**PROPOSED GAZA CONSTITUTION – Public Draft #1**

**March 31, 2024**

**By the**

**The Gaza Food & Education Fund**

**Preamble:**

In the pursuit of justice, equality, and prosperity, the people of Gaza’s District ------- , do hereby establish this Constitution on the ---- day of 202---. The objective of this document is to declare and secure the rights and dignity of all citizens, fostering a fair, just, and inclusive society. To ensure uniformity of these concepts, while supporting District individuality and ingenuity, this document shall serve as a foundation for the creation of similar documents in each of the five recognized Districts, and shall be created and discussed publically and then placed before their constituents as a plebiscite in each of the established internationally recognized Districts.

**Article I: Territory and Sovereignty**

The parties to this agreement understand that the borders of the Gaza are defined by international agreements and recognized by public practice. Located to the South of Israel and the North of Egypt, Gaza is a coastal region located on the SE corner of the Mediterranean. It has been an autonomous region since 1994, with administration being undertaken first by the Palestinian National Authority, and then Hamas. Currently, there are five internationally recognized administrative Districts. These Districts occupy approximately 363 square km (140 square miles). As a result, Gaza is approximately 25 miles (40 km) long and 4–5 miles (6–8 km) wide. **Article V** of this document names these Districts.

**Article II: Fundamental Rights and Freedoms**

With the adoption and enactment of this Constitution, it is recognized that all citizens, regardless of race, religion, gender, sex or any other distinction, are equal before the law. Additionally, this Constitutional document guarantees the protection of the most basic and fundamental of all human rights and freedoms, including but not limited to: the right to vote, organize, peacefully assemble, and the freedoms of expression, movement, and religion.

**Article III: Citizenship, the Right to Vote & Holding Office**

All citizens of Gaza District -----, over the age of 18, are eligible to vote and hold office, regardless of race, religion, gender, sex, or any other distinction. Convicted criminals and identified and convicted members of terrorist organizations are disqualified from citizenship, voting in elections and holding office. The voting for local, District based elections, shall take place on the first Wednesday in March, every 4 years. The first election will be on March 4, 2026.

**Article IV: Separation of Powers**

The Government’s powers in each District shall be divided into three separate, but equal branches — A Legislative (the Council), an Executive (the Mayor), and a Judicial (the Judges). Each branch shall operate independently, yet equally from each other, within the limits established by this Constitution and the principals, concepts and practices practiced by the local tribe and enshrined by law or judicial decree.

**Article V: Local Governance Based On Tribal Identity**

As outlined in **Article 1**, it is internationally recognized that Gaza is divided into five regions, each with their own administrative government. These local bodies independently administer and oversee local affairs. All elected officials shall be residents of the District they serve. The recognized Districts are Gaza City, North Gaza, Rafah, Deir el-Balah, and Khan Younis.

**Article VI: Legislative Authority**

With this document’s adoption, a representative body entitled the "District Council" (or Council) is established. Each Council shall consist of seven seats, all District based, with equal representation in each District. Together, they will work to create policies, suggest and promote legislation and enact laws that are based on the needs and will of the people they represent. Each District shall contain approximately the same number of constituents. District population shall be determined by a decennial census and shall include all those who live there permanently, voting or not. All citizens, regardless of sex or religion, unless as noted above in **Article III**, are eligible to run and hold elected or appointed office if they are 18 years old and live in the council District they wish to hold office in.

**Article VII: Executive Authority**

Each Local District Council, as outlined in **Article V**, shall be led by a Chief Executive. Entitled the “Mayor”, they shall be elected by the entire tribal District, with a simple plurality of fifty point one percent of the District’s registered voters who actually vote in said election. The Executive shall work with the District’s Council to establish and suggest, promote and enact laws, policies and programs that enhance and protect the lives of their District’s constituents, while fostering peace between local and regional neighbors that enhances the District they represent socially and economically. The Executive shall have the power to appoint a Cabinet to assist in administering the District’s affairs. The Executive is responsible for suggesting, assisting in the implementation and enforcement of laws and presenting a budget to the council for them to discuss, vote on and implement yearly. The minimum age of the Executive shall be 25. No Executive shall hold office for more than a total of two terms.

**Article VIII: Judicial Authority**

This Constitution establishes an independent judicial authority. This Judicial authority shall be empowered protect the Constitution, and justice while interpreting laws and ensuring the individuality of each tribal District. Judges, appointed by the Executive and approved by the Council, must be 25, and active members of the Legal Community. Every 8 years, judges shall be placed before the public, and voted on, with a plural majority designating the victor.

**Article IX: Political Parties**

In an effort to support both citizen involvement and governmental transparency, the rights of political parties and their members shall be recognized, granted, and protected by this Constitution. An organization can file to become a political party as long as they meet the following criteria:

* They must:
  + Present a signed petition with 300 names on it and file it with the proper, established oversight authority (an Election Commission), and
  + Pay a reasonable fee as established by the oversight authority (an Election Commission) or
  + Receive, as a political party, 1% of the total vote during the previous elections, and
  + In all instances, they cannot be controlled, funded or associated with a recognized terrorist or criminal organization(s), nor can they receive funds from foreign entities.

**Article X: Criminals and Terrorists**

Individuals convicted of terrorism, who support rogue regimes, belong to outlawed organizations, or have been imprisoned for felonious criminal offenses, are ineligible to hold any type of elected, governmental or appointed political position(s). They also shall lose their citizenship and right to vote.

**Article XII: Amendment Process**

This Constitution, or any laws enacted by the elected Council, can be amended by a public vote. To be eligible for a public vote, one of the following pieces of criteria must be met:

* The filing of a petition process involving 1/5th of all registered voters in said District, or
* The measure’s placement on the ballot by the Council, or
* Other criteria may be established as needed by the Council or by a citizen vote.

Once filed with the proper authorities, with transparency in mind, all measures shall be placed before the people of the representative District on a selected date, not more than one hundred and eighty days (180) after the filing of the petition. For the measure to become law through a public vote, approval must come from a simple majority of those eligible and voting. In both instances, a simple plurality is sufficient for passage and adoption.

**Article XIII: Budget**

Six months prior to the commencement of the fiscal year, the Executive shall present a budget proposal for the next fiscal year. The Council must review, discuss and endorse a spending plan no later than thirty days before the start of a new fiscal cycle. The fiscal year for the District commences on [insert specific date]. The budgetary process, akin to all legislative procedures, shall prioritize transparency while facilitating participation and discourse from their citizenry or constituency.

**Article XIV: Pay, Currency & Postal Systems**

Each distinct District mentioned in **Article V**, retains the authority to devise, designate, and implement its own currency and postal service, including the printing of both money and stamps. They also have the right to designate a reasonable legislative salary. In an effort to support and promote transparency, a sitting body cannot vote themselves salary increases. Any salary increase must be voted on and adopted in the legislative session prior to when scheduled increase takes effect.

**Article XV: Peace Zones**

Within the framework of this Constitution, each of the five Districts recognized in **Article V**, shall each be officially designated as "Zones of Peace." The Council shall define the zone and include but not be limited to the following concepts:

* Demilitarization & Anti-Terrorist/Terrorism;
* Humanitarian Aid & Development;
* Education and Awareness;
* International Support and Cooperation, with a focus on Respect for Human Rights.

These components, and any others that are adopted, shall work together to create an environment conducive to peace, stability, and cooperation within the designated zone.

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Note: This document is a template and is being offered/presented in an effort to foster public discussion and solicit input. As such, the language will change, but hope the ideas and concepts that are contained under each Article will expand while staying the same. Upon adoption by a Constitutional Commission, they will hold a series of open and public hearings. Once the process is complete, a plebiscite shall be held, to solidly ensure the authenticity, legitimacy, inclusivity, compliance, and enforcement of this Constitution and the principles it contains.