
LEGISLATIVE DRAFTING
ISTANBUL, TURKEY - 16TH - 18TH MARCH 2009
WORKSHOP AGENDA

MONDAY, MARCH 16, 2009

9:30 - 11:30 **SESSION 1. LEGISLATIVE DRAFTING: AN INTRODUCTION**

- Defining Legislative Drafting.
- Legislative Drafting between Common Law and Civil Law: An Exercise in Two Different Legislative Techniques in Parliamentary Acts, Court Decisions and Private Contracts. (Drafting a Franchising Agreement)
- The Nature of Legislation: Civil, Criminal and Administrative Acts
- The Vagueness Doctrine in Criminal Matters
- Drafting International Legislation

11:30 - 12:00 **COFFEE AND QUESTION & ANSWER**

12:00 - 2:00 **SESSION 2. THE DEVELOPMENT OF LEGISLATION IN THE ARAB WORLD AND IRAQ.**

- The Influence of the *Majelle*.
- The Influence of the Egyptian Civil Code.
- The Work of Al-Sanhuri.
- The Personal Status Law.

2:00 - 3:30 **LUNCH**

3:30 - 5:00 **SESSION 3. AN EXERCISE IN DRAFTING LEGISLATION BY "BORROWING": HOW DO YOU INCORPORATE COMPARATIVE MODELS IN NATIONAL LEGISLATION**

5:00 - 5:30 **COFFEE AND QUESTION & ANSWER**

TUESDAY, MARCH 17, 2009

9:30 - 11:30 **SESSION 4. LEGISLATIVE DRAFTING: THE FORM, LANGUAGE AND STRUCTURE**

- General Principles, Sentence Formation and Word Choice.
- Determining the "Legislative Address".
- "Legislative Finding"
- The "Legislative Purpose" and the Purpose Clause.

- The “Legislative Structure”.
- The “Legislative Annexes”.
- The “Legislative Policy”.
- The “Legislative Language”.
- The “Legislative Draft”.
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11:30 - 12:00 **COFFEE AND QUESTION & ANSWER**

12:00 - 2:00 **SESSION 5. INTERPRETATION OF THE LEGISLATIVE TEXT**

- The Legislative Intent at the Time of Drafting the Legislation or the Time of Application.
- Methods of Interpretation of the Legislative Text.
- The Defective Legislative Text: Material Error, the Vague Provision, the Incomplete Provision, the Contradictory Provision.
- The Material Sources of the Text and Legislative History.
- Interpretation of Criminal Laws: Narrow Interpretation and Avoiding Reasoning by Analogy.
- Sexual Harassment

2:00 - 3:30 **LUNCH**

3:30 - 5:00 **SESSION 6. AN EXERCISE IN DRAFTING A FOREIGN DIRECT INVESTMENT LAW**

5:00 - 5:30 **COFFEE AND QUESTION & ANSWER**

WEDNESDAY, MARCH 18, 2009

9:30 - 11:30 **SESSION 7. LEGISLATIVE DRAFTING AND CONSTITUTIONAL CONSTRAINTS**

- Constitutional Legislation vs. Ordinary Legislation: The Legislative Delegation.
- Iraqi Constitution, ‘legislative delegation’
- Criteria for unconstitutionality of a legislation
- Case Studies: Freedom of Contract and Arbitration cases, Court Jurisdiction and the Right to Association, Freedom of Movement and Restriction on Wives Travel, and Positive Discrimination in Favor of People with Special Needs.

11:30 - 12:00 **COFFEE AND QUESTION & ANSWER**

12:00 - 2:00 **SESSION 8: LEGISLATIVE DRAFTING AND INTERNATIONAL LIMITATIONS**

- International Law in National Courts.
- Iraqi Obligations in accordance with International Conventional Law.
- Reservations made by Iraq to International Conventions.

- A Case Study on the Restriction of Marriage to a Foreigner under National Law and International Law.

2:00 - 3:30 **LUNCH**

3:30 - 5:00 **SESSION 9. AN EXERCISE ON DRAFTING HUMAN RIGHTS LEGISLATION:
CHILD PROTECTION LAW, VIOLENCE AGAINST WOMEN AND TRAFFICKING IN
PERSONS.**

5:00 - 5:30 **COFFEE AND QUESTION & ANSWER**