



FOSTERING RESPECT FOR THE RULE OF LAW

Final Report of the West Bank/Gaza
Supporting Rule of Law Reform Project

SEPTEMBER 2007

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ARKAN / SAED ANDONI

Children enjoying the Abu Nitham show in the Village of Arabah, Jenin District on August 19, 2007.

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FRONT COVER: Nadin Shaheen, 22 years old, and a fourth year student at Al Azhar Law School, publicly announces the final decision of the jury. She plays the role of the judge in a mock trial performed by students of the law school.

ARKAN / NAAMAN OMAR

BACK COVER: Hussam Abu Eisheh, one of the main performers in the Abu Nitham show, holds a puppet representing the grandmother and primary caretaker of the main character, Feras.

ARKAN / SAED ANDONI



ARKAN

Female students from Al Azhar University's Nady al Hokook (Law Students' Association) performed their first mock trial during the first week of April.

EXECUTIVE SUMMARY

Respect for the rule of law and public confidence in the judiciary's ability to resolve disputes are essential elements for the establishment of Palestine as a viable, independent, and democratic State. USAID's project, Supporting Rule of Law Reform in West Bank and Gaza, known as *Arkan* — pillars, in Arabic — was the Agency's most recent initiative to strengthen these pillars in the West Bank and Gaza. Launched in September 2004, the project assisted the legal education community and informal judicial sector stakeholders in becoming more actively involved in promotion, respect, and understanding of legal reform in the territories. Arkan worked along three tracks to achieve its goals of: enhancing law faculty contributions to legal reform, building public and professional constituencies for reform, and inculcating a culture of respect for the rule of law among citizens.

This report addresses Arkan's three project components, with the last chapter dedicated to broader lessons learned. Highlights of Arkan's activities include:

IMPROVED LEGAL EDUCATION

- A change from rote memorization encouraged students to think critically, analyze, and gain practical skills. New teaching and learning tools and methodologies were introduced to law schools, resulting in the modernization of our partner universities' curricula and integration of interactive teaching methodologies as the preferred classroom method.
- More than 350 law students benefited from integration of practical skills courses into law school curriculum — legal writing, research, and oral advocacy.

- The first Palestinian law students' association was established at Al Azhar University.
- Two partner law schools — Al Quds and Al Azhar — received furniture and equipment to build and sustain joint project activities after project closeout.

IMPROVED STANDARDS FOR LEGAL PROFESSIONALS

- The first Palestinian Bar Exam was designed and piloted in the West Bank. Sixty-one Palestinians took the first exam.
- Key topics for the exam have now been standardized for legal issues pertinent to the West Bank and Gaza. These standardized exam segments will guide future drafting of exams for law students taking the bar there and ensure that Palestinian legal professionals attain a standardized minimum foundation of knowledge and lawyering skills.
- In the West Bank, the Palestinian Bar Association implemented the first continuing legal education (CLE) program for Palestinian lawyers, which enhanced the skills of 248 legal professionals. In Gaza, through the Al Azhar Law School, the CLE program reached 471 legal professionals.
- Law graduates have improved legal research capabilities and now have greater access to up-to-date legal information and trends.

BUILDING ALLIANCES FOR REFORM

- The Palestinian Center for the Independence of the Judiciary and the Legal Profession, *Mu-sawa*, has greater capacity to provide broader services to the legal community in the West Bank and Gaza, and lends a stronger voice for judicial reforms.
- A cadre of 89 community legal educators and advocates — law students, practicing lawyers, and civil service organization representatives — serve as watchdogs of the judiciary and educate Palestinian communities on the rule of law and independence of the judiciary from the executive and the legislative branches of government.
- Public debates on rule of law and independence of the judiciary resulted in reforms adopted by policy makers at the national and local level, which were made possible through alliances of legal professionals, civil society, and the private sector.

CHANGING THE WAY PEOPLE THINK ABOUT THE RULE OF LAW

- Civic education provides citizens with the knowledge they need to better understand why respect for the rule of law is important for society as well as understand their individual responsibility to safeguard pluralistic values. Approximately 4,000 school children studied rule of law concepts and the independence of the judiciary in rule of law education programs, mock trials, and theater shows. More than 900 Palestinians engaged in dialogue

and debate with civic leaders on the importance of the rule of law and independence of the judiciary through widespread town hall-style meetings throughout the West Bank and Gaza.

- Media professionals reported a stronger understanding of

basic rule of law concepts, how to report on the judicial and legal sectors, and their responsibilities in reporting. Forty professionals received training on the media's role in promoting the rule of law and protecting the independence of the judiciary.



On February 14, 2007, the Abu Nitham show was produced in cooperation with the Al Rowwad Children's Center at the Aida Refugee Camp in Bethlehem. The performance was attended by 150 people, including approximately 100 children. Featured here is Feras, the main character (left) and his grandmother (right). Feras is an average boy who becomes friends with a troublemaker, Gherboush, who convinces Feras to break the law. However, in the end, Abu Nitham (the character representing the Father of Justice), saves Feras and helps him change his ways.

ARKANI / SANABEL THEATER



ARKAN

Al Azhar University students inaugurated project activities at their law school with the first moot court, using equipment donated by USAID through the Arkan project. The day honored their former dean. Arkan staff member, Mr. Abdel Rahman El-Assouli, noted that the donated equipment is important to further promoting the use of interactive teaching techniques at Al Azhar Law School.

PROJECT BACKGROUND AND CONTEXT

USAID's strategic framework recognized the need to strengthen the judicial sector in order to develop a cohesive and independent Palestinian judiciary. Before launching the Arkan project in 2004, USAID's rule of law portfolio included assistance to the courts, law faculties, and the Palestinian Bar Association. Although Arkan opened against the backdrop of political instability, travel restrictions, and security threats, the climate for democratic reform was ripe — especially in the legal and judicial sectors.

The Palestinian Authority (PA) made judicial reform a priority following the 2005 presidential and local elections. This included new appointments and training of judges and prosecutors, and the fostering of a unified Palestinian legal and judicial sector and culture in the West Bank and in Gaza.

The court system's performance improved noticeably and *Siyadat Al-Qanoun* — rule of law, in Arabic — became familiar rhetoric of national and local officials, and central themes in political campaigns. The notion that no one is above the law found its voice for the first time as political figures faced charges for breaking the law.

The Hamas victory in the January 2006 elections, however, severely curtailed progress toward judicial reform. The international community placed conditions on donor assistance to the Palestinian Authority that the Hamas faction refused to meet. Restrictions stanching the flow of financial aid and technical assistance to the Palestinian Authority, and the United States Government (USG) froze the Palestinian Authority's single treasury account.

This freeze paralyzed the formal judicial sector and severely hampered progress toward judicial reform. The disruption of court operations, especially in serving notices and court judgments, coupled with the failure of the judiciary to enforce court judgments, undermined the

judiciary's ability to uphold the rule of law. Instability, lawlessness, disorder, and violent outbreaks between Fateh, Hamas, and branches of security forces, reached frightening levels. Lawlessness in the West Bank and Gaza dominated conversations among Palestinians.

On March 21, 2005, Arkan and An Najah University signed an MOU, formalizing their partnership and solidifying their commitment to legal education reform.



CHAPTER ONE

ENHANCING LAW FACULTY CONTRIBUTIONS TO LEGAL REFORM

Legal education produces the legal professionals — judges, lawyers, and prosecutors — who populate and shape legal and judicial systems. The Arkan project therefore focused its efforts on modernizing and improving the way future generations of Palestinian lawyers are prepared for the practice of law.

Legal education is more than just teaching aspiring lawyers how to practice law. It is a vehicle to promote knowledge and expertise in the rule of law, administration of justice, democratic and legal accountability, and civic responsibility. Arkan worked with five partner law schools — Al Quds, Al Najah, Al Azhar, Arab American University of Jenin, and Birzeit University — to introduce institutional changes to law faculties to prepare students for the real world, and enhance their contributions to the legal sector. Memorandums of Understand-

ing (MOUs) were negotiated with each law school, outlining mutual expectations for cooperation, and solidifying commitment to reform.

To clearly understand the unique needs of our partners, assessments were conducted at each school. Uniform assessment protocols examined legal curriculum, administration, faculty and teaching staff, teaching methodologies, library and legal research resources, and student issues. Once completed, each law school received tailored recommendations for transforming their legal education institutions, and priority areas for technical interventions.

Arkan was careful to incorporate perceptions law students held concerning the state of legal education so that they too would become stakeholders in the academic reform process.

INSTITUTIONAL CHANGES IN PARTNER LAW FACULTIES

| Law School | Adoption of interactive teaching and learning methodologies | Integration of practical skills and legal research coursework in curriculum | Engagement of students in legal education | Increased involvement in Palestinian legal education development |
|--------------------------------|---|---|---|--|
| Al Azhar | × | | × | |
| Al Quds | × | × | × | × |
| An Najah | × | × | × | × |
| Arab American University-Jenin | × | In development | × | |
| Birzeit | × | × | In development | |

ARABIC-LANGUAGE RULE OF LAW MANUALS

- Interactive Teaching and Learning Manual for Teachers
- Interactive Teaching and Learning Manual for Teachers-Trainers Edition (TOT)
- Legal Research Manual
- Toolkit for Legal Research-Trainer's Edition (TOT)
- Respect for Rule of Law Awareness Program for School Children: Facilitator's Manual
- Respect for Rule of Law Awareness Program for Youth: Facilitator's Manual

Results revealed frustration with traditional classroom methods and the schools' lack of initiatives in modernizing curricula. Perhaps for the first time, this survey conveyed to law faculty and administrators students' thoughts, needs, and perceptions.

The curriculum review and student survey served as a platform for schools to implement teaching reform. Introducing change in the Palestinian higher education system was no easy task; however, once consensus was established concerning priorities, the work proceeded unfettered.

Following the assessments, the Arkan team focused on improved teaching, curriculum reform, engaging students in their education, student access to real-life practice, and faculty resources.

CHANGING THE WAY LAW IS TAUGHT

Like most Arab universities, Palestinian schools taught law using lectures requiring memorization rather than critical and analytical thinking. As a result, law school graduates typically lack the skills — legal research, writing, plus

the ability to analyze — that are fundamental to the profession.

Interactive teaching methodologies encouraged students to examine and develop solutions to real problems. Likewise, legal research and writing required students to critically analyze cases. The Arkan project team saw the lack of interactive teaching and legal research as obstacles to the advancement of legal education. Arkan engaged all five partner law school deans and ensured their buy-in and their advocacy in adopting new ways to teach. With Arkan's assistance, faculty deans selected "champions of change" — professors trained in interactive teaching and legal research, so that they transferred that knowledge to their peers.

Twenty-eight professors received training in three intensive workshops on interactive teaching and legal research. These workshops addressed the Socratic Method, case studies, moot courts, and role playing. To promote sustainability, Arkan developed two interactive teaching and learning manuals

PUTTING THEORY INTO PRACTICE

Fourteen Palestinian female law students did something they had never done before. They put their legal theories into practice — becoming judges and lawyers for one hour to argue and decide Supreme Court cases in a classroom setting.

“This is the first class that I’ve taken that we’ve debated a case,” law student Rula Jamal Mohammad Shadid said excitedly after presenting her defense argument to the judges. “I wish more classes were like this and taught this way. I hope other classes will start doing this too.”

These second year students are enrolled in the Birzeit University’s law and society course, taught by U.S. visiting law professor Kathleen Murphy — the first U.S. law professor to participate in the legal professor exchange program under Arkan, the USAID-funded Supporting Rule of Law Reform Project.

The course combined a variety of interactive teaching methods and required active participation by the students. It explored the mutual relationships between

law and society in the context of the Palestinian’s own process of law reform and state-building. In class, students ponder the future of the Palestinian legal and judicial system, debating the value of Palestinian customary law and its applicability to the formal legal system.

“In order to convince people to use formal law [as opposed to relying on customary law], we must convince them that it will be just and prompt,” said one student. “People don’t know about formal law,” another student commented. “The Palestinian Authority must do a better job of informing the public about law.”

Professor Murphy encouraged the class to continue to debate these issues and actively participate in the development of Palestinian laws as they join the legal profession.

“We’re learning so much in this class and having fun at the same time,” said student May Ziad Ahmad Barakat. “It’s like being a real life lawyer — or like Ally McBeal, [an American legal TV lawyer] ”



Legal Research Manual, Interactive Teaching and Learning Manual and Student Survey Report

in Arabic, providing guidance, examples, and case studies that law professors could adapt in the classroom: *Interactive Teaching and Learning Manual for Teachers* and accompanying trainer’s edition, and the *Legal Research Manual* with a trainer’s toolkit.

Arkan administered a preliminary survey as the basis for focus group discussions with law professors and deans to gain a deeper understanding of the results, the needs and expectations for the manuals, and recommendations for improvements and expansion. Arkan incorporated feedback and a new and improved edition is now in use.

To reinforce proposed changes in teaching methodology, Arkan facilitated the visit of a U.S. law professor Kathleen Murphy to team teach at Birzeit University. See box above. Students benefited from the interactive learning environment, while law professors were directly exposed to the classroom application of the skills they were building through Arkan’s training of trainers workshops.

Results. For the first time in their legal education, students prepared and presented cases in the classroom, researched questions instead of parroting information, and applied what they learned to real-world case studies during exams.

SUCCESS STORY

Improving Palestinian Legal Education

Interactive teaching makes better law professors and future lawyers



Mohammed Khalaf, law Professor at Al Quds University, uses innovative teaching techniques to prepare his students for the real-world practice of law.

Mohammed Khalaf teaches second and fourth year law students civil law and procedures at the Al Quds University School of Law in Abu Dis. Concerned that the traditional teaching methods, particularly those based on learning through memorization, were not empowering students with the skills needed to be effective legal professionals, Professor Khalaf sought ways to improve his teaching style so that his students would be encouraged to think, ask questions, and analyze—fundamental skills that all good lawyers should have. When Khalaf learned of USAID workshops on interactive teaching and learning methodologies, he immediately jumped at the chance to participate.

“Participating in the [USAID interactive teaching and learning] workshops has made me more convinced that the lecturing age is over,” said Khalaf, who faced some opposition from colleagues who did not favor adopting new methodologies. “I have tried preparing cases for my class and some teachers were against that, but I am convinced that this is the right way to teach law.”

Professor Khalaf sees a difference in his students' enthusiasm for learning and an improved grasp of difficult legal concepts since he started applying new teaching techniques—especially case studies and hypothetical scenarios.

“Classes are more interesting and students are not bored when I use interactive teaching techniques,” said Professor Khalaf. “Our [learning] tradition is to memorize—not to use your mind. If you memorize, you will forget. If you research something yourself, you'll never forget. That's what I tell my students.”

Professor Khalaf's law students see the difference in their education as well. “The bottom line is to understand the law,” said Shadi Natsheh, a second year law student. “It is easy to memorize, but I tend to forget once the exam is over. But when you analyze a case, you really understand the law and will never forget it.”

RESEARCH IMPROVES LEGAL THINKING AND WRITING

Dr. Jihad Al Kiswani, who taught legal research in Tunis for eight years, and who teaches legal research at Al Quds law school, explained that the courses were concrete steps toward enhancing law teaching methodology.

Legal research, he added, will develop law students' legal thinking and practical skills, which will distinguish them from students studying other fields.

LL.M. students were satisfied with the course, but preferred that it be offered in the first year of B.A. studies. The B.A. students said that it improved their legal thinking and writing skills, which was verified by teachers who reviewed their legal research final exam papers.

Arkan developed a *Toolkit for Legal Research-Trainer's Edition* in Arabic for professors' use in the classroom. The manual, tailored to the Palestinian legal context, is the first such manual to be produced in Arabic. Arkan staff trained 28 professors how to teach legal research in the classroom. Of these 28 professors, 13 were given further instruction to train more trainers. Thirty-six percent of the professors who responded to a survey reported that they used the legal research manual in their classrooms on a daily or weekly basis. The manual was also distributed to students as a reference guide.

CURRICULUM REFORM AND LEGAL RESEARCH

Similar to education models throughout the Middle East, Palestinian legal curriculum has traditionally focused on theory rather than practical application. Legal research — critical to the practice of law — was not part of the West Bank and Gaza's legal culture before Arkan's joint initiatives with our partner schools.

Arkan introduced skills-based course work to the Palestinian legal curriculum to better prepare lawyers. The project team engaged partner university deans in reviewing assessment results, and made recommendations on how to improve curriculum: specifically, legal research and writing were critical gaps. Prior to Arkan, only one law school — An Najah — offered a legal research class.

Results. The assessments and recommendations resulted in signifi-

cant changes to legal curriculum in the West Bank and Gaza. Al Quds University has already introduced new legal research courses into their curriculum that develop practical skills for real-life practice of law and research. Our other partners are in the process of modernizing their course curriculum.

Legal research has become a core course at at least two law schools. Al Quds University's law school has used the legal research manual to develop and pilot two legal research elective courses: 56 undergraduate law students are enrolled in the B.A. level course; 19 graduate students are enrolled in the LL.M. level course.

The success of the pilot courses is evident in that the legal research elective will become mandatory for all Al Quds University undergraduate law students in September 2007, and the first mandatory courses in Palestinian law schools. In addition, a third legal research class will be offered in the 2008 academic year.

ENGAGING STUDENTS IN THEIR EDUCATION

The Arkan assessment team was surprised by the limited role students play in their academic development, despite their interest in doing so. Arkan responded to this situation by opening direct lines of communication between students and law faculty to broaden students' roles in decisions affecting their academic experience. Dialogues at two law schools successfully established law student associations, despite initial resistance from law school deans. Al Azhar University was

AL AZHAR UNIVERSITY LAW STUDENT ASSOCIATION

Al Azhar University law students have led the way among partner law schools in establishing a law students' association, the first of its kind. They have drafted bylaws and held elections for executive committee positions.

Al Azhar students have faced challenges in establishing their association from the University Students Association, which represents the entire student body.

Students indicated that the law school dean and faculty members initially were not supportive, but after several meetings, students won their support.

Al Azhar students have begun implementing initiatives to develop their law students' professional skills and involving them more in their own educational development.

The Law Students' Club, which is the name they have had to adopt, has organized field trips to the Ministry of Justice and to local civil service organizations that work in the legal field.

Club members have organized a training program for law students with various NGOs. They have established a Bulletin Board magazine, held workshops, and conducted the first moot court in the court room that was newly furnished by USAID.

the first to adopt bylaws, which were then used as a model for Birzeit University's law student association.

PREPARING STUDENTS FOR PRACTICE

Practicing law, representing clients, and advocating for the interests of citizens requires more skill than merely memorizing every local statute and regulation. Becoming a legal professional requires analysis of complex fact patterns and logical application of facts to the law. It demands that those who undertake to stand before the court on behalf of others possess high ethical standards so that community members respect the judicial process and the individuals who represent it. Traditionally, Palestinian law students were unable to sharpen practical skills prior to graduation and many graduates were not well prepared to work in the legal sector.

To address this, Arkan developed a legal externship program for students to observe and work with practicing judges and lawyers as a way to bridge the gap between the classroom and real-world demands. Legal externship programs improve Palestinian legal education by exposing students to different legal work settings, and providing them with a forum to share experiences. Students gain intimate understanding and appreciation of legal responsibilities and build networks and relationships with potential employers.

Arkan coordinated the placement of 10 law students to

gain first-hand experience — 2 nominated from each partner university — in 8 legal workspaces. Participating institutions included the Palestinian Independent Commission for Citizens' Rights, the European Union-funded Empowering the Palestinian Judiciary Seyada Project, Palestinian Telecommunications Company, Palestine Securities Exchange, Law Institute at Birzeit University, Al Mizan Center for Human Rights, Jerusalem Legal Aid and Human Rights Center, and two private law firms. While the pilot could only support 8 institutions and 10 students, other Palestinian organizations expressed interest in hosting externs.

Students spent 43.5 hours each during a two-month externship in their placement organizations. Professors served as contacts and followed up with students and Arkan on the training. Professors also mentored students as they expressed interest in academic and professional advancement.

Results. An Najah University plans to implement the externship program on its own and has arranged with Dr. Hassan Abu Libdeh, president of the Palestinian Securities Exchange (PSE), to continue the program directly with the university.

Students from the Arab American University in Jenin externed at two private law offices, indicating that lawyers proved excellent mentors. The lawyers themselves had high praise for the program and one student has continued to work with a lawyer there.

The representatives of Seyada and the Palestinian Independent Commission for Citizens' Rights noted that students were of the highest caliber and that both would host more students.

Students were grateful to Arkan for the chance to get a taste of the profession, as the externship helped them to decide on their career direction. For instance, the student who worked at the PSE had originally wanted to work as a legal consultant

in a large company, but after her experience at the PSE, she found the work too demanding and routine. She has decided to enter public rather than commercial law.

Both students and institutions said that one month (40 hours) of training is insufficient: training should be for a longer period and allow the student to rotate to various institutions so they can learn about the different law environments.

Dr. Salem Al Kurd, law professor at Al Azhar University, stands in front of a newly donated mock trial podium. Arkan, through USAID funding, was able to procure equipment for Al Azhar, including furniture for a moot court room. Students began using the multipurpose training hall for mock trials the day after the furniture was delivered to the school.

ARKAN





ARKAN / NAAMAN OSMAR

Fourth year law student, Khalil Bakri, plays the role of a lawyer defending his client accused in a criminal case during a student mock trial.

CHAPTER TWO

IMPROVING THE STANDARDS OF PALESTINIAN LEGAL PROFESSIONALS

CONTINUING LEGAL EDUCATION PROGRAM COURSES

- Legal Research
- International Arbitration Law
- Civil Service Law
- Ethics for Law Professionals
- Insurance Law
- Commercial Law
- Intellectual Property
- Human Rights
- Constitutional Law
- Basic Law
- Capital Markets Law

A national legal system is the primary governmental avenue for peaceful resolution of conflicts and disputes. It is a venue for righting wrongs, promoting change within society and government, and checking power. Legal professionals — primarily lawyers and judges — are the key players. Their independence is central to any viable legal system.

Ensuring the independence of the judiciary requires a legal profession that performs ethically, efficiently, and effectively. Arkan helped improve standards of legal professionals through:

- Developing the first continuing legal education program.
- Developing the first Palestinian Bar Exam in the West Bank.
- Building capacity of the Bar and extending services to non-practicing lawyers.

- Improving lawyers' legal research skills and their access to information.

CONTINUING LEGAL EDUCATION PROGRAM

The Palestinian Bar Association offered little by way of legal educational services or regular, seminar-based continuing education. Arkan worked with the PBA in the West Bank and Al Azhar University in Gaza to implement the first ever systemic continuing education program (CLE) for all legal professionals. The program enhanced practicing lawyers' skills and kept them in step with the latest developments in the Palestinian legal environment. More than 719 Palestinian lawyers enrolled in the five program locations throughout the West Bank and Gaza. The program was developed in a highly participatory manner with lawyers throughout the West Bank and Gaza. Arkan introduced the legislative policy to support the program,

“ The bar exam training provided us with essential information; I learned to research and investigate. We learned how to search for comparative laws, precedents, which are essential for the final argument summarizing the case. I learned that lawyers must be creative and not traditional.”

**YAZEED
DAWABSHEH,
TRAINING LAWYER,
NABLUS**

which recommended continued modernization of training tools and methods to keep Palestinian lawyers abreast of the dynamic legal environment. Arkan conducted assessments and focus groups to identify topics for the continuing legal education sessions.

Results. Thirteen CLE courses were taught in the West Bank and 12 courses in Gaza. At least 258 CLE students were enrolled in the West Bank with 471 enrolled in Gaza. Al Azhar University will continue to offer the CLE program.

PALESTINIAN BAR EXAM

In April 2006, 61 Palestinian law graduates in the West Bank participated in the first ever bar exam proctored there. The exam was developed jointly by Arkan and the PBA, and consisted of three sections: written, oral, and legal research. The exam took place in eight locations. The PBA conducted the second training and bar exam in October 2006 independently from Arkan, for a total of two bar exams proctored during the life of the project.

The significance of passing the bar exam can not be overstated. Bar exams assure the public that skilled and competent lawyers wield the law to protect the people. Prior to development of the bar exam, Palestinian law graduates were not required to pass any test before acceptance into the PBA or into the practice of law. As a result, practical skills and professionalism varied widely, and the public’s level of trust was low. Passing the bar as a requirement for the practice of law is expected to raise the

public’s level of confidence in legal practitioners.

In developing the bar exam, Arkan worked with the PBA to establish an exam subcommittee, and provided technical assistance in identifying exam methodology and testing subjects, proctoring methodology, criteria for passing; training subjects and materials, trainers, and logistical support for implementing the exam in eight locations.

To prepare law graduates taking the exam, Arkan worked with the PBA to design a bar exam training program implemented in six major West Bank cities: Jenin, Tulkarem, Nablus, Ramallah, Bethlehem, and Hebron. The two-month program prepared more than 200 law graduate lawyers in ethics, civil law, insurance law, and evidence law, among others.

Arkan engaged Palestinian legal experts in developing 10 bar exam course outlines for future bar exam training. The outlines cover labor law, civil procedural law, evidence law, landlord-tenant law, criminal procedural law, the penal code, Constitutional law, division of court system law, law of judicial authority, and law of PBA regulations. The course outlines, once approved by the PBA, will become the basis for bar exam training, which will ensure coherence and consistency in the information that training lawyers receive in preparing for the bar exam. Course outlines will standardize the level of knowledge and help set minimum requirements for admission into the legal profession. Outlines will also

“ An outstanding digest. With [it], Palestinian lawyers have a full version of enacted legislation, in addition to judiciary proceedings. ”

**JAMIL SERHAN,
GAZAN LAWYER**

ensure that preparation courses are consistent across the West Bank and Gaza and build greater public confidence in abilities and standards of legal professionals.

IMPROVING ACCESS TO INFORMATION AND LEGAL RESEARCH

Legal professionals participating in focus groups in 2004 stressed limited access to legal information as an impediment to the development of the legal profession. In response, Arkan and the PBA developed a 2006 Rule of Law Digest and CD to provide legal professionals, students, and interested parties with an assortment of legal information, including:

- The Official Gazette, 1994-2005
- High Court decisions, 2002-2004
- 100 major decisions, 1955-2005

- Rule of law contacts, including practicing lawyers in the West Bank and Gaza
- Palestinian rule of law reports from reputable organizations
- Excerpts from English/Arabic and Arabic/English legal dictionaries
- PBA law and regulations
- Links to international reports and legal research resources for lawyers

About 2,200 lawyers, judges, prosecutors, law professors, law students, and legal professionals have received copies of the digest and CD since Arkan and the PBA began distributing copies in December 2005. The success of the digest and appreciation shown by lawyers prompted the PBA to produce a PBA 2007 *Rule of Law Digest* on its own.

ELECTION APPEALS CHECKLIST

In December 2004, in anticipation of the Palestinian presidential election, USAID asked Arkan to train legal professionals to monitor the post-election legal challenge process. The project mobilized rapidly, subcontracting to U.S.-based Civic Action Strategies (CAS) for a “Legal Claims Resolution Monitoring” workshop for Palestinian lawyers.

CAS international expert, Ted Jonas, conducted the workshop on January 7, 2005 in Ramallah, with a video link to Gaza City. The training assisted the legal community in observing the legal election complaints process – including complaint filing, adjudication, and appeal of legal claims. Mr. Jonas designed an election complaint process monitoring form – or “checklist” – in conjunction with participants and Arkan staff.

The training revealed serious problems with the legislative framework for Palestinian elections, and inspired local interest in pursuing election claims advocacy and legal reform. Palestinian lawyers requested similar workshops and checklist development for the local government and Palestinian Legislative Council election appeals process.

The PBA and Palestinian NGO Musawa worked with Arkan to host the workshops and develop checklists. The checklist was disseminated to lawyer lounges in every first instance court in the West Bank and Gaza and published in all major Palestinian newspapers.

The chief judge of the Jenin first instance court told Arkan that the checklist was useful and timely — a tool that he kept within easy reach on his desk during the election appeals process.

SUCCESS STORY

Raising the Bar for Lawyers

West Bank Palestinians take the bar exam for the first time



ARCAN

Nidal Freij, a lawyer-in-training at Cairo-Amman Bank's legal department, was one of the first Palestinians to take the Palestinian bar exam in the West Bank.

Nidal Freij is a lawyer-in-training in the legal department of Cairo-Amman Bank in Ramallah. He is one of the first West Bank Palestinians to take the Palestinian bar exam.

Freij, along with 60 Palestinians from throughout the West Bank, participated in the first-ever bar exam to be proctored in the West Bank.

"I am proud to be one of the first Palestinians to take and pass the bar exam," expressed Freij, who obtained his bachelor's degree in law in Morocco, but returned to the West Bank to practice law and contribute to building the Palestinian legal sector. "The bar exam will help raise the level of trust between people and legal practitioners."

"The bar exam is essential for us as Palestinians," said Freij. "It builds lawyers' self confidence, and develops the legal profession by encouraging lawyers to invest, maintain, and improve their skills to be advocates for the rule of law."

“ The bar exam has encouraged me to work harder and improve my legal and professional skills. ”

NIDAL FREIJ

CHAPTER THREE

PROMOTING AND PROTECTING THE INDEPENDENCE OF THE JUDICIARY

MUSAWA'S MEASURABLE IMPACT

Musawa has earned the respect, confidence and trust of key actors by tackling delicate issues and generating awareness and discussion within the legal community.

Musawa's work, formerly carried out ad hoc without a strategic plan, is now stable with \$780,000 in core funding secured to cover operational costs for three years: \$600,000 from the Dutch and \$180,000 from Muassassat.

One donor representative had witnessed a significant improvement from 2004 to the post-PONAT period: "Prior to the PONAT I was not able to measure the impact that the organization's work had on the lawyers and judges. However, this changed after the PONAT, which was thoroughly done; it was a major breakthrough."

Civil society, the media, and the private sector are the watchdogs of the judiciary. To contribute to an independent, effective judiciary, the Arkan team worked to foster coalitions of individuals and organizations for legal and judicial reform. The team facilitated dialogue and constituency-building among the Palestinian public and the legal sector's stakeholders: legal professionals, civil society, business people, and law students.

MUSAWA

The Ramallah-based Palestinian Center for the Independence of the Judiciary and the Legal Profession, *Musawa*, is the sole civil society organization in the West Bank and Gaza that promotes and protects the rule of law. Musawa monitors and addresses the social, cultural, political, economic, and legislative obstacles that inhibit law enforcement and affect the

foundations of the judiciary and legal profession. Arkan conducted an organizational development assessment of Musawa using the Participatory Organizational Needs Assessment Tool (PONAT) developed by USAID's Civil Society Strengthening Project. The Arkan team evaluated Musawa's capacity in five areas: program delivery, human resources, management, finance, and external relations.

The PONAT exercise provided Musawa with a comprehensive analysis and developed a strategic plan. This major accomplishment moved the organization away from a project-by-project existence to a program compliant with a strong mandate and a strategic plan. Musawa's finances are now transparent and compatible with accounting standards applicable to not-for-profit organizations.

“ With the assistance from USAID and its partners, Musawa was able to identify the urgent needs of the Palestinian judicial sector and structure a strategic program that is relevant to those needs. The [Participatory Organizational Needs Assessment Tool] PONAT improved Musawa’s visibility, reputation, and trust among Palestinian civil society organizations, judges, and attorneys at law. Attention from the donor community was enhanced, and their contributions will help us meet our strategic objectives.”

IBRAHIM AL-BARGHOUTH, EXECUTIVE DIRECTOR, MUSAWA

BUILDING ALLIANCES FOR REFORM

Arkan fostered dialogue, debate, and cooperation within the legal sector to promote independence of the judiciary. More than 2,800 Palestinians participated in Arkan-supported conferences, workshops, roundtables, training sessions, mock trials, and legal forums focused on achieving an independent and effective judiciary. Participants included legal professionals, judges, prosecutors, business people, media professionals, law students, community legal educators, pupils, and others.

Arkan contracted three civil society organizations — Al-Hares Center for Studies and Media in Bethlehem (Al Hares), the Palestinian Consultative Staff for NGOs Development in the Jenin District (PCS), and the Palestinian Center for Democracy and Conflict Resolution (PCDCR) in Gaza — to organize 12 roundtable sessions to promote legal literacy and public support for the independence of the judiciary.

In Gaza, 128 legal professionals, prominent figures, and civil society organization representatives participated in the roundtable discussions targeting both micro and macro level issues: contraventions against public lands — illegal squatting, legal problems arising from the poor maintenance of a major road in the Nusairat area, ramifications of court delays in processing cases, amendments to the Family Status Law, ways youth could volunteer for rule of law work, the need to amend the Personal Status Law.

Roundtable results included:

- The launch of an awareness raising campaign to educate the public on the rules governing public land.
- The session addressing the Family Status Law made recommendations to protect the rights of vulnerable groups — women and children — specifically, that children have the right to choose which parent they live with in case of divorce, and that women’s rights are properly protected.
- The fifth roundtable addressed youth volunteer work on the rule of law and called for the creation of coalitions among law students and young legal professionals to organize and hold rule of law awareness raising workshops.
- The final roundtable focused on amendments to the Personal Status Law, which called for ongoing consultation throughout the amendment process with decision makers, judges, legal specialists, social workers, and those who worked in women’s issues and development; under the amendment, women were to receive rights equal to those of men.

In the West Bank, PCS has completed one of the three roundtable sessions at the PBA offices in Jenin. The discussion, led by Professor Mazen Rabaya’a, centered on the impact of the social studies cur-

riculum on the rule of law. The session highlighted the relationship between the Palestinian school curriculum and the promotion of democracy and rule of law. The 32 legal specialists, academics and social activists attending suggested interventions, as follows:

- Development of alternate mechanisms to enable curriculum to influence students' behavior and reduce street crime.
- Activation of the Palestinian Bar Association so that it can improve its performance and

play a leading role in promoting rule of law.

- Preparation of courses to improve students' capacity and legal merits.
- Strengthening the role of the PBA in the formulation and preparation of curricula.
- Strengthening the rule of law and judicial independence through alternative teaching techniques.
- Curriculum should be the product of a collective effort.

SUCCESS STORY

Raising Respect for Rule of Law in Schools

Students resort to law instead of violence to resolve conflicts and defend their rights



Fatimah Abu Ghosh, a student at Al Hayat Al Rasmiyah Secondary School, anxiously waits to be called upon to define the meaning of “rule of law.”

“ The law is the base of every country, and if there is no law, there is no country,” explained 9th grader Ruba Zein. “Without laws, there will be anarchy, no rights, and no solutions to problems. ”

Increasing outbreaks of violence among school children in the Kofr Aqab neighborhood in Jerusalem convinced Principal Issa Nasser of Al Hayat Al Rasmiyah Secondary School to “take the law into his own hands.” Seeking assistance from the USAID-funded West Bank and Gaza Supporting Rule of Law Reform Project (Arkan), the school hosted a Respect for Rule of Law Awareness Program developed by Arkan to educate pupils on the basic concepts of rule of law, and the importance of respecting and adhering to the rule of law, hoping to keep disorderly conduct on campus down.

“I’ve seen students who participated in the [Respect for Rule of Law] program mediate conflicts between their friends instead of resorting to violence,” explained a teacher. “I would hear students speaking daily about the law in their conversations between each other. They would discuss right and wrong in the context of the law, what is permissible to do and what is not.”

Eighty students participated in the four-month program at Al Hayat Al Rasmiyah Secondary School. And it’s the students who show the real success of the program. “We saw a change in the students’ behavior due to the [Respect for Rule of Law] program, especially in their respect for the law, and the school and its regulations,” said one teacher. “Students are holding themselves responsible for acting in accordance with the law.”

CHAPTER FOUR

DEVELOPING A CULTURE OF RESPECT FOR THE RULE OF LAW

Misperceptions, distrust, and a lack of information regarding the legal and judicial system are commonplace in public opinion in the West Bank and Gaza.

The judiciary's perceived ineffectiveness to maintain law and order and restore justice has led people to take the law into their own hands and resolve conflicts using violence or tribal justice.

During Arkan's life span, lawfulness and safety have deteriorated and weakened public trust in the formal justice sector.

Instilling respect for the rule of law among children and youths. Arkan began working on public perceptions of rule of law in September 2005. At that time, USAID recognized that — with more than half of youth under the age of 20 — investment in enhanced knowledge of rule of law would have lasting impact. USAID therefore added a new compo-

nent to Arkan's scope of work to develop tools and coalitions to help build a culture of respect for rule of law. To achieve this, Arkan created public education programs for young people (ages 12-17) and youth (ages 18-25).

These citizenship education programs included a respect for rule of law awareness civic education program, a mock trial program, and the performance of a theater play on the rule of law. These programs were implemented primarily through Palestinian civil society organizations, 7 schools, and 55 facilitators, school teachers, law students, and budding lawyers who were trained to implement it.

The respect for rule of law awareness and mock trial programs were developed by project staff and put together in two manuals for facilitators in the Arabic language: *Respect for Rule of Law*

THE 10 MODULES FOR THE YOUTH MANUAL ARE:

Module 1: What Do We Know About Law in Our Daily Life?

Module 2: Citizenship: Rights and Duties

Module 3: Law and Ethics: How Do We Respect The Law?

Module 4: My Rights Were Violated, What Should I Do?

Module 5: Violators of Law are Brought to Justice

Module 6: Concept of the Independence of the Judiciary

Module 7: Draft Palestinian Youth Protection Law

Module 8: Youth and Formal and Informal Justice Sector Institutions

Module 9: What Can I Do to Increase Respect for the Rule of Law Among Youth?

Module 10: What Can I Do to Increase Respect for the Rule of Law in My Neighborhood?

Program Graduation Project

Awareness Program for School Children: Facilitator's Manual and the *Respect for Rule of Law Awareness Program for Youth: Facilitator's Manual*. They are unique but highly adaptable throughout the Middle East as part of other USAID initiatives promoting respect for rule of law.

The respect for rule of law awareness program came at a critical time when public confidence was at an all time low, especially in Gaza, which has seen a growing amount of internal violence and chaos.

“We must work on students to change their violent behavior; the kind of behavior we see in the street should be dealt with at the after-school centers and they [the students] must understand why this behavior is not right,” one Arkan-trained rule of law facilitator commented.

School children participating in the respect for rule of law programs were exposed to the role law plays in their daily life, with a focus on behavior change toward more respect for the rule of law and using lawful mechanisms, rather than violence, to resolve disputes. The program's activities introduced children to basic legal and judicial sector concepts and terminology, and increased their understanding of the formal justice sector and respect for it.

“I wish we [had] started implementing these [respect for rule of law] types of programs in schools years ago — maybe then we wouldn't be facing all the chaos

and lawlessness we are today,” commented one trainee.

YOUTH

Thirty-five trained facilitators are using the *Respect for Rule of Law Awareness Program for Youth: Facilitator's Manual* with local civil society organizations. To ensure geographical distribution throughout the Gaza Strip, the group of 35 facilitators split up into five groups.

These five groups of facilitators proposed that youths' graduation projects would promote rule of law awareness in their communities. These initiatives were intended to apply their theoretical knowledge to practical projects. The proposed projects they came up with included:

SHAJAYA AREA SUBGROUP

Copyright and intellectual property. The Shajaya Area Subgroup identified a prevalence of copyright and intellectual property violations at Al Azhar University. Facilitators wished to form a committee at the university to raise awareness among students and faculty about copyright and intellectual property laws. The intention was to educate students and protect them from exploitation.

The group planned to carry out a general campaign to raise awareness among youth regarding the importance of respecting the rule of law. The proposed campaign would involve prominent members of civil society organizations and respected members of the community, such as the elders — *Mokhtars*, in Arabic.

CODE OF CONDUCT RULE #1: NO KNIVES ALLOWED:

In Shujiyah, "the most difficult and violent environment to work in," as one facilitator characterized the community, students came to the first session of the *Respect for Rule of Law Awareness Program* bearing knives.

The facilitator used the session's first activity of creating a code of conduct to put an end to this frightening act. Under the code, students agreed that knives would not be allowed in class and that anyone in violation of the code would be punished. Since the code of conduct was developed by the students and enforced, students have stopped bringing knives to class.

AL SHATE' AREA SUBGROUP

Raising awareness on the air waves. Al Shate' group's proposed plans with area youth focused on implementation of a mock trial from Arkan's *Respect for Rule of Law Awareness Program for Youth: Facilitator's Manual*. They proposed to conduct a radio broadcast awareness raising campaign highlighting rule of law and youths' issues.

NORTH AREA SUBGROUP

Rule of law through the artist's eye. This North Area Subgroup, composed of fine arts students, proposed an activity using art to promote greater understanding of rule of law. They will work with youth groups to develop artistic representations of rule of law concepts discussed in the *Respect for Rule of Law Awareness Program for Youth: Facilitator's Manual*; representations could be simple drawings, caricatures or complex paintings.

CENTRAL AREA SUBGROUP

Summer youth camp focus on rule of law. The Central Area Subgroup planned to run a 10-day summer camp for youth to focus on promoting awareness of respect for the rule of law by using the *Respect for Rule of Law Awareness Program for Youth: Facilitator's Manual*. The goal was to have 25 youth campers.

BUREIJ MUNICIPAL PARK

Children's right to have a park. The Municipality of Bureij, which had established a park for residents, faced opposition from

residents who did not want it in their neighborhood. This group is proposing an awareness raising campaign on children and youth rights to have a place to play and to conduct activities.

RAFAH AREA SUBGROUP

Educating about peace. The Rafah Area Subgroup will launch an education campaign about democracy and civil peace in Al Fukhari (Rafah) area. The campaign will implement concepts through theater, stories and drama that draws on traditional ceremonies presented in the *Respect for Rule of Law Awareness Program for Youth: Facilitator's Manual*. The campaign is intended to develop a network of youth concerned about the rule of law.

PROMOTING RULE OF LAW AND THE JUDICIARY THROUGH MOCK TRIALS

Mock trials introduce the basics of legal and judicial systems, promote respect for the rule of law, support the independence of the judiciary, and encourage critical thinking. Nevertheless, there was a lack of Arabic-language mock trial materials for use by educational institutions in the West Bank and Gaza, and the Middle East at large. In response, Arkan developed mock trial materials and training in Arabic with scenarios, scripts, and rules reflecting the Palestinian legal context.

Working through the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) schools and private schools, more than 245 students ages 13 to 17 participat-

DEAR ARKAN,

I am Hiba Mohammed Abu Arquob 12th grade “B” and one of the participants of this project [Respect for Rule of Law Awareness]. I liked it very much. My dream is to become a lawyer when I grow up; it has been my dream my entire life. The [Respect for Rule of Law Awareness] project encouraged and convinced me to study law; I like law more than ever now and am more dedicated to it than ever before.

I participated in the Justice and Law [mock trial] play... We had a school trip to one of the Palestinian courts in Ramallah. This was an awesome trip. During this trip we also visited the Palestinian Bar Association. We learned about why courts exist and what they do, who works in courts including the judge, witnesses, notary publics, the accused, general public... etc. We spoke with the judge about the types of courts in the country, court cases that occur, and about judges and lawyers. After the courts we attended a moot court and I participated as a clerk. I loved this experience and when we saw the graduates, I dreamt about the day when I graduate to become a lawyer.

My opinion on the court house: I expected the court houses to be bigger and more spacious, but all I saw was small court houses. The judge explained to us the reasons why this happened, and I excused them. I hope that the court that I will appear in will become as I expected it to be... maybe the economic and political situations will improve after six years when it is time for me to graduate!

The judges told us that the types of cases that take place in the country do not require big court houses, for that purpose I think the court we saw can be enough.

I hope to take another trip to Palestinian court houses and court houses abroad to compare and [try to] improve [the Palestinian court houses].

Ultimately, I wish that our court house will improve.

Your future lawyer
Hiba Abu Arquob

ed in mock trial training throughout refugee camps, villages, and towns in the West Bank and Gaza. Students engaged in dispute resolution used the *Rule of Law Awareness Program for School Children: Facilitator’s Manual*.

“The first two days I was really nervous,” recalled Al Azhar University law student and facilitator Diana Bashir. “My class was very rowdy. However, after implementing the social contract [code of conduct] activity, the students are abiding by and respecting the rules of the classroom.” Bashir adapted the mock trial activity introduced during the training workshop to meet the needs of her rowdy students. She initiated

a mock trial to enforce judgments against any student breaching the code of conduct throughout the course of the program.

Mock trials were hosted in seven schools — four UNRWA schools and one private school in the West Bank and two schools in Gaza. The impact was such that more than 240 students ages 12 to 17 turned out to see their fellow students perform. In all, eight mock trials took place in the West Bank and Gaza Strip: three were videotaped and the principal of Al Amari School plans to show the tape to classes in 2008. Unfortunately, because of Gaza’s deteriorating security, students from the Latin Patri-

“ People need to trust the law and respect its implications...law means that no one is above the law, no one challenges the law, the law applies to all citizens without exceptions, and anyone who violates the law must be punished.”

**EIGHTH-GRADER
HANEEN EL-A TEL,
BEIT LAHIA GIRLS'
SCHOOL FOR
REFUGEES**

archate School, and An Naser School were unable to perform the mock trial before the whole school, but were able to present it to their classmates.

FATHER OF JUSTICE — ABU NITHAM PLAY

Arkan contracted Sanabel Theater Company, a Jerusalem-based civil society organization, to develop an interactive and participatory theater show called Father of Justice — *Abu Nitham*, in Arabic. The 45-minute play targeted school children from underprivileged and margin-

alized areas throughout the West Bank and Gaza. The play addressed law and law enforcement, ethics, and citizen rights and responsibilities and encouraged the younger generation to respect and advocate for respect for the rule of law.

After the play, actors engaged the school children in the audience in discussion. Students were called up on stage to become a part of the play itself. More than 3,640 children ages 5 to 13 in 22 locations participated in the production.



The Abu Nitham play was produced at the Jenin Municipal Building on August 19, 2007. During this scene, Feras has been convinced by Gherboush (a troublemaker) to skip school and go play in the street. Gherboush talks Feras into tampering with the traffic light and this causes several accidents. It is at this moment of the production that children learn about the dangers of destroying public property.

ARKANI / SAED ANDONI



ARKAN / SAED ANDONI



ARKAN

TOP LEFT: At the end of the Abu Nitham theater play performed in the Village of Arabah, Jenin District, Ahmed Abu Saloom (dressed as Abu Nitham) asks the children “What should we do with Gherboush, the troublemaker who pressures Feras to break the law?” A young girl from the audience presents her opinion on the matter.

ABOVE: Sixteen-year-old students from Al Amari Camp UNRWA Girls School in Ramallah serve as witnesses in a school produced mock trial. A total of 18 students from the class participated in this mock trial activity. Arkan worked with all 33 students each week for three months on the importance of the rule of law.

CHAPTER FIVE

LESSONS LEARNED

Arkan has gleaned a number of lessons learned in terms of activity and work planning, operations, relationship building, and delivery of results to keep momentum from flagging.

Following are some observations on working with law faculty and students to pursue legal education reform:

- The Palestinian Bar Association often focused on political issues rather than on improving the legal enabling environment or promoting respect for the rule of law in the West Bank and Gaza. However, the new board, elected in April 2007, offers a new opportunity to promote the PBA's ability to become a more service-oriented and membership-driven professional organization.
- The PBA should continue capacity building and orga-

nizational development-type activities to strengthen and improve its operational structure – increasing transparency and including more members in forward organizational planning.

- The PBA Board of Directors currently acts as an administrative body with the chairman of the board tending to everyday administrative matters; the board should consider hiring an executive director to handle administrative tasks so that board members may focus on policy.
- Many of our partners spent too much time planning and developing continuing legal education programs and too little time implementing them. While Arkan would encourage that continuing legal education continue to be delivered through sub-grants rather than

by project staff, organizations will need technical assistance to improve their capacity to deliver courses efficiently.

Manuals and training on respect for rule of law were the first of their kind in the West Bank and Gaza Strip. USAID should continue to promote their use by other implementers, donors, and local organizations to further encourage sustainability.

- The Rule of Law Advisory Committee was a good participatory mechanism for reviewing rule of law issues and this model should be replicated.

The following are some lessons learned for future projects promoting the independence of the judiciary and fostering a culture of respect for the rule of law.

- The Knowledge, Attitude, and Practices (KAP) approach enabled Arkan to set achievable

goals and measure the degree of impact of our work.

- Town hall meetings were effective tools for reaching out to critical segments of the population and future program designs should expand upon and continue to use them.
- Educating the media about the courts, court processes, and rule of law promotion should continue.
- If available, continued funding should be provided for many of Arkan's civic education and community outreach initiatives. These programs were cost effective, reached a diverse class of citizens, and uniformly received positive feedback from participants.
- Working with the informal grassroots sector achieved the greatest results and proved the most rewarding work.

ARKAN / AURELIE CROZE



View of Ramallah from the Arkan project's main office.



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