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COMPARING THE MECHANISMS OF CITIZENS' PARTICIPATION IN DRAFTING AND AMENDING THE CONSTITUTION IN THE COUNTRIES OF THE ARAB SPRING

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This research paper is a contribution conducted by the participant, Aisha Ibrahim, at the end of the "Capacity Building in Policy Dialogue" course within the "Mediterranean Dialogue for Rights and Equality" programme. The paper compares the mechanisms of citizens' participation in drafting and amending the constitution in Egypt, Tunisia, and Morocco. These countries were chosen because of the similarity of the reasons that led to the emergence of revolutions in them, despite the different environments in which the spark of the uprising erupted and the different levels of participation of the people in the accompanying political process as well as the obstacles they encountered.

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This contribution is within the framework of the Mediterranean Dialogue Programme's publication of contributions made by five participants at the end of the "Capacity Building on Policy Dialogue" course. This course is focused on experiences of policy dialogues, assessment of opportunities and constraints, and analysis of the mapping cases of the policy dialogue in the Med-space countries, concerning the topics of economic and social inequality, as well as democracy and local governance.

*Note: These contributions do not necessarily reflect the opinion of the programme; they only express the views of the participants.

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1. Introduction

Constitution-making is no longer the absolute prerogative of the ruler, or the prerogative of parliaments, constitutional jurists, or the state. Rather, the participation of various societal forces in drafting the constitution became a reality imposed by the expansion of the concept of democracy and people's rights that were sanctioned by international law. Besides, Community participation in the constitution-making process requires helping citizens understand the reality of the constitution and preparing well for this participation through instruction and civic education. Furthermore, it calls for working to find a common ground between the various parties to reach a national consensus on the constitution, as well as adopting some strategies and methods by which contentious issues¹ can be resolved.

The reforms in the Arab countries occurred after the so-called "Arab Spring" to include countries that had toppled their regimes and those that witnessed protest movements alike. The salient feature was that the political necessity crystallised in the revision of the constitutions of these countries, with some of them going as far as creating a new text, while the others were satisfied with the slight response to the opposition's pressures for political liberalisation. Even if all Arab countries had constitutions before the revolutions, the Arab authoritarian regimes left horrible constitutional shortcomings, as the reform from before was only concerned with amendments related to the number of covenants such as the previous Moroccan constitution, or the means of access to power. Also, the following years were marked by both legal and constitutional amendments. Additionally, the common denominator between the demands of the demonstrators in countries that experienced "revolutions" and those that witnessed protest movements was the request for comprehensive political reform in order to expand and guarantee individual freedoms, achieve the independence of the judiciary, free and fair elections, and the fight against corruption. It can be noted that some made a constitutional change after the regime was overthrown, others were satisfied with the amendment path in order to stave off the danger of political estrangement, while the third party - representing the majority – opted for minor superficial amendments, as is the case with Oman, Bahrain, Qatar, Syria, and Algeria².

At the outset, we have to clarify the meaning of the constitution in general, its types, the mechanism for their amendment, and who are concerned with them. There will also be an analytical presentation of citizenship and democracy and its relationship with the constitution, as well as the possible constitution-making process in a democratic way and with the participation of the people.

¹ Dr.. Yasmine Farouk Abul-Enein - Nadia Abdel-Azim, Participation and Building Community Consensus in the Constitution-making Process: Lessons Learned from International Experiences, Social Contract Center, Egypt, 2013, <http://tinyurl.mobi/g3NV> pp. 1-2

² Dr. Tasaadit Masih El-Din, Constitutional Reforms in the Arab Countries between Responding to the Revolution and Preempting a Political Disengagement, Algeria, No. III, 2017, <http://tinyurl.mobi/g3NL> pp. 57-58

2. Definition of the Constitution and Amendment Mechanisms

It is the basic system and the supreme legal code that guarantees rights, duties and public freedoms; it is also the guarantor of legitimacy for all authorities in the state, and the way they exercise their tasks, as it is considered the reflective mirror of the people's advancement and aspirations, the embodiment of the nation's development through its civilized transformations and the guide to the nature of the system in the state. Basically, it is the legal reference for all legislation, and the origin of the founding pyramid of the legal system in the state. Given the nature of its containment of general principles and the reference of its provisions that guarantee the social and political system in the state, it is no longer surprising that we find the basic guarantee to preserve its provisions as the guarantor of public rights and freedoms, and this can only be achieved by adopting the principle of the supremacy of the constitution in the state, as the mainstay for preserving its provisions from breach or abuse³.

Along with our definition of the constitution, we must talk about the mechanisms of amending the constitution and indicate the persons authorised to make these amendments. At first, we have to identify the types of constitutions in terms of the procedures and mechanism of amendment.

Types of constitutions in terms of possibility of amendment:

Flexible constitutions: They are the ones that can be amended by the same procedures that amend ordinary laws, i.e. the authority entrusted with the power to amend or cancel is the legislative one in accordance with the provisions of the constitution. Written constitutions can also be flexible if they do not require complicated procedures for amending them.

Rigid constitutions: These are constitutions that are not amended or repealed by the same procedures as amending ordinary laws. Rather, their amendment requires more severe procedures than those by which regular laws have been amended. The rigid constitution is characterised by persistence, stability and respect for the constitution, whether among the people or the governing bodies⁴.

Constitution Amendment Mechanisms:

The methods of amendment mean the practical modalities and procedures used to amend the constitution. There are three methods by which the constitution is amended, which are as follows:

First: The method of the Constituent Assembly: According to these methods, a special body is elected to carry out the amendment, and this body charged with

³ Nafisa Bakhti, Constitutional Amendment in the Arab Countries: Between Obstacles and Solutions, Faculty of Law and Political Science, Al-Mizan website, January 2, 2019 <http://tinyurl.mobi/g3NW> pp. 63-64

⁴ Ola Ebayat, Types of Constitutions, 17/12/2019, Mawdoo3 site , <http://tinyurl.mobi/q48f>

exercising the established constituent power performs the ordinary legislative procedures, unless the constitution provides something contrary to this example.

Second: The method of the legislative authority: The amendment in this method is carried out by the legislative authority, with the requirement to follow special procedures different from the procedures for amending ordinary laws and vary according to the different constitutions. The legislature is given the right to assume the power to amend the constitution, but with a change in composition. So that the two councils meet in the form of a conference with the requirement of a special majority to amend the constitution. Some constitutions may even require the dissolution of parliament and the holding of new elections in which the new parliament will undertake the task of amending the constitution, and this method was followed by the Iraqi Basic Law of 1992.

Third: The Popular Referendum Method: Amending the constitution through a popular referendum means the amendment that is submitted to the popular referendum for approval, whether the Constituent Assembly is the one that undertakes the task of the amendment or the Parliament⁵.

Constitutions differ in terms of amendment procedures, and the difference is due to political reasons (the nature of the government system in the country) and technical considerations (drafting methods and techniques of issuing the constitution).

We find that democratic systems make the electorate the most important authority that must be referred to in order to carry out the manifestations of their sovereignty in a positive manner, through a constitutional referendum, which is one of the most important forms of popular participation in the conduct of the country's affairs. It is a real application of democracy, as the people themselves exercise their powers without the requirement of anyone's approval or disapproval of the draft constitutional amendment. Additionally, citizens intervene in the subject of the referendum in two ways, either after preparing the subject of the referendum by the government, parliament, or a specifically elected body in order to have their say on the subject of the referendum by accepting or rejecting it, or it may require the citizens in a referendum to choose between several possible alternatives, not just approval or disapproval of a matter or question. What has been determined is the wide application of such a constitutional procedure, because it allows the people to reserve the right to decide on important decisions. Thus, the people transcend the role of simply choosing their representatives, so that they remain directly and continuously connected with the affairs of government. Accordingly, the method of the referendum is fully compatible with the principle of the sovereignty of the people. If we compare the referendum with the election, the latter is considered less credible, because sometimes the people do not actually choose the representatives of their will. This indicates that the

⁵ Ikram Faleh Ahmed, Dawla Ahmed Abdullah, Amending the Constitution and its Impact on Changing the Characteristics of Constitutions, Mosul University, Journal of Regional Studies, 2009, Volume 6, Number 14, <http://tinyurl.mobi/g47f>

constitutional amendment must be directly consulted by the people through a referendum to exclude any tyranny or obstruction by the executive institution⁶.

We move towards studying the cases of some Arab countries in which revolutions emerged during the Arab Spring period, where the cases of (Tunisia, Morocco, Egypt) will be presented. Furthermore, it will include the performance of an analytical comparison between these countries at the level of the causes that led to the emergence and launch of the spark of revolutions, the level of people's participation in political reform, such as amending a constitution or drafting a new one, and then drawing conclusions and suggesting recommendations.

3. Case Study of the Three Countries: Morocco, Tunisia, and Egypt

Morocco

A wave of massive protests erupted in Morocco in 2011. The main demands of the popular protests are the need to adopt a democratic constitution, dissolve the current government and parliament, establish an independent judiciary, prosecute those involved in corruption, put an end to unemployment, especially among graduate school holders, and release all detainee politicians⁷.

The Kingdom of Morocco responded to the circumstance of the popular uprisings by quickly drafting and adopting a new constitution in July 2011. It took the lead in this regard, as the Moroccan Constitution of 2011 stipulated that the system of government in Morocco is a constitutional monarchy, democracy, parliamentary and social. It also stated that the constitutional system of the Kingdom is based on the separation, balance and cooperation of powers, as well as on citizenship and participatory⁸ democracy. The constitutional amendments appeared in the wake of the Arab Spring to extend more powers to the prime minister, to become the head of government and the head of the executive authority in the country as well as to reduce some of the powers of the king. The Moroccan constitution affirms the constitutionalising of all human rights, as they are universally recognised, with all mechanisms to protect them and ensure their exercise. This will make the Moroccan constitution one that attends to human rights, and a charter of the rights and duties of citizenship along with constitutionalising some basic institutions, while leaving the field open for the creation of other bodies and mechanisms in order to promote citizenship and democratic

⁶ Nafisa Bakhti, Constitutional Amendment in the Arab Countries: Between Obstacles and Solutions, Faculty of Law and Political Science, Al-Mizan website, January 2, 2019 <http://tinyurl.mobi/g3NW> pp. 78-95, 2016.

⁷ Moroccan protests 2011, Wikipedia, the free encyclopaedia, July 22/2021, <http://tinyurl.mobi/g3Pb>

⁸ The Moroccan Constitution - Al Jazeera Net, 5/27/2015, <http://tinyurl.mobi/g3Pe> available from the website of the Ministry in charge of Relations with Parliament and Civil Society in Morocco.

participation, through legislative or regulatory texts as a kind of promotion of democracy and citizenship between citizens, the constitution and the state⁹.

The new constitution included amendments to the section on rights and freedoms, as it consisted of 19 chapters, making the 19th chapter a comprehensive one in a general form of basic rights and freedoms, while the remaining chapters handled its presentation and detail. Besides, the devotion of a whole chapter (Part Two) with the title of Fundamental Freedoms and Rights, that contained twenty-two chapters, in which the various types of rights and freedoms were listed, whether those related to civil and political rights, or the ones related to economic, social, cultural and environmental rights. It also brought new privileges oriented towards members of society and its civil bodies, the most prominent of which is what is specifically and explicitly included in (Chapter 12,13,15).¹⁰

Thus, we find that the Moroccan constitution was widely accepted and applauded by the Moroccan people.

Tunisia

The Tunisian revolution, "The Revolution of Freedom and Dignity", was launched in 2010. Its participants demanded the right to work and have a decent life and condemned all manifestations of corruption, exclusion, and marginalisation. The causes that led to the eruption of the revolution varied between political, economic and social, as in each of them the features of corruption and distance from democracy¹¹ appear. Furthermore, the protests in Tunisia lasted for four weeks, ending with the Tunisian president leaving via a Libyan plane to Saudi Arabia. After the revolution, Tunisia lived in a state of political conflict, where the conflict was reflected in the founding elections, which were announced a few months after the success of the Tunisian revolution, which was intended to lead Tunisia to a healthy democratic path¹². Moreover, the 2012 National Constituent Assembly prepared drafts, then projects that were published on its website, allowing civil and political organisations to evaluate and influence its amendment, and later on the process of ratification of the constitution. Additionally, chapter 49 represents the most prominent example as it was drafted by civil society. More than one draft was issued, facing a lot of difficulties, until the deputies agreed to vote on the draft constitution in full, in January 2014.

⁹ Moroccan protests 2011, Wikipedia, the free encyclopaedia, July 22/2021, <http://tinyurl.mobi/g3Pb>

¹⁰ Tawfiq Abdel-Sadiq, Issues of Rights and Freedoms in the New Arab Constitutions: A Case Study of Morocco and Tunisia, Arab Rwaq website, March 23, 2020, <http://tinyurl.mobi/g3in> link to the website <http://tinyurl.mobi/g3Ph>.

¹¹ Shukri Mohamed, The Tunisian Revolution 2010-2011, its causes, characteristics, and results, Algerian Encyclopedia of Political and Strategic Studies, 1/1/2021, article link <http://tinyurl.mobi/g45t>, website link <http://tinyurl.mobi/g3ip>

¹² Ayed Omaira, amending Tunisia's constitution: a search for stability or a return to authoritarianism? Available on Noon Post website, 4/16/2016. Article link <http://tinyurl.mobi/g45D>

The new constitution included a change in the system of freedoms and rights of the Tunisian people. This chapter was given great importance, consisting of 28 chapters, which dealt with all aspects of freedom and rights of the people¹³. Among the most prominent rights are those related to the value of human life and the requirements of a decent life, such as the right to work, health, education and living in a wholesome environment. Besides, the constitution emphasised them, making the first three chapters (21-22-23) a basis for the rest of the rights. All these controls were combined in (Chapter 49). In particular, it seems that the most important progress achieved by the 2014 constitution in the field of rights and freedoms is the inclusion of the chapter on the terms and conditions of the project's intervention to regulate them (Chapter 49). This is because the Tunisians' problem with the 1959 constitution did not consist in the absence of consecrating basic rights and freedoms, but rather in placing them at the legislature's disposal without any restrictions¹⁴.

Egypt

About ten days after the fall of the Tunisian regime and following calls by activists via social networking sites, thousands demonstrated in Egypt on January 25, 2011, calling for reforms and then the departure of the regime. The slogan of the revolution was "Living, freedom and social justice." The unprecedented popular uprising in Egypt began in 2011, protesting the poor living, political, and economic conditions. Through the "We are all Khaled Said" Facebook page or group; hence, the Day of Rage¹⁵ demonstrations were undertaken. Additionally, the protests lasted for 18 days, the result of which was Mubarak stepping down, and the Military Council taking over the transitional phase. Then, the Military Council formed a committee to carry out some constitutional amendments. Thereby, Egypt entered into a political turmoil and clash between parties and elites through various media outlets¹⁶.

In the midst of this situation, the 2012 constitution was promulgated; however, the matter did not last long, and the second wave of the Egyptian revolution occurred in 2013. This was followed by the issuance of the interim president, Adly Mansour, two constitutional declarations in 2013 (according to the latest of which was the suspension of the 2012 constitution) and the formation of two committees to amend the 2012

¹³ Khaled Al-Majri, Controls of Rights and Freedoms, Commentary on Chapter 49 of the Tunisian Constitution, by the International Institute for Democracy and Elections, Tunis, 5/12/2017. Link to download the book http://tinyurl.mobi/g45Mpp_24_-17 link to the website <http://tinyurl.mobi/g465>

¹⁴ The Tunisian Constitution in Focus / The Constitution of the Tunisian Republic - Friedrich Ebert, 2014, <http://tinyurl.mobi/g468> pp. 31-34

¹⁵ Aya Youssef Abdel Salam, The Reasons for the Arab Spring Revolutions, Arab Democratic Center for Strategic and Democratic Studies, 23/5/2014 <http://tinyurl.mobi/g46f>

¹⁶ Mamdouh Ghaleb Ahmed Berri, The Constitutional Crisis in Egypt after the January 25 Revolution: A Research Study in Egypt's Contemporary Political History, Arab Democratic Center for Strategic and Democratic Studies, 12/31/2016, <http://tinyurl.mobi/g46v>

constitution. Therefore, an amendment to the 2012 constitution was presented for community dialogue prior to calling for a referendum to be held in January 2013.¹⁷

The new constitution was approved in 2014, which is characterised by expanding the field of public rights and freedoms, preserving the Islamic and Arab identity of society, and emphasising the reference of the principles of Islamic Sharia as the main source of legislation. Accordingly, the 2014 constitution gave broad protection to public rights and freedoms and did not stop at repeating the stipulation on the rights and freedoms enshrined in the previous constitution issued in 2012, but rather expanded the scope of these rights and freedoms. It also added new rights and freedoms to it and supported the guarantees that ensure individuals the right to exercise them with the emphasis in the preamble of the constitution on the global and human dimension of the system of rights and freedoms. This confirms the principle of the supremacy of human rights treaties and agreements over national legislation. Article 227 also stipulates the inadmissibility of the amendment of the provisions of the Constitution relating to the principles of freedom and equality. Moreover, the wide range of rights and public freedoms in the 2014 constitution compared to the 2012 one included all kinds of rights and freedoms: personal, intellectual, political, economic and social. As it did not stop at the rights contained in the 2012 constitution, but further added a number of rights and freedoms as well as expanded their scope¹⁸.

We conclude that the Tunisian and Egyptian revolutions can be placed on an equal footing with the greatest revolutions in history if the process of purifying the system continues, and all popular demands are fulfilled in building a civil and democratic state¹⁹.

4. Analytical Approach

- We find through the foregoing, the similarity of the environment that caused the revolutions in the three countries. All of them lived and suffered the same forms of repression and internal conflicts, from the violation of human rights along with the lack of freedom of expression to the corruption that was in the government and state institutions, the lack of dialogue between the government and the people, as well as the poor living conditions. All these factors created an ideal environment for the outbreak of the uprisings and revolutions of the Arab Spring. It is worthwhile to mention that the revolutions of the Arab Spring were not coup revolutions that had a project ready to govern. Rather, they were reformist revolutions that demanded political reforms which would reflect positively on society. Besides, in view of the

¹⁷ Ammar Al-Mahdi, The Egyptian Constitution, Reading Texts and Content Analysis, Al-Majalla newspaper, 6/8/2014, <http://tinyurl.mobi/g3jJ>

¹⁸ Dr. Yousra Muhammad Al-Assar, Comparison between the 2012 Constitution and the 2014 Constitution in Egypt, Journal of the Kuwaiti College of Law, No. 33, 2019, <http://tinyurl.mobi/g3jN>

¹⁹ The Arab revolutions. Causes, paths and outcomes, d. Essam Abdel Shafi, Egyptian writer and researcher, source: the ninth strategic report issued by Al-Bayan magazine: The Nation, the Reality of Reform and the Prospects for Change, Publisher: The Arab Center for Human Studies - Al-Bayan Magazine in Saudi Arabia, 2012 <http://tinyurl.mobi/g46L>

authorities' strictness concerning their repression, they began, little by little, raising the ceiling to demand the overthrow of the entire regime and the introduction of a new system from within the existing institutions in order to sponsor political reforms that have become more than necessary²⁰. Hence, the Arab popular revolutions constituted a qualitative leap in the style and tactics of the masses demanding their rights. It should be noted that all groups and segments of society have been involved in the revolution's activities since its first day whereby sectarian, tribal, and regional tendencies have disappeared, and have been replaced by the spirit of reunification and unity²¹.

- The new constitutions in both Morocco and Tunisia, despite the differences in the extent granted to issues of rights and freedoms which is mainly due to the different contexts of the political experience of the two countries and the nature of the prevailing regimes, included, in a large part of the articles and chapters, laws from the international reference for human rights. In addition, they provided many gains at the level of freedoms, which were absent or not detailed in the previous constitutions of the two countries²². The same applies to the constitution of Egypt.
- The electronic communication and social media system played a major role in the success of the revolutions in both Tunisia and Egypt, where its use succeeded in transmitting the image and recording clips that demonstrate the horrific injustice, terrorism, and killings practiced by the authorities towards the people.
- The Tunisian revolution was characterised as a revolution that surprised everyone, was without leadership, and was described by suddenness. It was also able to neutralise the army and win it over to the people's side thanks to its civilised approach, lest it rules over the revolution or controls its destiny and future. The same applies to Morocco, where the role of the army was limited to suppressing demonstrations in a peaceful manner, as the army did not have much of a role in the Moroccan revolution.
- As for the Egyptian revolution, which lacked a guide and a leader, the army was able to take over, so it became the main actor and the main controller of it. Then, the army's decisions became the main dominator of political life and since then it shaped the future of the Republic of Egypt after taking control of the state, the government, and the steering wheel²³.
- We find in the Tunisian case a revolutionary position demanding a new constitution for the state after the departure of Ben Ali, and in the Egyptian case a position demanding the preservation of the constitution while amending some of its chapters that were the subject of controversy in previous years after Mubarak's

²⁰ Dr. Bassil Maarawi, On the Causes of the Arab Spring Revolutions, Clarity for Research and Strategic Studies, 25/11/2020, <http://tinyurl.mobi/q46P>

²¹ Aya Youssef Abdel Salam, The Reasons for the Arab Spring Revolutions, The Arab Democratic Center, 23/5/2014, <http://tinyurl.mobi/g46f>

²² Tawfiq Abdel-Sadiq, Issues of Rights and Freedoms in the New Arab Constitutions: A Study of the Cases of Morocco and Tunisia, Arab Rwaq 20202020 <http://tinyurl.mobi/g3in>

²³ Zuhair Makhoulouf, The revolution is not made but exploded, an analytical comparison between the Egyptian revolution and its Tunisian counterpart, African visions, <http://tinyurl.mobi/g46X>

departure. As for Morocco, there is a different model in which the royal institution was a pioneer in proposing the initiative to reform the political and constitutional system.

5. Results

1. The procedures for amending the constitution vary in several stages, starting with the stage of proposing the amendment, approving it, and then preparing and finally adopting the amendment.
2. The constitutional systems differed in determining the authority competent to draft the amendments, some of them made it the responsibility of the authority of Parliament, some assigned it to the Constituent Assembly, while others entrusted it to a popular referendum²⁴.
3. Social networks play a major role in preparing and inciting protests, in addition to influencing traditional media as well as local and international public opinion. This role is attributed to the sample's level of awareness of the impact of communication technology, especially in the case of the Egyptian revolution.
4. The revolutions of the Arab Spring were based on communication between peoples and the spread of infection, which confirms that there is a similarity in goals and trends. It emphasised that there is a unification of concerns and hopes, which Hassan Hanafi called "revolutionary unity." It is a sincere indication that these peoples are fully prepared to formulate their unitary project²⁵.
5. The Arab Spring revolutions did not erupt out of vacuum. Rather, it started out of internal and external factors that contributed to their occurrence, including political, economic, social and cultural²⁶ ones as well.
6. The revolutions of the Arab Spring had a profound impact on the element of government in the countries in which revolutions took place, as the governments in those countries no longer impose their hegemony and sovereignty over the entire territory of the state. Thus, many cities and vast areas got out of control and have been managed by various groups, either by force or by other means along with regional and international interventions.

²⁴ Ahmed Sonbol Abdul-Jabbar, Amending the Constitution, a Comparative Analytical Study, Journal of the College of Law for Legal and Political Sciences, Iraq, Volume 5, Number 16, 2016 <http://tinyurl.mobi/g4cl>.

²⁵ The Arab revolutions. Causes, paths and outcomes, d. Essam Abdel Shafi, an Egyptian writer and researcher, source: the ninth strategic report issued by Al-Bayan magazine: The Nation, the Reality of Reform and the Prospects for Change, Publisher: The Arab Center for Human Studies - Al-Bayan Magazine in Saudi Arabia, 2012, <http://tinyurl.mobi/g46L>.

²⁶ Dr. Khalaf Muhammad Ramadan Al-Jubouri, The Arab Spring Revolutions and Their Impact on the Elements of the State, Al-Rafidain Journal of Rights 2020, Issue 63 <http://tinyurl.mobi/g477>

6. Recommendations

- ❖ It is necessary to demonstrate a clear understanding and definition of democracy within the constitutions of the Arab Spring countries, and to ensure clear practices and participation by the people in any future constitutional amendment or reform.
- ❖ The governments of the Arab Spring countries, in order to achieve lasting peace and stability in their societies, have to engage in comprehensive national reconciliation processes, including launching a national dialogue, making efforts to find facts, working to compensate victims, dealing with previous regimes, and undertaking institutional reforms. Women, civil society, tribes, and other social forces can contribute to supporting the transition process, which increases or reduces the chances of starting a civil war or the realisation of a healthy transition.
- ❖ The post-revolution Arab state must assume two main tasks; Those are: functional and operational, where the first task is focused on emphasising the functions that the state performs for its citizens in a way that equals all components of society, such as education, political upbringing, security and social welfare, while the second task is focused on emphasising the operational dimension by which the state implements all functions which they are bound by before citizens - without any discrimination on the basis of priority - and which are regulated and legitimised by laws, regulations and organising frameworks²⁷.
- ❖ It is necessary when drafting the constitution in the Arab countries to open the door for discussion to everyone who has an opinion so that the matter can be clarified through the circulation of ideas and opinions, as the subject requires the widest participation. It is a participation that aims not only to accommodate the various opinions, but also aims to reach the optimal opinion, in preparation for a serious and broad participation in the discussion process on the content of the articles that will be amended and a broader and wider participation in the referendum²⁸ related to them.

²⁷ Same as the previous reference.

²⁸ Ikram Faleh Ahmed, Dawla Ahmed Abdullah, Amending the Constitution and its Impact on Changing the Characteristics of Constitutions, Mosul University, Journal of Regional Studies, 2009, Volume 6, Number 14, <http://tinyurl.mobi/g47f>