

**THE BOARD OF PEACE: AN OPERATIONAL ANATOMY OF
USURPATION AT THE INTERNATIONAL SCALE**

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INTRODUCTION

The Declaration of Humanity supplies the foundational definitional premise; the Ratification Protocol supplies the certification standard; the Madisonian Compliance Test supplies the diagnostic apparatus; the Rejection of Law analysis supplies the four-decade defection pattern; the Sumud Flotilla article supplies the three-level meta-violation diagnosis. The Board of Peace is the operational case that tests all of them. The framework's diagnostic apparatus exists to identify violations of the codified democratic order when those violations arrive wearing institutional clothes — with a logo, a master plan, an investment paradigm, founding donors and contributors, a UN Security Council endorsement, and international legal personality. The Board of Peace arrived at Davos. The framework's diagnostic must function on it or it does not function operationally.

This Article applies the corpus's diagnostic apparatus to the Board of Peace's formal instruments: the Charter of the Board of Peace, signed January 16, 2026;¹ United Nations Security Council Resolution 2803 (2025), adopted November 17, 2025;² the Declaration of the Founding Donors to the Board of Peace, signed February 19, 2026;³ the Declaration of the Founding Contributors to the International Stabilization Force, signed February 19, 2026;⁴ the Memorandum of Understanding between FIFA and the Board of Peace, signed February 19, 2026;⁵ and the Board of Peace Presentation to the Davos World Economic Forum.⁶ The structural

1 Charter of the Board of Peace (Jan. 16, 2026) (signed by President Donald J. Trump on behalf of the United States of America) (on file with author).

2 S.C. Res. 2803, U.N. Doc. S/RES/2803 (Nov. 17, 2025).

3 Declaration of the Founding Donors to the Board of Peace (Feb. 19, 2026) (signed at Washington, DC) (on file with author).

4 Declaration of the Founding Contributors to the International Stabilization Force (Feb. 19, 2026) (signed at Washington, DC) (on file with author).

5 Memorandum of Understanding Between Fédération Internationale de Football Association and the Board of Peace, the Office of the High Representative for Gaza, and the National Committee for the Administration of Gaza (Feb. 19, 2026) (signed at Washington, DC) (on file with author).

verdict is unambiguous. The Board of Peace architecture operates the dual Power Separation Vulnerability: paradigm USURPATION at the international scale by the Board of Peace (grounded in the Chairman position Article 3.2 of the Charter establishes), paired with paradigm ABDICATION by the United Nations Security Council (whose response in Resolution 2803 supplies the Board of Peace with operational space rather than exercising the Council's own constitutive authority over transitional international administration). The Board of Peace fails every feature of the Ratification Protocol's certification standard; the architecture operationalizes the Declaration of Humanity's redescription diagnostic in institutional form; the structure expands the Sumud Flotilla article's three-level meta-violation into administrative architecture. The Council's "welcome" of the unilaterally constituted Board of Peace is not a curing of the USURPATION; it is the structurally complementary ABDICATION by which the violation operates.

The Article proceeds in ten analytical sections. Section I documents the operational architecture — the formal instruments, the entities they create, the sequence by which the structure was assembled, and the public form the entity has presented to the world. Section II applies the Madisonian Compliance Test to the Charter and Resolution 2803, identifying the dual Power Separation Vulnerability — USURPATION by the Board of Peace and ABDICATION by the Security Council — step by step. Section III applies the Ratification Protocol's ten necessary constitutional features as a certification standard against the Charter, showing failure at every feature. Section IV applies the Declaration of Humanity's redescription diagnostic, showing the operational form by which Palestinians are constituted as objects rather than subjects of governance. Section V applies the Sumud Flotilla article's three-level meta-violation diagnosis to

⁶ Board of Peace Presentation to the Davos World Economic Forum (2026) (slide deck) (on file with author).

the BoP architecture, showing how the operational form has expanded from non-execution of triggered warrants to affirmative participation in the structurally identical operation. Section VI articulates why the Board of Peace is the paradigm operational antithesis of the codified democratic order. Section VII measures the Board of Peace Charter against the Charter of the United Nations article by article, demonstrating that the BoP Charter inverts the UN Charter's structural guarantees — sovereign equality, deliberative membership, equality of participation, continuous function, judicial independence, compliance with the International Court of Justice, and Charter supremacy — at every point of comparison. Section VIII distinguishes the Board of Peace from legitimate forms of transitional international administration — UN trusteeship under Chapters XII–XIII, UN peacekeeping under Chapters VI/VII, and the Oslo Accords' provisional authority — drawing the structural lines that the diagnostic identifies. Section IX articulates what restoration of integrity would require, applying the Ratification Protocol's third operational variant (restoration by defecting members) to the United States and the framework's other affected members. Section X articulates why the analysis matters for the corpus and for the codified democratic order's contemporary integrity.

The Article does not rely on any source outside the Board of Peace's own publicly released instruments and the corpus's diagnostic apparatus. The analysis is textual and structural throughout.

I. THE OPERATIONAL ARCHITECTURE

The Board of Peace was assembled in stages across an eight-month sequence in late 2025 and early 2026. Each stage produced a formal instrument; each instrument operationalizes a structural feature; the layered architecture culminates in a public presentation to global investors

at the World Economic Forum in Davos. This Section documents the operational architecture in the order of its assembly.

A. The Sequence

The sequence of formal instruments runs as follows:

Date	Instrument	Function
Sept. 29, 2025	Trump's Comprehensive Plan to End the Gaza Conflict	Substantive blueprint; later attached as Annex 1 to Resolution 2803
Oct. 13, 2025	Trump Declaration for Enduring Peace and Prosperity	Public preamble to the Plan
Nov. 17, 2025	UNSCR 2803 (with Comprehensive Plan as Annex 1)	Security Council endorsement; BoP "welcomed" with "international legal personality"
Jan. 16, 2026	Charter of the Board of Peace, signed by Trump	Constitutive instrument of BoP as international organization
Feb. 19, 2026	Declaration of the Founding Donors to the BoP	Eight states commit financial support
Feb. 19, 2026	Declaration of the Founding Contributors to the ISF	Five states commit troops to the International Stabilization Force
Feb. 19, 2026	FIFA-BoP Memorandum of Understanding	Operational instrument applying BoP authority through subordinate entities
Early 2026	BoP Presentation to Davos World Economic Forum	Public introduction to global investor community

The sequence has structural significance. The Comprehensive Plan precedes the Security Council endorsement; the Security Council "welcomes" rather than "establishes" the Board of Peace; the Charter is signed by Trump as a unilateral act after the endorsement but before the founding declarations. The Council operates downstream of the unilateral structure rather than upstream of a deliberatively negotiated mandate. This sequence is itself diagnostic and recurs throughout the analysis below.

B. The Charter of the Board of Peace

The Charter is the constitutive instrument of the entity.⁷ It is organized in thirteen Chapters and operates as a treaty-form instrument with three-State threshold for entry into force and the United States as depositary.⁸⁹ The Charter creates the Board of Peace as "an international organization that seeks to promote stability, restore dependable and lawful governance, and secure enduring peace in areas affected or threatened by conflict."¹⁰ The entity possesses "international legal personality" and "such legal capacity as may be necessary to the pursuit of [its] mission (including, but not limited to, the capacity to enter into contracts, acquire and dispose of immovable and movable property, institute legal proceedings, open bank accounts, receive and disburse private and public funds, and employ staff)."¹¹

The structural feature that defines the Charter is the Chairman position established in Article 3.2 ("Chairman") and the catalogued exclusive authorities that flow from that position. Article 3.2(a) designates "Donald J. Trump" as the "inaugural Chairman of the Board of Peace" who "shall separately serve as inaugural representative of the United States of America."¹² Article 3.2(b) grants the Chairman exclusive authority over subsidiary entities (see item 5 below). Article 3.2 is the structural locus of the entity's authoritarian character: the Chairman position the Article establishes is what makes the Charter authoritarian, and every exclusive authority catalogued below derives from that position:

7 Charter of the Board of Peace (Jan. 16, 2026) (signed by President Donald J. Trump on behalf of the United States of America) (on file with author).

8 Charter of the Board of Peace art. 11.1(a).

9 Charter of the Board of Peace art. 11.2.

10 Charter of the Board of Peace art. 1 (Jan. 16, 2026).

11 Charter of the Board of Peace art. 6(a).

12 Charter of the Board of Peace art. 3.2(a).

1. **Membership invitation.** "Membership in the Board of Peace is limited to States invited to participate by the Chairman."¹³

2. **Member removal.** Membership terminates upon "a removal decision by the Chairman, subject to a veto by a two-thirds majority of Member States."¹⁴

3. **Agenda-setting.** The Board's agenda is "set by the Executive Board, subject to notice and comment by Member States and approval by the Chairman."¹⁵

4. **Decision approval.** "Decisions shall be made by a majority of the Member States present and voting, subject to the approval of the Chairman, who may also cast a vote in his capacity as Chairman in the event of a tie."¹⁶

5. **Subsidiary entity creation and dissolution.** "The Chairman shall have exclusive authority to create, modify, or dissolve subsidiary entities as necessary or appropriate to fulfill the Board of Peace's mission."¹⁷

6. **Succession.** "The Chairman shall at all times designate a successor for the role of Chairman. Replacement of the Chairman may occur only following voluntary resignation or as a result of incapacity, as determined by a unanimous vote of the Executive Board, at which time the Chairman's designated successor shall immediately assume the position of the Chairman and all associated duties and authorities of the Chairman."¹⁸

7. **Subcommittee establishment.** "The Chairman may establish subcommittees as necessary or appropriate and shall set the mandate, structure, and governance rules for each such subcommittee."¹⁹

13 Charter of the Board of Peace art. 2.1.

14 Charter of the Board of Peace art. 2.3.

15 Charter of the Board of Peace art. 3.1(c).

16 Charter of the Board of Peace art. 3.1(e).

17 Charter of the Board of Peace art. 3.2(b).

18 Charter of the Board of Peace art. 3.3.

19 Charter of the Board of Peace art. 3.4.

8. **Executive Board composition.** "The Executive Board shall be selected by the Chairman and consist of leaders of global stature."²⁰

9. **Executive Board removal.** Members of the Executive Board "serve two-year terms, subject to removal by the Chairman and renewable at his discretion."²¹

10. **Executive Board veto.** "Decisions of the Executive Board shall be made by a majority of its members present and voting, including the Chief Executive. Such decisions shall go into effect immediately, subject to veto by the Chairman at any time thereafter."²²

11. **Charter interpretation.** "[T]he Chairman is the final authority regarding the meaning, interpretation, and application of this Charter."²³

12. **Resolution adoption.** "The Chairman, acting on behalf of the Board of Peace, is authorized to adopt resolutions or other directives, consistent with this Charter, to implement the Board of Peace's mission."²⁴

13. **Dissolution authority.** "The Board of Peace shall dissolve at such time as the Chairman considers necessary or appropriate, or at the end of every odd-numbered calendar year unless renewed by the Chairman no later than November 21 of such odd-numbered calendar year."²⁵

14. **Charter amendment confirmation.** Amendments "shall be adopted upon approval by a two-thirds majority of the Board of Peace and confirmation by the Chairman. Amendments to Chapters II, III, IV, V, VIII, and X require unanimous approval of the Board of Peace and confirmation by the Chairman."²⁶

20 Charter of the Board of Peace art. 4.1(a).

21 Charter of the Board of Peace art. 4.1(b).

22 Charter of the Board of Peace art. 4.1(e).

23 Charter of the Board of Peace art. 7.

24 Charter of the Board of Peace art. 9.

25 Charter of the Board of Peace art. 10.2.

26 Charter of the Board of Peace art. 8.

Three other Charter features warrant attention. First, "[n]o reservations may be made to this Charter."²⁷ Member states either accept the Charter's entire structure or do not become members; structural defects cannot be cured by reservation. Second, "[t]he official language of the Board of Peace shall be English."²⁸ Third, "[t]he original text of this Charter, and any amendment thereto, shall be deposited with the United States of America, which is hereby designated as the Depositary of this Charter."²⁹ The depositary holds the authoritative text of all amendments and supplies certified copies to other signatories.

C. United Nations Security Council Resolution 2803 (2025)

Resolution 2803, adopted unanimously at the Council's 10046th meeting on November 17, 2025,³⁰ performs four operative functions. First, it "[e]ndorses the Comprehensive Plan, acknowledges the parties have accepted it, and calls on all parties to implement it in its entirety."³¹ Second, it "[w]elcomes the establishment of the Board of Peace (BoP) as a transitional administration with international legal personality that will set the framework, and coordinate funding for, the redevelopment of Gaza pursuant to the Comprehensive Plan."³² Third, it "[a]uthorizes Member States working with the BoP and the BoP to establish a temporary International Stabilization Force (ISF) in Gaza to deploy under unified command acceptable to the BoP, with forces contributed by participating States, ... and to use all necessary measures to

27 Charter of the Board of Peace art. 12.

28 Charter of the Board of Peace art. 13.1.

29 Charter of the Board of Peace art. 11.2.

30 S.C. Res. 2803, U.N. Doc. S/RES/2803 (Nov. 17, 2025).

31 S.C. Res. 2803 ¶ 1, U.N. Doc. S/RES/2803 (Nov. 17, 2025).

32 S.C. Res. 2803 ¶ 2, U.N. Doc. S/RES/2803 (Nov. 17, 2025).

carry out its mandate."³³ Fourth, it "[d]ecides the BoP and international civil and security presences authorized by this resolution shall remain authorized until Dec. 31, 2027."³⁴

The resolution's textual choices are operationally significant. The verbs are "endorses," "welcomes," and "authorizes." The resolution does not "establish" the Board of Peace; it does not "create" the entity; it does not "constitute" the Board of Peace under any provision of the Charter of the United Nations. The "international legal personality" the resolution welcomes is a feature the Board of Peace claims through its own Charter, signed by Trump on January 16, 2026, two months after the resolution's adoption. The resolution operates downstream of the unilateral structure rather than upstream of it.

The Comprehensive Plan is attached as Annex 1 to Resolution 2803.³⁵ The Plan's twenty paragraphs articulate the substantive framework the BoP operationalizes: the ceasefire and hostage release;^{36,37} the prisoner release ratio (250 Israeli life sentence prisoners + 1,700 detained Gazans for all hostages; 15 deceased Gazans for each deceased Israeli hostage);³⁸ the demilitarization of Gaza "under the supervision of independent monitors";³⁹ the transitional governance under "a technocratic, apolitical Palestinian committee" with "oversight and supervision by a new international transitional body, the 'Board of Peace,' which will be headed and chaired by President Donald J. Trump";⁴⁰ the "Trump economic development plan to rebuild and energize Gaza";⁴¹ the "special economic zone ... with preferred tariff and access rates to be

33 S.C. Res. 2803 ¶ 7, U.N. Doc. S/RES/2803 (Nov. 17, 2025).

34 S.C. Res. 2803 ¶ 8, U.N. Doc. S/RES/2803 (Nov. 17, 2025).

35 S.C. Res. 2803 annex 1 (Comprehensive Plan to End the Gaza Conflict), U.N. Doc. S/RES/2803 (Nov. 17, 2025).

36 S.C. Res. 2803 annex 1, ¶ 3 (Comprehensive Plan).

37 S.C. Res. 2803 annex 1, ¶ 4 (Comprehensive Plan).

38 S.C. Res. 2803 annex 1, ¶ 5 (Comprehensive Plan).

39 S.C. Res. 2803 annex 1, ¶ 13 (Comprehensive Plan).

40 S.C. Res. 2803 annex 1, ¶ 9 (Comprehensive Plan).

41 S.C. Res. 2803 annex 1, ¶ 10 (Comprehensive Plan).

negotiated with participating countries";⁴² the deployment of the International Stabilization Force;⁴³ and the conditional terminus: "While Gaza re-development advances and when the PA reform program is faithfully carried out, the conditions may finally be in place for a credible pathway to Palestinian self-determination and statehood, which we recognize as the aspiration of the Palestinian people."⁴⁴

D. The Declaration of the Founding Donors

The Founding Donors Declaration, signed at Washington, DC on February 19, 2026, commits eight Member States to financial contribution: the United Arab Emirates, the State of Qatar, the State of Kuwait, the Kingdom of Saudi Arabia, the Republic of Kazakhstan, the Republic of Uzbekistan, the Kingdom of Bahrain, and the Kingdom of Morocco.⁴⁵ The Declaration is acknowledged by the Board of Peace through the Chairman's signature. The Declaration's substantive text affirms "our commitment to provide financial support to the Board of Peace" and "our enduring political commitment as founding donors and our shared aspiration to uphold peace through common effort."⁴⁶ The signatories pledge to "cooperate in good faith to help ensure that the Board of Peace is adequately resourced, professionally supported, and guided by respect for human dignity and international law."⁴⁷

42 S.C. Res. 2803 annex 1, ¶ 11 (Comprehensive Plan).

43 S.C. Res. 2803 annex 1, ¶ 15 (Comprehensive Plan).

44 S.C. Res. 2803 annex 1, ¶ 19 (Comprehensive Plan).

45 Declaration of the Founding Donors to the Board of Peace (Feb. 19, 2026) (signed at Washington, DC) (on file with author).

46 Declaration of the Founding Donors to the Board of Peace (Feb. 19, 2026) (signed at Washington, DC) (on file with author).

47 Declaration of the Founding Donors to the Board of Peace (Feb. 19, 2026) (signed at Washington, DC) (on file with author).

E. The Declaration of the Founding Contributors to the ISF

The Founding Contributors Declaration, signed at Washington, DC on February 19, 2026, commits five Member States to troop contribution: the Republic of Indonesia, the Kingdom of Morocco, the Republic of Albania, the Republic of Kosovo, and the Republic of Kazakhstan.⁴⁸ The Declaration is acknowledged by the Board of Peace through the Chairman's signature. The signatories "express our intention to contribute troops to the ISF, consistent with the decisions of the Board of Peace and our respective national processes."⁴⁹ The signatories "pledge to cooperate in good faith to ensure that the ISF is professional, disciplined, and guided by respect for human dignity and applicable international law."⁵⁰

Morocco and Kazakhstan appear on both lists, committing funds and troops. Indonesia, the largest Muslim-majority nation, is the lead troop contributor. The donor list draws from the Sunni Arab Gulf states; the troop-contributor list draws from Muslim-majority states across multiple regions (Southeast Asia, North Africa, the Balkans, Central Asia). The lists together constitute the framework's broader political coalition.

F. The FIFA Memorandum of Understanding

The FIFA-BoP Memorandum of Understanding, signed at Washington, DC on February 19, 2026, is structurally diagnostic because it reveals the layered operational architecture.⁵¹ The MOU's parties are "The Fédération Internationale de Football Association (FIFA) and The Board

⁴⁸ Declaration of the Founding Contributors to the International Stabilization Force (Feb. 19, 2026) (signed at Washington, DC) (on file with author).

⁴⁹ Declaration of the Founding Contributors to the International Stabilization Force (Feb. 19, 2026) (signed at Washington, DC) (on file with author).

⁵⁰ Declaration of the Founding Contributors to the International Stabilization Force (Feb. 19, 2026) (signed at Washington, DC) (on file with author).

⁵¹ Memorandum of Understanding Between Fédération Internationale de Football Association and the Board of Peace, the Office of the High Representative for Gaza, and the National Committee for the Administration of Gaza (Feb. 19, 2026) (signed at Washington, DC) (on file with author).

of Peace, the Office of the High Representative for Gaza (OHR), and the National Committee for the Administration of Gaza (NCAG) (collectively 'BoP' and, together with FIFA, the 'Participants')."⁵² The MOU treats the BoP, OHR, and NCAG as a single unified entity for international agreement-making purposes.

The architecture the MOU reveals is:

- **Board of Peace (BoP)** — international organization with international legal personality; Chairman: Donald J. Trump
- **Office of the High Representative for Gaza (OHR)** — operational arm of the BoP for Gaza-specific functions
- **National Committee for the Administration of Gaza (NCAG)** — the "technocratic, apolitical Palestinian committee" responsible for day-to-day operations, under BoP oversight

The MOU establishes the Gaza Football Development Programme in four phases: Community Activation (50 FIFA Arena mini-pitches; 3–6 months); Sporting Infrastructure (5 full-size pitches across five districts; 12 months); FIFA Academy (elite training, education, accommodation; 18–24 months); National Stadium (20,000 seats; 18–24 months).⁵³ The MOU is non-binding ("This MOU reflects the intentions of the Participants and does not constitute a legally binding agreement unless otherwise specified in subsequent contracts").⁵⁴ The MOU is signed by separate representatives for FIFA, the BoP, the OHR, and the NCAG.⁵⁵

The MOU's structural significance is twofold. First, it confirms that the BoP, OHR, and NCAG operate as a unified governance apparatus with the BoP at the top, the OHR as

52 Memorandum of Understanding Between Fédération Internationale de Football Association and the Board of Peace, the Office of the High Representative for Gaza, and the National Committee for the Administration of Gaza (Feb. 19, 2026) (signed at Washington, DC) (on file with author).

53 Memorandum of Understanding § 3 (Scope of Cooperation), *supra* note [[^]fifaMOU].

54 Memorandum of Understanding § 8 (Legal Status), *supra* note [[^]fifaMOU].

55 Memorandum of Understanding § 10 (Signatories), *supra* note [[^]fifaMOU].

operational arm, and the NCAG as the Palestinian face. Second, it demonstrates that the BoP is entering international agreements with third-party entities (FIFA) in its own name, exercising the legal personality the Charter and Resolution 2803 acknowledge.

G. The Davos Presentation and the Master Plan

The Board of Peace Presentation to the Davos World Economic Forum supplies operational material the formal instruments alone do not.⁵⁶ The presentation's structure runs in eleven slides:

- **Slide 1:** Board of Peace logo — golden shield with globe (centered on North America) surrounded by laurel wreath
- **Slide 2:** Gaza Timeline — "2-Year War" (90k tons of munitions, 60m tons of rubble, tens of thousands fatalities) → "20 Point Plan" (Ceasefire, Release of Hostages, UNSCR 2803, Historic Humanitarian Aid) → "Peace & Prosperity" (Security, Deradicalization, Free Market Economy, Reconstruction)
- **Slide 3:** Historic Humanitarian Aid — 100% basic food needs met first time since 2023; 55k total trucks (4,200 per week); 1.4M total pallets
- **Slide 4:** National Committee for the Administration of Gaza — photograph of eleven NCAG members; Mission Statement
- **Slide 5:** Master Plan — six-phase reconstruction map
- **Slide 6:** New Rafah — 100k+ permanent housing units, 200+ education centers, 180+ cultural/religious/vocational centers, 75+ medical facilities
- **Slide 7:** New Gaza — Coastal Tourism, Transportation Hub, Energy & Digital Infrastructure

⁵⁶ Board of Peace Presentation to the Davos World Economic Forum (2026) (slide deck) (on file with author).

- **Slide 8:** Empowering Gazans — \$10bn+ expected GDP by 2035, \$13k+ average annual household income by 2035, 500k+ new jobs, \$1.5bn+ vocational training, \$25bn+ utilities & public services, \$3bn+ commercial zones and microgrants

- **Slide 9:** Demilitarization Principles (ten principles)

- **Slide 10:** Next 100 Day Focus — humanitarian aid and reconstruction

- **Slide 11:** Davos World Economic Forum — "Thank You"

The Master Plan, presented as a single map on Slide 5, organizes the reconstruction in six phases that renumber the existing Gazan cities:

Phase	Existing Name	Master Plan Designation
1A	Rafah 1	City 1
1B	Khan Younis 1	City 2
1C	Rafah 2	City 1
2	Khan Younis 2	City 2
3	Center Camps	City 3
4	Gaza City	City 4

The map identifies the following major reconstruction elements: a port; a Rafah Trilateral Crossing; an airport; train and back-port logistics infrastructure; 180 mixed-use towers identified as "Coastal Tourism"; residential areas; five distinct Industrial Complexes containing "data centers" and "advanced manufacturing" with areas of 4.75, 5.35, 8.98, 16.40, and 8.29 square kilometers (totaling approximately 44 square kilometers of industrial development); parks, agriculture, and sports facilities; and a network of highways and local transportation.

The NCAG Mission Statement, presented on Slide 4, articulates the Committee's operational relationship to the Board of Peace:

Authorized by the UN Security Council Resolution 2803 and President Donald J. Trump's 20-Point Plan, the National Committee for the Administration of Gaza (NCAG) is dedicated to transforming the transitional period in Gaza into a foundation for lasting Palestinian prosperity. Under the guidance of the Board of Peace, chaired by President Donald J. Trump, and with the support and assistance of the High Representative for Gaza, our mission is to rebuild the Gaza Strip not just in infrastructure but also in spirit.⁵⁷

The Mission Statement continues: "We embrace peace, through which we strive to secure the path to true Palestinian rights and self-determination."⁵⁸ Two phrases are operationally diagnostic. First, the NCAG operates "[u]nder the guidance of the Board of Peace" and "with the support and assistance of the High Representative for Gaza" — the Palestinian committee is structurally subordinate. Second, the mission is "to rebuild the Gaza Strip not just in infrastructure but also in spirit" — the BoP architecture presumes a spiritual reformation function as well as a material reconstruction function.

The Demilitarization Principles, presented on Slide 9, supply the substantive content of the framework's security architecture. The ten principles include: Single Civilian Authority ("One legitimate civilian transitional authority governs Gaza. First NCAG, and later PA when it completes its reforms"); One Authority, One Law, One Weapon ("All weapons authorized by one authority only (NCAG)"); Monopoly on Force ("All militant armed groups, internal security, and police organizations dismantled or integrated into NCAG following rigorous vetting"); Palestinian-Led (with international verification); Comprehensive Decommissioning; Personal Security for Disarmament ("only NCAG-sanctioned personnel may carry weapons");

⁵⁷ National Committee for the Administration of Gaza, Mission Statement, in Board of Peace Presentation to the Davos World Economic Forum, slide 4 (2026).

⁵⁸ National Committee for the Administration of Gaza, Mission Statement, in Board of Peace Presentation to the Davos World Economic Forum, slide 4 (2026).

Demilitarization Unlocks Investment ("Reconstruction only in sectors with full disarmament"); Amnesty & Reintegration; Sequenced & Verified; and Completion = Withdrawal.⁵⁹

The Davos venue is itself operationally diagnostic. The Board of Peace introduces itself to the institutional architecture of global capital. The presentation is structured for an investor audience: GDP projections, household income, employment numbers, infrastructure investment, special economic zones, port and airport development, energy and digital infrastructure. The development paradigm the BoP operationalizes is presented to the parties who will operate it.

II. THE MADISONIAN COMPLIANCE TEST APPLIED

The Madisonian Compliance Test articulated in the companion paper operates as a six-step diagnostic for identifying violations of constitutional structure.⁶⁰ The test applies, with appropriate scale-adjustment, to any framework operating at any scale where authority is assigned. The codified democratic order at the international scale assigns governance authority through structural mechanisms; the test identifies whether claimed authority derives validly from those mechanisms. This Section applies the test to the Board of Peace.

A. The Position of Assigned Power

The first step identifies the Position of Assigned Power — the constitutional or institutional position to which the authority in question is structurally assigned. Governance authority over Palestinian territory is, at the international scale, assigned through multiple structural mechanisms:

⁵⁹ Board of Peace Presentation to the Davos World Economic Forum, slide 9 (Demilitarization Principles) (2026).

⁶⁰ KIRCHNER, JOSEPH D. *The Madisonian Separation of Powers Objective Compliance Test: Recovering Constitutional Structure Through Textual Analysis* (May 2026) (manuscript on file with author).

1. The universal claim of self-determination. The UN Charter Article 1(2) identifies among the Purposes of the United Nations the development of "friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples."⁶¹ The International Covenant on Civil and Political Rights Article 1, ratified by 173 States Parties, states that "[a]ll peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development."⁶² The General Assembly's recognition of the Palestinian people's right to self-determination, articulated in Resolution 3236 (XXIX) of 1974 and confirmed in numerous subsequent resolutions, identifies the Palestinian people as the constitutive holder of the right.⁶³

2. The UN Trusteeship system under Chapters XII–XIII. The Trusteeship system was constituted to operate transitional administration of territories whose peoples had not yet attained "a full measure of self-government,"⁶⁴ under the supervision of the Trusteeship Council, with the constitutive objective of "develop[ing] self-government or independence as may be appropriate to the particular circumstances of each territory and its peoples and the freely expressed wishes of the peoples concerned."⁶⁵

3. The Palestinian Authority under the Oslo Accords. The Oslo Accords (1993; 1995) established the Palestinian Authority as the recognized governance structure for the West Bank and Gaza Strip, with anticipated transition to full Palestinian self-governance.⁶⁶ The Palestinian

61 U.N. Charter art. 1, ¶ 2.

62 International Covenant on Civil and Political Rights art. 1, Dec. 16, 1966, 999 U.N.T.S. 171.

63 G.A. Res. 3236 (XXIX), U.N. Doc. A/RES/3236 (Nov. 22, 1974) (recognizing the right of the Palestinian people to self-determination).

64 U.N. Charter art. 73.

65 U.N. Charter art. 76(b).

66 Declaration of Principles on Interim Self-Government Arrangements, Isr.-PLO, Sept. 13, 1993, 32 I.L.M. 1525; Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip, Sept. 28, 1995, 36 I.L.M. 551.

Authority retains its legal status under the Accords, though operational developments since 2007 have complicated its functional reach.

4. The Security Council acting deliberatively under Chapter VII. Where territorial administration becomes necessary as a measure to address a threat to international peace and security, Chapter VII authorizes the Council to "take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security."⁶⁷ Operational examples include UNTAES (Eastern Slavonia, 1996), UNMIK (Kosovo, 1999), and UNTAET (East Timor, 1999). In each case, the transitional administration is *created by* the Council through Chapter VII resolution and *accountable to* the Council through reporting requirements.

The Position of Assigned Power for governance over Palestinian territory is, accordingly, some combination of the Palestinian people (as the constitutive holder of the right of self-determination), the Palestinian Authority (as the recognized governance structure under the Oslo Accords), the Trusteeship Council (where transitional trustee arrangements apply), and the Security Council acting deliberatively under Chapter VII (where Chapter VII intervention is the operational mechanism). The position is not assigned to any single Head of State, nor to a permanent body chaired by a single Head of State, nor to a structure invented unilaterally by a single Head of State.

B. The Position Actually Exercising Power

The second step identifies the Position Actually Exercising Power — the institutional position whose conduct constitutes the exercise of the authority in question. The Board of Peace's instruments identify the operative Position:

⁶⁷ U.N. Charter art. 42.

1. The Charter designates "Donald J. Trump" as the "inaugural Chairman of the Board of Peace."⁶⁸

2. The Chairman holds the catalogued exclusive authorities documented in Section I.B above.

3. The Chairman's term is permanent, with replacement only by voluntary resignation or incapacity; successor designated by the Chairman alone.⁶⁹

4. The Board of Peace possesses international legal personality and "such legal capacity as may be necessary to the pursuit of [its] mission."⁷⁰

5. The BoP's operational arms — the Office of the High Representative for Gaza and the National Committee for the Administration of Gaza — operate "[u]nder the guidance" of the BoP.⁷¹

6. The International Stabilization Force operates "under the strategic guidance of the BoP" and is authorized to "use all necessary measures to carry out its mandate."⁷²

The Position Actually Exercising Power is, accordingly: the President of the United States as permanent Chairman of the Board of Peace, holding catalogued exclusive authorities over membership, agenda, decision approval, subsidiary entities, succession, Executive Board composition, Executive Board decisions, Charter interpretation, resolution adoption, and dissolution; with the Board itself holding international legal personality; with subordinate operational entities (OHR, NCAG) operating under BoP guidance; and with the ISF operating under BoP strategic guidance with Chapter VII enforcement language.

68 Charter of the Board of Peace art. 3.2(a).

69 Charter of the Board of Peace art. 3.3.

70 Charter of the Board of Peace art. 6(a).

71 National Committee for the Administration of Gaza, Mission Statement, in Board of Peace Presentation to the Davos World Economic Forum, slide 4 (2026).

72 S.C. Res. 2803 ¶ 7, U.N. Doc. S/RES/2803 (Nov. 17, 2025).

C. The Match Test: USURPATION or Authority?

The third step compares the Position of Assigned Power to the Position Actually Exercising Power. The question is whether the power exercised matches the authority assigned. The match fails at every level:

1. **The Palestinian people's right of self-determination** is structurally inconsistent with governance over Palestinian territory by a body chaired by the President of the United States. The Palestinian people did not constitute the Board of Peace; the Palestinian people did not authorize the Chairman; the Palestinian people have no procedural standing in the Charter's amendment process, membership decisions, or Executive Board composition.

2. **The Trusteeship Council**, where transitional trustee arrangements apply, operates as a deliberative body under the supervision of the General Assembly. The Board of Peace does not operate as a trusteeship under Chapter XII; it was not constituted under the trusteeship system; it does not report to the Trusteeship Council; it is not accountable to any deliberative international body.

3. **The Palestinian Authority** continues to exist as the recognized governance structure under the Oslo Accords. The Board of Peace's instruments treat the PA as a structure that must "complete its reform programme" before "secur[ing] and effectively tak[ing] back control of Gaza"⁷³ — placing the recognized Palestinian governance structure in a position of conditional and indefinitely deferred resumption.

4. **The Security Council acting deliberatively under Chapter VII** does operate the closest analog to what the BoP claims to be. But the Council does not act through the BoP; the Council "welcomes" rather than "establishes" the entity; the Council operates downstream of the

⁷³ S.C. Res. 2803 annex 1, ¶ 9 (Comprehensive Plan).

unilaterally constituted structure rather than upstream of a deliberatively negotiated mandate. The pattern is structurally inconsistent with Chapter VII transitional administration.

The U.S. Constitution does not assign the President authority to govern foreign populations. The UN Charter does not assign any single Head of State authority over a transitional administration with international legal personality. The Oslo Accords do not assign governance authority over Palestinian territory to any party other than the Palestinian Authority pending final-status negotiation. The Trusteeship system does not assign administering authority through unilateral declaration. The match fails at every structural level. The Position Actually Exercising Power does not derive its authority from any Position of Assigned Power.

*D. The Dual Power Separation Vulnerability: USURPATION by the Board of Peace,
ABDICATION by the Security Council*

The fourth step categorizes the Board of Peace architecture. The taxonomy distinguishes USURPATION (a Position of Assigned Power exercising authority assigned to a different Position) from ABDICATION (a Position failing to exercise authority that is mandatorily assigned to it).⁷⁴ The Board of Peace architecture operates both PSV mechanisms together: the BoP performs USURPATION (analyzed in this Subsection); the Security Council performs ABDICATION (analyzed in Subsection E below). The two operations are structurally inseparable — the BoP's USURPATION requires operational space, and the Council's ABDICATION supplies that space by failing to operate the Council's own constitutive authority over transitional international administration.

⁷⁴ *Id.* (articulating the Power Separation Vulnerability taxonomy: USURPATION (a Position of Assigned Power exercising authority assigned to a different Position) and ABDICATION (a Position failing to exercise authority that is mandatorily assigned to it)).

The Board of Peace's USURPATION operates at multiple layered levels, all grounded in the Chairman position Article 3.2 of the Charter establishes:

1. The President of the United States exercises governance authority over Palestinian territory that is not assigned to him by the U.S. Constitution.

2. The President of the United States, acting through the Board of Peace, exercises authority over international transitional administration that is not assigned to him by the UN Charter.

3. The Board of Peace, as an entity, exercises governance authority that was not assigned to it by the constitutive holder of the right of self-determination (the Palestinian people) or by any deliberative international mechanism.

4. The Chairman of the Board of Peace exercises Charter interpretation authority (Article 7) that, in any legitimate international organization, is assigned to a deliberative or judicial body.

5. The Chairman exercises authority to dissolve the Board (Article 10.2) that, in any legitimate international organization with international legal personality, would be assigned to the deliberative membership.

The USURPATION operation is therefore not a single transaction but a layered architecture: each layer operates as USURPATION, the layers reinforce each other, and the Chairman position Article 3.2 establishes is the structural locus from which they all flow. No aspect of the BoP's operation derives from any Position of Assigned Power; the entire entity operates by structural appropriation of authority not assigned to its constitutive position.

E. The Security Council's ABDICATION: UNSCR 2803 in Operative Form

The fifth step analyzes the Security Council's response. The contention will be that Resolution 2803 cures the Board of Peace's USURPATION by supplying Security Council endorsement under Chapter VII. The contention fails — but the structural diagnosis the failure reveals is that the Council's response is not a failed curing of someone else's violation; it is the Council's own performance of ABDICATION. The Council does not cure the BoP's USURPATION; the Council operates the structurally complementary failure that supplies the USURPATION with the operational space within which it functions.

Textual ground. Resolution 2803 ¶2 "welcomes the establishment of the Board of Peace." It does not "establish," "create," "constitute," "authorize the creation of," or "decide that there shall be" a Board of Peace.⁷⁵ The verb "welcomes" is acknowledgment of a pre-existing structure. The resolution's drafting indicates that the Board of Peace exists prior to the resolution's adoption — Trump's Comprehensive Plan, announced September 29, 2025, articulated the BoP's structure two months before the Council adopted the resolution. The Council "welcomes" the structure Trump announced; it does not create the structure.

Structural ground. Legitimate Chapter VII transitional administrations are constituted by Council resolution, governed by mandates the Council establishes, and accountable to the Council through reporting requirements. UNTAES (Resolution 1037), UNMIK (Resolution 1244), and UNTAET (Resolution 1272) each illustrate the structural pattern: the Council creates the entity; the Council sets the mandate; the Council reviews the operation; the Council can modify or terminate the operation. The BoP is structurally inconsistent with this pattern. The Charter is signed by Trump unilaterally on January 16, 2026. The Charter designates Trump as

⁷⁵ S.C. Res. 2803 ¶ 2, U.N. Doc. S/RES/2803 (Nov. 17, 2025).

permanent Chairman with monarchical succession. The Charter establishes the Chairman as final authority on interpretation. The Chairman can dissolve the entity at his discretion. The Council does not select the Chairman; the Council does not approve the Charter; the Council does not modify the structure. The Council "welcomes" the structure and authorizes member states to participate in it, but the operational mechanism remains under the Chairman's control.

The comparative ground. Compare the BoP's structure to UNMIK in Kosovo. Resolution 1244 (1999) decided that "the international civil presence shall be deployed under the auspices of the United Nations" and authorized "the Secretary-General to establish an international civil presence in Kosovo."⁷⁶ The Special Representative of the Secretary-General was the operational head, accountable to the Secretary-General, who reported to the Council. The Council established the entity; the Council appointed (through the Secretary-General) the operational head; the Council retained oversight throughout. The BoP inverts every structural feature: it is established not by the Council but by the unilateral act of a Head of State; it is operated not by an officer appointed by the Council but by a permanent Chairman whose authority derives from the Charter he signs; it is accountable not to the Council but to itself (the Chairman has final authority on Charter interpretation). The Council's "welcome" does not transform the unilateral structure into a Chapter VII transitional administration; it absorbs the unilateral structure as if it were one.

The Resolution's reporting requirement (§10: "[r]equests the BoP provide a written report on progress related to the above to the UN Security Council every six months") is the only operational accountability mechanism. The BoP is required to report; the Council is not authorized to direct, modify, or supervise the BoP's operations. The reporting flows from the BoP to the Council, not from the Council to the BoP.

⁷⁶ S.C. Res. 1244, U.N. Doc. S/RES/1244 (June 10, 1999).

The structural diagnosis: the Council's response is ABDICATION. The Council's constitutive duty under the UN Charter — operating transitional international administration through deliberative mechanisms; constituting mandates by Council resolution; appointing operational heads through the Secretary-General; supervising operations through periodic reports and structured oversight; modifying or terminating operations through Council decision — is the authority assigned to the Council and exercised by no other body in the codified democratic order. Resolution 2803 does not operate any of these mechanisms. The Council "welcomes" the unilaterally constituted Board of Peace; the Council "authorizes" Member States to participate in it; the Council requests reports from the BoP. The Council does not constitute, direct, supervise, or modify the operation. The authority the Council was assigned — to operate transitional international administration through its own deliberative mechanisms — is the authority the Council does not exercise. The failure to exercise mandatorily assigned authority is, in the Madisonian framework's PSV taxonomy, paradigm ABDICATION.

The UN Charter both confers and constrains that authority. Article 24 confers on the Security Council "primary responsibility for the maintenance of international peace and security" and provides that "in carrying out its duties under this responsibility the Security Council acts on their [the Members'] behalf"; the same Article binds the exercise: "In discharging these duties the Security Council shall act in accordance with the Purposes and Principles of the United Nations."⁷⁷ The Purposes include the self-determination of peoples (Article 1(2)); the Principles include the sovereign equality of all Members (Article 2(1)). Resolution 2803, in welcoming a structure that governs a people without their consent and conditions their self-determination on external performance assessment, exercises the form of the Council's authority while abandoning the Purposes and Principles that Article 24(2) makes the binding constraint on the authority's

⁷⁷ U.N. Charter art. 24.

lawful use. The ABDICATION is therefore not merely the Council's failure to act; it is the Council's exercise of its authority — on behalf of the entire membership, in whose name Article 24(1) provides the Council acts — in derogation of the Purposes and Principles the Council was constituted to serve.

The structural conclusion: Resolution 2803 is the Council's ABDICATION in operative form. The Council does not cure the BoP's USURPATION; the Council performs the structurally complementary PSV that supplies the BoP with operational space. Together, the BoP's USURPATION and the Council's ABDICATION constitute the contemporary architecture of the violation. The diagnostic identifies both operations: the BoP exercising authority not assigned to it (USURPATION grounded in Article 3.2's Chairman position), and the Council failing to exercise authority mandatorily assigned to it (ABDICATION in the form of UNSCR 2803's welcome rather than the constitutive Council action the Charter assigns).

F. The Structural Verdict

The sixth step issues the verdict. The Madisonian Compliance Test operates without subjective policy judgment; it asks two structural questions, not whether the Board of Peace's policies are desirable: (a) does the entity derive its authority validly from any Position of Assigned Power, and (b) does the Security Council exercise the authority mandatorily assigned to it? The answer to both is no. The Board of Peace exercises authority assigned to no Position it occupies (paradigm USURPATION); the Security Council, in Resolution 2803, declines to exercise the authority the UN Charter assigns it (paradigm ABDICATION). The diagnosis rests entirely on the textual analysis of the Charter, the resolution, and the operational instruments.

III. THE RATIFICATION PROTOCOL'S CERTIFICATION STANDARD APPLIED

The Ratification Protocol articulates a certification standard against which polities are evaluated for ratification of the codified democratic order.⁷⁸ The standard identifies ten necessary constitutional features the polity's governance must operationally contain. The standard is functional rather than ideological: it tests whether the polity's constitutional structure operates the framework's principles, not whether the polity's policies align with any particular political viewpoint. This Section applies the certification standard to the Board of Peace Charter.

A. The Ten Features

The certification standard's ten features and the Charter's operational form on each:

Feature 1 — Guarantee of republican form at every constituent scale. Republican form requires that authority derive from the consent of the constituents through periodic elections. The Charter establishes Trump as "inaugural Chairman."⁷⁹ The Chairman's term is permanent; replacement occurs "only following voluntary resignation or as a result of incapacity, as determined by a unanimous vote of the Executive Board"; the successor is "the Chairman's designated successor," who "shall immediately assume the position of the Chairman and all associated duties and authorities of the Chairman."⁸⁰ This is monarchical succession by designated heir, not republican governance. **FAIL.**

Feature 2 — Constitutional supremacy + treaty integration as binding domestic law. The feature requires that the polity's constitutional framework supply the operative legal structure within which the framework's principles operate as binding law. The Board of Peace

⁷⁸ KIRCHNER, JOSEPH D. *The Ratification Protocol: A Two-Stage Architecture for Member Commitment to the Codified Democratic Order* (May 2026) (manuscript on file with author).

⁷⁹ Charter of the Board of Peace art. 3.2(a).

⁸⁰ Charter of the Board of Peace art. 3.3.

operates outside any constitutional framework. It exists as an international organization without a polity; it governs a territory whose constituents have no procedural standing in its structure; it does not derive from or integrate with any constitutional system. **FAIL.**

Feature 3 — Deliberative concurrence required for binding international commitments. The feature requires that no single official may bind the polity to international commitments unilaterally; legislative concurrence (with relevant supermajority where required) is structurally necessary. The Charter authorizes the Chairman alone to "adopt resolutions or other directives" on behalf of the Board.⁸¹ Board decisions require "approval of the Chairman" (Article 3.1(e)).⁸² The Executive Board operates "subject to veto by the Chairman at any time" (Article 4.1(e)).⁸³ No deliberative concurrence is structurally required; the Chairman binds the entity unilaterally. **FAIL.**

Feature 4 — Anti-defection structural mechanism. The feature requires that withdrawal from the framework's commitments operate by the same deliberative process as entry; unilateral defection is foreclosed. The Charter contains the structural opposite. Article 2.4 permits any Member State to "withdraw from the Board of Peace with immediate effect by providing written notice to the Chairman."⁸⁴ Article 10.2 authorizes the Chairman to dissolve the Board at his discretion.⁸⁵ The Charter is constructed for maximum defection flexibility, not for structural integrity. **FAIL.**

Feature 5 — Deliberative-only structural change. The feature requires that no party may unilaterally modify the framework's structural features; all structural changes proceed through deliberative process. The Charter authorizes the Chairman to "create, modify, or dissolve

81 Charter of the Board of Peace art. 9.

82 Charter of the Board of Peace art. 3.1(e).

83 Charter of the Board of Peace art. 4.1(e).

84 Charter of the Board of Peace art. 2.4.

85 Charter of the Board of Peace art. 10.2.

subsidiary entities" unilaterally (Article 3.2(b)),⁸⁶ to "establish subcommittees as necessary or appropriate and . . . set the mandate, structure, and governance rules for each such subcommittee" (Article 3.4),⁸⁷ to set the agenda (Article 3.1(c)),⁸⁸ and to dissolve the Board itself (Article 10.2).⁸⁹ Even the Charter's amendment procedure (Article 8) requires "confirmation by the Chairman."⁹⁰ **FAIL.**

Feature 6 — Deliberative war-powers. The feature requires that war-making and security operations proceed through legislative concurrence; no single official may unilaterally commit forces. Resolution 2803 ¶7 authorizes the ISF to "use all necessary measures to carry out its mandate."⁹¹ The ISF operates "under the strategic guidance of the BoP," which is to say, under the Chairman's guidance. No deliberative concurrence is structurally required for the ISF's operational decisions. **FAIL.**

Feature 7 — Independent judicial review with standing for structural violations. The feature requires that an independent judicial body may declare ultra vires acts void; citizens may enforce constitutional structure through procedural standing. The Charter articulates the structural opposite. Article 7 provides: "Internal disputes between and among Board of Peace Members, entities, and personnel with respect to matters related to the Board of Peace should be resolved through amicable collaboration, consistent with the organizational authorities established by the Charter, and for such purposes, the Chairman is the final authority regarding the meaning, interpretation, and application of this Charter."⁹² Judicial review is textually eliminated; the Chairman holds the interpretive monopoly. **FAIL.**

86 Charter of the Board of Peace art. 3.2(b).

87 Charter of the Board of Peace art. 3.4.

88 Charter of the Board of Peace art. 3.1(c).

89 Charter of the Board of Peace art. 10.2.

90 Charter of the Board of Peace art. 8.

91 S.C. Res. 2803 ¶ 7, U.N. Doc. S/RES/2803 (Nov. 17, 2025).

92 Charter of the Board of Peace art. 7.

Feature 8 — Floor protection (bodily-jurisdiction Bill of Rights analog). The feature requires that the polity operationally protect direct, indirect, and particularized-enforcement floor violations against persons within its jurisdiction. The Board of Peace governs a population (the Palestinian people of Gaza) without that population's procedural standing in its structure. Gazans cannot petition the Board of Peace; cannot vote in its proceedings; cannot challenge its decisions through any structural mechanism; cannot demand accountability for its actions. The NCAG, the Palestinian face of the structure, operates "[u]nder the guidance of the Board of Peace."⁹³ Floor protection is structurally absent at the constituent scale. **FAIL.**

Feature 9 — Officer oath creating independent constitutional duty. The feature requires that subordinate officers operate under oath to the constitutional framework, not merely under direction from a superior officer. The Charter establishes officer service at the Chairman's discretion. Members of the Executive Board "serve two-year terms, subject to removal by the Chairman and renewable at his discretion."⁹⁴ The Chief Executive is "nominated by the Chairman and confirmed by a majority vote of the Executive Board."⁹⁵ No independent oath structure operates. **FAIL.**

Feature 10 — Periodic elections by the constituents. The feature requires that authority derive from the consent of the constituents, expressed through periodic elections, with electoral accountability operating at the level at which authority is exercised. The Charter establishes invitation-based membership (Article 2.1) with removal authority vested in the Chairman (Article 2.3).^{96,97} The Chairman serves permanently; the Executive Board is selected by the

⁹³ National Committee for the Administration of Gaza, Mission Statement, in Board of Peace Presentation to the Davos World Economic Forum, slide 4 (2026).

⁹⁴ Charter of the Board of Peace art. 4.1(b).

⁹⁵ Charter of the Board of Peace art. 4.1(c).

⁹⁶ Charter of the Board of Peace art. 2.1.

⁹⁷ Charter of the Board of Peace art. 2.3.

Chairman; the Member States serve at the Chairman's invitation; the Chief Executive is nominated by the Chairman. No electoral mechanism operates at any level. **FAIL.**

B. The Anti-Severability Lock

Article 12 of the Charter provides: "No reservations may be made to this Charter."⁹⁸ Member States cannot accept the Board of Peace while reserving against any of the structural defects identified above. The failures are non-severable from membership. A state ratifying the Charter ratifies all ten failures together; partial acceptance is foreclosed.

The anti-severability lock is structurally significant because it forecloses the procedural mechanism by which member states might otherwise mitigate the structural defects. In most international treaty frameworks, reservations permit states to accept substantive commitments while preserving constitutional or legal positions inconsistent with specific provisions: the Genocide Convention permits reservations subject to the *jus cogens* limitation,⁹⁹ and the Vienna Convention on the Law of Treaties Article 19 supplies the general framework.¹⁰⁰ The Board of Peace Charter forecloses the entire mechanism. The structural failures are constitutive of membership; they cannot be cured at the membership level.

C. The Inverse Test: Does the Board of Peace Meet Any Feature?

The inverse test asks whether the Charter contains any feature that nominally satisfies the certification standard. The answer requires careful textual analysis:

⁹⁸ Charter of the Board of Peace art. 12.

⁹⁹ Reservations to the Convention on the Prevention and Punishment of the Crime of Genocide, Advisory Opinion, 1951 I.C.J. 15 (May 28).

¹⁰⁰ Vienna Convention on the Law of Treaties art. 19, May 23, 1969, 1155 U.N.T.S. 331.

- The Charter contains an amendment procedure (Article 8). But the Chairman holds unilateral veto over amendments to Chapters II, III, IV, V, VIII, and X, and confirmation authority over other amendments. The procedure is nominal; the substance is unilateral.¹⁰¹

- The Charter contains member-state representation (Article 2.2(a)). But the representatives serve at the Chairman's pleasure; the Chairman can remove member states; the representatives' authority operates within the Chairman's framework.¹⁰²

- The Charter contains an Executive Board (Article 4). But the Executive Board is selected by the Chairman, serves at the Chairman's discretion, and is subject to the Chairman's veto at any time.¹⁰³¹⁰⁴¹⁰⁵

- The Charter contains a dispute-resolution mechanism (Article 7). But the mechanism designates the Chairman as final authority.¹⁰⁶

- The Charter contains entry-into-force procedures (Article 11). But entry into force requires only three states; non-ratifying states may participate as "Non-Voting Members" pending ratification, "subject to approval by the Chairman."¹⁰⁷

Each feature that nominally appears in the Charter is, on textual reading, vested unilaterally in the Chairman or operating subject to the Chairman's discretion. The Charter contains no feature that operationally satisfies the certification standard.

101 Charter of the Board of Peace art. 8.

102 Charter of the Board of Peace art. 2.2(a).

103 Charter of the Board of Peace art. 4.1(a).

104 Charter of the Board of Peace art. 4.1(b).

105 Charter of the Board of Peace art. 4.1(e).

106 Charter of the Board of Peace art. 7.

107 Charter of the Board of Peace art. 11.1(b).

D. The Verdict: The Anti-Ratification

The Board of Peace is structurally the operational antithesis of the Ratification Protocol's certification standard. A polity attempting to ratify into the Board of Peace would, by accepting the Charter, structurally exit the codified democratic order's framework — accepting an instrument that fails every feature the certification standard requires, with the failures non-severable from membership. The Board of Peace is the anti-Ratification Protocol in operational form.

The structural verdict is not rhetorical. The Charter is, on its own textual terms, the systematic articulation of the structural form the certification standard is designed to identify and exclude. The instrument constitutes itself through the affirmative negation of every principle on which the codified democratic order operates.

IV. THE DECLARATION OF HUMANITY'S REDESCRIPTION DIAGNOSTIC APPLIED

The Declaration of Humanity articulates, in definitional rather than assertion form, the foundational premise of the codified democratic order: humanity is every person, every family, every people, and every nation — without exception, without precondition, without diminution at any scale.¹⁰⁸ The Declaration's Article V identifies redescription as the operational mechanism by which every historical regime of organized exclusion has functioned: the supremacist accepts the principle while denying its application to the excluded group. The Declaration's foreclosure of redescription operates at the definitional level: humanity is the inclusive whole; redescription is denial of the definition; denial of the definition is rejection of the framework itself.

¹⁰⁸ KIRCHNER, JOSEPH D. *The Declaration of Humanity: An Inclusive Definition and Its Operational Necessity* (May 2026) (manuscript on file with author).

This Section applies the Declaration's diagnostic to the Board of Peace. The diagnostic identifies the operational mechanisms by which Gazans are constituted as objects rather than subjects of governance.

A. The Definition of Humanity Operationalized Against

The Declaration's Article I states the definition: humanity is the inclusive whole at every scale of human organization. The Board of Peace operationalizes the contrary premise. Gazans, as a people, are not the constitutive holders of governance over their territory; they are the population on which governance is performed. The Charter does not include Palestinians as constitutive parties; Resolution 2803 does not seat Palestinians at the table; the Founding Donors and Founding Contributors Declarations do not include Palestinian representation; the Davos Presentation introduces the Board of Peace to global investors as the operative subject, with Gazans as the object of the investment.

The NCAG, the Palestinian face of the architecture, does not operate as the constitutive holder of Palestinian governance authority. It operates "[u]nder the guidance of the Board of Peace, chaired by President Donald J. Trump, and with the support and assistance of the High Representative for Gaza."¹⁰⁹ The Committee's mission is to "transform[] the transitional period in Gaza into a foundation for lasting Palestinian prosperity"; the prosperity is delivered, not constituted. The Committee operates as the administrative interface; the constitutive authority lies elsewhere.

¹⁰⁹ National Committee for the Administration of Gaza, Mission Statement, in Board of Peace Presentation to the Davos World Economic Forum, slide 4 (2026).

B. Palestinian Self-Government as Object, Not Subject

The Comprehensive Plan's structural framing presents Palestinian self-government as a future possibility conditional on external assessment, not as a constitutive premise. The Plan's paragraph 19 articulates the structural form:

While Gaza re-development advances and when the PA reform programme is faithfully carried out, the conditions may finally be in place for a credible pathway to Palestinian self-determination and statehood, which we recognize as the aspiration of the Palestinian people.¹¹⁰

The paragraph operates through five layered conditional structures. First: "While Gaza re-development advances" — self-determination is contingent on the redevelopment proceeding on the framework's timeline. Second: "when the PA reform programme is faithfully carried out" — self-determination is contingent on the Palestinian Authority's reform on external standards. Third: "the conditions may finally be in place" — self-determination is contingent on the framework's assessment that the conditions exist. Fourth: "for a credible pathway" — self-determination is not itself the outcome but a possible pathway. Fifth: "which we recognize as the aspiration of the Palestinian people" — self-determination is characterized as the Palestinian people's aspiration, recognized by external authority, not the Palestinian people's right exercised through their own constitutive act.

The structural form is the Declaration's Article II inverted. Article II articulates the universal claim as borne by every member of humanity in its irreducible form; the Comprehensive Plan articulates self-determination as a future possibility conditional on external performance assessment. The Declaration's premise that "rights are not granted by any

¹¹⁰ S.C. Res. 2803 annex 1, ¶ 19 (Comprehensive Plan).

government; they are not contingent on any institutional recognition; they are not conditional on any membership beyond membership in humanity itself" is operationally negated.

C. The "Deradicalization" Frame

The Davos Presentation Slide 2 lists "Deradicalization" as one of four pillars of "Peace & Prosperity," alongside "Security," "Free Market Economy," and "Reconstruction."¹¹¹ Deradicalization is the operational form of an underlying premise: that the Gazan population's political life is presumptively pathological and requires external correction. The framing operates as redescription at the structural level. Gazans are not constituted as a people exercising political self-determination; they are constituted as a population requiring deradicalization before political self-determination can be "credibly" approached.

The Comprehensive Plan operationalizes the deradicalization frame through paragraph 1: "Gaza will be a deradicalized terror-free zone that does not pose a threat to its neighbors."¹¹² The Plan's substantive framework treats deradicalization as the constitutive purpose of the transitional period. The framework presumes a baseline state — Gaza as radicalized, terror-affected — and operates through the transition toward an "end state" in which "only NCAG-sanctioned personnel may carry weapons."¹¹³

The redescription is structural rather than rhetorical. The framework does not assert that some Gazans are radicalized while others are not; it operates the entire population through the deradicalization framework as the operative transitional regime. The framing is the operational form of the supremacist move the Declaration's Article V identifies: redescription that places the

¹¹¹ Board of Peace Presentation to the Davos World Economic Forum, slide 2 (Gaza Timeline) (2026).

¹¹² S.C. Res. 2803 annex 1, ¶ 1 (Comprehensive Plan).

¹¹³ Board of Peace Presentation to the Davos World Economic Forum, slide 9 (Demilitarization Principles) (2026).

targeted population outside the framework's normal protections, requiring external correction before normal protections apply.

D. The "Spirit" Reformation Framing

The NCAG Mission Statement articulates the architectural premise in its most candid form: "our mission is to rebuild the Gaza Strip not just in infrastructure but also in spirit."¹¹⁴ The mission is not limited to material reconstruction (buildings, utilities, services); it extends to interior reformation (the "spirit" of the population). The framing presupposes that the Gazan population's interior life requires rebuilding, alongside their cities.

The Declaration of Humanity's Article IV articulates the contrary premise: "The framework operates *through* identity, not against it: ... peoples retain their cultural specificity within the broader human community."¹¹⁵ The framework's project is preservation of identity at every scale, not its reformation. The Board of Peace's framing is the structural opposite: rebuilding "in spirit" is the framework's articulated purpose, alongside material reconstruction.

The framing is consistent with the deradicalization frame. Both operate from the premise that the targeted population requires not only external governance but internal correction. The framework is constituted to deliver both. The architecture's spiritual and material reconstruction operate together as the operational form of the redescription Article V articulates as foreclosed.

¹¹⁴ National Committee for the Administration of Gaza, Mission Statement, in Board of Peace Presentation to the Davos World Economic Forum, slide 4 (2026).

¹¹⁵ KIRCHNER, JOSEPH D. *The Declaration of Humanity: An Inclusive Definition and Its Operational Necessity* (May 2026) (manuscript on file with author).

E. The Master Plan as Cultural-Identity Dissolution

The Davos Presentation Slide 5 introduces the Master Plan in six phases.¹¹⁶ Each phase renames an existing Gazan city as a numbered "City": Rafah 1 (Phase 1A) → "City 1"; Khan Younis 1 (Phase 1B) → "City 2"; Rafah 2 (Phase 1C) → "City 1" (the existing Rafah is divided across two phases); Khan Younis 2 (Phase 2) → "City 2"; Center Camps (Phase 3) → "City 3"; Gaza City (Phase 4) → "City 4." The renumbering operates the dissolution of cultural-historical identity at the urban scale. The existing cities — each with its distinctive history, demographic structure, urban character, religious institutions, family networks, and place in Palestinian collective memory — are renumbered into the developmental sequence.

The Master Plan's substantive content articulates the development paradigm: 100,000+ permanent housing units in New Rafah; 180 mixed-use coastal tourism towers; five Industrial Complexes totaling approximately 44 square kilometers, containing data centers and advanced manufacturing; a port; an airport; train and back-port logistics; a "Rafah Trilateral Crossing"; highways and local transportation networks. The development model is articulated in the Comprehensive Plan paragraph 10: "A Trump economic development plan to rebuild and energize Gaza will be created by convening a panel of experts who have helped birth some of the thriving modern miracle cities in the Middle East."¹¹⁷ The reference point is the "thriving modern miracle cities" — Dubai, Doha, Riyadh-NEOM, Abu Dhabi, the Gulf development paradigm.

The Declaration of Humanity's Article IV articulates the contrary premise: "states retain their identity within the federation; nations retain their identity within the international order; peoples retain their cultural specificity."¹¹⁸ The Master Plan operates the dissolution of cultural

¹¹⁶ Board of Peace Presentation to the Davos World Economic Forum, slide 5 (Master Plan) (2026).

¹¹⁷ S.C. Res. 2803 annex 1, ¶ 10 (Comprehensive Plan).

¹¹⁸ KIRCHNER, JOSEPH D. *The Declaration of Humanity: An Inclusive Definition and Its Operational Necessity* (May 2026) (manuscript on file with author).

specificity at the urban, architectural, and economic scales. The "Trump economic development plan" is not a plan for Palestinian cultural integrity in modernized form; it is the operationalization of an external development model on territory that has been emptied of much of its prior population through the preceding two years of war.

F. The "One Authority, One Law, One Weapon" Formulation

The Davos Presentation Slide 9 articulates the Demilitarization Principles. The fourth principle states: "One Authority, One Law, One Weapon. All weapons authorized by one authority only (NCAG)."¹¹⁹ The formulation is the structural articulation of the Hobbesian sovereign monopoly on legitimate force. The substantive content is operationalized through the seventh principle: "Demilitarization Unlocks Investment. Reconstruction only in sectors with full disarmament."¹²⁰

The structural form has two operational features. First, the monopoly on force is imposed externally (the NCAG operates under BoP guidance). The Hobbesian sovereign monopoly is, in classical articulation, constituted through the consent of the governed (the social contract). The Board of Peace's monopoly is constituted through external imposition. Second, reconstruction is conditional on disarmament. Material aid — housing, infrastructure, services — is conditioned on the political-security framework's implementation. The conditionality is structural coercion: Gazans needing reconstruction are required to operate within the disarmament framework as the condition of reconstruction.

The Declaration of Humanity's foreclosure of redescription operates at the foundational level: the framework's protections are not contingent on the targeted population's performance of

¹¹⁹ Board of Peace Presentation to the Davos World Economic Forum, slide 9 (Demilitarization Principles) (2026).

¹²⁰ Board of Peace Presentation to the Davos World Economic Forum, slide 9 (Demilitarization Principles) (2026).

external requirements. The Board of Peace's architecture inverts this: the framework's material benefits are conditional on the targeted population's performance.

G. The Verdict: Redescription Operationalized

The Board of Peace operationalizes redescription in the contemporary institutional form. Gazans are not constituted as members of humanity in their constitutive irreducibility; they are constituted as a population requiring external governance, deradicalization, spiritual reformation, urban renumbering, and conditional reconstruction. The Declaration of Humanity's Article V identifies redescription as the operational mechanism by which every historical regime of organized exclusion has functioned; the Board of Peace's architecture is the contemporary operational form of that mechanism.

The Declaration's foreclosure of redescription operates by definitional move: humanity is the inclusive whole; redescription is denial of the definition; the redescriber stands outside the framework, not within it for narrower interpretation. The Board of Peace's architecture, on the Declaration's diagnostic, stands outside the framework — operationally, structurally, and definitionally. The instrument constitutes itself through the affirmative negation of the definitional premise the codified democratic order operates.

V. THE THREE-LEVEL META-VIOLATION IN EXPANDED INSTITUTIONAL FORM

The Sumud Flotilla article identified a three-level structure of violation in the May 2026 interception case: (1) the underlying primary violation (attacks on civilian humanitarian shipping in international waters); (2) the framework's body's failure to operate its own assigned powers (member states holding triggered jurisdictional warrants under universal-jurisdiction obligations

failing to execute them); and (3) the structural-indistinguishability of the disguised rejecter from the never-bound party (member states performing the rhetoric of compliance while operating the underlying violation through non-execution).¹²¹ This Section applies the diagnosis to the Board of Peace architecture, identifying the operational expansion of the three-level structure into affirmative institutional participation.

A. Level 1: The Underlying Operation

The first-level violation in the Board of Peace case is the operational structure itself: the U.S. President drafts a plan to govern Palestinian territory; the plan presumes Palestinian political incapacity until external validation; the plan presumes external commercial development as the operational form of the transition; the plan establishes a permanent Chairman with monarchical succession; the plan establishes a security force authorized to use "all necessary measures"; the plan conditions reconstruction on disarmament. The underlying operation is one party (the United States, through the President) determining governance for another (the Palestinian people of Gaza) without the consent of the governed and outside the deliberative frameworks the codified democratic order supplies for such operations.

The first level is the diagnostically primary violation. Without this level, the architecture would not exist. The first-level violation operates through the unilateral drafting and unilateral structure that culminate in the Charter Trump signs on January 16, 2026.

¹²¹ KIRCHNER, JOSEPH D. *Torture in the Codified Democratic Order: The May 2026 Sumud Flotilla and the Three-Level Meta-Violation* (manuscript on file with author).

B. Level 2: The Security Council's ABDICATION

The second-level meta-violation is the Security Council's ABDICATION. The Council's constitutive function under the UN Charter — operating transitional international administration through deliberative mechanisms; constituting mandates by resolution; supervising operations through structured oversight; modifying or terminating operations through Council decision — is the authority mandatorily assigned to the Council and exercised by no other body in the codified democratic order. The Council's response to the Board of Peace operation is not the exercise of that authority; it is the failure to exercise it. Resolution 2803 "welcomes the establishment of the Board of Peace" and "[a]uthorizes Member States working with the BoP and the BoP" to establish operational entities and deploy the ISF.¹²²¹²³

The Council does not deliberate on whether the operation is consistent with Palestinian self-determination. The Council does not deliberate on whether the operation is consistent with the Trusteeship system's structural requirements. The Council does not invoke any framework — Trusteeship Council referral, deliberation under Chapter VI, structured Chapter VII intervention — that would supply the deliberative form the Council's own constitutive function requires. The Council operates downstream of the unilateral structure rather than upstream of a deliberative mandate.

The Council's ABDICATION is the operational form of the second-level meta-violation. The body whose mandatorily assigned authority is to operate transitional international administration deliberatively is the body that supplies the BoP with the operational space the BoP's USURPATION requires. The framework's diagnostic identifies the failure: when the body's mandatorily assigned authority is unexercised, the body has performed ABDICATION;

122 S.C. Res. 2803 ¶ 2, U.N. Doc. S/RES/2803 (Nov. 17, 2025).

123 S.C. Res. 2803 ¶ 4, U.N. Doc. S/RES/2803 (Nov. 17, 2025).

when the unexercised authority creates the operational space within which the structurally complementary USURPATION operates, the dual PSV is the operational form of the meta-violation.

C. Level 3: The Founding Donors and Contributors

The third-level violation operates through the Founding Donors and Founding Contributors. The signatory states are Member States of the United Nations; many are parties to the Genocide Convention, the Convention Against Torture, the International Covenant on Civil and Political Rights, the four Geneva Conventions, and (for some) the Rome Statute of the International Criminal Court. The substantive obligations of these treaties include obligations *erga omnes* — owed to all states, binding on all states — to prevent and punish genocide, torture, war crimes, and crimes against humanity.¹²⁴ The procedural mechanisms include universal-jurisdiction obligations for atrocity crimes,¹²⁵ referral authority under the Rome Statute,¹²⁶ and contentious-proceeding standing under the Genocide Convention's Article IX.¹²⁷

The Founding Donors and Contributors do not invoke these mechanisms. They sign the Founding Declarations. Indonesia, the largest Muslim-majority nation, contributes troops. Morocco, with its substantial Palestinian-solidarity public position, contributes both funds and troops. Saudi Arabia, Qatar, the UAE, Kuwait, and Bahrain — Sunni Arab states with substantial historical political-rhetorical commitment to Palestinian self-determination — contribute funds.

124 *Barcelona Traction, Light and Power Co. (Belg. v. Spain)*, 1970 I.C.J. 3, ¶¶ 33–34 (Feb. 5) (recognizing obligations *erga omnes* as those owed to the international community as a whole, including the prohibitions on genocide, slavery, and racial discrimination).

125 See Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment art. 5, Dec. 10, 1984, 1465 U.N.T.S. 85 (universal-jurisdiction obligation for torture); Geneva Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field art. 49, Aug. 12, 1949, 75 U.N.T.S. 31 (universal-jurisdiction obligation for grave breaches).

126 Rome Statute of the International Criminal Court, July 17, 1998, 2187 U.N.T.S. 90.

127 Convention on the Prevention and Punishment of the Crime of Genocide art. IX, Dec. 9, 1948, 78 U.N.T.S. 277.

The structural form is the affirmative operational participation in the architecture that operationally negates the substantive position the signatories have publicly maintained.

The third-level meta-violation has expanded from the Sumud Flotilla case's operational form. In the Sumud Flotilla case, the violation operated through non-execution of triggered warrants — member states *failing to execute* the universal-jurisdiction obligations they hold. In the Board of Peace case, the violation operates through affirmative participation — member states *operating* the structurally identical violation through troop deployment and financial contribution. The progression is from omission to commission, from passive non-compliance to active participation.

D. The Davos Presentation as Public Performance

The Davos World Economic Forum is the institutional architecture of global capital. The Board of Peace introduces itself to that architecture in eleven slides. The presentation is structured for an investor audience: GDP projections, employment numbers, infrastructure investment, special economic zones, port and airport development, energy and digital infrastructure, "\$10bn+ expected GDP by 2035." The Davos venue functions as the public theatre of the three-level meta-violation.

The presentation's character is operationally significant. The Board of Peace does not present itself at the General Assembly, the Security Council, the Trusteeship Council, the International Court of Justice, or the International Criminal Court. It presents itself at Davos. The choice of venue is diagnostic: the Board of Peace addresses itself to the parties who will operate it as an investment vehicle, not to the institutional infrastructure that operates the codified democratic order's deliberative mechanisms.

E. The Operational Comparison

The Sumud Flotilla case identified the structural-indistinguishability of the disguised rejecter from the never-bound party. The Board of Peace case operationalizes the structural-indistinguishability into affirmative institutional architecture. Where the Sumud Flotilla case identified the failure to execute triggered warrants, the Board of Peace case operates the participation in the structurally identical operation through donor and troop contribution.

The diagnostic conclusion: the three-level meta-violation has expanded. The first level operates through unilateral construction of the operational architecture. The second level operates through the framework's body's deference to that architecture. The third level operates through the framework's other members' affirmative participation. The framework's other members are not the Sumud Flotilla case's non-executing trustees; they are the Board of Peace case's founding donors and contributors. The progression in operational form is the progression from passive failure to active operation.

VI. THE OPERATIONAL ANTITHESIS OF THE CODIFIED DEMOCRATIC ORDER

The Board of Peace is the operational antithesis of the codified democratic order. The preceding sections established the antithesis through three diagnostic lenses — the Madisonian Compliance Test (Section II), the Ratification Protocol's certification standard (Section III), and the Declaration of Humanity's redescription diagnostic (Section IV) — and Section VII completes it against the United Nations Charter itself. This Section names the two inversions the other lenses do not fully capture, then states their convergence.

A. The Authority Source Inversion

The codified democratic order operates from the foundational premise that authority derives from the consent of the governed, tracing through the chain of consent: persons, families, peoples, nations, federations, international order. The Board of Peace operates from the inverse premise. The governed have no procedural standing in the Charter's amendment process, in membership decisions, in Executive Board composition, in interpretive disputes, or in dissolution authority. Authority's source is neither the governed, nor the member states (who participate by invitation), nor the Executive Board (selected by the Chairman), nor the Chief Executive (nominated by the Chairman); it is the Chairman, whose authority derives from his unilateral assumption of the position through the Charter he signs. The inversion is total at the constitutive level.

B. Economic Self-Determination Foreclosed

The Davos Presentation Slide 2 lists "Free Market Economy" as one of four pillars of "Peace & Prosperity."¹²⁸ The economic system Gaza will operate is predetermined by the framework; local economic self-determination — any choice for a mixed economy, social-democratic structures, public ownership of utilities, or other arrangements — is foreclosed at the structural level. The Declaration of Humanity's Article II articulates "the right to pursue happiness in its own form" at every scale, including "the political right [of the nation] to self-govern, choose its constitutive form, and pursue its conception of common good."¹²⁹ The Board of Peace's predetermination of Gaza's economic system structurally negates the Article II claim at the constitutive scale.

¹²⁸ Board of Peace Presentation to the Davos World Economic Forum, slide 2 (Gaza Timeline) (2026).

¹²⁹ KIRCHNER, JOSEPH D. *The Declaration of Humanity: An Inclusive Definition and Its Operational Necessity* (May 2026) (manuscript on file with author).

The predetermination is reinforced by the development paradigm of the Comprehensive Plan and the Master Plan — the special economic zone with "preferred tariff and access rates to be negotiated with participating countries";¹³⁰ the approximately 44 square kilometers of Industrial Complexes; the 180 mixed-use coastal-tourism towers; the "thriving modern miracle cities in the Middle East" as the model¹³¹ — all fully articulated before the Palestinian polity has any procedural standing to deliberate on it.

C. The Convergent Inversions

The Board of Peace's remaining structural inversions are documented in the sections that diagnose them, and they converge on a single point. The elimination of judicial review — Article 7's designation of the Chairman as "the final authority regarding the meaning, interpretation, and application of th[e] Charter" — is analyzed in Section III.A (Feature 7) and, as the displacement of the International Court of Justice, in Section VII.F. The anti-severability lock — Article 12's foreclosure of reservations — is analyzed in Section III.B: the structural failures are non-severable from membership. The "spirit" reformation framing — the NCAG mission to rebuild Gaza "not just in infrastructure but also in spirit," operationalized through the "Deradicalization" pillar — is analyzed in Section IV.D as the most extreme form of redescription. The anti-defection structure — Article 2.4's immediate withdrawal and Article 10.2's discretionary dissolution — is analyzed in Section III.A (Feature 4): the entity's institutional permanence is subordinated to the Chairman's preferences.

Each inversion converges on the constitutive point. The Board of Peace is structured so that no aspect of its operation derives from, or is accountable to, the governed or any deliberative

¹³⁰ S.C. Res. 2803 annex 1, ¶ 11 (Comprehensive Plan).

¹³¹ S.C. Res. 2803 annex 1, ¶ 10 (Comprehensive Plan).

body — the precise inverse of the codified democratic order, in which authority derives from the consent of the governed and is checked by deliberative and judicial bodies distinct from the authority they review.

VII. THE BOARD OF PEACE AGAINST THE UNITED NATIONS CHARTER: A TEXTUAL COMPARISON

The codified democratic order's constitutive instrument at the international scale is the Charter of the United Nations. The Board of Peace operates within territory whose administration Resolution 2803 purports to authorize within the United Nations system, and the Board of Peace invokes that resolution for its international legal personality and its operational mandate. The Board of Peace Charter, read against the UN Charter article by article, inverts the UN Charter's structural guarantees at every point of comparison. The comparison is not analogical; it is the direct textual measurement of the Board of Peace Charter against the constitutive instrument whose authority the Board of Peace invokes. The inversion reveals the operative character of the peace the Board of Peace establishes: a *conditioned peace* — conditioned by the Chairman's invitation, the Chairman's subjective evaluation, and monetary contribution — where the United Nations Charter conditions membership and participation on acceptance of Charter obligations evaluated through deliberative organs and adjudicated by an independent judicial organ.

A. Membership: Deliberative Admission (UN Art. 4) vs. Chairman Invitation (BoP Art. 2.1)

The UN Charter opens membership "to all other peace-loving states which accept the obligations contained in the present Charter and, in the judgment of the Organization, are able and willing to carry out these obligations"; admission "will be effected by a decision of the General Assembly

upon the recommendation of the Security Council."¹³² The membership criterion has a subjective element — "in the judgment of the Organization" — but the judgment is exercised collectively, through the General Assembly upon the recommendation of the Security Council. The criterion is acceptance of the Charter's obligations; the evaluation is deliberative; the deciding bodies are the General Assembly and the Security Council operating through their respective procedures.

The Board of Peace Charter provides that "[m]embership in the Board of Peace is limited to States invited to participate by the Chairman."¹³³ The criterion is the Chairman's invitation. There is no deliberative body; there is no objective criterion of acceptance of obligations; there is no collective evaluation. The Chairman invites; the invitation is the criterion.

The contrast is precise. The United Nations membership criterion has a subjective element, but the subjective judgment is evaluated by the Security Council and the General Assembly collectively. The Board of Peace membership criterion centralizes the subjective judgment in a single position — a Chairman who, as Section I.B documents, holds unilateral control over the body's deliberating members through agenda-setting, decision approval, the tie-breaking vote, and the veto over the Executive Board. Where the UN distributes the subjective judgment across deliberative organs, the Board of Peace centralizes it in the Chairman.

B. Sovereign Equality (UN Arts. 2(1), 8) vs. Purchasable Permanence (BoP Art. 2.2(c))

The UN Charter is founded on "the principle of the sovereign equality of all its Members."¹³⁴ It guarantees that "[t]he United Nations shall place no restrictions on the eligibility of men and women to participate in any capacity and under conditions of equality in its principal and

¹³² U.N. Charter art. 4.

¹³³ Charter of the Board of Peace art. 2.1.

¹³⁴ U.N. Charter art. 2, ¶ 1.

subsidiary organs."¹³⁵ No member's standing is purchasable; no member's permanence is conditioned on monetary contribution; the structure is founded on equality.

The Board of Peace Charter conditions membership permanence on monetary contribution. Article 2.2(c) provides: "Each Member State shall serve a term of no more than three years from this Charter's entry into force, subject to renewal by the Chairman. The three-year membership term shall not apply to Member States that contribute more than USD \$1,000,000,000 in cash funds to the Board of Peace within the first year of the Charter's entry into force."¹³⁶ A member contributing more than one billion dollars in cash in the first year escapes the three-year term limit; a member contributing less is subject to the term limit and to renewal at the Chairman's discretion. Membership permanence is purchasable.

The contrast is foundational. The UN Charter founds the organization on sovereign equality (Art. 2(1)) and guarantees equality of participation (Art. 8); the Board of Peace Charter differentiates members by monetary contribution, securing permanent standing for those who contribute more than one billion dollars and subjecting the rest to the Chairman's renewal discretion. At this point of comparison, the peace the Board of Peace establishes is a purchasable peace: standing in the body that governs Gaza is a function of financial contribution. This is plutocratic membership, structurally foreclosed by the UN Charter's sovereign-equality premise.

C. Suspension and Expulsion: Collective Deliberation (UN Arts. 5, 6) vs. Chairman Removal (BoP Art. 2.3)

The UN Charter distributes the suspension and expulsion powers across the General Assembly and the Security Council. A member against which the Security Council has taken enforcement

¹³⁵ U.N. Charter art. 8.

¹³⁶ Charter of the Board of Peace art. 2.2(c).

action "may be suspended from the exercise of the rights and privileges of membership by the General Assembly upon the recommendation of the Security Council."¹³⁷ A member "which has persistently violated the Principles contained in the present Charter may be expelled from the Organization by the General Assembly upon the recommendation of the Security Council."¹³⁸ The criterion for expulsion is persistent violation of the Charter's Principles — an objective criterion grounded in the Charter's text. The deciding bodies are the General Assembly and the Security Council operating collectively.

The Board of Peace Charter centralizes the removal power in the Chairman. Membership terminates upon "a removal decision by the Chairman, subject to a veto by a two-thirds majority of Member States."¹³⁹ There is no objective criterion; the Chairman's removal decision operates by default, reversible only by a two-thirds supermajority of the members the Chairman has invited.

The contrast: the UN's removal power requires affirmative collective action by two deliberative bodies grounded in an objective criterion (persistent violation of Principles); the Board of Peace's removal power is the Chairman's unilateral decision, with the burden on the members to override by supermajority. The UN structures removal as collective deliberation triggered by objective violation; the Board of Peace structures removal as the Chairman's prerogative subject to a high override threshold.

D. Continuous Function (UN Art. 28) vs. Conditioned Participation (BoP)

The UN Charter structurally guarantees the Security Council's continuous function: "The Security Council shall be so organized as to be able to function continuously. Each member of

¹³⁷ U.N. Charter art. 5.

¹³⁸ U.N. Charter art. 6.

¹³⁹ Charter of the Board of Peace art. 2.3.

the Security Council shall for this purpose be represented at all times at the seat of the Organization."¹⁴⁰ The continuous representation ensures that the body's function is not conditioned on agreements outside the Charter's purpose; the body operates continuously by structural mandate, not at any member's or officer's discretion.

The Board of Peace conditions participation on the Chairman's favor and on monetary and military contribution. The body's function is not structurally guaranteed; the Chairman sets the agenda, approves decisions, and may dissolve the entity at his discretion.¹⁴¹ Membership is conditioned on agreements outside any constitutive purpose: the founding donors' financial contributions, the founding contributors' troop deployments, and the Chairman's invitations. Where the UN's continuous function is the structural guarantee that participation does not depend on external bargains, the Board of Peace's participation is the external bargain.

E. Non-Member Participation: Structural (UN Arts. 31, 32) vs. Chairman-Approved (BoP Art. 11.1(b))

The UN Charter extends participation to affected non-members as a structural matter. "Any Member of the United Nations which is not a member of the Security Council may participate, without vote, in the discussion of any question brought before the Security Council whenever the latter considers that the interests of that Member are specially affected."¹⁴² The Charter extends comparable participation to non-member states that are parties to a dispute under the Council's consideration.¹⁴³ The triggering criterion is the objective condition that the party's interests are specially affected, or that the party is a party to the dispute; the participation is structurally available.

¹⁴⁰ U.N. Charter art. 28, ¶ 1.

¹⁴¹ Charter of the Board of Peace art. 10.2.

¹⁴² U.N. Charter art. 31.

¹⁴³ U.N. Charter art. 32.

The Board of Peace conditions non-voting participation on the Chairman's approval. Non-ratifying states "may participate as Non-Voting Members in Board of Peace proceedings pending ratification, acceptance, or approval of the Charter ... subject to approval by the Chairman."¹⁴⁴ There is no structural entitlement triggered by affected interests; the Chairman approves or does not.

The contrast: the UN extends participation to affected non-members as a structural matter triggered by the objective condition of specially affected interests; the Board of Peace conditions non-voting participation on the Chairman's discretionary approval. Most consequentially, the population most affected by the Board of Peace's operation — the Palestinian people of Gaza — has no participation right of any kind under the Board of Peace Charter: not voting, not non-voting, not structural, not discretionary.

F. The Principal Judicial Organ: ICJ (UN Art. 92) vs. Chairman (BoP Art. 7)

The UN Charter establishes the International Court of Justice as "the principal judicial organ of the United Nations," which "shall function in accordance with the annexed Statute ... [which] forms an integral part of the present Charter."¹⁴⁵ All members of the United Nations are "*ipso facto* parties to the Statute of the International Court of Justice."¹⁴⁶ The principal judicial function — interpretation and adjudication — is assigned to an independent judicial organ whose Statute is integral to the Charter and to which all members are parties by the fact of membership.

The Board of Peace Charter assigns the final interpretive authority to the Chairman: "the Chairman is the final authority regarding the meaning, interpretation, and application of this

144 Charter of the Board of Peace art. 11.1(b).

145 U.N. Charter art. 92.

146 U.N. Charter art. 93, ¶ 1.

Charter."¹⁴⁷ There is no independent judicial organ; there is no statute forming an integral part of the instrument; there is no judicial review. The Chairman interprets; the interpretation is final.

This is the most consequential point of the comparison. The UN Charter establishes the ICJ as the principal judicial organ (Art. 92); the Board of Peace establishes the Chairman as the final interpretive authority (Art. 7). The Board of Peace exercises governance over Palestinian territory — territory whose administration Resolution 2803 purports to authorize within the United Nations system — while assigning the principal judicial function to the Chairman rather than to the International Court of Justice. The delegation of governance to a structure whose final interpretive authority is the Chairman operates in derogation of Article 92's assignment of the principal judicial function to the ICJ. Article 7 of the Board of Peace Charter is the structural displacement of Article 92 of the United Nations Charter.

G. Compliance with the Court: Undertaking (UN Art. 94) vs. Indefinite Rejection (BoP)

The UN Charter binds each member to comply with the Court: "Each Member of the United Nations undertakes to comply with the decision of the International Court of Justice in any case to which it is a party."¹⁴⁸ The undertaking is a constitutive obligation of membership; Article 94's second paragraph provides recourse to the Security Council where a party fails to comply.

The United States has rejected ICJ compliance through the four-decade defection pattern documented in the companion Rejection of Law analysis and ICJ rejection research brief: the 1986 withdrawal from compulsory jurisdiction following *Nicaragua*; the 2005 withdrawal from the Vienna Convention Optional Protocol following *Avena*; the contemporary sanctions regimes targeting International Criminal Court officials; the Article 63 declaration in *South Africa v.*

¹⁴⁷ Charter of the Board of Peace art. 7.

¹⁴⁸ U.N. Charter art. 94, ¶ 1.

Israel.^{149 150} The Board of Peace extends the violation indefinitely. Where the prior defection operated through case-specific non-compliance, the Board of Peace operates a parallel governance structure whose final interpretive authority is the Chairman, foreclosing the ICJ's Article 92 and Article 94 role for the territory and population the Board of Peace governs. Case-specific non-compliance becomes an institutional structure that operates governance entirely outside the ICJ's judicial authority.

The contrast: Article 94 binds members to comply with ICJ decisions; the Board of Peace architecture extends the United States' ICJ rejection from case-specific non-compliance into an institutional structure that operates governance outside the ICJ's authority altogether — over a population that, under Article 93, would otherwise have its governing disputes adjudicable before the principal judicial organ of the United Nations.

H. Charter Supremacy: The United Nations Charter Prevails (UN Art. 103)

The UN Charter contains its own supremacy clause. Article 103 provides: "In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail."¹⁵¹ The obligations the Charter imposes prevail over any conflicting international agreement.

The Board of Peace Charter is "any other international agreement" within the meaning of Article 103. Where the Board of Peace Charter conflicts with the obligations the UN Charter imposes — the sovereign equality of Members (Art. 2(1)), the self-determination of peoples (Art.

149 KIRCHNER, JOSEPH D. *The Rejection of Law: Treaty Defection, State Secession, and the Fractal Constitution* (manuscript on file with author).

150 KIRCHNER, JOSEPH D. *US and Israeli Rejection of International Adjudication: A Research Brief* (manuscript on file with author).

151 U.N. Charter art. 103.

1(2)), the undertaking to comply with the International Court of Justice (Art. 94), the deliberative structure of membership, suspension, and expulsion (Arts. 4, 5, 6) — the UN Charter prevails. The Founding Donors and Founding Contributors do not escape their UN Charter obligations by signing the Board of Peace's founding instruments; Article 103 subordinates the latter to the former.

The supremacy clause closes the curing-mechanism analysis of Section II.E. The Board of Peace invokes Resolution 2803 for its authority; but Resolution 2803 is an exercise of the Security Council's authority, and the Council's authority is constrained by Article 24(2) to act "in accordance with the Purposes and Principles of the United Nations." A Security Council resolution cannot validly authorize what the Charter's Purposes and Principles forbid; and to the extent the Board of Peace Charter conflicts with those Purposes and Principles, Article 103 makes the UN Charter prevail. The two articles operate together: Article 24(2) constrains what the Council may authorize, and Article 103 subordinates the resulting instrument to the Charter. The Board of Peace cannot derive from Resolution 2803 an authority that the UN Charter's own supremacy clause refuses to recognize.

I. The Structural Inversion: The Board of Peace as the United Nations Charter Inverted

The article-by-article comparison reveals that the Board of Peace Charter is not merely deficient against the Ratification Protocol's certification standard (Section III) or the conceptual antithesis of the codified democratic order (Section VI); it is the article-by-article inversion of the codified democratic order's actual constitutive instrument. Where the UN Charter distributes authority across deliberative organs — the General Assembly, the Security Council, the International

Court of Justice — with structural guarantees, the Board of Peace Charter centralizes authority in the Chairman with conditionality.

United Nations Charter	Board of Peace Charter
Sovereign equality of all Members (Art. 2(1))	Chairman supremacy (Art. 3.2)
Membership by General Assembly decision upon Security Council recommendation (Art. 4)	Membership by Chairman invitation (Art. 2.1)
Equality of participation (Art. 8)	Membership permanence purchasable for USD \$1 billion (Art. 2.2(c))
Suspension/expulsion by General Assembly upon Security Council recommendation, for violation of Principles (Arts. 5, 6)	Removal by Chairman, subject to two-thirds member veto (Art. 2.3)
Continuous function; members represented at all times (Art. 28)	Function at the Chairman's discretion; dissolution at the Chairman's choice (Art. 10.2)
Non-members participate when specially affected (Arts. 31, 32)	Non-voting participation subject to Chairman approval (Art. 11.1(b))
Amendment by two-thirds of the General Assembly and two-thirds of Members, including all permanent members (Art. 108)	Amendment subject to the Chairman's confirmation; Chairman veto over key chapters (Art. 8)
ICJ is the principal judicial organ (Art. 92); all members parties to its Statute (Art. 93)	Chairman is the final interpretive authority (Art. 7)
Members undertake to comply with ICJ decisions (Art. 94)	United States rejects ICJ; Board of Peace extends the rejection indefinitely

The peace the Board of Peace establishes is therefore a conditioned peace: conditioned by the Chairman's invitation, the Chairman's subjective evaluation, monetary contribution, and the Chairman's interpretive and dissolution authority. The peace the United Nations Charter establishes is a peace among sovereign equals, governed through deliberative organs, adjudicated by an independent judicial organ, and grounded in obligations evaluated collectively. The Board of Peace is the United Nations Charter inverted. And the United Nations Security Council, in welcoming the Board of Peace through Resolution 2803 rather than constituting transitional administration through the deliberative mechanisms the Charter assigns it, abdicated the

constitutive authority this comparison makes visible — the ABDICATION half of the dual Power Separation Vulnerability (Section II.E) operating at the level of the codified democratic order's constitutive instrument itself.

VIII. DISTINGUISHING FROM LEGITIMATE TRANSITIONAL ADMINISTRATION

The codified democratic order has operated several forms of legitimate transitional international administration. This Section identifies the structural features that distinguish those forms from the Board of Peace, drawing the lines that the framework's diagnostic identifies.

A. UN Trusteeship Under Chapters XII–XIII

The UN Charter supplies two adjacent frameworks for territories whose peoples have not attained full self-government. Chapter XI — the Declaration Regarding Non-Self-Governing Territories — governs territories administered by individual Member States; Article 73 binds the administering Member to treat "the interests of the inhabitants of these territories [as] paramount," to accept "as a sacred trust the obligation to promote to the utmost ... the well-being of the inhabitants," and "to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions."¹⁵² Chapters XII and XIII establish the UN Trusteeship system for territories placed under UN supervision by trusteeship agreement.¹⁵³ The trusteeship system's structural features:

¹⁵² U.N. Charter art. 73.

¹⁵³ U.N. Charter art. 75.

1. **Constitutive authority.** Trusteeship arrangements were established by trusteeship agreements approved by the General Assembly (Article 79).

2. **Oversight body.** The Trusteeship Council operated as the deliberative body supervising the administering authorities (Article 87). The Council reviewed reports, accepted petitions, conducted periodic visits, and could take such action in conformity with the trusteeship agreements (Article 87).

3. **Constitutive objective.** The basic objectives included "promot[ing] the political, economic, social, and educational advancement of the inhabitants of the trust territories, and their progressive development towards self-government or independence as may be appropriate to the particular circumstances of each territory and its peoples and the freely expressed wishes of the peoples concerned" (Article 76(b)).¹⁵⁴

4. **Accountability mechanism.** Administering authorities were required to render annual reports to the General Assembly on the basis of questionnaires drawn up by the Trusteeship Council (Article 88).

5. **Termination.** Trusteeships terminated upon achievement of the objectives — typically through the territory's attainment of self-government or independence.

The Trusteeship system's structural features supply the comparison. The Board of Peace is constituted unilaterally (not by trusteeship agreement); operates without a deliberative oversight body (the Chairman holds final interpretive authority); does not operate under the constitutive objective of self-government as the freely expressed wishes of the peoples concerned (self-determination is conditional on external assessment of "PA reform"); does not render reports to a deliberative body (the BoP reports to the Security Council every six months, but the

¹⁵⁴ U.N. Charter art. 76(b).

Council does not direct, modify, or supervise the BoP); and terminates at the Chairman's discretion rather than upon achievement of the constitutive objective.

Under either Charter framework, the governing standard is the same: the inhabitants' interests are paramount, and self-government develops in accordance with the political aspirations of the peoples themselves (Art. 73(b); Art. 76(b)). The Board of Peace inverts the standard. The inhabitants' interests are subordinated to external commercial development and security objectives; self-government is conditioned on external assessment rather than developed in accordance with the peoples' own aspirations. Chapter XI's "sacred trust" — the administering authority bound to treat the inhabitants' interests as paramount — is the precise structural inverse of the Board of Peace's conditioned, externally directed administration, in which the inhabitants hold no procedural standing and the administering Chairman holds final authority over every governance question.

B. UN Peacekeeping Under Chapters VI/VII

UN peacekeeping operations under Chapters VI and VII operate transitional security and administrative functions in various contexts. Operational examples include UNTAES (Eastern Slavonia, 1996; Resolution 1037), UNMIK (Kosovo, 1999; Resolution 1244), UNTAET (East Timor, 1999; Resolution 1272), and MINUSTAH (Haiti, 2004; Resolution 1542). The structural features of UN peacekeeping:

1. **Constitutive authority.** The operations are established by Council resolution under Chapters VI or VII.

2. **Operational direction.** The operations are directed by Special Representatives of the Secretary-General (SRSG), appointed by the Secretary-General, with accountability through the Secretary-General to the Council.

3. **Mandates.** The operations operate under specific mandates established by the Council, subject to periodic review and modification.

4. **Consent requirements.** The operations typically operate with consent of the host state (Chapter VI) or under Chapter VII authority (where consent is not available).

5. **Termination.** The operations terminate by Council decision, typically upon achievement of mandate objectives.

UNMIK in Kosovo supplies the most instructive comparison. Resolution 1244 "[d]ecide[d] that the international civil presence shall be deployed under the auspices of the United Nations" and "[a]uthorize[d] the Secretary-General to establish an international civil presence in Kosovo."¹⁵⁵ The Council established the entity; the Secretary-General appointed the SRSG; the SRSG operated under the Council's mandate; the operation was modified, extended, and ultimately wound down through Council decisions.

The Board of Peace inverts every structural feature. The Council does not establish the entity; the Secretary-General does not appoint the operational head; the Chairman holds the operational authority by self-designation through the Charter he signs; the operational mandate is the Charter's mission, not a Council-established mandate subject to periodic review; the operation terminates at the Chairman's discretion, not by Council decision.

¹⁵⁵ S.C. Res. 1244, U.N. Doc. S/RES/1244 (June 10, 1999).

C. The Oslo Accords' Provisional Authority

The Oslo Accords (1993; 1995) established the Palestinian Authority as the recognized governance structure for the West Bank and Gaza Strip, pending final-status negotiations.¹⁵⁶ The structural features:

1. **Constitutive authority.** The Accords were negotiated bilaterally between Israel and the PLO (Palestine Liberation Organization, recognized at Oslo as the sole legitimate representative of the Palestinian people).

2. **Constitutive premise.** The Accords anticipated transition to Palestinian self-governance, with the PA operating as the transitional Palestinian governance structure.

3. **Deliberative form.** Modifications proceeded through subsequent agreements and negotiated arrangements; unilateral modification was structurally foreclosed.

4. **Recognition.** The PA's authority was internationally recognized; Palestinian self-determination operated as the constitutive premise, not as a conditional aspiration.

The Board of Peace's relationship to the Oslo framework is structurally extractive. The Comprehensive Plan paragraph 9 articulates the relationship: "This body will set the framework and handle the funding for the redevelopment of Gaza until such time as the Palestinian Authority has completed its reform program, as outlined in various proposals, including President Trump's peace plan in 2020 and the Saudi-French proposal, and can securely and effectively take back control of Gaza."¹⁵⁷ The Palestinian Authority's recognized governance authority is conditionally suspended, pending external assessment of "reform"; the Board of Peace operates as the transitional structure during the suspension; the framework that the Oslo

¹⁵⁶ Declaration of Principles on Interim Self-Government Arrangements, Isr.-PLO, Sept. 13, 1993, 32 I.L.M. 1525; Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip, Sept. 28, 1995, 36 I.L.M. 551.

¹⁵⁷ S.C. Res. 2803 annex 1, ¶ 9 (Comprehensive Plan).

Accords articulated as a transitional structure with Palestinian self-determination as constitutive premise is replaced with the Board of Peace's structure with Palestinian self-determination as conditional aspiration.

D. The Structural Difference

The structural difference between the Board of Peace and the legitimate forms of transitional administration is total. The BoP is created unilaterally, not deliberatively; operates under a permanent Chairman, not under accountable operational heads; holds final interpretive authority in the Chairman, not in an independent or deliberative body; terminates at the Chairman's discretion, not on achievement of mandate objectives; treats self-determination as conditional aspiration, not as constitutive premise; and operates the framework's body's endorsement as cover for unilateral structure rather than as the framework's body's substantive deliberation.

The diagnostic conclusion: the Board of Peace is not a variant of legitimate transitional administration. It is structurally distinct from every form the codified democratic order has operated. The instrument is constituted to perform the functions of transitional administration without the structural features that distinguish transitional administration from imperial governance.

IX. RESTORATION OF INTEGRITY

The Ratification Protocol's third operational variant — restoration of integrity by politics in systematic defection — applies to the United States and to the Board of Peace's other affected members.¹⁵⁸ This Section articulates the operational form of restoration.

A. Immediate: Dissolution of the Board of Peace

The first operational step is dissolution of the Board of Peace. The Charter's Article 10.2 provides for dissolution: "The Board of Peace shall dissolve at such time as the Chairman considers necessary or appropriate."¹⁵⁹ The Chairman retains the operational authority to dissolve the entity at his discretion. Whether the Chairman exercises that authority is a political question; the structural question is what the framework's other members operate while the Chairman does not.

If the Chairman does not dissolve the entity, the framework's other members retain their structural obligations regardless. The Founding Donors and Founding Contributors operate under universal-jurisdiction obligations, *erga omnes* obligations under the Genocide Convention and other instruments, Rome Statute obligations (for parties), and the general structural commitments of membership in the codified democratic order. These obligations do not depend on the Chairman's dissolution decision; they operate on the member states regardless. The operational form is the framework's other members operating their obligations through the affirmative non-participation in the BoP architecture — withdrawal of troop contributions, withdrawal of financial contributions, and operational disengagement from the entity's framework.

¹⁵⁸ KIRCHNER, JOSEPH D. *The Ratification Protocol: A Two-Stage Architecture for Member Commitment to the Codified Democratic Order* (May 2026) (manuscript on file with author).

¹⁵⁹ Charter of the Board of Peace art. 10.2.

B. Transfer to UN Administering Authority with Deliberative Oversight

Transitional administration of Gaza, where needed, should operate through UN mechanisms with deliberative oversight. The operational forms include:

1. **Trusteeship Council reactivation or analog.** The Trusteeship Council's formal functioning ended in 1994 with the independence of Palau, but the Council retains procedural existence. The Council could be reactivated to supervise a transitional administration of Gaza, operating under Chapter XII with Chapter XIII oversight. The trusteeship agreement would be approved by the General Assembly; the Council would supervise the administering authority; the operation would terminate on achievement of self-government as the freely expressed wishes of the Palestinian people.

2. **Chapter VII transitional administration.** The Council could establish, through Chapter VII resolution, a transitional administration of Gaza under the operational direction of a Special Representative of the Secretary-General. The operation would proceed on the UNMIK/UNTAET model: Council-established, Secretary-General-directed, mandate-defined, accountability-mechanism-equipped, termination-on-completion structured. The operational features the BoP lacks would be present at every level.

3. **Combination.** A hybrid structure could operate: General Assembly-approved trusteeship agreement supplying the constitutive framework; Trusteeship Council supplying the deliberative oversight; Secretary-General appointing the operational head; Security Council supplying the security architecture under Chapter VII; with Palestinian self-determination as constitutive premise throughout.

Each operational form differs from the BoP at every structural level identified in Section VIII above. The operational form's selection is the framework's deliberative decision; the operational form's selection is not Trump's, and not the Chairman's of any successor entity.

C. Recognition of Palestinian Self-Determination as Constitutive

The constitutive premise of any legitimate transitional administration of Gaza is Palestinian self-determination as the universal-claim recognition that the codified democratic order operates. The premise is not negotiable; it is not conditional; it does not depend on PA reform, on Gaza redevelopment, or on external assessment of the conditions. The premise is the constitutive recognition that Palestinians, like all peoples, hold the right of self-determination as part of the universal claim of humanity.

The Comprehensive Plan paragraph 19's conditional structure — "while Gaza redevelopment advances and when the PA reform programme is faithfully carried out, the conditions may finally be in place" — operates the structural opposite. Restoration requires the structural inversion of the conditional structure: Palestinian self-determination as constitutive premise; transitional administration (where needed) as the operational form of supporting that constitutive premise; the conditions for self-determination as the recognition of what is constitutively the case rather than as the assessment of external performance.

D. The Ratification Protocol's Application to the United States

The United States has, through the Board of Peace architecture, performed the operational form of Rejection of Law in the most expansive contemporary instance. The Charter's depositary designation (the U.S. as Depositary of the Charter), the Chairman's role (the U.S. President as

permanent Chairman), the Comprehensive Plan's authorship (Trump as drafter), and the operational direction of the architecture (the Board's strategic guidance flowing from the Chairman) constitute the United States as the operational principal of the entire architecture.

Restoration of integrity for the U.S. requires the Ratification Protocol's third variant. The operational steps:

1. The Member Commitment Declaration with Defection Acknowledgment. The U.S. constitutional authority issues the Declaration, which includes explicit acknowledgment of the BoP defection and commits to specific restoration measures.

2. The Grace Period with Restoration Reforms. The reforms address both the constitutional gaps (Feature 4, the anti-defection structural mechanism foreclosing unilateral executive treaty withdrawal and unilateral executive construction of supranational structures) and the operational restorations:

- Dissolution of the Board of Peace
- Withdrawal of the Comprehensive Plan as a U.S. policy framework
- Re-acceptance of ICJ compulsory jurisdiction under Article 36(2)
- Reversal of EO 14203 and the prior ICC sanctions regimes
- Withdrawal of the 2026 sixty-six-organization memorandum
- Ratification of the Rome Statute of the International Criminal Court
- Termination of the sanctions regime targeting international enforcement infrastructure
- Recognition of Palestinian self-determination as constitutive premise

3. Certification at Restoration Completion. Certification occurs when both the constitutional reforms and the operational restorations have been completed and verified. The polity proceeds to Stage 2 Full Ratification upon certification.

The list is substantial; the grace period for restoration may extend beyond the initial reference timeline. The Ratification Protocol's commitment to patient deliberation operates throughout: the framework's other members engage the U.S. through deliberative mechanisms; the reforms proceed through the U.S. constitutional process; the framework does not coerce, does not impose, does not abandon.

E. The Member States Holding Triggered Warrants

The Founding Donors and Founding Contributors hold triggered jurisdictional warrants under several frameworks. The framework's diagnostic identifies the operational pathways:

1. **Genocide Convention Article IX.** State parties may file contentious proceedings before the ICJ regarding the interpretation, application, or fulfillment of the Convention.¹⁶⁰ The proceedings would address the relationship between the Board of Peace operation and the Genocide Convention's obligations.

2. **Rome Statute Article 13.** Member States Parties may refer situations to the ICC Prosecutor for investigation of crimes within the Court's jurisdiction.¹⁶¹

3. **Universal jurisdiction.** State parties to the Convention Against Torture, the Geneva Conventions, and customary international law operating universal jurisdiction over atrocity crimes retain prosecutorial authority where perpetrators come within their territorial jurisdiction.¹⁶²

¹⁶⁰ Convention on the Prevention and Punishment of the Crime of Genocide art. IX, Dec. 9, 1948, 78 U.N.T.S. 277.

¹⁶¹ Rome Statute art. 13, July 17, 1998, 2187 U.N.T.S. 90.

¹⁶² See Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment art. 5, Dec. 10, 1984, 1465 U.N.T.S. 85 (universal-jurisdiction obligation for torture); Geneva Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field art. 49, Aug. 12, 1949, 75 U.N.T.S. 31 (universal-jurisdiction obligation for grave breaches).

4. **Defense of humanity.** The Declaration of Humanity's Article V articulates the defense-of-humanity right: every member of humanity retains standing to defend humanity against crimes against humanity, regardless of direct injury to the member. The right operates through coordinated action by members of humanity at the per-situation national level.

The operational form of restoration includes the framework's other members operationalizing these mechanisms. The Founding Donors and Founding Contributors operate under the structural-indistinguishability of the disguised rejecter: their affirmative participation in the BoP architecture is operationally inconsistent with their declared commitments to the codified democratic order's substantive provisions. The structural-indistinguishability is curable: the parties may withdraw from the BoP architecture, file the proceedings their universal-jurisdiction obligations support, and operationalize the obligations they currently perform in declaratory form only.

X. CONCLUSION: THE OPERATIONAL TEST OF THE FRAMEWORK'S DIAGNOSTIC

The corpus articulates a structural-textual diagnostic for identifying violations of the codified democratic order at every scale. The diagnostic operates by structural analysis — comparing assigned authority to exercised authority, certified premises to operational reality, definitional premises to applied conduct. The diagnostic exists not as theoretical apparatus but as operational mechanism: a framework's foundational premise has structural force only if its diagnostic actually identifies the violation when the violation arrives.

The Board of Peace is the contemporary operational test of the framework's diagnostic. The Board of Peace arrived with international legal personality, a Security Council endorsement, a Davos presentation, founding donors and contributors, a master plan with industrial complexes

and coastal tourism, a "deradicalization" pillar, a "free market economy" pillar, and a Palestinian face on its public administrative committee. The framework's diagnostic must, on these facts, identify the operation for what it structurally is: USURPATION at the international scale, the anti-Ratification Protocol, the operational antithesis of the Declaration of Humanity, the third-level meta-violation expanded into institutional form, and the contemporary paradigm case of the four-decade Rejection of Law pattern operationalized into administrative architecture.

The framework's diagnostic does identify the operations. This Article performs the identification. The operational verdict is unambiguous: the Board of Peace architecture operates the dual Power Separation Vulnerability — paradigm USURPATION at the international scale by the Board of Peace (grounded in the Chairman position Article 3.2 of the Charter establishes), paired with paradigm ABDICATION by the United Nations Security Council (whose Resolution 2803 supplies the BoP with operational space rather than exercising the Council's own constitutive authority over transitional international administration); the entity fails every feature of the Ratification Protocol's certification standard; the architecture operationalizes the redescription mechanism the Declaration of Humanity's Article V articulates as foreclosed; the structure is the affirmative institutional form of the three-level meta-violation the Sumud Flotilla article diagnoses; and the entity stands as the operational antithesis of every principle the codified democratic order operates.

Whether the framework's other members operationalize the identification is the question on which the codified democratic order's contemporary integrity depends. The Founding Donors and Founding Contributors hold the triggered warrants. The Security Council holds the deliberative authority it failed to operate. Every member of humanity holds the defense-of-humanity right the Declaration of Humanity articulates. The Article articulates what the

diagnostic prescribes; the operational form of the restoration is the framework's other members' to perform.

The framework's persistence is generational. The framework's restoration is operational. The work is the work of operationalizing the diagnostic the corpus articulates against the contemporary paradigm case the corpus has been built to identify. The Board of Peace is the test. The diagnostic is applied. The restoration awaits.

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