on Public Management in Arab Countries.

Preliminary results on law drafting and the creation of capacities

The process of data collection is still running and thus it is premature to draw conclusions from this exercise. However, five preliminary results can be highlighted:

1. *Approaches to law drafting and the creation of capacities are heterogeneous across the MENA region.* The design of law drafting mechanisms is influenced by legal tradition and each country presents specificities in its management. Capacities for drafting have been recognised to need a more systematic approach that could expand drafting teams.
2. *Strong institutional frameworks are in place but there is still room to improve coordination.* Though the oversight function of legal texts is centralised, coordination mechanisms are needed to promote coherence among drafters working across government institutions.

3. *Specialised training on law drafting has been developed unevenly across countries.* In general terms, law drafting in the MENA region is a trade learnt by doing rather than by training. Innovative experiences and the development of new curricula are expanding throughout the region, promoting co-operation and exchanges of good practice.
4. *Lack of personnel drafting legal texts can be a burden.* Teams dedicated to drafting face heavy workloads in response to the demands from changing societies and economies. The link between policy making and law drafting is essential to ensure that legal texts reach clear policy objectives.
5. *Providing guidance on drafting is an identified need that some countries are presently facing.* The focus of available guidelines has been the improvement and standardisation of language clarity, accessibility and compliance facilitation. While rationalising discretion, minimising duplication and promoting consultation are also goals that are increasingly sought.

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