

# Constitution of the Libernesian Republic

## SOVEREIGNTY and SUPREMACY

### Article 1:

This Constitution is the supreme law of the land.

### Article 2:

Any law, act of government, or agreement to which the government of Libernesia is a party, shall not conflict with this Constitution and shall be invalid to the extent of such conflict.

### Article 3:

Major governmental powers including but not limited to defense, security, or foreign affairs may be delegated by treaty, compact, or other agreement between the sovereign Libernesian Republic and another sovereign nation or international organization, provided such treaty, compact or agreement shall be approved by not less than two-thirds (2/3) of the members of each house of the Parliament and by a majority of the votes cast in a nationwide referendum conducted for such purpose, provided, that any such agreement which authorizes use, testing, storage or disposal of nuclear, toxic chemical, gas or biological weapons intended for use in warfare shall require approval of not less than three-fourths (3/4) of the votes cast in such referendum.

## CITIZENSHIP

### Article 4:

A person who was a citizen of Libernesia immediately prior to the effective date of this Constitution and who has at least one parent of recognized Libernesian ancestry is a citizen of Libernesia.

### Article 5:

A person born of parents, one or both of whom are citizens of Libernesia is a citizen of Libernesia by birth, and shall remain a citizen of Palau so long as the person is not or does not become a citizen of any other nation.

## **Article 6:**

A person born of parents, one or both of whom are of recognized Libernesian ancestry, shall have the right to enter and reside in Libernesia and to enjoy other rights and privileges as provided by law, which shall include the right to petition to become a naturalized citizen of Libernesia; provided, that prior to becoming a naturalized citizen, a person must renounce his citizenship by naturalization except pursuant to this section.

## **Article 7:**

The Parliament shall adopt uniform laws for admission and exclusion of noncitizens of Libernesia.

# **FUNDAMENTAL RIGHTS**

## **Article 8:**

The government shall take no action to deny or impair the freedom of conscience or of philosophical or religious belief of any person nor take any action to compel, prohibit or hinder the exercise of religion. The government shall not recognize or establish a national religion, but may provide assistance to private or parochial schools on a fair and equitable basis for nonreligious purposes.

## **Article 9:**

The government shall take no action to deny or impair the freedom of expression or press. No bona fide reporter may be required by the government to divulge or be jailed for refusal to divulge information obtained in the course of a professional investigation.

## **Article 10:**

The government shall take no action to deny or impair the right of any person to peacefully assemble and petition the government for redress of grievances or to associate with others for any lawful purpose including the right to organize and to bargain collectively.

## **Article 11:**

Every person has the right to be secure in his person, house, papers and effects against entry, search and seizure.

## **Article 12:**

Every person shall be equal under the law and shall be entitled to equal protection. The government shall take no action to discriminate against any person on the basis of sex, race, place of origin, language, religion or belief, social status or clan affiliation except for the preferential treatment of citizens, for the protection of minors, elderly, indigent, physically or mentally handicapped, and other similar groups, and in matters concerning intestate succession and domestic relations. No person shall be treated unfairly in legislative or executive investigation.

## **Article 13:**

The government shall take no action to deprive any person of life, liberty, or property without due process of law nor shall private property be taken except for a recognized public use and for just compensation in money or in kind. No person shall be held criminally liable for an act which was not a legally recognized crime at the time of its commission, nor shall the penalty for an act be increased after the act was committed. No person shall be placed in double jeopardy for the same offense. No person shall be found guilty of a crime or punished by legislation. Contracts to which a citizen is a party shall not be impaired by legislation. No person shall be imprisoned for debt. A warrant for search and seizure may not issue except from a justice or judge on probable cause supported by an affidavit particularly describing the place, persons, or things to be searched, arrested, or seized.

## **Article 14:**

A person accused of a criminal offense shall be presumed innocent until proven guilty beyond a reasonable doubt and shall enjoy the right to be informed of the nature of the accusation and to a speedy, public and impartial trial. He shall be permitted full opportunity to examine all witnesses and shall have the right of compulsory process for obtaining witnesses and evidence on his behalf at public expense. He shall not be compelled to testify against himself. At all times the accused shall have the right to counsel. If the accused is unable to afford counsel, he shall be assigned counsel by the government. Accused persons lawfully detained shall be separated from convicted criminals and on the basis of sex and age. Bail may not be unreasonably excessive nor denied those accused and detained before trial. The writ of habeas corpus is hereby recognized and may not be suspended. The national government may be held liable in a civil action for unlawful arrest or damage to private property as prescribed by law. Coerced or forced confessions shall not be admitted into evidence nor may a person be convicted or punished solely on the basis of a confession without corroborating evidence.

## **Article 15:**

A victim of a criminal offense may be compensated by the government as prescribed by law or at the discretion of the court.

### **Article 16:**

A citizen of Libernesia may enter and leave Libernesia and may migrate within Libernesia.

### **Article 17:**

Torture, cruel, inhumane or degrading treatment or punishment, and excessive fines are prohibited.

### **Article 18:**

Slavery or involuntary servitude is prohibited except to punish crime. The government shall protect children from exploitation.

### **Article 19:**

A citizen has the right to examine any government document and to observe the official deliberations of any agency of government.

### **Article 20:**

The government shall provide for marital and related parental rights, privileges and responsibilities on the basis of equality between men and women, mutual consent and cooperation. Parents or individuals acting in the capacity of parents shall be legally responsible for the support and for the unlawful conduct of their minor children as prescribed by law.

## **TRADITIONAL RIGHTS**

### **Article 21:**

The government shall take no action to prohibit or revoke the role or function of a traditional leader as recognized by custom and tradition which is not inconsistent with this Constitution, nor shall it prevent a traditional leader from being recognized, honored, or given formal or functional roles at any level of government.

### **Article 22:**

Statutes and traditional law shall be equally authoritative. In case of conflict between a statute and a traditional law, the statute shall prevail only to the extent it is not in conflict with the underlying principles of the traditional law.

## RESPONSIBILITIES of the NATIONAL GOVERNMENT

### **Article 23:**

The national government shall take positive action to attain these national objectives and implement these national policies: conservation of a beautiful, healthful and resourceful natural environment; promotion of the national economy; protection of the safety and security of persons and property; promotion of the health and social welfare of the citizens through the provision of free or subsidized health care; and provision of public education for citizens which shall be free and compulsory as prescribed by law.

## SUFFRAGE

### **Article 24:**

A citizen of Libernesia sixteen (16) years of age or older may vote in national and state elections. The Parliament shall prescribe a minimum period of residence and provide voter registration for national elections. Each state shall prescribe a minimum period of residence and provide for voter registration for state elections. A citizen who is in prison, serving a sentence for a felony, or mentally incompetent as determined by a court may not vote.

## EXECUTIVE

### **Article 25:**

The President shall be the Chief Executive of the national government.

### **Article 26:**

The Vice President shall serve as a member of the cabinet and have such other responsibilities as may be assigned by the President.

### **Article 27:**

Any citizen of Libernesia who is not less than eighteen (18) years of age shall be eligible to hold the office of President or Vice President.

### **Article 28:**

The President and Vice President shall be elected in a nationwide election for a term of six years.

## **Article 29:**

The cabinet shall consist of the heads of the major executive departments created by law. The cabinet members shall be appointed by the President with the advice and consent of the Senate and shall serve at the will of the President. No person may serve in a legislature and the cabinet at the same time.

## **Article 30:**

The President shall have all the inherent powers and duties of a national chief executive, including, but not limited to the following:

1. to enforce the law of the land;
2. to conduct negotiations with foreign nations and to make treaties with the advice and consent of the Parliament;
3. to appoint ambassadors and other national officers with the advice and consent of the Senate;
4. to appoint judges;
5. to grant pardons, commutations and reprieves subject to procedures prescribed by law and to suspend and remit fines and forfeitures, provided this power shall not extend to impeachment;
6. to spend money pursuant to appropriations and to collect taxes;
7. to represent the national government in all legal actions; and
8. to propose an annual budget.

## **Article 31:**

The compensation of the President and Vice President shall be established by law.

## **Article 32:**

The President or Vice President may be impeached and removed from office for treason, bribery, or other serious crimes by a vote of not less than two-thirds (2/3) of the members of each house of the Parliament.

### **Article 33:**

The President or Vice President may be removed from office by a recall. A recall is initiated by a resolution adopted by not less than two-thirds (2/3) of the members of the state legislatures in not less than three-fourths (3/4) of the states. Upon receipt by the presiding officers of the Parliament of the required number of certified resolutions, the Parliament shall establish a special election board to supervise a nationwide recall referendum to be held not less than thirty (30) days nor more than sixty (60) days, after receipt of the required number of certified resolutions.

### **Article 34:**

The Vice President shall succeed to the office of President if it becomes vacant. If the vacancy occurs due to death, resignation or disability and more than one hundred and eighty (180) days remain in the term, a national election for the offices of the President and Vice President for the remaining term shall be held within two months of such vacancy. In the event that the offices of both the President and the Vice President become vacant, the order of succession to the presidency shall be as follows: presiding officer of the Senate, presiding officer of the House of Assembly, and then as provided by law.

### **Article 35:**

The President may introduce legislative measures in the Parliament.

### **Article 36:**

The President shall make an annual report to the Parliament on the progress of his administration.

### **Article 37:**

Whenever war, external aggression, civil rebellion or natural catastrophe threatens the lives or property of a significant number of people in Libernesia, the President may declare a state of emergency and temporarily assume such legislative powers as may be necessary to afford immediate and specific relief to those lives or property so threatened. At the time of the declaration of a state of emergency, the President shall call a meeting of the Parliament to confirm or disapprove the state of emergency. The President shall not exercise emergency powers for a period of more than ten (10) days without the express and continuing consent of the Parliament.

## The PARLIAMENT

### **Article 38:**

The legislative power of Libernesia shall be vested in the Parliament which shall consist of two houses, the House of Assembly and the Senate.

### **Article 39:**

Senators and Members of the House of Assembly shall be elected for a term of two (2) years.

### **Article 40:**

The House of Assembly shall be composed of one delegate to be popularly elected from each of the states of Libernesia. The Senate shall be composed of the number of senators prescribed from time to time by the reappointment commission as provided by law.

### **Article 41:**

The Parliament shall have the following powers:

1. to levy and collect taxes, duties and excises, which shall be uniformly applied throughout the nation;
2. to borrow money on the credit of the national government to finance public program or to settle public debt;
3. to regulate commerce with foreign nations and among the several states;
4. to regulate immigration and establish a uniform system of naturalization;
5. to establish uniform laws on the subject of bankruptcy;
6. to provide a monetary and banking system and to create or designate a national currency;
7. to ratify treaties by a vote of a majority of the members of each house;
8. to approve presidential appointment[s] by a vote of not less [than] two-thirds (2/3) of the members of the Senate;
9. to establish diplomatic immunities;



10. . to regulate banking, insurance, and issuance and use of commercial paper and securities, and patents and copyrights;
11. to provide for a national postal system;
12. to regulate the ownership, exploration and exploitation of natural resources;
13. to regulate navigation, shipping, and the use of navigable waters;
14. to regulate the use of air space;
15. to delegate authority to the states and administrative agencies
16. to impeach and remove the President, Vice President, and Justices of the Supreme
17. Court by a vote of not less than two-thirds (2/3) of the members of each house;
18. to provide for the national defense;
19. to create or consolidate states with the approval of the states affected;
20. to confirm or disapprove a state of emergency declared by the President;
21. to provide for the general welfare, peace and security; and
22. to enact any laws which shall be necessary and proper for exercising the foregoing powers and all other inherent powers vested by this Constitution in the government of Libernesia.

## **Article 42:**

To be eligible to hold office in the Parliament, a person must be:

1. a citizen;
2. not less than eighteen (18) years of age;
3. a resident of Libernesia for not less than five (5) years immediately preceding the election; and (Not yet applying)
4. a resident of the district in which he wishes to run for office for not less than one (1) year immediately preceding the election. (Not yet applying)

### **Article 43:**

A vacancy in the Parliament shall be filled for the unexpired term by a special election to be held in accordance with law. If less than one hundred eighty (180) days remain in the unexpired term, the seat will remain vacant until the next regular general election.

### **Article 44:**

The compensation of the members of the Parliament shall be determined by law. No increase in compensation shall apply to the members of the Parliament during the term of enactment, nor may an increase in compensation be enacted in the period between the date of a regular general election and the date a new Parliament takes office.

### **Article 45:**

No member of either house of the Parliament shall be held to answer in any other place for any speech or debate in the Parliament. The members of the Parliament shall be privileged, in all cases except treason, felony, or breach of peace, from arrest during their attendance at the sessions of the Parliament and in going to and from the sessions.

### **Article 46:**

Each house of the Parliament shall be the sole judge of the election and qualifications of its members, may discipline a member, and, by a vote of not less than two-thirds (2/3) of its members may suspend or expel a member. A member may not hold any other public office or public employment while a member of the Parliament.

### **Article 47:**

Each house of the Parliament shall convene its meeting on the second Tuesday in January following the regular general election and may meet regularly for four (4) years. Either house may be convened at any time by the presiding officer, or at the written request of the majority of the members, or by the President.

### **Article 48:**

Each house of the Parliament shall promulgate its own rules and procedures not inconsistent with this Constitution and the laws of Parliament, and may compel the attendance of absent members. A majority of the members of each house shall constitute a quorum to do business. Each house, with the approval of a majority of its members, may compel the attendance and testimony of witnesses and the production of books and papers before that house or its committees.

## **Article 49:**

Each house of the Parliament shall elect a presiding officer by a majority of the members of that house. Each house shall elect such other officers and employ such staff as it deems necessary and appropriate.

## **Article 50:**

The Parliament may enact no law except by bill. Each house of the Parliament shall establish a procedure for the enactment of bills into law. No bill may become a law unless it has been adopted by a majority of the members of each house present on three (3) separate readings, each reading to be held on a separate day. No bill may become a law unless it contains the following enacting clause: THE PEOPLE OF LIBERNESIA REPRESENTED IN THE PARLIAMENT DO ENACT AS FOLLOWS:

## **Article 51:**

A bill adopted by each house of the Parliament shall be presented to the President and shall become law when signed by the President. If the President vetoes a bill, it shall be returned to each house of the Parliament within fifteen (15) calendar days with a statement of reasons for the veto. The President may reduce or veto an item in an appropriation bill and sign the remainder to the bill, returning the item reduced or vetoed to each house within fifteen (15) calendar days together with the reason for his action; or refer a bill to each house with recommendations for amendment. A bill not signed, vetoed, or referred within fifteen (15) calendar days of presentation to the President shall become law. A bill or item of a bill vetoed or reduced by the President may be considered by each house within thirty (30) calendar days of its return and shall become law as originally adopted upon approval of not less than two-thirds (2/3) of the members of each house. The Parliament, by the approval of a majority of the members present of each house, may pass a bill referred by the President in accordance with the President's recommendation for change and return it to the President for reconsideration. The President may not refer a bill for amendment a second time.

## **Article 52:**

The Parliament, with the approval of not less than two-thirds (2/3) of the members of each house, may release funds appropriated by the Parliament but impounded by the President.

## **Article 53:**

The people may recall a member of the Parliament from office. A recall is initiated by a petition which shall name the member sought to be recalled, state the grounds for recall, and be signed by not less than twenty-five percent (25%) of the number of persons [that] voted in the most recent election for that member of the Parliament. A special recall election shall be held not later than sixty (60) calendar days after the filing of the recall petition. A member of the Parliament

shall be removed from office only with the approval of a majority of the persons voting in the election, and such vacancy shall be filled by a special election to be held in accordance with law. A recall may be sought against an individual member of the Parliament no more than once per term. No recall shall be permitted against a member who is serving the first year of his first term in the Parliament.

## JUDICIARY

### **Article 54:**

The judicial power of Libernesia shall be voted in a unified judiciary, consisting of a Supreme Court, a National Court, and such inferior courts of limited jurisdiction as may be established by law. All courts except the Supreme Court may be divided geographically and functionally as provided by law, or judicial rules not inconsistent with law.

### **Article 55:**

The Supreme Court is a Court of Record consisting of an appellate division and a trial division. The Supreme Court shall be composed of a Chief of Justice and not less than three (3) nor more than six (6) Associate Justices, all of whom shall be members of both divisions. All appeals shall be heard by at least three justices. Matters before the trial division may be heard by one justice. No justice may hear or decide an appeal of a matter heard by him in the trial division.

### **Article 56:**

If the Chief Justice is unable to perform his duties, he shall appoint an Associate Justice to act in his place. If the office of Chief Justice becomes vacant and the Chief Justice has failed to appoint an Acting Chief Justice to act in his place, the President shall appoint an Associate Justice to act as Chief Justice until the vacancy is filled or the Chief Justice resumes his duties.

### **Article 57:**

The National Court shall consist of a presiding judge and such other judges as may be provided by law.

### **Article 58:**

The judicial power shall extend to all matters in law and equity. The trial division of the Supreme Court shall have original and exclusive jurisdiction over all matters affecting Ambassadors, other Public Ministers and Consuls, admiralty and maritime cases, and those matters in which the national government or a state government is a party. In all other cases, the National Court shall have original and concurrent jurisdiction with the trial division of the Supreme Court.

## **Article 59:**

The appellate division of the Supreme Court shall have jurisdiction to review all decisions of the trial division and all decisions of lower courts.

## **Article 60:**

The Judicial Nominating Commission shall consist of seven (7) members, one of whom shall be the Chief Justice of the Supreme Court who shall act as Chairman. The Bar shall elect three (3) of its members to serve on the Judicial Nominating Commission and the President shall appoint three (3) citizens who are not members of the Bar. The Judicial Nominating Commission shall meet upon the call of the Chairman and prepare and submit to the President a list of seven (7) nominees for the positions of justice and judge. A new list shall be submitted every year.

## **Article 61:**

No person shall be eligible to hold judicial office in the Supreme Court or National Court unless he has been admitted to practice law before the highest court of a state or country in which he is admitted to practice for at least five (5) years preceding his appointment. Any justice of the Supreme Court or judge of the National Court who becomes a candidate for an elective office shall, upon filing for such office, forfeit his judicial office.

## **Article 62:**

All justices of the Supreme Court and judges of the National Court shall hold their offices during good behavior. They shall be eligible for retirement upon attaining the age of sixty-five (65) years.

## **Article 63:**

A justice of the Supreme Court may be impeached only for the commission of treason, bribery, other high crimes, or improper practices, or on the grounds of his inability to discharge the functions of his office upon a vote of not less than two-thirds (2/3) of the members of each house of the Parliament. The judges of the National Court and the inferior courts may be impeached by a majority vote of the members of each house of the Parliament. During his impeachment or removal proceedings, a justice or judge may not exercise the power of his office. A justice or judge shall forfeit his office upon conviction of a felony or any high crime.

## **Article 64:**

The justices and judges shall receive compensation as prescribed by law. Such compensation shall not be diminished during their term of office.

## **Article 65:**

The Chief Justice of the Supreme Court shall be the administrative head of the unified judicial system. He may assign judges from one geographical department or functional division of a court to another department or division of that court and he may assign judges for temporary service in another court. The Chief Justice shall appoint with the approval of the Associate Justices, an administrative director to supervise the administrative operation of the judicial system.

## **Article 66:**

The Chief Justice shall prepare and submit through the President to the Parliament an annual consolidated budget for the entire unified judicial system. The national government shall bear the total cost of the system unless the Parliament requires reimbursement of appropriate portions of such cost by the state governments.

## **Article 67:**

The Supreme Court shall promulgate rules governing the administration of the courts, legal and judicial professions, and practice and procedure in civil and criminal matters.

## **GENERAL PROVISIONS**

## **Article 68:**

Citizens may enact or repeal national laws, except appropriations, by initiative. An initiative petition shall contain the text of the proposed law or the law sought to be repealed and be signed by not less than ten percent (10%) of the registered voters. An initiative petition shall take effect if approved at the next general election by a majority of the persons voting on the initiative. A law enacted by initiative or a repeal of a law by initiative may not be vetoed by the President. A law enacted or repealed by initiative may be subsequently amended, repealed or reenacted only by another initiative pursuant to the provisions of this section.

## **Article 69:**

No state may secede from Libernesia.

## **Article 70:**

Harmful substances such as nuclear, chemical gas, or biological weapons intended for use in warfare, nuclear power plants, and waste materials therefrom, shall not be used, tested, stored or disposed of within the territorial jurisdiction of Libernesia without the express approval of not

less than three-fourths (3/4) of the votes cast in a referendum submitted on this specific question.

### **Article 71:**

The national government shall have the power to take property for public use upon payment of just compensation. The state government shall have the power to take private property for public use upon payment of just compensation. No property shall be taken by the national government without prior consultation with the government of the state in which the property is located. This power shall not be used for the benefit of a foreign entity. This power shall be used sparingly and only as final resort after all means of good faith negotiation with the land owner have been exhausted.

### **Article 72:**

Only citizens of Libernesia and corporations wholly owned by citizens of Libernesia may acquire title to land or waters in Libernesia.

### **Article 73:**

No tax shall be imposed on land.

### **Article 74:**

The national government shall, within five (5) years of the effective date of this Constitution, provide for the return to the original owners or their heirs of any land which became part of the public lands as a result of the acquisition by previous occupying powers or their nationals through force, coercion, fraud, or without just compensation or adequate consideration.

### **Article 75:**

The national government shall have exclusive power to regulate importation of firearms and ammunition. No persons except armed forces personnel lawfully in Libernesia and law enforcement officers acting in an official capacity shall have the right to possess firearms or ammunition unless authorized by legislation which is approved in a nationwide referendum by a majority of the votes cast on the issue.