



**REPUBLIC OF NAURU
GOVERNMENT GAZETTE
PUBLISHED BY AUTHORITY
EXTRAORDINARY**

No.37

18th April, 2008

Nauru

G.N.No. 162 / 2008

THE CONSTITUTION OF NAURU

PRESIDENTIAL DECLARATION

DECLARATION OF STATE OF EMERGENCY UNDER ARTICLE 77

WHEREAS

- A.** There is a total breakdown of Parliamentary governance together with the absolute disregard by certain members of Parliament for the supremacy of the Constitution and their refusal to allow the House to function, which has prevented the passage of the Supplementary Appropriation and other Bills.
- B.** Appropriation limits have been reached across a number of sectors and therefore Government no longer has legal authority to effect payment to maintain all government's functions. This includes the payment of some public service salaries as well as a number of other critical needs.
- C.** Nauru cannot function without the legal authority for Government to fund these essential needs. Nauru must and shall continue to function. It is therefore necessary to place all functions, operations and finances of the Republic of Nauru under the direct control of the President, and I **Order** by this Proclamation, that all government departments, entities and instrumentalities including the

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Nauru Police Force and Reserve Members of the Force shall continue to function as normal and subject to direct orders of the President.

- D. The situation has reached a state where Government cannot be carried out in accordance with the Constitution and other laws and the only solution the Constitution provides for the situation, is through emergent and extraordinary measures.
- E. The situation has been reviewed by the President in Cabinet and having been satisfied, on the advice that I have received, that there now exists a grave threat to the economy and security of the Republic of Nauru, such as to justify the declaration of a state of emergency.

NOW, THEREFORE, in accordance with Article 77 of the Constitution of Nauru, and in pursuance of the deliberations and decisions of the said meetings, I, **MARCUS STEPHEN**, President of the Republic of Nauru and Chairman of the Cabinet, **PROCLAIM**, as follows:

1. A State of Emergency exists throughout Nauru.
2. That the Constitution of the Republic of Nauru shall remain in place, except for those Articles of the Constitution, specifically excluded from application and operation by Presidential Order made under Part IX of the Constitution.
3. This Proclamation shall come into force at once and may be extended by further proclamations.

DECLARED AT NAURU this Eighteenth day of April, 2008.

HON. MARCUS STEPHEN MP
PRESIDENT

CONSTITUTION OF NAURU
PART IX
EMERGENCY POWERS

PRESIDENTIAL ORDER 1

DISSOLUTION OF SEVENTEENTH PARLIAMENT

By virtue of the powers vested in that behalf in me under Part IX of the Constitution of Nauru, and all other powers enabling me and notwithstanding inconsistency with any provision of the Constitution or any other law, I, MARCUS STEPHEN, President of the Republic of Nauru hereby dissolve with immediate effect, the Seventeenth Parliament of the Republic of Nauru.

I further order and declare that the office of the Speaker of Parliament is vacant.

GIVEN under my hand this Eighteenth day of April, 2008.

HON. MARCUS STEPHEN MP
PRESIDENT

CONSTITUTION OF NAURU
PART IX
EMERGENCY POWERS

PRESIDENTIAL ORDER 2

WRIT FOR A GENERAL ELECTION OF MEMBERS OF PARLIAMENT

TO: RETURNING OFFICER,

GREETING!

FOLLOWING THE PUBLIC PROCLAMATION BY THE PRESIDENT DECLARING A STATE OF EMERGENCY ON APRIL 18, 2008 EXERCISED UNDER PART IX OF THE CONSTITUTION OF NAURU AND BY VIRTUE OF PRESIDENTIAL ORDER 1, ISSUED ON APRIL 18, 2008 DISSOLVING THE SEVENTEENTH PARLIAMENT, THIS IS TO COMMAND YOU TO CAUSE ELECTIONS TO BE MADE TO ELECT MEMBERS OF PARLIAMENT TO SERVE IN THE EIGHTEENTH PARLIAMENT OF REPUBLIC OF NAURU AND I APPOINT 26TH APRIL, 2008 TO BE THE DATE WHEN THE POLL FOR THE PURPOSES OF THE SAID ELECTIONS SHALL BE TAKEN.

GIVEN UNDER MY HAND AT NAURU THIS EIGHTEENTH DAY OF APRIL, 2008.

HON. MARCUS STEPHEN, M.P.
PRESIDENT

CONSTITUTION OF NAURU
PART IX
EMERGENCY POWERS

PRESIDENTIAL ORDER 3

ELECTION DATES

By virtue of the powers vested in that behalf in me under Part IX of the Constitution of Nauru, and all other powers enabling me, I, MARCUS STEPHEN, President of the Republic of Nauru do hereby order and declare that the dates for the General Elections be as follows: -

Date of Issue of President's Writ	-	18 April 2008
Closure of the Electoral Rolls	-	21 April 2008 (12.00 noon)
Nominations Open	-	21 April 2008 (12.00 noon)
Nominations Close	-	22 April 2008 (12.00 noon)
Last date of Withdrawal of Nomination	-	22 April, 2008 (5.00pm)
Polling Day	-	26 April, 2008

Insofar as any part or section of the Electoral Act or any other law is inconsistent with this Order, it is to the extent necessary, hereby be suspended.

GIVEN under my hand this Eighteenth day of April, 2008.

HON. MARCUS STEPHEN MP
PRESIDENT

CONSTITUTION OF NAURU
PART IX
EMERGENCY POWERS

PRESIDENTIAL ORDER 4

APPOINTMENT OF RETURNING OFFICER

By virtue of the powers vested in that behalf in me under Part IX of the Constitution of Nauru, and all other powers enabling me, I, MARCUS STEPHEN, President of the Republic of Nauru DO HEREBY appoint Mrs. Camilla Solomon, the Chief Secretary to be the Returning Officer to conduct a General Election to elect members of Parliament to serve in the Eighteenth Parliament of the Republic of Nauru.

GIVEN under my hand this Eighteenth day of April, 2008.

HON. MARCUS STEPHEN MP
PRESIDENT

CONSTITUTION OF NAURU
PART IX
EMERGENCY POWERS

PRESIDENTIAL ORDER 5

APPOINTMENT OF ELECTORAL REGISTRAR AND DEPUTY ELECTORAL REGISTRAR

By virtue of the powers vested in that behalf in me under Part IX of the Constitution of Nauru, and all other powers enabling me, I, MARCUS STEPHEN, President of the Republic of Nauru DO HEREBY make the following appointments for the General Election to elect members of Parliament to serve in the Eighteenth Parliament of the Republic of Nauru.

1. Mr. Michael B. Cain as Electoral Registrar
2. Mrs. Doreen Temaki as Deputy Electoral Registrar

GIVEN under my hand this Eighteenth day of April, 2008.

HON. MARCUS STEPHEN MP
PRESIDENT

CONSTITUTION OF NAURU
PART IX
EMERGENCY POWERS

PRESIDENTIAL ORDER 6

APPOINTMENT OF DEPUTY RETURNING OFFICERS

By virtue of the powers vested in that behalf in me under Part IX of the Constitution of Nauru, and all other powers enabling me, I, MARCUS STEPHEN, President of the Republic of Nauru DO HEREBY appoint Mrs. Marolyn Harris and Mr. Russ Kun to be the Deputy Returning Officers for the General Election to be held on April 26, 2008 to elect members of Parliament to serve in the Eighteenth Parliament of the Republic of Nauru.

The roles, responsibilities and authorities of the Deputy Returning Officers shall be those as provided for the Returning Officer, but subject to the directions of the Returning Officer.

GIVEN under my hand this Eighteenth day of April, 2008.

HON. MARCUS STEPHEN MP
PRESIDENT

CONSTITUTION OF NAURU
PART IX
EMERGENCY POWERS

PRESIDENTIAL ORDER 7

REFERENCES TO SUPREME COURT

By virtue of the powers vested in that behalf in me under Part IX of the Constitution of Nauru, and all other powers enabling me, I, MARCUS STEPHEN, President of the Republic of Nauru DO HEREBY order and declare that all rights and obligations conferred upon the citizens of Nauru under the Constitution or any other law on Nauru, to refer to the Supreme Court any question regarding any Articles of the Constitution or to initiate any proceedings in the Supreme Court are hereby revoked, unless expressly ordered under my hand.

GIVEN under my hand this Eighteenth day of April, 2008.

HON. MARCUS STEPHEN MP
PRESIDENT

CONSTITUTION OF NAURU
PART IX
EMERGENCY POWERS

PRESIDENTIAL ORDER 8

AUTHORISATION OF TREASURY PAYMENTS

By virtue of the powers vested in that behalf in me under Part IX of the Constitution of Nauru, and all other powers enabling me, I, MARCUS STEPHEN, President of the Republic of Nauru do hereby order and authorise the withdrawals of monies from the Treasury Fund to meet expenditures for the purposes and in accordance with the Supplementary Appropriation Bill 2008 approved by Cabinet on April 17, 2008.

GIVEN under my hand this Eighteenth day of April, 2008.

HON. MARCUS STEPHEN MP
PRESIDENT

CONSTITUTION OF NAURU
PART IX
EMERGENCY POWERS

PRESIDENTIAL ORDER 9

REVOCAION OF WARRANT OF ARREST

By virtue of the powers vested in that behalf in me under Part IX of the Constitution of Nauru, and all other powers enabling me, I, MARCUS STEPHEN, President of the Republic of Nauru DO HEREBY revoke the warrant of arrest for Mr. Andre Adun issued by the District Court on April 17, 2008.

GIVEN under my hand this Eighteenth day of April, 2008.

HON. MARCUS STEPHEN MP
PRESIDENT