



## Call for Papers

### Research Project on

### *Political Rights in Palestine: Between the Anvil of Internal Political Divide and Prospects of National Reconciliation*

#### **Introduction**

Over the past few decades, various aspects of human rights have emerged on the global scene. Serving as a lifeline for the humankind, who have suffered countless tragedies and atrocities, human rights are the most common expression in relevant domestic and international activity. Numerous symposiums have been organised and research papers published on human rights. These are well enshrined in preambles and preliminary provision of constitutions across the world.

To ensure protection against abuse, persecution or encroachment, human rights, including political rights in particular, have been a hub of international, regional and domestic attention. Political rights are of pivotal significance as a pillar of modern democracies. Giving rise to a broad debate in comparative jurisprudence, the content of political rights is closely associated with rights embraced by the international community. As they are embedded in national constitutions, political rights reflect the nature of a society's socio-political system.

Today, political rights are of critical importance. Making them a source of sovereignty in the state, these rights allow individuals to participate and exercise power. However, like other human rights and freedoms, political rights are affected by violations and encroachments committed by the state authorities. Responding to their weight, political rights have been highlighted by international and regional conventions as well as by state constitutions.

In spite of domestic and global interest, some countries deny or publicly impinge on political rights. To serve their own interests, governing authorities justify themselves by a capricious interpretation of political rights. First and foremost of political rights is the word *freedom*, which haunts totalitarian regimes. The majority of these rights are sacrificed by most

governments of the Arab World, particularly in countries that have seen a surge of violence and a popular revolution. Although they are safeguarded by respective constitutions, provisions on political rights are of no effect.

Like many constitutions, the Amended Palestinian Basic Law of 2003 provides for political rights. Title II of the Basic Law includes a set of provisions on political rights, including protection mechanisms and tools as well as significant guarantees against violation of these rights.

However, the Palestinian legal framework has been affected by internal setbacks. Most notably, the internal Palestinian political divide has disrupted the majority of political rights. In several spheres, the principle of the rule of law has been manipulated so as to infringe on political rights, including the right of assembly, right of nomination, etc. Public rights and freedoms have seen a major decline in terms of public participation, right to freedom of expression, and other political rights.

In the Palestinian context, a legal environment espouses public accountability. However, this framework is incomplete, defective or absent. In addition to lacking a law on political parties, the Law on Public Assembly imposes constraints or allows unconstitutional encroachments on political rights. An integrated package of legislation that safeguards enjoyment and exercise of political rights are lacking. An absent legislature and oversight bodies have negatively impacted public accountability.

The Palestinian context has seen a series of events that affected, and will continue to affect, political rights. Perhaps most importantly, Palestine has acceded to several international conventions, including the International Covenant on Civil and Political Rights. These prescribe a set of obligations and consequences, including alignment of Palestinian legislation with international treaties. Other changes have also been introduced to the Palestinian political scene. The internal Palestinian political divide has finally come to an end. Palestinian public institutions have been reconsolidated. Specific timelines have also been set to provide informed political and legal remedies by the national unity government. Of particular note, national elections, political parties, public employment, and institutional remedies will require focused treatises to cast light on challenges created by the internal Palestinian political split.

According to the 3<sup>rd</sup> Year Plan of the *Law and Politics Project* of the Legislative Support Department (LSD), the Institute of Law (IoL) at Birzeit University will develop research papers with a view to explore the legal regulation of political rights under international, regional conventions as well as under the local legal framework. The LSD research team will investigate the current context of political rights, including an assessment of consequences created by the internal Palestinian political division. In parallel with Palestine's accession to several international conventions and materialisation of the Palestinian national

reconciliation effort, the research initiative will come up with informed recommendations on respective research themes.

## **Objective**

The research paper is designed to review the status of human rights and public freedoms, particularly political rights, in Palestine. It will describe the historical, political, and social development of political rights, highlighting how these are governed by international conventions, the domestic legal framework, and some comparative legislation. The research exercise also seeks to examine political rights in light of recent developments in the Palestinian context. It will assess practical application, violations, and potential remedies devised to consolidate and promote political rights within the Palestinian legal framework. To this end, this legal apparatus will be reviewed and enhanced. Also, the institutional role of relevant civil society organisations and legal actors will be strengthened. Tailored recommendations will be tailored to enhance the Palestinian legal framework and current enforcement of political rights.

## **Main Research Components and Themes Proposed**

### **1. Political Rights in Light of International and Regional Conventions and Palestinian Local Legal Framework**

This chapter addresses the concept, historical development, and philosophical framework of political rights. In addition to relevant international and regional conventions, the chapter provides an overview of the local legal framework that regulates political rights within the Palestinian legal system. It identifies how consistent this framework is with relevant conventions. This research component further assesses how effective Palestinian legal provisions are with a view to safeguard political rights as well as how compliant the State of Palestine is with international and regional conventions. It also reviews model Arab and foreign provisions on political rights, comparing these to the Palestinian legal system.

### **Proposed research topics**

- Political Human Rights: Concept, Historical Development and Philosophical Framework
- Legal Regulation of Political Rights in Light of International and Regional Conventions
- Legal Framework Regulating Political Rights under the Palestinian Legislative System.
- Legal Regulation of Political Rights in Arab Countries (Models from Post-revolution Arab States)

- Legal Regulation of Political Rights in Foreign Countries (European Models)
- Constitutional Guarantees of Political Rights and How Consistent they are with International Conventions on Human Rights.

## **2. The Right to Form Political Parties, Right of Association, and Right of Assembly**

This chapter emphasises the right to form political parties, right of association, and right of assembly. It reviews the regulatory legal framework, impact of the internal Palestinian political divide, consequences of the Palestinian national reconciliation effort, and Palestine's accession to relevant international treaties. The chapter unveils the role of national human rights organisations in invigorating oversight and recognition of political rights. It includes a review of draft laws on political rights in the Palestinian and international contexts.

### **Proposed research topics**

- The Right to Form Political Parties: Law and Practice
- Financing of Palestinian Political Parties: Between Liberation Requirements and Statehood Reality
- A Legal Assessment of the Draft Law on Political Parties: What Law do We Want for Political Parties?
- Legal Regulation of the Right of Association and Assessment of the Impact of the Internal Palestinian Political Divide
- Role of Government Bodies and National Human Rights Actors in Promoting Political Rights
- Civil Society Role in Invigorating Political Rights

## **3. The Right to Public Employment as a Political Right**

This research component focuses on the political right to public employment. In addition to describing legal regulation of this right within the Palestinian legal framework, this chapter casts light on public employment in Palestine, explores deficient performance of the Palestinian public sector, and explores consequences of the internal Palestinian political divide and political rivalries on this right. Furthermore, the chapter investigates causes of discrimination in public employment, assessing if partisan affiliations affect this right. The chapter is concluded with potential remedies of public employment and institutional practices after the Palestinian national reconciliation has been maintained.

### **Proposed research topics**

- The Right to Public Employment: A Baseline Framework
- Discrimination in Public Employment and Political Rivalries

- Electoral Term between Legal Controls and Political Lobbies

#### **4. The Electoral System in Palestine**

This chapter examines the Palestinian electoral system. It reviews laws governing the right to vote in Palestine and addresses several relevant regulations.

##### **Proposed research topics:**

- A Legal Review of Laws Governing the Right to Vote in Palestine
- The Electoral System in Palestine: A Criticism and Evaluation
- How Effective the Women's Quota is in Promoting Political Participation: An Assessment of Legislation

##### **Research Methodology**

Compilation of research papers will be in line with internationally recognised academic methodologies that inform research and documentation processes. As the occasion may be, a comparative approach will be used in the compilation of research topics. Current practice will be highlighted through field interviews with representatives of relevant organisations and experts in both the West Bank and Gaza Strip.

##### **Notes:**

- Please submit a two-page abstract of the target research topic within two weeks from the date of this Call for Papers.
- August 31, 2014 is the deadline for submission of the first drafts of research topics. Papers will be reviewed by a scientific committee towards September 30, 2014. Following the review process, a final draft will be submitted on October 20, 2014.
- Researchers are encouraged to propose additional themes or headings, which the research team has not introduced in this Call for Papers. Researchers are also advised to address the above topics from the perspectives they deem fit and in line with the scope and concepts of each paper.
- The topics mentioned above are just preliminary proposals made by the research team. Researchers are not required to be restricted to these proposed themes.
- The IoL is not bound to public research papers that do not meet the set scientific methodology in terms of form and content.
- Research papers will be published in a book to be issued by the IoL towards the end of 2014.

- Research conclusions will be presented in a conference to be organised for this purpose.
- For further information or inquiries, please contact us at Tel: +970 22982009, Fax: +970 22982137, or email [malawni@birzeit.edu](mailto:malawni@birzeit.edu).