

Aspects of the Palestinian Political System according to the
Basis Law

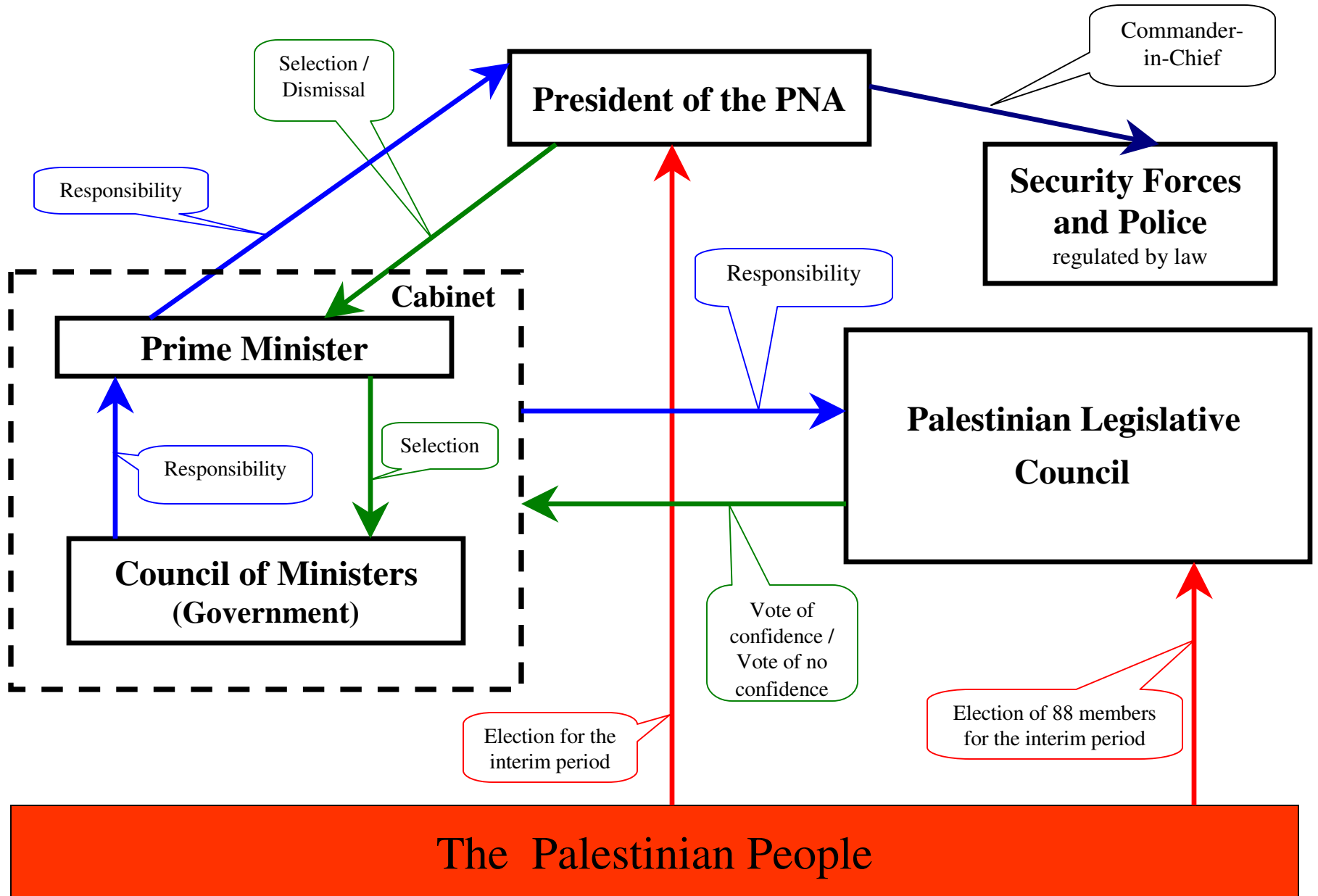
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A Brief History of Palestinian Constitutions

- 1988: The PNC (Palestinian National Council – the most important organ under the PLO umbrella) declares a Palestinian state and authorized a committee to draft a constitution.
- 1994: PNA (Palestinian National Authority) created under Oslo Accords
- 1996: Elections of PLC (Palestinian Legislative Council)
PLC assumes control over the drafting process
- 1997: Basic Law (interim constitutional document for the PNA) becomes effective
Basic Law not approved by President Arafat until 2002 and still not fully implemented.
- 1999: PLO's Central Committee authorized the drafting of a constitution to accompany a declaration of statehood → first draft 2001
- 2003: The drafting of a constitution becomes part of the “Roadmap”
Third Draft Constitution for a Palestinian State
Major amendments to the Basic Law

The constitution for a future independent Palestinian State is supposed to end the PNA-era. One important question is the fate of the PLO. Will it end to exist after the establishment of Palestinian State?

THE PNA



Legislation Procedure

- Proposal of Draft Laws:**
- The Council of Ministers
 - each single member of the PLC
 - The President via Art. 43 → degrees with the power of law in “exceptional cases”

Approval by the Legislative Council
by majority vote

Approval by the President

Publication in the Official Gazette
within 30 days

Law effective
after another 30 days

Objection by the President

within 30 days
comments and objections to Legislative Council

Legislative Council

Overrules
presidential objection
by a two-third majority
of all members

Fails to overrule
the objection

Draft law fails and may only be re-presented
in the same session by a two-third-majority

**No promulgation and
no objection within 30 days
by the President**

?

No regulation within the
framework of the Basic Law

General Foundations

- Palestine is part of the Arab World / Arab Unity is an objective
- The Palestinian People are the source of all power
- Principle of separation of powers in executive, legislative and judicial authorities
- Jerusalem is the Capital of Palestine
- Islam is the official religion. Respect to “all other heavenly religions” shall be maintained
- The Principles of Islamic Shari’a shall be the main source of legislation
- Arabic shall be the official language
- Democratic, parliamentary system based on political and party pluralism
- The Rule of Law shall be the basis of government
- Palestinian citizenship shall be regulated by law

Public Rights & Freedoms (1)

- All Palestinian are equal under law
- The PNA shall join regional and international human rights regimes
- Personal freedom as a natural right, which shall be guaranteed and protected
- torture is forbidden
- The accused is innocent until proven guilty
- Freedom of belief and of religious performances are guaranteed, as long as the do not violate public order or public morals
- Freedom of thought, expression and conscience, as long as it does not contradict with the provisions of law
- Freedom of residence and movement within the limits of law
- Free market economy
- The welfare of families of martyrs', prisoners of war, the injured and disabled \ shall be regulated by law
- Right to education for every citizen
- Independent universities
- Work is a right, duty and honor
- Right to the organization of unions and guilds regulated by law
- Right to conduct a strike within the limits of law

Public Rights & Freedoms (2)

- Right for Palestinians to establish and join political parties in accordance with the law
- Right for Palestinians to hold public office
in accordance with the principle of equal opportunity
- Right for Palestinians to conduct special meeting without the presence of police members
- Right for Palestinians to conduct public meetings, processions, and assemblies,
within the limits of law
- Freedom of audio, visual, and written media / Censorship shall be prohibited /
no warning, suspension, confiscation, cancellation, restriction on media except by law
- No Palestinian may be deported from the homeland, prevented or prohibited from
returning to or leaving it, deprived of his citizenship or surrendered to any foreign entity
- Maternity and childhood is a national duty
- Balanced and clean environment as human right.
Its preservation and protection is a national duty

Provisions of the State of Emergency

- Declared by the President by degree for a period of 30 days
- In case of threat of national security caused by war, invasion, armed insurrection or at a time of natural disaster
- The emergency state may be extended for another 30 days after the approval of two-thirds of the PLC
- The PLC shall review all procedures which have been implemented during the emergency state at the first session after the announcement
- No restrictions to basic rights and freedoms, except to the level that is necessary to achieve the objective stated in the degree of the state of emergency

The Palestinian Cabinet (1)

- AHMAD QREI (ABU ALA) – PRIME MINISTER (FATAH)
and Minister of Information and Islamic Waqf
- SALAM FAYYAD (INDEPENDENT) – MINISTER OF FINANCE
- NABEEL SHA'ATH (FATAH) – FOREIGN MINISTER
- HAKAM BALAWI (FATAH) - INTERIOR MINISTER
- SAEB EREKAT (FATAH) – MINISTER OF NEGOTIATION AFFAIRS
- NAIM ABU HOMMOS (FATAH) – MINISTER OF EDUCATION AND HIGHER EDUCATION
- MAHER MASRI (FATAH) – MINISTER OF NATIONAL ECONOMY
- NAHED AL-RAYYES (FATAH) - MINISTER OF JUSTICE
- JAWAD TIBI (FATAH) – MINISTER OF HEALTH
- ABDUL RAHMAN HAMAD: PA MINISTER OF PUBLIC WORKS AND HOUSING
- INTISAR AL-WAZEER - MINISTER OF SOCIAL AFFAIRS
- AZZAM AL-AHMAD - MINISTER OF TELECOMMUNICATIONS AND TECHNOLOGY

The Palestinian Cabinet (2)

- JAMAL SHOBAKI - MINISTER OF LOCAL GOVERNMENT
- YAHIA YAKHLOF - MINISTER OF CULTURE
- NABEEL KASSIS (INDEPENDENT) – MINISTER OF PLANNING
- MITRI ABU EITAH - MINISTER OF TOURISM AND ARCHEOLOGY
- HISHAM ABDUL RAZEQ - MINISTER OF PRISONERS AFFAIRS
- HIKMAT ZEID - MINISTER OF TRANSPORT
- SALAH TA'MARI - MINISTER OF YOUTH AND SPORTS
- GHASSAN KHATIB (PALESTINIAN PEOPLE'S PARTY) - MINISTER OF LABOR
- JAMIL TARIFI - MINISTER OF CIVIL AFFAIRS
- ZUHAIRA KAMAL - MINISTER IN CHARGE OF WOMEN AFFAIRS
- QADDURA FARES - MINISTER OF STATE
- SULEIMAN ABU SNEINEH - MINISTER OF STATE