

Regional Capacity Building Seminar on “Drafting Legislation and Oversight Bodies for Regulatory Quality”

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Abstract

Free Access to Legislation: Reducing Complexity through IT and Law

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Introduction

Compared to other States, the Palestinian legal status is complex due to multiple political regimes that have ruled over the Palestinian territory, resulting in various legal systems.

When established, it was estimated that the Palestinian National Authority (PNA) would encounter a challenge in the enumeration and consolidation of items of legislation in force in the West Bank and Gaza Strip, given that they are distributed over various historical periods. Since such an endeavour requires that qualified, professional legal researchers identify the status of enforcement of such legislation, the Institute of Law (IoL) has well shouldered this responsibility. In this context, IoL conducted a comprehensive and minute paper-based survey of all pieces of legislation effective in the West Bank and Gaza Strip over the relevant various periods of rule over Palestine. IT was also put in place to electronically categorise each item of legislation, with the aim to develop a legal database that includes all effective pieces of legislation from various historical periods. Therefore, an IT work team was composed in order to provide the best mechanisms necessary to display the contents of items of legislation, which are accommodated on the aforesaid legal database, to users on the Internet. Now, the legal database encompasses 14,000 pieces of legislation, including 5,500 ones that are in force. In addition, the relevant IoL research team made tremendous efforts to resolve complicated legal problems that have arisen in this process, including the relations of annulment, amendment and reliance between pieces of legislation promulgated under several distinct authorities over various points in time. In respect of the comprehensive paper-based survey of legislation, the IoL research team also developed a concise work mechanism that relied on a division of labour into three major phases: (1) In the **paper documentation** phase, texts of pieces of legislation will be provided in paper format as well as be sorted in order to determinate the effective ones. (2) **Electronic documentation** includes the creation of legislation cards, which pave the way to both electronic documentation and entry of pieces of legislation into the referential database. Later, this database will be edited and information corrected. (3) **IT** features the analysis of systems and selection the most proper ones in order to build the referential database, design the legislation structure and develop it electronically, design entry and applications interfaces, as well as develop and audit the database through introduction of improvements and additions to the full texts of items of legislation using the Extensible Markup Language (XML).

Legislation Consolidation Project

The Project aims to develop revised versions of laws in force in Palestine. As such, a particular law will be combined with all its respective amendments into one consolidated text in a final image. This process is in line with a systematic, scientific approach that assimilates problems associated with the Palestinian legal system. In the past, each single amended law used to be treated as one whole legislative unit that was separate from the original law. Furthermore, it was only linked to the original law via a relation of amendment, still keeping both texts isolated from each

other. To cope with this inadequacy, the IoL research team began thinking of a means as to enable access to the final consolidated texts of such laws.

In general, the Legislation Consolidation Project works in line with IoL's trend to update and enhance current legal frameworks as well as benefit from IT breakthroughs as to developing legal databases. This would certainly simplify and make clear the Palestinian legal system that governs all walks of life in Palestine. In addition, the Project aims to produce final images of pieces of legislation according to their own subjects. The outcome of the Project is to ensure enabling the Palestinian legislator to contribute to set legislative priorities, help update legislation in line with Palestinian needs and reality, promote the rule of law, as well as provide public and free access to legal information.

In conclusion, the Legislation Consolidation Project produced a database that contains all pieces of legislation in force in the West Bank and Gaza Strip, or in any single area thereof. These will be displayed on a new webpage, along with all relevant updates. The webpage will provide users with an option to view consolidated regulations in their final images, as well as any respective amendment, in any historical period which they wish to access. Additionally, a print-friendly copy of any piece of legislation, with the changes introduced to its text as well as with all expedient documentation, can be produced. Hyperlinks and relations have also been updated by adding several more types, including relations of referral, reference, secondary regulations, interpretation, correction, judicial applications. At the same time, this development has enabled a professional and smooth connection between the Legislative Database and Court Judgements Database.