

دور المجلس التشريعي الفلسطيني في عملية  
ترسيخ الديمقراطية في فلسطين

*The Role of the Palestinian legislative council  
in establishing democracy in Palestine*

إعداد: جيهان حسن عبد الله

إشراف: د. محسن يوسف

تاريخ المناقشة 2005/6/15

لجنة الإشراف والمناقشة

د. محسن يوسف رئيساً

د. جورج جتقان عضواً

د. علي الجرباوي عضواً

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”قدمت هذه الرسالة استكمالاً لمتطلبات درجة الماجستير في الدراسات العربية المعاصرة

من كلية الدراسات العليا في جامعة بيرزيت - فلسطين”

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الإهداء،

إلى والديّ نبع محبة وحنان

إلى إخوتي الأعزاء،

إلى محمد رفيق دربي

أهدي علي هذا

## شكر وتقدير

بعد شكري لله العلي العظيم الذي وفقني لانجاز هذا البحث. أتقدم بالشكر الجزيل إلى أستاذي الدكتور محسن يوسف علي ملاحظاته وإرشاداته ومتابعته المستمرة طوال قيامي بهذا البحث.

كما أتقدم بالشكر الجزيل إلى الأساتذة أعضاء لجنة المناقشة الدكتور جورج جقمان والدكتور علي الجرباوي علي جهودهم وملاحظاتهم التي ساهمت في إثراء هذا البحث .  
والشكر الجزيل إلى والدي العزيزين علي تشجيعهما ومساندتهما.

” لا يكتب إنسان كتاباً في يومه إلا قال في غده: لو غير  
هذا لكان أحسن، ولو زيد هذا لكان يستحسن، ولو قدم هذا  
لكان أفضل، ولو ترك هذا لكان أجمل، وهذا من أعظم  
العبر، وهو دليل على استيلاء النقص على جملة البشر ”  
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### **Abstract**

This research aimed at studying the first Palestinian parliamentary experiment on the Palestinian land, through observing and analyzing the nature of the legislative council and its role in democratization of the Palestinian society, and to know the peculiarity of this experiment, analyzing it, and studying its positive and negative sides. The research has also treated a basic problem regarding the demonstration of the legislative council in building and promoting democracy and the way of its performance in its legislative and oversight jurisdictions, especially in the course of the new parliamentary experience and the absence of previous parliamentary traditions that enable it of playing its role in a full manner. The research also discussed to what extent the legislative council is able to promote the principle of authority separation, mainly in the context of its relation with the executive authority. The research also discussed to what extent the council is able to promote the concept of popular oversight through its relation with the public and the civil society institutions. The research covered the period lasted from 1996, in which the Palestinian legislative council has been elected, to the year 2005, which witnessed the end of the first legislative council experiment, and the preparation of the second legislative elections.

The research included five chapters. The first chapter discussed briefly the concept of democracy, its foundation, its development, its characteristics, and its different forms. It also discussed the parliamentary democracy, especially the parliamentary system, in some details. The second chapter studied the Palestinian democratic or semi democratic experiments that Palestine witnessed during the different eras of history, in addition to the Palestinian democratic experiment in the Diaspora represented by Palestine Liberation Organization. The third chapter concentrated on the conditions contributed to the establishment of the Palestinian National Authority, the Palestinian legislative council, the Palestinian- Israeli peace agreements upon which the national Authority has been established, and the position of the legislative council within these agreements. The chapter also discussed the experiment of the first legislative elections and its impact on the Palestinian democracy. Moreover, it treated the new electoral system which will

be adopted in the second legislative elections. It also treated the parliamentary blocs in the council that their existence formed an important criterion for the internal democratic situation in the parliamentary councils. Chapter four discussed the legislative and oversight functions of the council and their effect in enhancing democracy in the Palestinian society. It also treated the principle of authority separation in Palestine especially the relation between the legislative authority and the executive authority, the stance of the executive authority towards the council decisions, in addition to the legislative policy and laws ratification and the most important obstacles that faced the council in activating its legislative role. On the level of oversight role and performance of the council, the chapter showed the means and equipments of oversight, accountability and questioning that the legislative council used in facing the executive authority in order to promote the principles of democracy during its work time, and the most important obstacles faced the council in activating its oversight role. Chapter five discussed the relation between the Palestinian legislative council and the public and the civil society institutions. It studied the council promotion of the concept of democracy by its interrelation with the public and the civil society institutions. It showed the procedures and the different communication equipment that the council founded to promote this relation. The chapter also discussed the ability of the citizens and the civil society institutions to affect the council policy and trends. It also showed the relation between the council and media and the most important obstacles that faced it in activating and enhancing its relation with the public and the civil society institutions. Finally, the conclusion presented general assessment of the legislative council experiment regarding the aspects of the research. It concluded that the role of the legislative council in promoting democracy in the Palestinian society has been identified as limited in the last years either by its traditional roles represented in legislation and oversight towards the actions of the executive authority, or by its relation with the public and the civil society institutions. It was unable to practice its role as it has been expected. The conclusion has also presented a group of recommendations regarding the activation of the legislative performance abstracted from the research.

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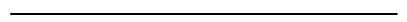
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1 -	5	4	13784	55134		8
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Rodolf kabel. Recommendation for the reform of the Palestine Legislative :

Council.(2003).PP 9-11.

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[palestine.org/arabic/documents/amanReportElections.doc](http://palestine.org/arabic/documents/amanReportElections.doc)

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Lawrence D. Longley and Roger H. Davidson (eds). **The New Roles Of Parliamentary Committees.**(London: Frank Cases, 1998).

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1997/4/3-2 2/3/156 -:					
		1997/3/6	1/38/154		.3
		1997/4/14	2/5/161		.4
1999/4/6 4/2/369 -:		1997/5/13	2/9/166		.5
1997/7/16-14 2/15/190 -: ( )		1997/6/5 -2	2/12/178		.6
-30-29-28 2/16/195 -: 1997/7/31		1997/5/28 -27	2/11/169		.7

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1999/1/6      3/17/335 -:		--	--		.9
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	.17				
		1998/7/13	3/9/300		.11
		1999/ 1/13 -7			.12
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1999/4/6      4/2/372 -:		1999/3/16	4/1/336		.13

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		2004/8/30	9/1/731		.14
		2003/4/15	8/2/596		.15
2004/9/6    9/1/697 -: - (                    ) -		2003/12/31	8/1/647		.16
		2004/7/22	9/3/715		.17
		2005/5/25	10/4/866		.18

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	1997/2/4	1/37/149		.6
-: 1997/1/8-6 2/26/235 - - -	1997/20/15 -13	2/20/203		.7
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3/8/321 1998/8/26 3/11/320 -: 1998/8/31 -	1998/8/31	3/8/321		.9
	1998/9/2	3/11/325		.10
	1998/11/5	3/13/331		.11
-: 2000/6/13 5/2/478 - - - - -	1999/12/30	4/14/428		.12
	2001/8/8	6/1/536		.13
	2003/12/31	8/1/646		.14
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-: 2004/7/22 9/3/716 - - -	2004/7/7	9/1/711		.16

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1/35/144			1997/1/23 -22		.2
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.1/37/149			1997/2/4		.3
2/4/158			- 9 -8 1997/4/10		.4
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			1998/9/2		.6
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1999	1997				



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5/1/505			2000/11/6		.14
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1997/4/14	2/5/160		--	1997/5/7-6	.1
	1997/5/28-27	2/11/173			
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	.1998		--	1998/3/19-17	.3
	1998		3/6/269	1998/5/11	.4
	1998/6/15	1998/6/24			
	1998/6/24				
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	1999/3/25		3/11/361	1999/3/15	.6
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1997	--	1997/4/30-29		.1
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