

# **International Agreements under the Palestinian Basic Law**

## **"A comparative study"**

**Prepared by: Yahya Izzat Ismail Hijjo**

**Supervised by: Dr. Ahmad Refaee**

### **Abstract**

The study began with the answer to the problematic issue, which is the legal status of the international conventions to which Palestine has joined and its relation to the national laws, and to what extent has the legal system and the constitutional judiciary in Palestine dealt with the subject of international treaties and conventions? The topic is divided into two chapters, the first chapter on the conclusion of international conventions and treaties, and the second chapter is subject to the application of international treaties in domestic law.

The researcher reached a number of conclusions, the most important of which is the text of the interpretative ruling issued by the Supreme Constitutional Court in the interpretative application No. 5 of 2018 that the executive authority represented by the head of state has the authority to determine the authority to negotiate the treaties. And that the power to sign treaties shall be for the commissioners of the negotiations for the conclusion of the agreements, and those appointed by the Head of State. And the President of the State or the Prime Minister or the Minister of Foreign Affairs have the power to sign them directly; and the power to ratify the treaties has been granted to the Head of State of Palestine, with the exception of certain treaties, to be approved by the President.

As for the status of international treaties, it was not defined by the amended Basic Law of 2003, while the decision of the Supreme Constitutional Court adopted the interpretative request; the theory of the exception of the law. International treaties were given less than the Constitution and higher than domestic legislation.

The study recommended the election of a constituent assembly to prepare a new constitution for the state of Palestine, resort to the constitutional referendum or submit the draft of the third draft of the Palestinian constitution to the popular referendum for approval in accordance with the legal status of the state of Palestine; Palestinian Nationalism and its status as observer in the United Nations.