



BIRZEIT UNIVERSITY

**Development Studies Program**

# **The Palestinian Constitution & Human Development Requirements**

(March-December 2003)

**Summary of Project Activities**

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With support from the International  
Republican Institute (IRI)

## Contents

Preface	_____
Project Methodology	_____
National Conference	_____
Main Recommendations	_____
Workshop with the Palestinian Organizations - Lebanon	_____

## Preface

Many Palestinians participated in the research and debates on the issue of the Palestinian constitution through the Palestinian Constitution and Human Development Requirements project. The Development Studies Program attempted to cover all aspects of this debate.

The project began in March 2003 as community outreach and research activities that concentrated on activating the concept of Human Development, detailed in the Human Development Report–Palestine, 2002. The project showed the coherence between the requirements of development and the requirements of resistance. It relied on the recommendations of the Human Development Report in Palestine, issued in 1996, that confirmed the importance of continuous work in formulating our future goals based on a comprehensive and developmental perspective that involves legislation and, above all, the constitution.

Moreover, the project is based on the assumption that the absence of constitutional and legal references guaranteeing the rights of citizens through democratic rule is a major obstacle toward formulating a developmental strategy that can lead to sustainable human development.

The project took two paths in achieving its objective, in order to balance between academic and objective research, on the one hand, and the implications of partiality to the cause of sustainable development and democratic values. The first path was to work on preparing research and concept papers that deal with general subjects about the Palestinian constitution as a concept and appropriate indicators. The second path was to activate community participation from various community organizations all over the West Bank and Gaza Strip in order to hear their voices and document them; this was achieved through workshops. Both paths were joined in a conference conducted by the DSP on September 27 and 28, 2003.

## **Summary Statistics**

- More than 700 Palestinians participated in the preparatory meetings and workshops.
- More than 800 Palestinians participated in the national conference.
- 110 governmental and civil society organizations cooperated in the project.
- 11 radio episodes, in which 42 experts participated, were broadcasted concerning the issue within the project framework.
- A workshop was organized in Beirut for discussing the draft constitution with representatives from Palestinian organizations.
- 25 research papers were prepared.
- The project activities received media coverage.
- All research papers and project activities were posted on the website of the program:

<http://home.birzeit.edu/dsp>

Project Team		Preparatory and Steering Committee Members	
Nader Said	Director of Development Studies Program /Team Leader	Talal Oukal	Ministry of Information
Abdel Kareem Barghouthi	Project Coordinator, Birzeit University	Ramzi Rihan	Birzeit University
Nouran Nassief	Administrative and Financial Coordinator	Ahmad Majdalani	Birzeit University
Ghassan Abu Hatab	Gaza Coordinator	Tayseer Muhesen	Palestinian Agricultural Relief Committees
Raqya Abu Qteesh	Main Coordinator for Organizations	Randa Sanyora	Al Haq
Ayman Abdel Maeed	Research Coordinator	Itimad Mhanna	UNDP
Maisa' Al Barghouthi	Administrative Assistant	Hadeel Kazaz	Researcher
Shahinaz Jubran	Community Work Coordinator	Jameeleh Seidam	Palestinian Legislative Council
Muhamad Nassar	Media Coordinator	Farouq Elfarra	Al-Azhar University
Jibreel Hajja	Media Coordinator	Omar Sha'ban	Economic expert
Nawal Abu Hadeed	Technical Assistant	Wisam Elrafidi	Birzeit University
Bassam Elmuhur	Website Developer	Jamal Zaqout	Political activist
		Ramzi Rabah	Researcher
<b>Support Team</b>		Muhsen Abu Ramadan	Agricultural Development Center
Zubeida Abu Tuha	Khamees Elsaedi	Ashraf Elajrami	Ministry of Information
Hasan Abdel Kader	Rihab Zayed		
Hanna Kdees			

## Project Goals

The main goal of the project is to provide a comprehensive examination of the constitution from a number of perspectives. It also aims to provide recommendations about the mechanisms that can influence the formulation of the constitution in harmony with the needs and ambitions of our people. The project methodology utilizes democratic participatory methods to activate diverse organizations and sectors of the community. Within this context the program took in consideration the importance of a knowledge-based dialogue.

### **The Palestinian Constitution (Issues for Debate):**

- 1 Is there a need to have a constitution at this time and in the current situation: when the Palestinian nation is still under occupation, the project of state-building is not yet accomplished, the PNA is still under external pressures under the pretense of "internal reform," and the right of return and Palestinian borders are still being debated?
- 2 Is a constitution an internal demand or compliance with external pressures that try to impose an inadequate kind of reform on the Palestinians?
- 3 To what extent are democratic and participatory mechanisms used in the formulation of the Palestinian constitution?
- 4 What are the issues presented in the Palestinian constitution, such as the right of return, state borders and the suggested organization of the internal affairs in the community?
- 5 What are the issues of identity in the constitution?

## Project Methodology

- Formulating the project document by consulting with relevant Palestinian organizations and by presenting the program's special vision in dealing with the proposed Palestinian constitution. This process aims at reaching the most appropriate mechanisms in order to assist and lobby the parties working on the Palestinian constitution to formulate a constitution that achieves the aspirations of Palestinians, taking into consideration the positive and negative points raised by the different sectors.
- Forming a technical advisory committee of experts and community leaders in order to support the project technically and to guide its activities.
- Activating the organizations to participate in the formulation of the Palestinian constitution by inviting them to participate in the dialogue organized by the program within the project framework.
- Conducting preparatory meetings in all regions of the West Bank and Gaza Strip in order to introduce the project.
- Conducting meetings with representatives of civil society organizations and political groups.
- Producing research papers on the issues presented in the Palestinian constitution.
- Preparing special meetings to discuss the research papers presented in the project.
- Organizing sector workshops in order to develop recommendations that can be addressed to the parties working on the particular issue, aiming at reaching a constitution that meets the aspirations of the community.
- Organizing a national conference and inviting various organizations, political forces and sectors, in order to present the results of the project, activate the debate and present the recommendations of the researchers and the different sectors.
- Organizing a variety of media activities to spread awareness about the issue of the constitution.
- Producing a comprehensive document including the various papers prepared within the project.

## Meetings & Workshops

### Preparation meetings

Date	Subject	Location	Participants	Main Points
3/2/2003	Preparatory meeting to discuss the project idea	Gaza Strip	35 participants, from different sectors and community organizations	→ Endorse the project document and agreement on the work plan
14/4/2003	The role of civil society in drafting the Palestinian constitution	Gaza Strip	44 participants, from different sectors and community organizations	→ Assert the importance of the participation of civil society organizations in discussing the constitution
19/4/2003	The role of civil society in drafting the Palestinian constitution	Ramallah	19 participants, from different community organizations in addition to the participation of Dr. Nabil Sha'ath and members of the committee drafting the Palestinian constitution	→ Discuss when and how the Drafting Committee was created. → Discuss mechanisms used in formulating the constitution. → Discuss expected role of civil society organizations in the process of formulating the Palestinian constitution.



## Meetings with civil society organizations and the political groups

Date	Meeting	Place	Main Points
21/4/2003	Meeting with the Drafting Committee.	Ramallah	<ul style="list-style-type: none"> <li>→ Introduce the project idea to the committee members.</li> <li>→ Familiarize DSP team with the committee's activities and the challenges they face.</li> <li>→ Assert the importance of the participation of the committee in the project activities.</li> </ul>
21/7/2003	Meetings with the representatives of the political parties and forces.	Ramallah and Gaza	<ul style="list-style-type: none"> <li>→ Determine the relation between the constitution drafts and the basic law.</li> <li>→ Discuss the relevance of working on the constitution at the current stage.</li> <li>→ Study how the Palestinian constitution addresses national issues.</li> <li>→ Confirm the national will through directing the process of discussing the constitution and supporting it as a mechanism of struggle rather than complying with external demands.</li> <li>→ Differentiate between working on the constitution in order to discuss it and working on it in order to endorse it.</li> <li>→ The different forces affirmed the important role that the Development Studies Program plays in activating the discussion over formulating the constitution in a democratic framework and in relation to human development concepts.</li> <li>→ Differentiate between the role of the Development Studies Program as a research organization and the role of the political forces and social movements as lobbying and networking agencies.</li> </ul>
16/8/2003	Meeting with the Legal Committee of the Legislative Council.	Ramallah	<ul style="list-style-type: none"> <li>→ Discuss the reasons why the Legislative Council and its committees did not participate or monitor the process of formulating the constitution</li> <li>→ Present different creative tools and mechanisms of participation.</li> </ul>
19/8/2003	Meeting with representatives of the Palestinian Popular Front.	Gaza	<ul style="list-style-type: none"> <li>→ Assert what came out of the meeting with the political forces in Gaza meeting</li> </ul>
20/8/2003	Meeting with academic and university personalities.	Gaza	<ul style="list-style-type: none"> <li>→ Call for widening the discussion circle of the constitution to include students and university teachers, in order to reach a democratic and modern constitution.</li> </ul>

Date	Meeting	Place	Main Points
25/8/2003	Meeting with the Committee for Monitoring the Constitution formed by civil organizations.	Ramallah	-> Present the problem of "scattered efforts" that the civil organizations face, which weakens the role of these organizations in the process of lobbying and advocacy.
28/8/2003	Meeting with youth follow up committee.	Gaza	-> Show the importance of the role of young people in the constitution and the importance of widening the discussion to involve all locations.

## Sectoral meetings

Date	Meeting	Place	# of participants
14/8/2003	The constitution and youth	Development Studies Program /Ramallah	35
15/8/2003	The constitution and youth	Red Crescent/ Gaza	15
18/8/2003	The constitution and the political parties	Development Studies Program/Gaza	19
21/8/2003	The constitution and workers	Development Studies Program/ Ramallah	26
28/8/2003	The constitution and the refugees	Development Studies Program/ Ramallah	23
28/8/2003	The constitution and workers	General Union of Trade Unions/ Gaza	14
7/9/2003	The constitution and youth	Panorama /Gaza	23
8/9/2003	The Palestinian constitution and refugees	The Executive Office for the Refugees Popular Committees /Gaza	18
16/9/2003	The Palestinian constitution and Media	Development Studies Program/ Ramallah	17

## Specialized meetings for discussion of the papers

Date	Meetings	Place	# of participants
5/6/2003	The economic aspects of the Palestinian constitution	The Palestinian Economists Society /Ramallah	20
10/6/2003	The political context	Palestinian Society for Citizen's Rights/ Gaza	29
11/6/2003	Advocacy and lobbying mechanisms	Palestinian National Initiative Center /Gaza	24
14/6/2003	The Palestinian constitution and development	Development Studies Program/ Ramallah	22
16/6/2003	The economic aspects of the Palestinian constitution	Palestinian National Initiative Center /Gaza	24
17/6/2003	Advocacy and lobbying mechanisms	Development Studies Program/ Ramallah	19
19/6/2003	The Palestinian constitution and human development	Development Studies Program/ Gaza	19
30/7/2003	The drafting of constitutions (comparative experience)	Development Studies Program/ Ramallah	27
4/9/2003	The Palestinian constitution from a gender perspective	Development Studies Program/ Ramallah	23
11/9/2003	The issue of "identity" in the Palestinian constitution	Development Studies Program/ Ramallah	20
11/9/2003	The nature of the Palestinian constitution	Women's Affairs Technical Committee/ Gaza	14

# Media Coverage

## The Radio program (Ally-Sawtaq)\*

Date	Episode title	Guests of the episode
24/4/2003	The Palestinian constitution project and the basis for sustainable development.	<ul style="list-style-type: none"> <li>→ Farouq El Farra, Azhar University</li> <li>→ Nasief, Development Studies Program</li> <li>→ Abdel Kareem Barghouthi, member, Project Steering Committee /Birzeit University</li> <li>→ Jameela Saidam, member, Project Steering Committee / Legislative Council member/ Gaza</li> </ul>
14/8/2003	Legislation: between development and regression.	<ul style="list-style-type: none"> <li>→ Nader Said, Director, Development Studies Program/ Birzeit University</li> <li>→ Rawyah El Shawa, Legislative Council member/ Gaza</li> <li>→ Ahmad Majdulani, member, Project Steering Committee /Birzeit University</li> </ul>
27/8/2003	The political limitations of the Palestinian constitution.	<ul style="list-style-type: none"> <li>→ Abdel Kareem Barghouthi, , member, Project Steering Committee /Birzeit university</li> <li>→ Talal Oukal, political analyst, member, Project Steering Committee</li> <li>→ Saji Salameh, Refugee Affairs Department in the PLO</li> <li>→ Azmi El Shouaibi, Legislative Council member.</li> </ul>
4/9/2003	The economic aspects of the Palestinian constitution.	<ul style="list-style-type: none"> <li>→ Ahmad Majdalani, member, Project Steering Committee</li> <li>→ Omar Sha'ban, economist</li> <li>→ Sameer Abdallah, economist</li> </ul>
11/9/2003	The Palestinian constitution and human development.	<ul style="list-style-type: none"> <li>→ Ibrahim Dakkak, development expert</li> <li>→ Hadeel Kazaz, Heinrich Boll Foundation</li> <li>→ Adel Samara, researcher</li> </ul>
18/9/2003	Advocacy and lobbying mechanisms.	<ul style="list-style-type: none"> <li>→ Sama Aweedah, Director, Jerusalem Center for Women's Studies.</li> <li>→ Taseer Mhaesen, Agricultural Relief/ Gaza</li> <li>→ Naseef Mualem, Palestinian Center for Peace and Democracy</li> </ul>
30/8/2003	On the DSP constitution project "Palestinian Workers' Voice"/Gaza	<ul style="list-style-type: none"> <li>→ Ghassan Abu Hatab, Development Studies Program</li> <li>→ Aiyesh Abeid, deputy to the director, General Union of Palestinian Trade Unions</li> </ul>

\* Ally Sawtaq: Weekly radio episodes, produced and presented by the development studies programme and aired through the "Voice of Palestine" radio station. You can listen to the episodes at <http://home.birzeit.edu/dsp>

## Written media

examples of media coverage of project activities from local newspapers:

Newspaper/ Date	Headline
Al Ayam 4/2/1003	-> Asserting the importance of formulating a constitution that constitutes sustainable developmen
Al Ayam 15/4/2003 Al Hayat 15/4/2003	-> Gaza: a workshop on the role of civil society in discussing the constitution -> Assuring the implementation of the needed amendments to the constitution and endorsing it through the general referendu
Al Ayam 20/4/2003	-> Sha'ath: the constitution will not be endorsed in its final version except by an elected parliament within a state
Al Hayat 15/6/2003	-> Popular meetings in Gaza to discuss the constitution project and human development
Al Ayam 17/6/2003 Al Quds 18/6/2003 Al Hayat 17/6/2003	-> Requesting constitutional guarantees to guarantee the national economy from unfair competition and considering a free economy. -> Discussing the economic aspects of the constitution -> Requesting consultation with international covenants addressing economic and social rights, since they are connected to develop
Al Hayat 20/6/2003	-> In order to have a legal framework for human development: A developmental researcher demands that the process of formulating the constitution should be independent.
Al Quds 20/6/2003	-> Discussing the research paper "The Palestinian constitution and human development" in Gaz
Al Ayam 14/8/2003	-> More interest should be addressed to the youth and their interests in the constitution project.
Al Hayat 15/8/2003	-> An invitation to implement a national conference that discusses the youth and children's rights and needs in Palestine

Newspaper/ Date	Headline
Al Ayam 22/8/2003	→ A workshop in al-Bireh on "Workers and the Palestinian constitution project.
Al Hayat 29/8/2003	→ Demands to conduct amendments in the constitution draft in a way that assures the right of return: criticizing the 12th and 13th articles in the constitution draft.
Al Hayat 29/8/2003	→ A meeting in Gaza requests workers' rights laws in the constitution
Al Hayat 5/9/2003	→ Women leaders and activists demand the inclusion of Convention for the Elimination of All Forms of Discrimination against Women "CEDAW" in the constitution
Al Ayam 9/9/2003	→ Asserting the importance of organizing meetings to discuss the constitution and the refugees in order to increase the awareness of the issue among the community.
Al Ayam 12/9/2003	→ Different opinions on presenting the notion of a secular state and on postponing the discussion of the constitution.
Al Hayat 12/9/2003	→ A meeting on the constitution and its nature that reveals the crises of the Palestinian leftists and elite
Al Ayam 17/9/2003	→ Demands for initiating a media campaign to create a supportive public opinion towards discussing the constitution draft.
Al Hayat 17/9/2003	→ Participants assure the importance of initiating a media plan for debating the constitution before endorsing

## Media coverage of the conference activities

Al Ayam 28/9/2003	→ A debate over the nature of the constitution, the way it was formulated and endorsing it before having a sovereign state.
Al Hayat 28/9/2003	→ The launching of the national conference on the constitution and the requirements of human development.
Al Quds 28/9/2003	→ The DSP/ Birzeit University conducts a conference on the "constitution and the requirements for human development"
Al Ayam 29/9/2003	→ Asserting the great need to reformulate the draft constitution, to achieve its democratic and national character.
Al Quds 29/9/2003	→ Concluding the activities of the conference "The constitution and the requirements of human development" in Ramallah and Gaza.

## Articles concerning the project published in local newspapers

- Al Ayam: 5/2/2003, "Palestinian women and the draft constitution: between development and regression" by Nader Said.
- Al Baydar\*: 8/3/2003, "The Constitution... ideological diversity that is worth taking seriously" by Nader Said.
- Al Baydar: 4/8/2003, "The Constitution: between development and regression" by Nader Said
- Sawt Alnisa: 7/8/2003, "The Constitution and human development," a challenge for those who have interests?! by Talal Oukal.
- Al Baydar: 8/3/2003, "The Palestinian Constitution is a developmental necessity" by Hadeel Qazaz.
- Al Baydar: 9/9/2003, "The economic aspects of the draft constitution" by Omar Sha'ban.
- Al Hayat: 12/9/2003, "A meeting on the Constitution and its nature that reveals the crises of the Palestinian leftists and elites" by Hassan El Batal.
- Al Baydar: 16/10/2003, (A comprehensive coverage of the conference activities) "The Palestinian constitution and the basis of human development."

\* Al Baydar is a monthly supplement, published by the DSP. You can read Al Baydar at [http://: home.birzeit.edu/dsp](http://home.birzeit.edu/dsp)

## **The Final Conference**

The Palestinian Conference on  
the Constitution and Human  
Development Requirements

27-28 September 2003



Speakers		Commentators		Moderators	
Carmella Armanios	Birzeit University	Muhammad El Hourani	Legislative Council member	Farouk El Farrah	Al Azhar University
Nader Said	Development Studies Program /Birzeit University	Mukheimer Abu Sa'da	Al Azhar University	Nouran Naseif	Development Studies Program/ Birzeit University
Abdel Rahman Abu el Naser	Committee for Drafting the Constitution	Ali el Safarini	Lawyer	Wisam el Rafidi	Birzeit University
Ghassan Abu Hatab	Development Studies Program/Birzeit University	Issam Younes	Al Mizan center	Zeinab el Ganimi	Ministry of Social Affairs
Abdel Kareem Barghouthi	Birzeit Unersity	Ashraf El Agrami	Ministry of Information	Liza Taraki	Birzeit University
Talal Oukal	Ministry of Information	Sameer Abdallah	Economist	Jamieleh Saidam	Legislative Council member
Subhiyeh Jum'a	Lawyer, Independent Commission for Citizens' Rights	Jihad El Wazeer	Ministry of Planning	Suleiman El Rabadi	Birzeit University
Ahmad Majdalani	Birzeit University	Hani El Masri	Ministry of Information	Sami Abu Thariefeh	Ministry of Economy and Industry
Omar Sha'ban	Researcher	Feisal Hourani	Palestinian Intellectual	Amal Khreishe	Palestinian Working Women's Society for Development
Adel Samara	Researcher	Muhammad Gadiyeh	Ministry of Planning	Naila Ayeshe	Women's Affairs Center/Gaza
Salah Abdel Ati	Kan'an Conservatory, president of the Palestinan Youth Union				
Ramzi Reehan	Birzeit University	Maryam Abu Dakka	Ministry of Social Affairs	Omar El Goul	Ministry of Culture
Ibrahim Abrash	Al Azhar University	Saleh Ra'fat		Tafiedah El Jirbawi	
Maha Abu Dayyeh	Women's Center for Legal Aid and Counseling	Dalal Salameh	Legislative Council member	Abdel Kareem Ashour	Agricultural Relief
Sama Aweidah	Women Studies Center				

Speakers		Commentators		Moderators
Taiseer Muheisen	Researcher	Nadia Abu Nahleh	WATC/ Gaza	
Sakher Habash	Member of the Higher Committee/Fatah	Lama Hourani	Ministry of Finance	
Qais Abu Lubna	Democratic Front	Naji Sharab	Al Azhar University	
Bassam El Salhi	People's Party			
Tayseer Arouri	Democratic Forum			
Abu Ali SHaheen	Fatah			
Naser Kafarneh	Popular Front Party			
Jamal Zakout	Fida			

## Research and work papers

Paper title	Prepared by	Main points and Recommendations
Political context, limitations, and implication of a Palestinian constitution.	Abdel Kareem Barghouthi and Talal Oukal	<ul style="list-style-type: none"> <li>→ Attitudes about the effectiveness of presenting the constitution in the current period.</li> <li>→ The relation between the current and future periods and the relation between drafting the constitution and external obligations.</li> <li>→ How the constitution addresses national issues</li> <li>→ The paper recommended the formulation of a nominal council to draft the constitution, which includes all of the political groups in the community.</li> </ul>
Constitutions: theories, concepts, and preparation mechanisms--comparative research.	Randa Siniora and Naser El Rayes	<ul style="list-style-type: none"> <li>→ Definitions of constitutions, form and content, methods of formulation.</li> <li>→ The importance of participation of different parties in the process of building the state, even though the Palestinian constitution is an external obligation.</li> <li>→ The paper recommended formulating a follow up committee to prepare the constitution.</li> <li>→ There should be a referendum before endorsing the constitution.</li> </ul>
Palestinian society between tradition and modernity: Limitations and possibilities for a democratic constitution	Salah Abdel Ati	<ul style="list-style-type: none"> <li>→ Discussing the issue of the constitution is within the frame work of the internal-external crises which are reflected in Palestinian social and cultural factors.</li> <li>→ Discussing the humanitarian dimensions of the developmental process and the importance of a national-Islamic reform, that takes into consideration the past but foresees the future.</li> <li>→ The recommendation was the importance of having guarantees in the constitution for achieving democracy, development and respect for human rights, in addition to the participation of the community organizations in creating mechanisms to protect these rights.</li> </ul>

Paper title	Prepared by	Main points and Recommendations
<p>An analysis of Palestinian society: Tradition and modernity in view of globalization.</p>	<p>Adel Samara</p>	<ul style="list-style-type: none"> <li>→ The paper presented the relation between the Palestinian constitution, the requirements of globalization forces, the adequacy of Arab factors and the social structure, in addition to the domination of tribal and patriarchate systems. The paper also explained that the segmentations among the PNA and the Islamic forces is due to the community split. The paper was in favor of the system of popular protection as a means to escape from the current crises in the occupied territories.</li> <li>→ The recommendation was to formulate a developmental and economic plan by the popular groups and sectors.</li> <li>→ The paper also invited people to discuss the constitution before endorsing it to accommodate changing or adjusting.</li> <li>→ Training popular organizations and individuals on how to criticize and participate in determining their destiny.</li> <li>→ Formulating a committee out of the community sectors and political parties in order to follow up the constitution.</li> </ul>
<p>The constitution, people, and society --- a perspective on secularism, religion, and pluralism</p>	<p>Ramzi Rihan</p>	<ul style="list-style-type: none"> <li>→ The paper indicated the importance of considering the constitution in light of the human diversity in the community.</li> <li>→ The importance of considering the issues of identity and the rule of law.</li> <li>→ Going back to the articles in the constitution and examining the significant differences and contradictions among them, in addition to reconsidering the current form of the constitution.</li> <li>→ The recommendation was the importance of continuing discussions about the constitution since it is a national priority, and at the same time postponing endorsement until discussion is completed.</li> </ul>
<p>Economic aspects in the proposed constitutions and suggestions for improvements.</p>	<p>Ahmad Majdalani</p>	<ul style="list-style-type: none"> <li>→ The paper discussed the role of the state in the economy, and it considered that free market choice is an obligation that has to be guaranteed in the legal system and there should be an investment-friendly atmosphere.</li> <li>→ The recommendation was the importance of offering monetary stability and financial monitoring. In addition, the paper recommended the issuing of the national currency, offering legal protection and stability of the legal and judicial system, and offering transparency. The state should adopt an expenditure policy and take responsibility for social insurance. Also to be committed to international treaties and conventions.</li> </ul>

Paper title	Prepared by	Main points and Recommendations
The issue of Identity in the constitution: religion and state	Ibrahim Abrash	<ul style="list-style-type: none"> <li>→ The paper considered that plurality in its civil and democratic understanding is part of identity and is included in the framework of unity and of religion.</li> <li>→ The issue of identity is presented in all Palestinian treaties and before the current constitution.</li> <li>→ The paper recommends: continuity in discussing the constitution.</li> <li>→ Differentiating between the role of religion in the period of independency and between the role it could play in the democratic state.</li> <li>→ The importance of understanding the different dimensions of the Palestinian identity.</li> </ul>
The economics of the constitution: the rhetoric, the reality, and future prospects.	Omar Sha'ban	<ul style="list-style-type: none"> <li>→ The paper discussed the dangers of the free market economic system on neglected social groups.</li> <li>→ Recommendations: reviewing texts in the constitution draft since the texts are different than the reality.</li> <li>→ Commitment to international rule for social, cultural and economical rights that was endorsed in 1966 and implemented in 1976.</li> </ul>

Paper title	Prepared by	Main points and Recommendations
A human development perspective as the basis for a constitution.	Hadeel Qazzaz	<ul style="list-style-type: none"> <li>→ The draft constitution presented adapts to the current reality which makes it undevelopmental.</li> <li>→ The draft did not determine the relations between the three authorities, and it did not state clearly the obligations of the state towards the economic, social and cultural rights for the Palestinian nation.</li> <li>→ Recommendations: activating the participation of the different sectors in discussing the constitution in order to make it one of the priorities of the Palestinian nation.</li> </ul>
Advocacy and lobbying mechanisms for a democratic constitution--- a civil society approach.	Taiseer Muheisen	<ul style="list-style-type: none"> <li>→ The paper presented the role of civil society organizations as representatives of the different social groups in the process of producing a democratic constitution.</li> <li>→ Presenting the possibility of creating a dynamic relationship between the civil society organizations and the political authority and interest groups.</li> <li>→ The paper also offered suggestions for how the civil society organizations, political forces and democratic personalities can benefit in order to lobby and influence.</li> </ul>
The Palestinian constitution and gender.	Shahinaz Jubran	<ul style="list-style-type: none"> <li>→ A series of papers were presented during the project period, which were discussed in the sectors' workshops. In the conference there was a special session that included all sectors that were involved in the project, in addition to the conference participants. The discussion was on the main issues presented by the sectors and some recommendations were deduced and presented in the conference.</li> </ul>
The refugees and the Palestinian constitution.	Ramzi Rabah and Anwar Hamam	
Workers' rights and the constitution.	Baker El Jamal, Muhammad Arwaqi and Mahmoud Zeydeh	
Young people speak out on the constitution.	Ashraf El Ajami and Khaled Abu Ali	
The media and its role in the constitution.	Sameeh Shbeeb, Hani Habeeb	

## Sectors groups (readings of the constitution and major main recommendations)

Gender		Refugee perspective		Youth perspective		
	Gaza	Ramallah	Gaza	Ramallah	Gaza	Ramallah
Presenter	Andaleb Adwan	Shahnaz Jubran/ Lina Mia'ari	Ramzi Rabah	Anwar Hamam	Ashraf El Agrami	Khaled Abu Ali
Speakers	Amal Hamad	Khadeejah Habashneh	Ramzi rabah	Haitham Arar	Adel Hakeem Awad	Rami Mahdawi
Administration	Baha' El Shatli	Ayman Abdl Majied	Jamal Abu Habel	Walid Badawi	Leila Bayoumi	Abeer Musleh
Working class perspective		Media and constitution				
	Gaza	Ramallah	Gaza	Ramallah		
Presenter	Baker El Jamal	Mahmoud Ziyadeh - Arafat Nakhleh	Hani Habeeb	Sameeh Shbeeb		
Speakers	Jameel Kafarneh	Muhamad El Arouri	Hani Habeeb	Sameeh Shbeeb		
Administration	Abdel Raouf Ilayan	Khaled Saleem	Saia Zubeidi	Abdel Majied Abu Ghoush		

## Main interventions and comments

### **Carmella Armanios: BZU: Vice president, Birzeit University for Financial and Administrative Affairs:**

- ▶ Emphasize the role of Birzeit University as a center for development thought, through implementation of a variety of activities.
- ▶ Make continuous efforts between the University and the Program in order to reinforce a comprehensive developmental strategy.
- ▶ Address the issues that concern the community in the current period.
- ▶ Benefit from and invest in the recommendations of the conference in order to achieve a better future for our children.

### **Ali Khashan: Deputy Head of the Drafting Committee -- Ramallah / Abdel Rahman Abu El Naser -- Gaza, representing Nabil Sha'ath:**

- ▶ There is no influence from the external forces in formulating the constitution, even though the current constitution is a response to the Road Map.
- ▶ The role of the current committee working on formulating the constitution is a continuation of the work begun in 1999.
- ▶ The current problems facing the Palestinian community are connected to the absence of a legal and judicial system for organizing society. This requires working on the constitution in the current period.
- ▶ The importance of differentiating between formulating and discussing the constitution, and endorsing it, which will not happen until the emergence of a state.
- ▶ The need for a political decision by the official Palestinian organizations to settle the unresolved issues of the refugees and borders.
- ▶ The need for a referendum on the constitution in order to accept it as a democratic constitution.



**Nader Said: Director, Development Studies Program, Birzeit University:**

- ▶ Necessity: Understand the events around us and raise our voices to face the regression in the Palestinian areas.
- ▶ Reactivate the initiative and turn the process of producing the constitution into a process of struggle and of sustaining the Palestinian identity and will.
- ▶ The constitution should be a tool of change and a mechanism to move the community out of developmental deficiency; moreover, it should be a beginning for a modern state.
- ▶ Invest in the efforts made in discussing the constitution and let it be an opportunity for enlightenment, lifting morale and uniting efforts.
- ▶ Everybody should do his/her role with all awareness and understanding in order to maintain our human spirit.
- ▶ Policy makers should be aware of the essence of the developmental process which concentrates on promoting the human being, including spiritual growth and psychological enrichment, in addition to achieving social sustainability based on respect and equality.
- ▶ Be aware of the connection between the constitution and developmental issues and the dialectic relation to the national issues.
- ▶ Be aware of the core issues and the conceptual origins of the Palestinian constitution reflects the nature of the state and the community.
- ▶ Discuss the essence of the constitution, its origins and the process of drafting, and considering the constitution as a tool for developmental struggle that pushes the community forward.
- ▶ Answer all the legitimate questions on the process of drafting and endorsing the constitution, in addition to the work mechanisms and their relation with the basic law.

### **Ahmad Hourani:**

- ▶ The current Drafting Committee of the constitution is within the historical sequence of the legal organization process that the Palestinians have witnessed. Starting from the constitution during the British mandate, the national council of the PLO to the basic law and finally the Drafting Committee of the constitution.
- ▶ The main problems that will face anyone that will work on the Palestinian constitution are:
  - ▶ Problems related to the specificity of the Palestinian cause such as the definitions of the nation, state and homeland.
  - ▶ Problems related to the relationship between the PLO and the PNA.
  - ▶ Problems related to considering the Shari'a as a main resource for legislation.

### **Mukhemar Abu Sa'da:**

- ▶ Necessity: there should be a concentration on the independence of the legislative authority, apart from the executive authority and its implications for the constitution.
- ▶ Conduct elections in the Legislative Council, where the members ended their electoral period since 1999.
- ▶ Benefit from the papers and interventions of the Palestinian national groups concerning the political implications of the constitution.
- ▶ Deal with the constitution away from external influences.
- ▶ Unite the efforts of educated people, civil society organizations and universities in order to protect the Palestinian constitution.

### **Ali El Safarini:**

- ▶ Necessity: the mechanism of drafting the constitution and endorsing it should be connected to the idea: "People are the source of authority."
- ▶ Give thought to the context of the constitution articles rather than the decorative words.
- ▶ Examine the constitution articles that are related to endorsement and the problems connected to this process.
- ▶ Make people the source for legislation through forming a committee that represents the role of the Parliamentary Council in endorsing the constitution.

### **Sameer Abdullah:**

- ▶ Necessity: examine the economic nature of the state as mentioned in the constitution, and explore if the constitution articles are coherent with the identity presented.
- ▶ The constitution draft should comply with the spirit of a modern state.
- ▶ There should exist a legal system that guarantees economic stability that should treat its citizens as customers, in case a free market system is implemented.
- ▶ The constitution should guarantee the freedom of the flow of information, for its value for human activity.
- ▶ Improve the economic perspective presented in the constitution draft.

### **Jihad El Wazeer:**

- ▶ Necessity: look at the constitution through future scenarios and not within the current Palestinian situation, since it addresses comprehensive issues.
- ▶ Formulate executive or compulsory forums to implement the constitution articles.
- ▶ Review the constitution article (45) relating to social security, since there should be a law for social security. Reviewing article (46) related to health insurance, where the formulation is not obligatory. Moreover, article (51) related to offering job opportunities for all is supported by the private sector, but it was put without examining the sector itself.
- ▶ The Reform Committee should continue working on the issues of transparency, questioning and fund raising, which will facilitate the process of formulating the laws within a right framework.

### **Liza Taraki:**

- ▶ Necessity: To what extent are civil society middle sections represented, within the globalization context.
- ▶ Study the recession of the secular groups after Oslo, and the relation between liberal secularism and middle class growth.
- ▶ Study the different concepts of modernity: free and unrestricted modernity, liberal modernity, neo-liberalism and Islamic modernity.
- ▶ Connect the concept of national security with the possibility of real implementation.

### **Ashraf El Ajrami:**

- ▶ Necessity: being aware of the negative consequences and social problems of the connection between modernity and the capitalist system.
- ▶ Consider the accuracy in drafting the constitution articles related to the economic and social infrastructure, as they are the sectors most affected by external factors.
- ▶ Adopt a democratic concept that is adequate to community needs.
- ▶ Consider the specificity of the community and its development in order to be able to assimilate the concepts of democracy and development.
- ▶ Adopt adequate laws so that relations are based on justice with the capitalist countries.
- ▶ There should be an independent Palestinian economy before thinking of joining other international or Arab economic systems.

### **Hani Al Masri:**

- ▶ Necessity: make a constitution that is relevant to Palestinian needs.
- ▶ Not to hurry in drafting the constitution in this period.
- ▶ Consider relations between religion and the state, and study this relation in other constitutions.

### **Feisal Hourani:**

- ▶ Necessity: consider the Israeli danger to Palestinian identity.
- ▶ Differentiate between religiosity and the political religious calls.
- ▶ Consider the secular approach as it respects all beliefs and approaches.

### **Muhamad Gadiyeh:**

- ▶ Necessity: connecting developmental concepts with human rights..
- ▶ Consider human beings the purpose for rather than a tool in the developmental process. This requires a political will and a social structure that believes in this idea and is able to implement it.
- ▶ Build the philosophy of the constitution on the basis of a comprehensive developmental approach.

### **Maha Abu Dayeh:**

- ▶ Necessity: benefit from the experience of civil society organizations in influencing the mechanisms of drafting the constitution.
- ▶ Activate the civil society organizations to raise discussion on important issues depending on all the social dynamics, and start from small discussion circles into wider ones.
- ▶ Extend the discussion past the borders of personalism.
- ▶ Emphasize the importance of analyzing the situation, in order to adequately prepare before putting forward strategies.

### **Saleh Ra'fat:**

- ▶ Necessity: participate in discussing the constitution regardless of our approval or the approval of those currently discussing the constitution.
- ▶ Benefit from the experience of civil society organizations in lobbying and advocacy, especially that there are other forces that are lobbying for certain approaches.

- ▶ Benefit from the democratic trend of secularism in the process of drafting and endorsing the constitution.
- ▶ Form a committee that works parallel with the drafting committee, as this committee would include the democratic groups, social personalities, educated and legal people and specialists.

#### **Dalal Salameh:**

- ▶ Necessity: use different mechanisms of lobbying and advocacy by the different forums and parties.
- ▶ Include the usually neglected sectors in the community in the lobbying and advocacy process.
- ▶ Move away from the elite's discussion circles.
- ▶ Benefit from former experiences, in which there should be different suggestions and formulations addressing the different levels of interest, presented in the Legislative and National Council.

#### **Lama Hourani:**

- ▶ Necessity: activate the role of civil society organizations to present the perspectives of the different fractions and sectors to the decision makers.
- ▶ Give priority to civil society organizations to organize the internal situation and to reconsider their programs and plans.
- ▶ Activate the role of civil society organizations in lobbying to return to the national characteristics of the Intifada in order to achieve the participatory principle.
- ▶ Form a coalition with a collective leadership that is based on the principle of separation of religion and state, looking at the obstacles in the way of endorsing the constitution, lobbying the decision makers not to comply with the external pressures and taking into consideration the importance of endorsing the constitution by all Palestinian people, not only those who live on the Palestinian land.
- ▶ Concentrate on the form and mechanisms of drafting the constitution and the way it should be endorsed.

### **Nadia Abu Nahleh:**

- ▶ Necessity: identify what is meant by civil society organizations and their capabilities which will cause a change regarding the constitution issue, where their role was only in relief and development.
- ▶ Overcome the problems coming from the absence of institutionalization, alienation of the democratic national groups, and the retreat of civil society organizations regarding the social and economic agenda.
- ▶ Form democratic coalitions that serve the general interest and the rights of the weak and neglected people.
- ▶ Use advocacy and mobilization instead of advocacy and appeals, where civil society organizations succeeded.
- ▶ Rely on the role of civil society organizations in raising public awareness towards citizenship and human rights.
- ▶ Use negotiation and advocacy strategies that depend on the law rather than culture and tradition.

### **Abu Ali Shaheen:**

- ▶ Necessity: develop a united political program that respects the common denominators of unity.
- ▶ The political groups should take the responsibility of putting all their efforts in drafting a constitution, then it becomes difficult for the leader to interpret the texts into his/her own interest.
- ▶ Work on a constitution that organizes people in the Palestinian state, and relations with the ruling system and the Arab people.
- ▶ Consider the Declaration of Independence as the practical basis of the constitution.
- ▶ Organize civilian affairs and some political relations in the current transitional ruling period, through the basic law.
- ▶ Deal with the current Authority as a support for the future.
- ▶ Assert that the current draft constitution under examination is not the first and last draft, but other drafts will be developed.
- ▶ Give attention that the constitution being drafted is not a constitution for the state of Palestine, but is the constitution of the Palestinian people that should be developed through Palestinian dialogue. Moreover, the constitution with all its articles and texts is a formulation of the ruling party, even if it went through a national referendum.
- ▶ Think about the issue of the existence of a constitution when the land is still occupied.
- ▶ Emphasize the importance of forming a united leadership on the level of active political and social groups, in order to reinforce the unity of a decision and reference system. In addition emphasize unity of work in order to achieve the national goals, where the constitution is one of the leadership's priority tasks.

### **Naser Kafarneh:**

- ▶ Necessity: create national democratic reform that springs out of the national Palestinian interest, Palestinian goals and agenda.
- ▶ Have consistency between the constitution's introduction and articles and the political and constitutional rulings in the National Covenant.
- ▶ Clarify certain articles in the constitution that are vague.
- ▶ Clarify in the constitution an article on proportional representation for political parties to participate in the decision making.
- ▶ Understand the external interference in the workings of our organizations and our political structures due to the refusal of the authority to accept the constant calls for national reform which made the Palestinian nation distrust their authority.
- ▶ Understand that imposing the constitution in this period comes at the same time as pressuring the authority to appoint a vice president and a new financial system and other issues.

### **Jamal Zakout:**

- ▶ Necessity: specify the mechanisms for national participation regarding self determination, for which participation in drafting the constitution is one mechanism.
- ▶ Find a real mechanism for participation in the process of determining the destiny of the Palestinian people through drafting the constitution using a participatory methodology.
- ▶ The Drafting committee for the constitution should decide how the drafting process should be undertaken.
- ▶ Open a discussion on how and when the constitution will be endorsed, taking into consideration the political situation that either supports or opposes Palestinian national goals.
- ▶ Consider the controversial issues, for which some of the constitution articles may be of interest.



### **Naji Sharab:**

- ▶ Necessity: deal with the constitution--- from a Palestinian perspective--- as a mechanism and approach for reform.
- ▶ There should be a Palestinian constitution due to the historical and political situation of the Palestinians; there is no comparison between the constitution and the basic law.
- ▶ Form a committee for drafting or redrafting the constitution.
- ▶ Consider external factors and their effect on the process of formulating the Palestinian constitution as normal factors, as long as the Palestinian cause is an international cause. However, we have to contain the negative effects of these external factors.
- ▶ The constitution in its current form is a draft that can be criticized, adjusted and still requires a number of steps before it is endorsed. Until the end of this process, the constitution remains a temporary unfinished document.

### **Sakher Habash:**

- ▶ Necessity: continue preparing the Palestinian constitution, but not endorsing it until the state is established.
- ▶ The constitution should guarantee all rights, especially women's rights.
- ▶ The Palestinian constitution should guarantee the national unity that connects all Palestinians.

### **Kais Abdel Kareem:**

- ▶ Necessity: continue the discussions of the constitution's draft on a popular level and overcome the elite nature of discussion.
- ▶ Form an elected committee in order to decide about the different elements of the constitution before it is presented for a popular referendum.
- ▶ Use international pressure in order to prepare a constitution draft as one obligation toward the Road Map.

- ▶ In the absence of state sovereignty it is impossible to endorse the constitution in a democratic way, but the process should provide that people with the opportunity to express their opinions towards the constitution.
- ▶ The constitution should be:
  - ▶ An adaption of the Declaration of Independence which is the only document that has national consensus.
  - ▶ A confirmation of a national determination of adhering to human rights.
  - ▶ Democratic, through its positions regarding the important issues such as the relation between religion and state, women's equality, social and economic rights and the political system, stating that the nation is the source of authority and the state is the responsibility of the executive authority before the legislative authority.

#### **Bassam El Salhi:**

- ▶ Necessity: deal with the constitution as a tool for guiding the Palestinian state.
- ▶ The drafting process should be indulged in the conflict, and it should be supported by the Palestinian nation.
- ▶ Reformulate the Palestinian goal in a special form that defends freedom, social rights and the building of a contemporary state that protects the values of equality and never discriminates due to color, religion, gender or political and social class.
- ▶ The Palestinian constitution is accepted internationally; however, we have to consider the political and social situation of Palestine, which creates international pressure on the building of a Palestinian state.

#### **Tayseer Aruri:**

- ▶ The external pressures are not demanding to speed up producing a constitution.
- ▶ Necessity: working on a constitution as best we can
- ▶ Consider the effect of a constitution on developing the community towards modern approaches and development.
- ▶ The constitution should reflect the needs of the state and community.

## Recommendations of the specialized groups\*

### Refugee's right to return:

- ▶ Necessity: differentiating between the State organizations and the PLO organizations.
- ▶ Differentiate between national identity and state citizenship.
- ▶ The constitution drafts did not mention the issue of borders and refugees in a detailed manner.
- ▶ Reconsider the Declaration of Independence and the National Covenant which have a constitutional style.
- ▶ Integrate the refugees and their committees, organizations and the social political groups inside Israel and in the Diaspora, in the process unifying all efforts towards all issues and mainly those which affect the issue of refugees.

### Youth:

- ▶ Review the article in the constitution that relates to the right of return and terrorism.
- ▶ Find another committee for drafting the constitution where youth are more represented among other neglected sectors, such as people with special needs.
- ▶ Have young people represented in all steps of drafting the constitution and endorsing it, in addition to all laws.
- ▶ "Positive affirmation" is a step towards equality for women and young people.
- ▶ The constitution dra> Add youth in all that concerns the welfare of mothers, families or children.
- ▶ Rights are not subject to obligations when talking about the rights of youth, where there should be a modern law that considers the welfare of youth.
- ▶ The constitution articles should not only discuss political rights but also social, economic and cultural rights.
- ▶ Free education should be guaranteed in the constitution.

\* The specialized groups represent different sectors in the community. They have discussed the constitution from their perspective, if they benefited or have been affected by articles in the constitution. They participated in the different meetings within the project cycle and in the final conference where they discussed the recommendations.

## **Workers:**

- ▶ Necessity: resolve the issue of discussing the legitimacy of the drafting committee.
- ▶ Necessity: the constitution should include constitutional guarantees for the right of work according to the formula of guaranteeing

the right of social protection, and decent work based on freedom of choice for all citizens since it is considered a basic human right.

- ▶ Legal guarantee for implementing the constitution's articles, and punishing all who do not as criminals.
- ▶ Include guarantees for unionist rights and freedom as mentioned in all Arab and international agreements.
- ▶ A clear statement in the constitution for the health and social welfare of the workers.
- ▶ Guarantee freedom of movement for workers, and guarantee the freedom of movement of goods, in addition to the importance of protecting the national economy to overcome the problems of the free market system.

## Media

- ▶ Necessity: the constitution should guarantee freedom of expression in order to respect the professionalism of the work of people working in Media.
- ▶ Stating that journalists have immunity, which is guaranteed by international law, and overcome all phrases that restrict press freedom in the constitution draft.
- ▶ The constitution should also include guarantees for access to information and not to be only familiarized with information, as mentioned in the drafts.
- ▶ Guarantee that media property and infrastructure should not be confiscated.
- ▶ Consider that radio and TV organizations are state organizations and not governmental, and also that they are the Palestinian forum for citizens' rights.
- ▶ Forming a Palestinian independent high council for media that is widely represented, which will be responsible for all formal mass media.
- ▶ Conducting a workshop for journalists on the constitution and coverage of the lobbying and advocacy activities.

## Gender

### First: Mechanisms

- ▶ Reconsider the Drafting committee where all Palestinian sectors and fractions should be represented, in addition to experts and legal personalities.
- ▶ Form a committee including civil society organizations to follow up with the Drafting committee, and to be a liaison with civil society.
- ▶ Widen the circle of discussion over the problematic issues in the community, such as the issue of the nature of the state and separating religion from the state and the political system.

### **Second: The formulation**

- ▶ The back ground of the constitution should be based on the history, tradition and experience of the Palestinian nation.
- ▶ Consider the wording in the articles and the terms used, where language does not impact the content of the constitution. And examine any conflict occurring between certain articles.

### **Third: The content of the constitution**

- ▶ Consider the conventions and treaties as a reference for the constitution, especially the Convention for the Elimination of all kinds of Discrimination against Women. This should be clearly stated because of the sensitivity of women's issues.
- ▶ State positive regulations that guarantee equality of rights and freedom for women, especially in work and decision making positions.
- ▶ Determine the nature of the state, where it is a state for all its citizens, with special regard to neglected sectors and people with special needs.
- ▶ There should be no conditional phrases in the articles relating to citizens' rights and personal and general freedoms, such as adding the condition "as long as it does not contradict the law or the Sharia."

## General recommendations

### The State identity/ the Constitution identity

- ▶ Determine: the nature of the state to be a state for all citizens, including the neglected sectors and those who have special needs.
- ▶ The nature of the constitution should be built upon the developmental concepts that will determine the nature of the state.
- ▶ The essence of the constitution and the conceptual approaches.
- ▶ The relation between the constitution and the basic law. Creating a constitution that complies with the Palestinian nation needs.
- ▶ Considering that the constitution reflects the pluralistic dimensions of the community.

### The formulation mechanisms

- ▶ Answer the questions concerning the drafting of the constitution. How was the Drafting committee formulated that is responsible for this task? What were the mechanisms of formulation?
- ▶ Form an establishment committee/council to draft the constitution. This should include all the political forces and the community sectors.
- ▶ Slow down in drafting the constitution, since there is no need to have it immediately endorsed at this time.
- ▶ Reconsider the current formulation of the constitution in terms of formulation mechanisms, its determinants and its nature.
- ▶ Youth should be represented in all steps of formulating and endorsing the constitution and included in all of the laws .

### **Endorsing the constitution**

- ▶ Open a wide discussion on how, for how long, and what are the mechanisms for endorsing the constitution, taking into consideration the political atmosphere that is either with or against the Palestinian objectives.
- ▶ Answer the questions related to endorsing the constitution: who endorses the constitution, when and how?
- ▶ Complete the discussion on all aspects of the constitution before endorsing it.

### **The role of civil society organizations in the process of drafting the constitution**

- ▶ Define what is meant by civil society organizations and the extent of their effectiveness in making changes related to the constitution.
- ▶ Necessity: Civil society organizations and academic organizations should complete their role in protecting the Palestinian constitution.
- ▶ Civil society organizations should perform their role in terms of lobbying and advocacy in the process of discussing the constitution, for they have enough experience.
- ▶ Civil society organizations should raise the public's awareness towards human rights and citizen's rights.
- ▶ Civil society organizations should contribute to the process of creating mechanisms for protecting the rights that are guaranteed in the constitution.

### **Constitution articles**

- ▶ Necessity: there should be articles in the constitution that guarantee respect for human rights and the achievement of development and democracy.
- ▶ Find a legal system that guarantees the economic stability of the state in the event that a free market system is endorsed.
- ▶ Reconsider the articles related to the identity issues and the sharia' "as a basis for ruling."



- ▶ Examine and analyzing the articles of the constitution and adjusting some, in order to reveal their clarity, contradictions and differences.
- ▶ Differentiate between national identity and the citizenship of the state, taking into consideration also the difference between state organizations and the PLO organizations.
- ▶ The constitution drafts did not mention the issue of borders and refugees in a detailed manner.
- ▶ Integrate the refugees and their committees, organizations and the social political forces inside Israel and in the Diaspora into the process of forming a united stand towards all issues and mainly those which affect the issue of refugees.
- ▶ Rediscuss the article in the constitution that relates to the right of return and terrorism.
- ▶ A clear statement on the role of the state in protecting rights, including youth rights, and no acceptance of general phrases such as "the state will work within its capabilities or within the limits."
- ▶ The constitution should guarantee basic human rights and the regulations for implementing them, in addition to punishing those who do not implement them.
- ▶ Confirm the immunity of the journalist which is secured in the international law and overcome all the phrases that restrict freedom in the constitution draft.
- ▶ The constitution should also include guarantees for access to information and not only to be familiarized with information as mentioned in the drafts.
- ▶ Consider the wording in the articles and use of terms, where language does not impact the content of the constitution. And studying contradictions occurring between certain articles.
- ▶ The constitution articles should necessarily comply with the political and constitutional documents represented in the National Covenant.
- ▶ A clear statement in the constitution for a proportional representation so that the parties can participate in the decision making.

## **Discussing the constitution**

- ▶ Participate in the process of discussing the constitution despite positive or negative perspectives towards it, in order to reinforce the democratic process and make changes to it.
- ▶ Continue developing the constitution discussion campaign. Analyzing the situation is motivation for continuing the discussion.
- ▶ Consider the secular trend since it respects all approaches and beliefs.
- ▶ Benefit from the democracy in secularism in the process of endorsing and preparing the constitution.
- ▶ Adopt the political will of the comprehensive developmental intellect that is based on considering the human being as a purpose and not a tool.
- ▶ Form democratic forums to discuss the general interests and the rights of the neglected and weak mentioned in the constitution.

## **A workshop with Palestinian organizations-Lebanon on 10<sup>th</sup> October 2003**

Organizers: General Civil Coordination Committee in the Palestinian gatherings in Lebanon.

In coordination with: Development Studies Program/ Birzeit University

Supported by: The Norwegian People's Aid in Lebanon.

### **In this meeting several papers were introduced:**

#### **1- Development Studies Program/ Birzeit University, Nader Said**

- ▶ The third revised version of the constitution is being discussed.
- ▶ The Palestinians are one nation despite the geographical distances and the Diaspora.
- ▶ The importance of investing all Palestinian minds in all political, social and economical issues, wherever they are.
- ▶ The importance of differentiating between the role of the formulation committee by the PLO and the academic role of Birzeit University in trying to have Palestinian civil society participate in the ongoing discussion on the constitution.
- ▶ Working on the constitution within a series of steps: steps that are related to the political and international relations steps and steps that represent the Palestinians' will.
- ▶ The absence of the national democratic and progressive forces in discussions about the issues of the constitution.
- ▶ Varied positions about entering the discussion about the constitution and the suitability of the current timing.
- ▶ The current constitution is a result of gathering quotations from the old Arabic constitution, and is a constitution without identity or content.
- ▶ The role of the program is to prepare the different sides to be involved in a scientific discussion, rather than a factional discussion.
- ▶ The importance of being ready to answer all the questions as: what do we want as PLO political forces from the constitution? What is an adequate constitution for the Palestinian

community? Can the constitution play the role of pushing the Palestinian community positively towards development and struggle? How can we produce a constitution that serves the Palestinian community and is not being imposed?

- ▶ Five sectors participated in the discussion on the constitution: Refugees, youth, media personalities, women and trade unions. It is important to work within this framework in order to give the opportunity for these sectors to raise their voice and express their needs.

### **Birzeit University: Abdel Kareem Barghouthi**

- ▶ Working on the constitution makes us determine who the Palestinians are.
- ▶ How could the Palestinians in the Diaspora channel the process of drafting the constitution to be a reaction to the current situation and achieve the ambitions of the Palestinians.
- ▶ The fear that the constitution will be undermined, as the other agreements and documents such as the national convent.

### **"Al Oukhouwa" Society for Cultural and Social Work**

- ▶ The paper concentrated on phrases in the constitution in terms of their clarity and adequacy, in addition to vagueness in some articles.

### **The Palestinian Red Crescent**

- ▶ The paper discussed the right of return; the presenter considered that what was put in the constitution disclaims the right of return for 1948 refugees. An alternative was presented. The paper also discussed clarity in the constitution, and that in most articles the state evades its responsibilities.

### **Journalist and media services office**

- ▶ The paper discussed opinions related to the current discussion of the constitution: its benefit within the absence of a clear political structure in the current period. The paper also discussed the temporary attribute of the presented constitution. More over, the paper presented the article related to the source of legislation, right of return and nomination for the parliament and appointing the high council for justice and the members of the constitutional court.

### **Saker Abu Fakher**

- ▶ A paper was presented entitled "the Palestinian constitution and the state religion," but what happened to the idea of a secular democratic state?
- ▶ There should not be a religion for the constitution; individuals and groups have religions, the modern state as a moral symbol is above all the beliefs of individuals and groups who constitute the homeland.

### **In addition to the papers there were some interventions:**

#### **Jaber Suleman, a group of returnees**

- ▶ How does the constitution reflect the reality of geographic dispersion of the Palestinian people?
- ▶ The importance of having a legal unity for the Palestinian nation wherever they are.
- ▶ The generalization and generality in most of the constitution articles regarding the issues of the nationality law and the right of return.
- ▶ How can the Palestinians abroad participate in drafting the constitution to be a constitution for all Palestinians and not only for the Palestinian nation of what is called a state.
- ▶ The issue of protecting the state borders, according to the article, is addressed by forming internal security forces.

#### **Leila el ali., Al Najdeh social society**

- ▶ The constitution reflects the vision of the Palestinian nation in the occupied territories.
- ▶ The issue of Palestinian sovereignty over the Palestinian occupied land is not mentioned in the constitution.
- ▶ Canceling or adjusting the terrorism article.
- ▶ The Sharia' as a basis for the legislation in the state is a cancellation of the Palestinian civil society.
- ▶ The issue of nationality and the right of return is understood from the constitution as if the Palestinians who live out side Palestine do not have the right to carry the nationality in this state.

#### **Mir'i Naser, Palestinian Lawyers Union**

- ▶ The importance of having a preamble for the constitution to determine the ruling and political systems, the principles of human rights, public freedom and the economic system.
- ▶ The importance of determining the borders geographically and not by dates.
- ▶ The constitution articles were not clear about the right of return and of compensation.
- ▶ The constitution should present the general principles and the political and constitutional systems, as for the rights of women, children and workers they are specified through laws.
- ▶ Many articles in the constitution are unclear and vague.

#### **Suheil El Natour, Democratic Front for the Liberation of Palestine**

- ▶ The importance of electing a committee for drafting the constitution and not appointing one.
- ▶ The importance of reconsidering the article related to the right of return, as it is very dangerous and unclear in the constitution.
- ▶ The importance of differentiating between the right of return and the right of nationality as separate rights, where the nationality right does not cancel the right of return.

#### **Salah Salah, Ajial center**

- ▶ Discussing the constitution currently creates contradictory elements.
- ▶ The reference in the constitution to the PNA and the PLO, where the role of the PLO is absent in this constitution.

- ▶ Who are the people to whom we address this constitution?
- ▶ The constitution in its current version is only for the PNA territories; as for the rest of the Palestinian nation, they are considered issues that should be discussed in terms of how to deal with them.
- ▶ Where is the border of this state mentioned in the constitution?
- ▶ The current constitution is a strategic giving up of the right of return.

#### **Waleed Muhamad Ali, Baheth Center for Studies**

- ▶ The present constitution is one of the Road Map requirements and is a reflection of its special articles relating to borders, the right of return, terrorism and the requirements of the Road Map.
- ▶ The issue of the state and religion and determining the Islamic religion as the source for legislation, in addition to the controversial issues related to that.
- ▶ The role of civil society organizations in putting forward a Palestinian national program that unites efforts.

#### **Ni'meh Juna', the Lebanese Societies for Human Rights**

- ▶ The Islamic religion as a source for legislation and the problems related to the personal status law.

#### **Najla Bashour, the National Association for Social Care**

- ▶ The constitution in its current form restricts the struggle and the Palestinian demands of the right of return and resistance.