



Palestine Economic Policy Research Institute

Critical Review of the Proposed Palestinian Agricultural Law

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4. The initial draft of the study is reviewed by the scientific committee for objective content-related amendments to be added to the second draft.
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8. Research papers written in English are translated into Arabic and published in both languages. An executive summary in English is attached to research papers written in Arabic.

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Abstract

This critical and analytical review of the proposed Palestinian Agriculture Law aims to contribute to the legislation and enhance the competitiveness and effectiveness of the agricultural sector locally and internationally.

A survey of the characteristics of the Palestinian agricultural sector leads to the following conclusions:

1. In comparison with its counterparts in neighboring Arab countries, the Palestinian agricultural sector is well developed in many aspects, including agricultural expertise and the use of technology in local agricultural operations.
2. There are a large number of farmers involved in agricultural production who cannot be productive in other fields.
3. The agricultural sector contributes significantly to national income in spite of some fluctuations in contribution.
4. There is a considerable rise in agricultural exports, which means that foreign markets are available to Palestinian produce. This produce can easily compete with agricultural produce in neighboring countries.
5. The agricultural sector employs 13% of the total Palestinian labor force, a significant number of both skilled and unskilled workers. This percentage is expected to rise under the prevailing gloomy circumstances.

Based on these facts, the proposed Palestinian Agriculture Law was intended to put in place appropriate legislation to preserve, improve and reinforce competitiveness in harmony with the characteristics of the Palestinian agricultural sector.

While the proposed law does tackle many key issues, there are potential improvements that could be made. The law must be derived from the reality and facts of the Palestinian situation and linked with the country's general policies. A careful reading of the law reveals that the issue of food security and the policy of an open market have been neglected. There is some doubt whether the proposed law would serve the country's overall policies and promote exports. That aside, the proposed law, like the majority of its counterparts, is careful to serve the agricultural sector and takes into consideration factors that secure progress and the development of its competitive ability.

The areas of weakness can be summed up as follows:

1. The proposed law includes general terms that are not compatible with international terms. We therefore suggest that these terms be based on international definitions.
2. The proposed law fails to set dates for the start of picking crops, such as olives, which play a significant economic role in Palestinian society.
3. The proposed law does not regulate the organization and protection of pastures or grazing by native goats or animals that pose a great danger to pasture land. There is also no reference to a ban on the grazing of animals infected with contagious diseases.
4. The proposed law has no articles related to agricultural pests, although there is a chapter entitled "Fighting Agricultural Pests". The proposed law focuses only on pesticides and there are no articles concerning the eradication of harmful weeds.
5. All issues pertinent to the application of the law are the responsibility of the minister or his aides yet most agricultural laws in neighboring Arab countries legislate for the formation of different committees. The proposed Palestinian law needs to establish committees to deal with agricultural properties, agricultural fertilization, seeds, agricultural pesticides, and animal feeds to enable the law to be applied more effectively.
6. Technical issues relating to slaughterhouses have nothing to do with the general directorate of veterinary services and livestock as stated in the proposed law. Some other authorities would be better qualified to assume this responsibility, such as the Ministries of Health or Environment. The proposed law does not suggest this.
7. The proposed law does not tackle the issue of measures needed to fight rabies. This needs a specialist authority due to its dangerous nature.
8. The separation of slaughterhouses contains no reference to a ban on the slaughter of productive females or restrictions on imported animals for slaughtering purposes.
9. Apart from a general reference, the proposed law lacks any articles dealing with the environment of fish.
10. Chicken farms are listed in the chapter entitled "Animal Farms and Wild Birds" whilst it would be better to list them under "Animal Farms" with a separate chapter for "Wild Birds".
11. The chapter dealing with agricultural produce and inputs contains no reference to the specifications of containers or standards in terms of size and weight.

12. The proposed law fails to address the licensing of small farms, although the overwhelming majority of farms are small in size and characterized by activities aimed at providing a second income. Another issue is the distance between one farm and another and the appointment of an agricultural engineer in large farms.

As a result of this critical reading of the proposed law, the following are a number of suggestions that may contribute to its improvement and relevance to the Palestinian situation. A reference has been made to these suggestions in the form of proposed articles mentioned later.

1. Setting different definitions according to their citation at the beginning of each chapter would allow for a smooth survey of the chapters within the law and would assist in its effective application. These definitions need to be derived from international definitions and recommendations, as they are in similar laws elsewhere.
2. Addition of an article (or articles) in the chapter on the organization and protection of grazing areas, particularly relating to the grazing of native goats which threaten the destruction of these areas. Articles on the grazing of infected animals also need to be included.
3. Greater attention to the problem of agricultural pests and the removal of harmful weeds. The proposed law only deals with combating agricultural pests and fails to refer to weeds and their nature.
4. A number of committees need to be set up to apply the articles of the law. These include a committee for agricultural pesticides, a committee for animal feeds, a committee for agricultural properties, a committee for seeds, and a committee dealing with animal fertility.
5. Bodies such as the Ministries of Health, Environment and Supply need to share with the general directorate for veterinary services and livestock in making decisions relating to slaughterhouses. The slaughter of productive females should also be banned and appropriate restrictions placed on the slaughter of imported animals.
6. The law should include measures to deal with epidemics of rabies.
7. Introduction of articles to preserve the environment of fish.
8. Addition of articles concerning specifications and standards for containers used for the marketing of agricultural produce, particularly in terms of size and weight.
9. Addition of articles stipulating the need for the organization of small farms due to their economic importance.
10. The Higher Council for Agriculture should be expanded to include a representative from agricultural studies at Palestinian universities, a representative from the Institute for Standards and Specifications, and

a representative from the Palestine Central Bureau of Statistics. We believe that the responsibilities of this council should be increased to monitor the authorities in charge of financial support for the agricultural sector.

11. Scientific research and development should be excluded from the items of this law pertaining to fertilizers, seeds, genetic resources and agricultural pesticides.
12. The dates for picking certain crops, olives in particular, should be specified given their economic and social importance for Palestinian society.
13. Adding of one full separate section for chapters 10 and 11 entitled respectively "Produce and Production Inputs" and "Concluding Rules". These were included within the section on livestock.