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from

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on

**The General Secretariat of the Federal National Council's experience in studying law and
legislation**

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Secretariat General of Federal National Council has applied the experience of the legislations study through the social legal perspective which was recently spread in many parliaments of the advanced countries. However, such experience at the FNC Secretariat General has been of specific characteristics including:

First : Preparation of work teams of legal and non-legal researchers in order to conduct researches, legal and social studies necessary for legislation drafts while such experience has relied, in the parliaments of other countries, on experts, consultants, experienced and knowledgeable people in the parliamentary legislation domain. The performance of researchers in those parliaments shall merely be ancillary tools. The FNC Secretariat has decided that a national team would be prepared in order to undertake such experiment which had proved to be approximately 88% effective and efficient.

Second: In the study of legislations, the FNC Secretariat General has focused on the gradual stages necessary for training and learning research

methodologies used in this respect. The first stage has depended on the following:

1) Descriptive Analysis Stage:

- This stage depends on the study of the social aspect of legislation so as to determine the essence of the problem, its aspects, numerous elements, variable reasons and the results arising therefrom, in addition to manifestations of societal, academic and technical solutions and views which have been offered as alternative solutions of the law basic problem.
- Subsequent to identification of this aspect , the meanings of law are analyzed in accordance with the methodology of legal concepts determination which aim at knowledge of the legal, societal and scientific opinion in the concepts and meanings included in the legislation and which comprise main meanings or concepts, subsidiary concepts and derived meanings or concepts. In such stage, we identify the work plans set forth by

the law and the main aspects of shortcomings in respect thereof.

- These concepts shall be analyzed within the framework of the new or innovated purposes set forth by the law and the relation with the previous laws existing in UAE particularly in the legislation domain itself for the purpose of maintaining legislative coordination.

2) Stage of Law Articles Analysis

- It is the stage of law articles analysis as it is related to the law articles analysis into subsidiary elements while the relation of effect and being affected among such elements themselves so that we can come out with a particular result related to the effect on the relation between the law articles and on the society interest in general.
- Moreover, the scope of law actions in the sense of terms and limits which must be associated to each law action shall be studied hence linking the same to the legal actor's capabilities.

3) Stage of Legislations Assessment and Evaluation

-This stage comes subsequently due to the legislation gravity and role in society. Thus, it is indispensable to complete the legislation analysis stage and its effects at the stage of assessment and evaluation of these solutions. Furthermore, at this stage the legal inferential induction methodologies are used as all amendments, whether by addition, omission or addition of new terms to the law shall be assessed i.e to be analyzed again in two main courses namely:

a- **Legislation Social and Economic Course:** so as to demonstrate the impact of social and economic factors as well as the results arising from amendments and measure the extent of benefit and damage out of such amendments as well as the capability of amendments to steadfast before potential problems and study of what is called legislative prediction which is concerned with the study of legislation future effects.

b- **Constitutional Legal Course:** the amendments shall be compared with the legislation historic experience and the

development that accompanied the legislation subject, along with what the legislative was supposed to follow since all legislations are not linked to their direct objectives but also are linked to indirect ones particularly those that are related to the society development in the legislation domain.

4) Stage of the Study of Legislation General Policies:

- This is considered to be the last stage of the legislations study and is related to the study of the legislation general policy as every legislation is not but a part of a major system which represents a governmental policy or a set of governmental policies. The Draft Law of Commercial Deceit, for instance, is a part of the economic policies system and thus the effect of the draft law on the policies, plans and strategies of governmental work shall be studied so as to determine the scope of interests and benefits or enforcement of the governmental policies through the draft law.

- Ultimately, all the previous stages represent what is called the office legislative studies and in order this framework is completed another type of complimentary studies is conducted namely the field legislative studies. This is applied in the **FNC Legislative Administration** as in the field the stakeholders, specialists, academics, concerned parties, governmental staff and some people of interest in law exchange views, consultations and studies on the findings of the office studies in order to know their opinions and ideas on the findings of the office studies. Thereafter, a comparative table between office findings and field findings is drawn up for a compromise between both so as not to prejudice the society public interest and this is called Legislative Compromise Table.

◆ **Principal Hypothesis of the Study of Draft Laws at FNC:**

- 1) Appropriateness of the law to the societal movement while such appropriateness shall express the society joint interest i.e the overall interests of individuals. In other words, before answering the question of what should the situation be in

future for the remedy of this phenomenon subject of study in the draft law, the studies of legislations at the Council start by inquiring about what actually the state is as regards the aspects of the phenomenon subject of the study of draft in terms of the following:

- a. Precise social description of phenomenon.
- b. Elements of the problem from which the phenomenon socially and legally suffers.
- c. Study of the proposals of the problem solutions or alternatives of tackling the problem through societal standpoint by depending on the opinions of the experts and parties concerned with the problem or through the findings of parliamentary studies.
- d. Comparison between the nature of such solutions and the solutions provided for in the legislation articles for remedy of the aspects of the phenomenon in question and subject of study.

- e. Assessment of the value of the final solution through the study of legislative effect , limitation and restriction of the benefits and damages arising from this law or what is called the **return measurement** as well as measurement of the law social cost.
- f. In light of that, the legal texts shall be analyzed as a single legal text or set of certain texts are not but ideas or elements within the solution plan framework.

Therefore, the FNC Secretariat General studies the legislation as being “ a Road Map Preparation” of the phenomenon in question. Thus, the draft law objective represents a proposed work plan for realization of particular objectives hence parliamentary researchers test the law provisions (programs and mechanisms of objectives fulfillment) being in fulfillment of the law objectives or introducing amendments of the ideas until the objective is fulfilled or omitting what may be contradictory to such ideas .This is done through a specific methodology represented in the following :

- Title test aiming at identification of the nature of the law subject and the extent of its appropriateness to the law provisions.
- Determinations of the framework of historic experience of the draft law for the purpose of cognition of its relation to laws and seeking what new is added thereby hence focusing on the variation factors.
- Determination of the framework of international experience for the purpose of cognition of the extent to which observes the general principles provided for in framework treaties and conventions of the same subject and perusal of the laws of neighboring countries for the purpose of cognition of the solutions adopted thereby in the remedy of the objective and benefit from the new which is compatible with UAE legislative and social circumstances and what benefit can be made from such remedy.
- Identification of the work plan existing in the draft law.

- Identification of law parameters (Action, actor, the case to which the legal action applies, terms of law applicability).
- Identification of the parties, actions and descriptions without assessment of the same.
- Verification that the executive programs are appropriate for the law objectives “ work plan”(Extent of executive programs acquirement of new meanings in light of what was exposed in the previous clauses whether these objectives exceed the work plan or shorter i.e less).
- Seeking of the disclosing provisions of draft law for the purpose of arrangement of the ideas in law in accordance with the principle of the beginning of meaning, operations and the end of meaning.
- Inference and drawing out of the ambiguous or dubious meanings which may bear more than one meaning.
- Overall arrangement of draft law subsequent to inquiring about the complete technical meanings in accordance with both standards of meanings overtaking and linear sequence.

◆ Results of The Experience Application

Based on the findings of the parliamentary papers and studies (social and legal), this experience has realized results of significant effects at the level of development of the legislations study in the council particularly such type of legislative studies, which is applied in most of the advanced world parliaments, depends on a joint collective activity of social and legal researchers and for the purpose of accomplishment of any legislative study of any draft law they hold several meetings of exchanged mind storming and scientific dialogue built on objective principles of legislative study. As a matter of fact, Legislative Administration researchers have been trained on and have applied such scientific dialogues or office studies in accordance with a scientific manual of legislation while academic achievement of legislative researchers is still ongoing for completion of new stages and development of their legislative study.

◆ Samples of Legislative Studies Effectiveness of some Legislation

Law	Percentage of Amendments Effectiveness according to Legislative Studies
Federal Draft Law on Notary Public`	(84%)
Federal Draft Law on Animal Health	100%
Companies Draft Law	68%
Federal Draft Law to combat Human Trafficking Crimes.	76%
Federal Draft law regarding the establishment of the International Centre of Excellence to combat violent extremism.	77.4%
Federal Draft Law on the Law of Vegetarian Genetic Sources for Food & Agriculture	73%
Federal Draft Law on Small & Medium Enterprises (SMEs)	68.5%

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