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Bi-Nationalism - Towards a Lasting Peace
between Palestinians and Israelis.

Appendix

Bi-National Constitution for Palestine-Israel

A Draft

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FUNDAMENTAL PRINCIPLES

- (1) The Jews in Israel and the Palestinians constitute a **two separate national group with a protected right for self determination** for each one;
- (2) Instability in the Middle East threatens the security of Jews and Palestinians, and a proper arrangement for resolving the Israeli-Palestinian conflict must enable the security and peace of both Jews and Palestinians;
- (3) **Jews and Palestinians constitute a joint people** that have valid Political rights to a common home in the territory of the State;
- (4) They declare, by this constitution and through their representatives, their acceptance to live as equal citizens in a federal joint state that called: **Palestine\Israel or Israel\Palestine**;
- (5) The people of the state\federation disavow all previous systems of governance and desire governance in accordance with principles of international law and human dignity;
- (6) **The State\federation is committed to democratic principles, human rights, and fundamental freedoms**;
- (7) **The resources of the state belong to all citizens** and shall be distributed and used in accordance with legal provisions consistent with this Constitution; and
- (8) the Joint state\federation be a member of the United Nations, bound by international law, and the people of the Federation shall be committed to international law and the principles and purposes espoused by the United Nations.

Part 1: BASIC ARTICLES

Article 1 The State\federation of Palestine\Israel

1. The joint state is an independent and sovereign country with a single government. The state consists of two institutional and cultural autonomies for each group in internal matters, and will function as one state with one rule system in joint matters such as: national development, planning, foreign affairs and national security.

2. The independence, territorial integrity, security, and constitutional order of the joint state shall be safeguarded and respected.
3. This Constitution prohibits the state from partition or secession, in whole or in part with any other country, or any other unilateral change to the state of affairs.
4. The joint state shall be organized under this Constitution in accordance with the basic principles of rule of law, democracy, representative government, political equality of the citizens of the state, and the equal status of the constituent autonomies.

Article 2 The Constituent autonomies

1. The constituent autonomies, of Israeli-Jewish and Palestinian-Arab, are of equal status. Each constituent autonomy exercises its authority within the limits of this Constitution and its community\group boundaries.
2. The identity, security, and constitutional order of the constituent autonomies shall be safeguarded and respected.
3. Each constituent autonomy shall have a constitutional right to an equitable share of revenue collected nationally
4. The constituent autonomies shall organize themselves freely within the limits of this Constitution and in conformity with the basic principles of rule of law, democracy, and representative government under their own constitutions.

Article 3 Jerusalem

1. Jerusalem will serve as the capital of the state and of the two autonomies and includes the united city of Jerusalem, its suburbs, and the city of Bethlehem.
2. The identity, territorial integrity, and security of Jerusalem shall be safeguarded and respected.

3. The seat of the federal government shall be in the District of Jerusalem.
4. Jerusalem affairs shall be organizing itself within the limits of this Constitution and in conformity with the basic principles of rule of law, democracy, and representative government as expressed in this Constitution.
5. Jerusalem municipal officials will be elected locally, subject to approval by the Senate.

Part II: GENERAL PROVISIONS

Article 4 Constitution as Supreme Law

1. This Constitution is the supreme law of the land and is binding on all state authorities, the constituent autonomies, and Jerusalem. Any act by the federal government or either constituent autonomies in contravention to this Constitution shall be null and void.
2. The federal government shall fully respect and not infringe upon the powers and functions of the constituent autonomies under this Constitution. Each constituent autonomy shall fully respect and not infringe upon the powers and functions of the federal government or the other constituent autonomies under this Constitution.
4. The Supreme Court shall uphold this Constitution and ensure its full respect by other federal agencies and the constituent autonomies.

Article 5 Rule of Law

1. The law is the basis of and limitation for all acts of government at all levels. The Judiciary is responsible for determining the fair application of the law.

2. The federal government and the constituent autonomies shall respect international law, including all treaties binding upon the state.

Article 6 Religion

1. The Federation shall make no federal law creating an establishment of a state religion.

Article 7 Military

1. There will be one military in the Federation, which will be controlled and used by the federal government.
2. The military will be composed of troops from the constituent autonomies and Jerusalem.
3. The military shall defend the Federation and maintain peace and order within its boundaries. The military shall not be used to oppress citizens of the Federation.
4. Military personnel may not be elected to political office in the federal government.
5. The top commanders of the military will be appointed by the government, subject to the approval by the Senate.
6. Military service requirements will be stipulated by law.

Article 8 Intelligence

1. There shall be one National Intelligence Service of the Federation. The National Intelligence Service shall collect internal and external information and assess threats to national security. The services shall be under civilian control.

Article 9 Jurisdiction Boundaries Commission

1. The Federation will establish an independent and impartial jurisdiction boundaries Commission.

2. The authorities of the federal government, the constituent states shall render the jurisdiction boundaries Commission full cooperation.
3. The purpose of this Commission is to establish the community and cultural boundaries of the constituent autonomies in accordance with self-determination and stability within the Federation.
4. In determining the Federation's internal boundaries, the jurisdiction boundaries Commission shall establish specific regulations for different ethno-national situation.
5. The Commission will work under the direct authority of the senate.

Article 10 Refugee and Restitution Commission

1. The Federation will establish an independent and impartial Refugee and Restitution Commission.
2. The authorities of the federal government, the constituent autonomies shall render the Refugee and Restitution Commission full cooperation.
3. The Refugee and Restitution Commission will comprehensively address the return of Palestinian refugees as well as restitution for the loss of property and incurrence of damages to Jews and Palestinians and their descendants.

Article 11 Prisoner Commission

1. The Federation will establish an independent and impartial Prisoner Commission.
2. The authorities of the federal government, the constituent autonomies shall render the Prisoner Commission full cooperation.
3. The Prisoner Commission will evaluate and determine the release of all political prisoners currently held in the territory of the Federation.
4. The Commission will be extinguished when its work is complete.

Article 12 Religious and Historic Affairs Commission

1. The Federation will establish an independent and impartial Religious and Historic Affairs Commission.
2. The authorities of the federal government and the constituent autonomies shall render the Religious and Historic Affairs Commission full cooperation.
3. This Commission shall safeguard the sanctity of religious places and archeological sites in the Federation. The Federation is committed to guaranteeing full accessibility of peoples to these places and ensuring the freedom to practice respective faiths within them.

Article 13 Truth and Reconciliation Commission

1. The Federation will establish an independent and impartial Truth and Reconciliation Commission.
2. The authorities of the federal government and the constituent autonomies shall render the Reconciliation Commission full cooperation.
3. The aim of the Commission will be to promote tolerance, mutual respect, and advancement among those living in the Federation.

Article 14 Official Languages

1. The official languages of the Federation and the constituent autonomies are Hebrew and Arabic. The use of other languages for official purposes shall be regulated by law.

Part III: FUNDAMENTAL RIGHTS AND LIBERTIES

Article 15 Fundamental Rights

1. Human rights and fundamental freedoms enshrined in well-established sources of international law shall be an integral part of this Constitution.
2. The Federation shall not discriminate against any person on the basis of his or her ethnicity, religion, race, gender, citizenship, residency or sexual orientation.
3. The Federation shall not impede the full freedom of movement of persons, goods, services, and capital throughout the Federation.
4. Well-defined property rights will be established by law in accordance with the spirit and principles of this Constitution.

Article 16 Citizenship

1. A Federation citizen is any citizen or child of both: any citizen of the pre-existing regimes in Israel and Palestine or any citizen or child of current Israeli and Palestinian authority citizens.
2. Federal immigration law shall be grounded in universal rights and regulations that are related to the right to emigrate and resettled.
3. Appropriate measures will be taken to avail Diaspora Jews and Palestinians with a relationship to the Federation.

Article 17 Exercise of Political Rights

1. Federation citizens who are at least eighteen years old shall enjoy political rights at the federal, constituent state, and municipal levels.

Part IV: Political Functions

Article 18 Functions of the Federal Government

1. The federal government shall exercise functions including but not limited to the following areas:
 - a. external relations, including international treaties and defense policy;
 - b. military functions;
 - c. federal finances, including budget, taxation, banking, and federal economic and trade policy;
 - d. natural resources, including water resources;
 - e. religious affairs;
 - f. federal and state borders, ports, and aviation;
 - g. Federation citizenship and immigration matters;
 - h. federal administration of justice;
 - i. federal property; and
 - j. that which is absolutely necessary and proper to execute the specified powers of the federal government.
2. The federal government shall, where appropriate, entrust the implementation of its laws to the constituent state authorities.

Article 19 Functions of the Constituent Autonomies

1. The constituent autonomies shall exercise, within their community boundaries, all competences and functions not vested by this Constitution in the federal government.

Article 20 Cooperation and Coordination

1. The constituent autonomies may conclude agreements with each other or with the federal government.
2. The constituent autonomies shall strive to coordinate or harmonize their policy and legislation, including through agreements, common standards and consultations wherever appropriate.

Article 21 External Relations

1. The federal government shall consult the constituent autonomies on external relations that may affect their respective competences.
2. The constituent autonomies may appoint representatives on commercial and cultural matters as part of diplomatic missions of the Federation.
3. The constituent autonomies may also conclude agreements on commercial and cultural matters with authorities of foreign states that have relations with the Federation, provided that such agreements do not cause prejudice to the Federation, the authority of the federal government, or the other constituent autonomy.

Part V: FEDERAL INSTITUTIONS

Article 22 Eligibility and Discharge of Duties

1. A person shall be qualified to be elected or appointed to serve in the federal institutions if he or she is a citizen of the Federation and has reached the age of eighteen years.
2. No person may be a member of more than one branch of the federal government, or of the federal government and a constituent autonomies government.
3. Persons elected to or appointed to serve in federal institutions shall act in the best interests of the federal government.

Section A: The Legislature

Article 23 Parliament

1. The Parliament shall be composed of two chambers: the Senate and the Council of Representatives.
2. The Senate shall have 100 members members. Fifty senators will be elected by Israeli-Jewish community and fifty senators will be appointed by Palestinian community.

3. The Council of Representatives shall have 100 members, elected by the citizens of the Federation on the basis of proportional representation. The Federation will serve as the electoral precinct of the Council of Representatives.

Article 24 Council of Representatives

1. Members of the Council of Representatives will serve for a period of four years. Members can only serve for a maximum of three terms. A candidate to the Council of Representatives must be at least twenty-five years old and must be a citizen of the Federation for at least five years prior to announcing his or her candidacy.
2. No party with less than five percent of the vote will hold a seat in the Council of Representatives.
3. The Council of Representatives specializes in the following:
 - a. enacting federal laws;
 - b. monitoring the performance of the executive;
 - c. electing the President of the Federation;
 - d. ratifying international treaties and agreements; and
 - e. nominating the following:
 - i. top military commanders;
 - ii. directors of the intelligence services;
 - iii. Supreme Court judges and other Judiciary members;
 - iv. ambassadors;
 - v. top Central Bank officials;
 - vi. Attorney-General;
 - vii. Auditor-General; and
 - viii. other positions that may arise in matters of federal governance.
4. Unless otherwise stated in this Constitution, laws shall regulate the procedure and organization of the sessions of the Council of Representatives.

5. The governing coalition within the Council of Representatives shall appoint the Prime Minister of the Federation and the Cabinet of Ministers.
6. The Council of Representatives may withdraw confidence from the Prime Minister or one of the Cabinet of Ministers by an absolute majority.
7. Upon the dissolution of the Council of Representatives and the inability to form another government, the President shall call for general elections in the country within a period not to exceed sixty days from the date of its dissolution.
8. The declaration of war and state of emergency must be based on the consent of the Council of Representatives.
9. The decisions of the Council of Representatives may be appealed before the Federation Supreme Court.

Article 25 Senate

1. Senators will serve for a period of four years. There are no term limits in the Senate. A candidate to the Senate must be at least thirty years old, must be a citizen of the Federation for at least nine years prior to announcing his or her candidacy.
2. The Senate specializes in the following:
 - a. approving particular federal laws;
 - b. ratifying international treaties and agreements;
 - c. approving the following:
 - i. top military commanders;
 - ii. directors of the intelligence services;
 - iii. Supreme Court and Judiciary judges and members;
 - iv. Ambassadors;
 - v. top Central Bank officials;
 - vi. Attorney-General;
 - vii. Auditor-General; and
 - viii. other positions deemed in need of consideration.

3. Unless otherwise stated in this Constitution, laws shall regulate the procedure and organization of the sessions of the Senate.

Section B: The Executive

Article 26 President

1. The President is the Head of State and accordingly a symbol of the unity and sovereignty of the country.
2. A nominee to the Presidency must be a Federation citizen by birth and at least forty years of age.
3. The President is elected by the Council of Representatives. Upon election, the President of the Federation shall appoint a Vice-President from the other community.
4. The President of the Federation's term in office shall be limited to four years. The President may be elected for a maximum of two terms.
5. The President shall have the following powers:
 - a. to issue pardons and amnesties upon the recommendation of the Prime Minister;
 - b. to ratify international treaties and agreements;
 - c. to ratify and issue the laws enacted by the Council of Representatives and Senate;
 - d. to call the elected Council of Representatives and the Senate;
 - e. to propose laws; and
 - f. to call elections.

Article 27 Cabinet of Ministers

1. The Cabinet of Ministers is comprised 22 members, including the Prime Minister, the vice-prime minister and the Cabinet. 11 members from each community;
2. The Prime Minister is appointed by the governing coalition within the Council of Representatives.

3. The Prime Minister shall present the names of his or her Cabinet members and the Cabinet of Ministers's agenda to the Council of Representatives.
4. The conditions for assuming the post of the Prime Minister shall be the same as those for the President, provided that s/he is thirty-five years of age or older.
5. The Prime Minister is the direct executive authority responsible for the general policy of the Federation and its armed forces. The Prime Minister directs the Cabinet of Ministers, presides over its meetings, and has the right to dismiss the Ministers subject to the consent of the Council of Representatives.
6. The Prime Minister shall be authorized with the necessary powers to manage the affairs of the country during a state of emergency and war.
7. The Cabinet of Ministers shall exercise the following powers:
 - a. to advise the Prime Minister on planning and executing general policy of the Federation;
 - b. to run the affairs of the ministries and the administrative branches;
 - c. to propose bills;
 - d. to prepare the draft of the general budget for approval by the Council of Representatives; and
 - e. to negotiate and sign international agreements and treaties, or designate any person to do so.
8. Laws shall regulate the formation of ministries, their tasks, their responsibilities, and the authorities of each respective cabinet minister. The ministries shall be professional and career-oriented.

Article 28 Federal Police

1. There shall be a federal police whose composition is proportional to the population of the constituent states and the District of Jerusalem. The federal police shall be involved in matters such as controlling the Federation's border and protecting federal officials, federal buildings, federal property, foreign dignitaries, and diplomatic missions.

Section C: Independent Officers and Institutions

Article 29 Central Bank

1. The Central Bank of the Federation shall be the monetary authority of the Federation. It shall issue currency, define and implement monetary policy, and regulate and supervise credit institutions.
2. The Central Bank shall be independent from other arms of the federal government.
3. A law shall provide for the structure of the Central Bank, its positions, and its procedures.

Article 30 Attorney-General

1. The Attorney-General shall be the head of the Federal Law Office.
2. The Attorney-General shall be the primary legal adviser of the federal government. The Attorney-General shall also, within the public interest, institute, conduct, take over and continue or discontinue any proceedings regarding offenses against federal law against any person in the Federation.
3. The Attorney-General shall exercise all such other powers and shall perform all such other functions and duties as are conferred or imposed on him or her by law.

Article 31 Auditor-General

1. The Auditor-General shall be the head of the Federal Audit Office.
2. The Auditor-General shall control all disbursements and receipts and audit and inspect all accounts of monies and other assets administered, and of liabilities incurred, by or under the authority of the federal government. The Auditor-General shall also have the right of access to all books, records and returns relating to such accounts and to places where such assets are kept.

3. The Auditor-General shall exercise all such other powers and shall perform all such other functions and duties as are conferred or imposed on him or her by law.

Section D: The Judiciary

Article 32 Judiciary

1. The judicial authority is independent. The courts, in their various types and classes, shall assume this authority and issue decisions in accordance with the Constitution and the law.
2. Without regard to Article 33, the law shall regulate the establishment of the courts, their types, classes and jurisdiction and the method of appointing and the terms of service of judges and public prosecutors.

Article 33 Supreme Court

1. The Supreme Court is the highest judicial body in the Federation.
2. Supreme Court justices shall be nominated by the Council of Representatives and approved by the Senate.
3. The number of Supreme Court justices, the span of their terms, and the procedures of the Court will be stipulated by law.
4. The Supreme Court shall have original jurisdiction over disputes between or among the constituent states, the District of Jerusalem, and the federal government.
5. The Supreme Court shall have appellate jurisdiction over issues arising under either federal law or constituent state law.
6. All decisions of the Supreme Court shall be taken by simple majority.

Part VI: AMENDMENTS OF THIS CONSTITUTION

Article 34 Amendments

1. Amendments of this Constitution shall be considered and adopted by the Parliament after it consults with the constituent autonomies governments. After adoption by both chambers of Parliament, proposed amendments shall be submitted to a referendum for approval by separate majority of the people in each community.