

Abstract:

The time the Palestinians were about to see the birth of their independent state, after the painful compromises their representative coming out of (Palestinian liberation organization) presented after Lebanon war and involvement in peace settlement-aiming at achieving this target -establishing the Palestinian state and termination of occupation – on a part of Palestinian land (the territories of the 4th of June 1967), the difficulties and challenges started to appear and the Israel started fighting to prevent the Palestinian authority from declaring the Palestinian state which was planned to be announced after the transitional period in 1999.

As a result, Palestinians as well as their leaders (the Palestinian authority) were disappointed, and in order to defend their right in establishing their state according to peace agreements which were held with the Israeli side, the popular intifada started at the end of 2000.

This research aims at answering the following question: for the foundation of a Palestinian state it was necessary to have a Palestinian constitution to organize the state, so does the constitution in its different drafts- whose latest was in May 2003- express the Palestinians will and satisfy their needs, or does it respond to the political events which happened during its casting?

For answering this question, the research tries to examine the events that synchronized with the drafting of the constitution especially Al-Aqsa intifada, the speech of the American president (Bush) in June 2002, the compliance from the Palestinian president

and the Palestinian authority with that speech and accordingly suggesting “road map” plan at the end of 2002, in addition to proposing the reformation in the institutions of the Palestinian authority.

The first four drafts of the constitution (February 2001) and even the third which is emended (may 2003) were compared and analyzed for observing the changes in the constitution articles, and to see to what extent they correspond to the political issues synchronize with those articles.

Taking into consideration that the Palestinian authority is still doing its best to unify the laws in the west bank and Gaza strip where several laws were applied since ottoman regime, to the British mandate in addition to the Jordanian and Egyptian law, and the Israeli military regime.

And to observe the effects of the political factors, the issues which were delayed in negotiation into the final stage were tackled in this research. Those issues are crucial ones for the Palestinians and for their state which is intended to be established, such as: borders, refugees, and Jerusalem.

The researcher chose this topic for research because of many reasons. For example, the lack of resources and references which dealt with the Palestinian constitution. Then, the work on the constitution didn't include the participation of the public taking into consideration that it is the first constitution drafted according to a Palestinian decision. As this is the highest law in the state, much effort should be made, and all Palestinians have to take part in it.