

RASED for Parliamentary Monitoring Program 16th Weekly Report on the Performance of the 17th Jordanian Parliament during its 2nd Ordinary Session February 22, 2015

RASED: An advisory opinion issued by the Bureau for Legal Interpretation about the validity of MPs' questions is a step backwards and should not be considered binding for the Parliament.

RASED: The Constitutional Court should be responsible for giving an opinion on the government's attempt to circumvent the internal bylaws of the House of Representatives.

RASED: A legal opinion banning MPs from asking questions about people's names severely affects their constitutional oversight role.

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RASED for Monitoring the Performance of Elected Councils reported that a legal opinion was released by the Bureau for Legal Interpretation in response to a request from the government on the issue of validity of MPs' requests to the government for people's names and documents. This opinion is considered a step back for parliamentary oversight and a detriment to MPs' ability to exercise their oversight role in the legislature.

In its 16th Weekly Report on the Work of the Second Ordinary Session of the 17th House of Representatives, RASED expressed its deep concern about the government's request for this ruling. There is no need for such a ruling banning MPs' questions about names and documents, and there is no need to keep those documents from being revealed.

RASED called on the House of Representatives not to comply with the opinion, and that it continue to submit requests for names and documents in contravention of the opinion, as the opinion should be

considered binding on the government but not on the parliament. This ruling would limit the oversight role of the MPs and limit their freedom to access information, in contravention of the Constitution and the requirements of the present period.

RASED added that this ruling is reminiscent of a previous ruling issued in 2009 in which the special Bureau for Legal Interpretation ruled on MPs questions and determined that “Questions should not touch on the affairs specifically of the Prime Minister and the Ministries, and instead questions should focus on public issues.” This decision governed the work of the House of Representatives until it was canceled by changes to the bylaws of the House in 2013.

RASED indicated that the House of Representatives and the Senate have the right to set the rules governing their work, and it is necessary for the legal committees of the two houses to be responsible for interpreting the provisions of the parliamentary bylaws and not the government. This is based on the separation of powers designated in the Jordanian Constitution in Article 83.

In terms of the Government’s right to circumvent certain parts of the internal bylaws of the parliament, RASED pointed out that the Constitutional Court is responsible for this, not the office for Legal Interpretation.

RASED called on the House of Representatives to request a ruling from the Constitutional Court on these details, and that the House undertake steps to revise its internal bylaws with respect to MPs’ questions to minimize any interference with the MPs’ supervisory role.

The work of the 2nd Ordinary Session of the 17th Parliament saw the issuing of a decision from the Bureau of Legislative Interpretation in response to a request from the government about the issue of MPs requesting names and documents in their oversight questions. The decision issued by the Bureau states that “The MPs do not have the right to ask for names and documents in their parliamentary questions.”

This ruling represents a step back for MPs’ abilities to ask questions and opinion a general weakening of parliamentary oversight over the government.

RASED is worried by the fact that the government requested such an opinion in the first place; it is also worried by the way the opinion was developed. RASED is sure that there is no need for a ruling that limits the MPs’ questions to the government to ask for names or documents, and RASED calls upon the House of Representatives not to comply, and to continue sending letters and requests for names, as such an opinion is binding only the government and not on the MPs.

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The government’s taking refuge in the Bureau of Legal Interpretation appears to be an attempt at invasion, invoked in order to keep the government from having to answer MPs’ questions. The process, the

government has opened a door to questions as to who is responsible for issuing rulings on the internal bylaws of the Parliament. It is worth mentioning that the Constitutional Amendments that aimed to balance the relationship between the Legislative and Executive Branches don't have an ongoing practical value in the face of ongoing efforts by the executive branch to exert dominance over the legislative branch.

Article 83 of the Constitution States that “Each of the two Houses shall make its by-laws for the control and organization of its proceedings; and such by-law shall be submitted to the King for Ratification.”

And Article 87 states “Every member of the Senate and the House of Representatives shall have complete freedom of speech and expression of opinion within the limits of the by-laws of the House to which he belongs; and the member may not be answerable because of any voting or opinion he expresses or speech he makes during the sittings of the House.”

Article 96 of the Constitution states “Every member of the Senate and the House of Representatives may address questions and interpellations to the Ministers concerning any of the public matters, in accordance with what is provided for in the by-laws of the House to which that member belongs. No interpellation shall be debated before the lapse of eight days from its receipt by the Minister, unless the case is urgent and the Minister agrees to shorten said period.”

It follows therefore that the Senate and the House have the right to put their own bylaws related to their work, and they should have their own bodies to interpret these bylaws. The Government should not interfere with this, in order to protect the separation of powers laid out in the Constitution in Article 83.

The Articles of the Constitution make it clear that the bylaws of the House and the Senate shouldn't be considered normal laws that are subject to interpretation by the Office for Legal Opinion. Therefore, it is possible for the House and the Senate to work even in the face of this to amend the internal bylaws at any time of their choosing to amend provisions related to questions without reference to the legal opinion.

The right to object to portions of the internal bylaws of the two houses is reserved for the Constitutional Court. If anyone, this court is the body that must enter into these issues, not the Bureau for Legal Opinion. RASED suggests that the parliament request an opinion from the Constitutional Court, and at the same time the Parliament should take steps to amend its own internal bylaws with respect to issues of questions without limiting its oversight power