

الدور القانوني للحكومة الفلسطينية في مواجهة وباء كوفيد-11

The Legal Role of the Palestinian Government in Combating the COVID-19 Pandemic

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Abstract:

Following a brief overview of the Palestinian history, this paper delves into the Palestinian COVID-19 pandemic experience on various levels. At the outset, this paper examines the co-occurrence of the declaration of a state of emergency, which is in line with the Palestinian constitution, with one of the consequences for the existing political division and legal reality, i.e., the absence of the supervisory powers of the Palestinian Legislative Council. In addition to the key measures and decisions adopted by the Palestinian government, this paper highlights and evaluates the impacts of such measures on the worst affected group, i.e., Palestinian workers who lack permanent jobs (irregular workers), especially by the complete shutdown policy. Moreover, this research paper attempts to evaluate one of the major private-sector sponsored initiatives led by the government to reduce the impacts entailed by the pandemic through establishing the "Waqfet Ezz Fund" as well as the major challenges it faced.

Keywords: COVID-19, State of Emergency, Pandemic, Public Health Regulations, Human Rights.

الملخص

تقدم هذه الورقة تحليلاً لدور الحكومة الفلسطينية القانوني واستجابتها لجائحة COVID-19، وذلك في سياق التحديات السياسية والاقتصادية المستمرة في فلسطين. لقد زادت الجائحة من تعقيد المشكلات القائمة في فلسطين، بما في ذلك الانقسام السياسي، والجمود الاقتصادي، لاسيما في ظل الاحتلال الإسرائيلي. تبدأ الدراسة بفحص الآثار القانونية والدستورية لإعلان حالة الطوارئ التي أعلنتها السلطة الفلسطينية، مع التركيز على تأثير غياب دور المجلس التشريعي الفلسطيني عن الحكم والمساءلة. كما تقيم الورقة تأثير التدابير المتعلقة بالجائحة على العمال غير النظاميين الذين تأثروا بشكل كبير، وتستعرض الإيجابيات والتحديات المرتبطة بصندوق "وقفة عز"، وهو مبادرة رئيسية تهدف إلى تخفيف آثار الأزمة. من خلال هذا التحليل، تسلط الورقة الضوء على العلاقة المعقدة بين حالة الطوارئ، والهياكل القانونية، والظروف الاجتماعية والاقتصادية في فلسطين خلال أزمة صحية عالمية.

الكلمات المفتاحية: كوفيد-19، حالة الطوارئ، الوباء، لوائح الصحة العامة، حقوق الإنسان.

Introduction

The birth of the Palestinian cause can be, as suggested by its historical context, dated back to the end of World War I and the collapse of the Ottoman Empire, following the British Mandate and the British government's "Balfour Declaration". The latter stipulates "the establishment of a national home for the Jewish people in Palestine." As World War II and the British Mandate over Palestine came to an end, the United Nations General Assembly issued Partition Resolution 181 establishing two states: Arab and Jewish. Accordingly, the State of Israel was established in 1948. Israel's establishment was then followed by the 1948 Arab-Israeli war. In 1949, however, an armistice agreement was signed between Israel and neighboring countries, the Green Line, by the United Nations. In less than two decades, the remainder of Mandatory Palestine was taken over by the Israeli occupation as an aftermath of the War of 1967. Today, this is known as the Occupied Palestinian Territories, which comprises the West Bank, the Gaza Strip, and East Jerusalem. Later, the Palestinian government was established with the launch of the peace process in Oslo in the year 1993. Therefore, Palestinians were granted autonomy, and the first Palestinian Legislative Council (PLC) was elected in 1996. In 2006, the second elections were held, leading to a split between the two dominant political factions in Palestine, namely Fatah and Hamas, following Hamas' victory in the 2006 Legislative Council elections.

The spread of the COVID-19 pandemic, as well as the declaration of the state of emergency, has recently posed many challenges on the Palestinian National Authority which strove to respond to such unprecedented circumstances in the Occupied Palestinian Territories. This array of challenges includes the exceptional political circumstances represented by the occupation as well as the existing internal division among the major Palestinian political parties, and the internally weakened political system. Yet another factor is the effect of the political system on the economy. In other words, this factor impacts the economic situation in Palestine, leading to considerable economic challenges, such as an increased dependency on both the Israeli economy and donor countries.

The PLC (acting as a Parliament), nevertheless, played no part during these unprecedented times. Consequently, the Palestinian experience came to be drastically different from that in other countries. The Fatah-Hamas division had led to the 15-year absence of the PLC, despite being the most dispensable instrument to ensure regulation, accountability, and accurate citizen representation. The present paper traces Palestine's state of emergency declaration, its legal implications, as well as the most essential steps taken by the Palestinian government to tackle the pandemic. Additionally, the paper sheds light on the situation of Palestinian irregular workers (those with an irregular work status) and the "Waqfet Ezz Fund".¹

This paper offers an examination of the legal responsibilities and actions taken by the Palestinian government in response to the COVID-19 pandemic, set against the backdrop of ongoing political and economic difficulties. The pandemic intensified existing challenges in Palestine, including political fragmentation, economic stagnation, and the Israeli occupation. Initially, the paper explores the legal and constitutional ramifications of the state of emergency declared by the Palestinian Authority, paying particular attention to the implications of the

¹. "Waqfet Ezz Fund" was established on the 2nd of April 2020, by a decision from the Palestinian Prime Minister in collaboration with the business community to organize fundraising, and enable businesses, citizens and civil societies to donate and contribute to the medical and social needs during the crisis.

Palestinian Legislative Council's absence on governance and accountability. It also assesses the impact of pandemic-related policies on irregular workers, who were significantly affected, and reviews the effectiveness and issues associated with the "Waqfet Ezz Fund," a key government initiative aimed at mitigating the crisis's effects. Through this analysis, the paper highlights the intricate relationship between emergency governance, legal structures, and socio-economic conditions in Palestine during a global health emergency.

1. The Declaration of a State of Emergency in Palestine

During the COVID-19 pandemic, the legality and constitutionality of declaring a state of emergency in Palestine became crucial in managing the public health crisis. Under Palestinian law, the government has the authority to declare a state of emergency to address urgent situations, including pandemics. This declaration grants the government exceptional powers to implement restrictive measures, such as lockdowns, curfews, and travel bans, aimed at controlling the virus's spread. The Palestinian Basic Law provides a framework for these emergency powers, ensuring they are used within legal bounds and for a limited duration. However, the implementation of such measures must also adhere to constitutional principles, particularly concerning human rights and civil liberties. Balancing emergency responses with the protection of fundamental rights is essential to maintain both public health and constitutional integrity during the pandemic.

On March 5, 2020, the Palestinian President, Mahmoud Abbas, declared a state of emergency for a period of thirty days pursuant to the emergency provisions under Title Seven – State of Emergency Provisions (Article 110) of the Palestinian Basic Law, and in accordance with Presidential Decree No. 1 of 2020.¹ This measure has been taken with an aim of confronting the danger of the spread of COVID-19 and preventing its spread. As a result, the aforementioned decree was followed by Decree-Law No. 7 of 2020 regarding the coordination of the arrangements, the necessary measures, and the penalties imposed in case of violation. The competent bodies tasked with the implementation were also specified.² Subsequently, the state of emergency was extended for another period of thirty days.³

Numerous questions regarding declaring a state of emergency and extending it were raised at the outbreak of the virus. In fact, this may have stemmed from Article 2/110 of the Amended Basic Law which requires the approval of a majority of the PLC members in the event of extending the state of emergency. The aforementioned article stipulates that the state of emergency may be extended for 30 more days. However, in order for this to take place, a two-thirds majority of the PLC will have to vote in favor of the extension.⁴

¹ Decree No. 1 of 2020 Concerning the Declaration of the State of Emergency.

² Law by Decree No. 7 of 2020 Concerning the State of Emergency.

³ "In reference of The Amended Basic Law of 2003, as amended, particularly the provisions of Title VII thereunder, ... In pursuance of my constitutional duties of fully catering for the interests of the Palestinian people, In pursuance of the public interest..." Decree No. 3 of 2020 Concerning the Extension of the State of Emergency; see more at Part VII. State of Emergency Provisions of "The Amended Basic Law of 2003". Online at: <https://security-legislation.ps/en/law/100028> accessed November 2022.

⁴ The Amended Basic Law of 2003, Art.110/2 "The state of emergency may be extended for another period of thirty (30) days if a majority of two-thirds (2/3) of the members of the Legislative Council votes in favor of the extension."

Today's status quo, however, is far removed from this process. The reasons behind this are the ongoing political split between the two parties, Fatah and Hamas, and the continuing malfunction of the 2006 elected PLC. For instance, the PLC was dissolved by the Constitutional Court's Decision issued in December 2018.¹ The dissolution resulted from the fact that the PLC had not exercised its jurisdiction since it was elected on January 25, 2006. Furthermore, the completely absent PLC had not convened since July 5, 2007. Therefore, the above-mentioned factors sufficed to justify the end of its term of office while malfunctioning on January 25, 2010.² Accordingly, the Constitutional Court ruled that the PLC be dissolved, and instructed the President of the Palestinian Authority to hold legislative elections within a six-month period, as of the date of the ruling. To date, the elections have yet to take place³.

The COVID-19 state of emergency had repeatedly been renewed every 30 days for a period exceeding two and a half years, i.e., from March 2020 to October 2022.⁴ It is noteworthy to stress that both procedures, namely the declaration and extension of the COVID-19 state of emergency, did not abide by the constitutional context under the Amended Basic Law. Nevertheless, it was an adopted control strategy as well as an exerted effort by the executive authority to face the pandemic, protect the Palestinian citizens and sustain a state of emergency until handled. It is also worth pointing out that one of the decisions taken by the Palestinian Cabinet during session No. 177, which was held on October 3, 2022, calls for having no further renewal of the decree related to the COVID-19 state of emergency by the President of Palestine.⁵

On the whole, the Palestinian situation on multiple levels: the occupation, Fatah-Hamas split since 2007, and the failure of the PLC, has become a basis for turning the uniqueness of the Palestinian case into a legal reality, not to mention an outlet for the sovereignty of the executive authority over others. The dissolved PLC was succeeded by the executive authority. This dissolution gave rise to the latter to exercise its powers while lacking any legislative oversight. Therefore, numerous legal violations, especially during the pandemic and the state of emergency period were committed.⁶

¹ Supreme Constitutional Court, Application (10)/(3) Supreme Constitutional Court "interpretation", online at: http://wafa.ps/ar_page.aspx?id=9VLwdPa844831164474a9VLwdP%3E. accessed November 2022

² Newspaper Review: Decision to dissolve Palestine Legislative Council focus of dailies, online at: <https://english.wafa.ps/page.aspx?id=vzcZ0Na107868829761avzcZ0N> accessed November 2022.

³ Position Paper: Constitutional Court's Decision to Dissolve PLC is Political and Illegal, online at: Supreme Constitutional Court, Application (10)/(3) Supreme Constitutional Court "interpretation", http://wafa.ps/ar_page.aspx?id=9VLwdPa844831164474a9VLwdP%3E. accessed October 2022.

⁴ Decree No.15 of 2022 Concerning the Declaration of the State of Emergency.

⁵ Decisions taken by the Palestinian Cabinet during its session No. 177. Online at: <http://www.palestinecabinet.gov.ps/portal/Decree/Details/3958e20d-8389-42cc-a628-5179be409e91> accessed November 2022.

⁶ Bdair, Nouar, et al., To what extent the declaration of a state of emergency is consistent with the Palestinian Basic Law and international human rights conventions "to confront the spread of Corona Virus (Covid 19)", Al-Haq, Geneva Centre for Security Sector Governance (DCAF), 2020. ISBN: 92-9222-521-9. P.9-10.

1. Impacts of Government Measures Post Emergency State Deceleration

The imposition of a state of emergency in Palestine during the COVID-19 pandemic had a significant impact on public rights and freedoms, especially concerning the right to freedom of movement. To manage the spread of the virus, the Palestinian Authority enforced several restrictions, including curfews, lockdowns, and travel bans. Although these measures were necessary for safeguarding public health, they also limited individual freedoms and restricted movement. These restrictions, while legally supported under emergency powers, affected daily life by restricting travel, limiting access to essential services, and disrupting business activities. The main challenge is finding a balance between enforcing effective public health measures and upholding fundamental rights, ensuring that any limitations are reasonable, temporary, and in line with international human rights standards.

The global outbreak of COVID-19 has led the Palestinian government to take a series of preventive and remedial actions against the spread of this virus which has had a destabilizing impact on the world. These measures have been adopted so as to safeguard both the health and lives of Palestinian citizens. The measures implemented by the Palestinian government include imposing social distancing, a ban on gatherings, the shutdown of schools and other businesses as well as home quarantine. Those measures have addressed all segments of society, including Palestinian workers in Israel and Israeli settlements.¹

The massive shutdown was announced in Palestine in early March 2020, and drastic steps were taken to prevent the spread of COVID-19. Nevertheless, a permanent and comprehensive system for facing and preventing disasters in Palestine had been introduced by then. The shutdown policies aimed to allow restrictions to the right to movement and the freedom for peaceful assembly — a measure adopted by most countries to combat a possible COVID-19 spike.² However, such measures did not consider the economic situation of irregular workers or owners of small projects and businesses who had not been on a monthly payroll. The following section illuminates the situation of those workers during the massive shutdown period, especially Palestinian workforces in Israel.

2. Irregular Workers During COVID-19 Pandemic³

In examining the legal role of the Palestinian government in combating the COVID-19 pandemic, it is crucial to understand the broader economic and social context that influenced the government's response. The pandemic exacerbated existing economic challenges in Palestine, particularly impacting irregular workers who faced severe job losses due to the enforced quarantine measures and lockdowns. This section will explore how the economic stagnation and dependence on Israeli economic structures, coupled with high unemployment

¹ COVID-19 Is Here to Stay. How Do We Cope? "Dr. Mai S. Al-Kaileh, Minister of Health, Policies and Challenges: COVID-19 in Palestine", *This Week in Palestine*, December 2020, pp. 10-15. available online: <https://thisweekinpalestine.com/policies-and-challenges-covid-19-in-palestine/>, accessed November 2022.

² COVID 19 Epidemiological Surveillance System, MoH website, online at: <http://site.moh.ps/index/covid19/LanguageVersion/0/Language/ar>. Accessed November 2022.

³ "According to PCBS, informal sector workers are the employers or self-employed who work in establishments/enterprises where he/she works does not have tax record nor a book accounting record. The informally employed include wage employees who do not receive any of the labor market rights whether it is retirement/end-of-service gratuity, or a paid annual leave, not paid sick leave" PCBS State of Palestine Palestinian Central Bureau of Statistics (2020).

rates and a significant proportion of irregular workers, shaped the Palestinian Authority's legal and policy measures during the crisis.

During the pandemic, the situation in Palestine stood out for different reasons. First and foremost, the Palestinian economy had been stagnant prior to the outbreak of the pandemic. As a consequence, this particular factor was interwoven with several others, including the Israeli occupation since 1967,¹ and the unjust restrictions imposed on the Palestinian following the 1994 Protocol on Economic Relations (Paris Protocol), an annex attached to the Oslo II Accord governing the two countries' economic spheres.² This combination reinforced the Palestinian Authority's economic shortage and the overwhelming dependence on the economy of the Israeli occupation.³

According to the data reported by the Palestinian Central Bureau of Statistics (PCBS) in March 2020, the number of workers in the Occupied Palestinian Territories reached 1.01 million, as follows: 616 thousand in the West Bank, 261 thousand in the Gaza Strip and 133 thousand in Israel and Israeli settlements. In other words, the workers in Israel and Israeli settlements comprised 13.2 % of the Palestinian workforce. As far as the unemployment rate is concerned, it reached 17.6% in the West Bank while 52% in the Gaza Strip. Thus, as a consequence of the quarantine measures and shutdown procedures taken to combat the pandemic, a large number of these workers lost their only source of income. In fact, the percentage of irregular workers, mostly in the agriculture and construction sectors, reached approximately 57% of the total number of workers in the Occupied Palestinian Territories (59% in the West Bank; 51% in the Gaza Strip).⁴

At the outset of the COVID-19 pandemic, the Israeli government allowed 80 thousand workers to remain in their workplaces in Israel, while no clear arrangements were made to guarantee workers' safety and no accommodation or cleaning facilities were provided.⁵ Notwithstanding, there was a change of course starting on March 25, 2020, when a Palestinian worker who had developed the symptoms of COVID-19, was abandoned at some border crossing. The Palestinian government, on the other hand, took a major step prohibiting Palestinian workers from going into their workplaces in Israel. This precautionary measure was adopted so as to control the spread of the virus as there was a sharp rise in the number of COVID-19 cases in Israel.⁶

Taking this step, however, overlooked the unforeseen impact exerted on a great number of workers, specifically between mid-March and mid-July of the year 2020. It is estimated that the policies pursued during the COVID-19 pandemic led to 70 thousand job losses, hence the effect entailed on the income of at least 50 thousand household income earners. Unsupported,

¹ Palestinian Central Bureau of Statistics, "The Labour Force Survey Results 2019", 13 February 2020.

² Protocol Paris. "Protocol on Economic Relations between the Government of Israel and the PLO." Gaza-Jericho Agreement Annex IV, April 29 (1994).

³ Samhuri, Mohammed. "Fifty Years of Israeli-Palestinian Economic Relations, 1967-2017: What Have We Learned?." Palestine-Israel Journal of Politics, Economics, and Culture 22.2/3 (2017): 137.

⁴ Impact of the Covid-19 pandemic on the labour market in the occupied Palestinian territory: A forecasting model assessment. Beirut, 2020, p.16-19.

⁵ Hagar Shezaf, "Israel Doesn't Oversee Palestinian Workers' Health Amid Coronavirus," Haaretz News, 20 April 2020.

⁶ Riya Al'sanah, Workers' Rights in Crisis, "Palestinian workers in Israel and the settlements", LO Norway. online at: <https://www.ituc-csi.org/>. accessed October 2022.

the affected families continued to face the consequences on their own— with the absence of any form of guarantee, aid, or government program that would help them to provide the minimum needs for a decent life. In spite of the efforts put into helping crisis-hit families,¹ such as the private-sector-sponsored initiative launched by the government to establish the “Waqfet Ezz Fund”, further action needed to be taken.

The pandemic underscored the vulnerabilities faced by irregular workers in Palestine, revealing the limitations of the government's response amidst a strained economic environment. While the Palestinian Authority's decision to restrict workers' movement into Israel was a necessary public health measure, it also highlighted the urgent need for comprehensive support systems for affected workers. The legal role of the Palestinian government thus involves not only managing the immediate public health crisis but also addressing the broader socio-economic impacts to ensure that future responses can better protect and support vulnerable populations.

3. Waqfet Ezz Fund

The “Waqfet Ezz Fund” was launched on April 2, 2022, following a decision announced by the Palestinian Prime Minister, Mohammad Shtayyeh, as directed by the Palestinian President, Mahmoud Abbas. The establishment of the fund aimed at concentrating the Palestinian national efforts in facing the repercussions of the COVID-19 crisis in Palestine on a number of levels: economic, social, and health. Another role the establishment of the fund played was strengthening the solidarity and interdependence among the Palestinian people as it integrated all Palestinian efforts to minimize the effects of the crisis and confront the pandemic. The collaborative Palestinian effort, for example, was channeled towards helping crisis-stricken families as well as per diem and seasonal workers. Generally speaking, the fund reflected the importance of solidarity initiatives in times of crisis, especially in countries suffering from economic shortage, including Palestine.²

The fundraising goal was \$28 million, \$18 million of which had been raised by July 2020. At the first stage, \$500 thousand was given to 40 thousand pandemic-stricken workers, where each received an amount of \$200.³ However, the fund had been receiving criticism at this point as revealed by the State Audit Administrative Control Bureau (SAACB) in the SAACB Annual Report 2020. The report notes that in the Gaza Strip, merely 5.7 thousand workers benefit from the fund as opposed to 34.3 thousand workers as fundraising beneficiaries in the West Bank. Additionally, SAACB reports that the fund has also allocated 136 loans, estimated at 1 million and 700 thousand dollars, to 603 workers helping them to secure their jobs, through the loan program “Summoud”. Surprisingly, 128 loans were granted to workers from the West Bank, yet only 8 loans were given to those in the Gaza Strip.⁴

¹ Op.cit., Impact of the Covid-19 pandemic on the labour market in the OPT, 2020,

² Position paper (2): Towards institutionalizing solidarity funds and promoting values of transparency and accountability in their work environment - Wakfet IZZ Fund as a model, Human Rights and Democracy Media Centers SHAMS, 2020; Wakfet IZZ Fund “Brief Report”, Miftah, 2020, 1-4. Online at <http://www.miftah.org/>. accessed November 2022.

³ Government performance report for the year of emergency 2020, online at: <http://www.palestinecabinet.gov.ps/portal/publication/7/1>, accessed November 2022.

⁴ The report of the Audit Bureau reveals violations in the distribution of "Waqfet Ezz" Fund, online at: <https://www.maannnews.net/news/2051455.html>. Accessed October 2022.

The fund was denounced for its unbalanced representativeness due to excluding its membership to West Bank private sector figures, whereas the Gaza Strip and the Diaspora were left unrepresented. The same issue applied to academics, media and civil society figures in addition to workers. Likewise, the fund was criticized for its unawareness of the legal standards which, controlled the fundraising processes as well as its mechanisms. This inexperience, thus, set the stage for corruption. To clarify, discriminatory standards were applied in terms of aid distribution, which, subsequently, was disclosed in the report of SAACB on the performance of the government for the year 2020.¹

In addition to the previously discussed criticisms, the criteria for selecting the beneficiaries of the Palestinian Ministry of Labor supervised fund, constituted the gravest violation. The 2020 report reveals that three diplomatic passport holders as well as Paltel (Palestine Telecommunications Company) employees, merchants, and bank employees have benefited from the financial aid granted by the fund, hence the clear violation of the criteria laid down by the ministry.² Moreover, the report notes a loophole regarding the number of beneficiaries from the same family due to the absence of this criterion. This loophole has resulted in granting financial aid to six members of the same family in some cases. As a result, the Palestinian Ministry of Labor has demanded a refund from those who have proved to be ineligible.³

Drawing on the “Waqfet Ezz Fund” experience, it is indicated that the earlier mentioned obstacles can be overcome by providing the fund with solid legal foundations in addition to striking a balance between donations given to the health sector and those allocated for financial aid in the West Bank and Gaza Strip. In fact, this process should take place fairly and without discrimination— especially under exceptional circumstances, including the COVID-19 pandemic, where solidarity and collaboration are a pressing necessity. Based on this experience, it is also suggested that a financial committee be created in order to subject the Fund to strict oversight, where the standards of integrity, transparency, and anti-corruption are borne into mind.

4. Conclusion

The legal foundation of the Palestinian Authority's decision to declare a state of emergency during the COVID-19 pandemic is complex, involving both statutory and constitutional considerations. According to Palestinian law, the government has the authority to declare a state of emergency in extreme situations like pandemics, which enables it to enforce exceptional measures such as lockdowns and travel restrictions. This decision is closely tied to sovereign acts, as it involves safeguarding public health and national security. However, the absence of a legislative council complicates matters, since the Palestinian Basic Law generally requires legislative approval for such declarations. This lack of a functioning legislature raises

¹ Asaad, Ahmad, “The Country with its People’s Carry”: Waqfet Ezz Fund, The Optimism of Reason and the Pessimism of Will, Institute for Palestine Studies, May 2020. Online at: <https://www.palestine-studies.org/ar/node/1650092>. accessed November 2022. (Arabic).

² Shawar, Essam, Standing proud and shameful stances, Palestine Online, October 12, 2021, online: <https://felesteen.news/post>. accessed November 2022 (Arabic).

³ The Ministry of Labor admits that there have been violations in the distribution of aid from “Wakfet Ezz Fund”, Ultra Sawt, October 10, 2021, online: <https://ultrapal.ultrasawt.com> (Arabic).

issues regarding the balance between emergency powers and democratic oversight. Despite this, the government's actions must still adhere to legal and human rights standards, and there is scope for judicial review to ensure that these measures are legally justified and respect constitutional rights.

The COVID-19 pandemic shows that, despite the efforts exerted by the Palestinian government, there is a need for a legal reference during times of crisis. Although the government took numerous exceptional measures and issued a Decree-Law in an attempt to regulate those procedures and measures during the pandemic, the insufficient experience and legal basis led to the lack of control and work specialization which was reflected through the committees' work and violations. The "Waqfet Ezz Fund" is an example of a clear case where the committees tasked with the distribution of donations and humanitarian aid did not meet the standards of transparency and integrity due to the legal and regulatory inadequacy.

It is recommended that, in the future, plans be devised to provide protection for the poor, vulnerable, and marginalized groups, and for those who may be impacted as a result of future emergency situations— on the state level. Furthermore, special attention must be given to building legal foundations, which may take different forms, such as the enactment of the Social Security Law in addition to the establishment of a special fund allocated for irregular worker insurances during any future crises. This experience has unveiled the significance of setting up a robust and efficient database, building up on the registered data at both Palestine's Ministry of Social Development and Ministry of Labor. Lastly, it is recommended that the information systems used by government entities be developed to guarantee a real-time crisis response, providing citizens with adequate protection and conducting the state's affairs under exceptional circumstances.

In summary, this paper has explored the complex legal and constitutional dimensions of the Palestinian government's response to the COVID-19 pandemic. It has examined the interplay between the declaration of a state of emergency and the absence of the Palestinian Legislative Council, highlighting how these factors influenced the government's ability to manage the crisis effectively. The analysis further extended to the impact of emergency measures on irregular workers, who were significantly affected by the pandemic's economic fallout, and assessed the government's efforts through the "Waqfet Ezz Fund" to mitigate these impacts. The research underscores the necessity of balancing public health measures with the protection of fundamental rights and the importance of robust legal frameworks and support systems to address both immediate and long-term challenges. As Palestine continues to navigate these unprecedented circumstances, the insights provided offer valuable lessons for future crisis management and legal governance.

Conflict of interest statement:

All authors declare that they have no conflicts of interest

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