



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

No. 140

22nd October 2010

Nauru

G.N.No. 588 / 2010

**CONSTITUTION OF NAURU
ARTICLE 77**

DECLARATION OF A STATE OF EMERGENCY

WHEREAS

- A. On 11 June 2010, being satisfied after 6 weeks and 14 sittings of Parliament since General Elections had been held on 24th April 2010 for Members of the 19th Parliament, that the inability of Parliament to consider any financial Bills and the essential need for supplementary appropriation constituted a grave threat to economy of Nauru, I declared a State of Emergency under Article 77 of the Constitution of Nauru.
- B. In an attempt to end the political stalemate that has persisted in Nauru since March 2010 I have twice called General Elections, such elections having taken place on 24th April 2010 and 19th June 2010, the latter occasion having been an election called under Emergency Powers.
- C. Despite extensive negotiations and attempts to reach a compromise since General Elections were held for Members of the 20th Parliament on the 19th of June, 2010, the 20th Parliament has remained unable to progress to the election of the President due to the ongoing political stalemate. This has also resulted in the inability of the Parliament to entertain any other business, including any Appropriation or financial Bills.
- D. Despite all the efforts that have been made to find a political resolution to enable the 20th Parliament to progress, and despite agreement having been reached among a sufficient number of members on Tuesday 6 July to enable a President to be elected, the former Speaker of Parliament, Hon Aloysius Amwano, persistently breached the Constitution and the Standing Orders in order to prevent the House proceeding to the election of President. The former Speaker deliberately and needlessly prolonged the political stalemate from the time he assumed the Chair on 30 June until he was removed from the office of Speaker by Presidential Order 13 issued by me on 8 July.
- E. Due to the ongoing political stalemate and the inability of Parliament to consider a Supply Bill, I issued on 30 June 2010 in exercise of my emergency powers a Presidential Order (Presidential Order No.9) for the purpose of meeting expenditure necessary to carry on the services of the Republic of Nauru after the commencement of the new financial year until Parliament is able to approve an appropriation law.
- F. Because of the persistence of the grave threat to the economy of Nauru, and because the state of emergency declared by me on 11 June 2010, having been issued when Parliament was sitting, would have lapsed at midnight on 2 July 2010, I declared on 2 July 2010 a further state of emergency. The State of Emergency declared by me on 2 July 2010, having been declared when Parliament was sitting, would have lapsed at midnight on 9 July 2010.

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- G. In order to keep the emergency supply order (Presidential Order No.9) in force I declared a further state of emergency on 9 July 2010, which emergency, having been declared by me when Parliament was not sitting, would have lapsed at midnight on 30 July 2010.
- H. In order to keep the emergency supply order (Presidential Order No.9) in force I declared a further state of emergency on 30 July 2010, which emergency, having been declared by me when Parliament was not sitting, would have lapsed at midnight on 20 August 2010.
- I. In order to keep the emergency supply order (Presidential Order No.9) in force I declared a further state of emergency on 20 August 2010, which emergency, having been declared by me when Parliament was not sitting, would have lapsed at midnight on 10 September 2010.
- J. In order to keep the emergency supply order (Presidential Order No.9) in force I declared a further state of emergency on 10 September 2010, which emergency, having been declared by me when Parliament was not sitting, would have lapsed at midnight on 1 October.
- K. Because it has still not been possible to reach a compromise by which the Parliamentary stalemate would be resolved and Parliament would be able to consider an Appropriation Bill, and because the emergency supply order (Presidential Order No.9) provided for 3 months' supply from 1 July to 30 September 2010, on 15 September 2010 I issued a further Presidential Order providing for supply to 31 December 2010 (Presidential Order No.20, which supersedes and revokes Presidential Order No.9).
- L. In order to keep the second emergency supply order (Presidential Order No.20) in force I declared a further state of emergency on 1 October 2010, which emergency, having been declared when Parliament was not sitting, would lapse at midnight tonight.
- M. In order for Presidential Order No.20 to remain in force, which is essential as a consequence of the ongoing political deadlock and Parliament's inability to consider and vote on any appropriation bills, the only feasible option available to government to ensure the functions of government, the welfare of our people and social stability, is to exercise the authority available to me under Article 77(1) and 77(5) of the Constitution to make a further declaration of a State of Emergency.
- N. Having kept the situation under constant review, and being satisfied, on the advice that I have received, that there continues to exist a grave emergency whereby the economy of Nauru is threatened;

NOW THEREFORE, in accordance with Article 77 of the Constitution of Nauru, I, **MARCUS STEPHEN**, President of the Republic of Nauru, publicly **PROCLAIM** as follows:

1. A State of Emergency exists in 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.

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3. This Proclamation shall come in to force at once and will lapse upon the election by Parliament of a President, or after 21 days, whichever occurs sooner.
4. This proclamation may be extended by further proclamations.

DECLARED at NAURU this 22nd day of October, 2010 at 9:00am.

H.E. MARCUS STEPHEN, MP
PRESIDENT

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CONSTITUTION OF NAURU
PART IX
EMERGENCY POWERS

PRESIDENTIAL ORDER 22
ARTICLE 78

A State of Emergency having been declared under Article 77(1) of the Constitution of Nauru and, being satisfied that this Order is reasonably required to safeguard the interests of the community, by virtue of the powers vested in me under Article 78(1) of the Constitution of Nauru and notwithstanding inconsistency with any law, I MARCUS STEPHEN, President of the Republic of Nauru, order as follows:

1. Notwithstanding that Presidential Order 11 dated 2 July 2010 (prescribing rates of customs duty), which was continued in force by Presidential Order 15 dated 9 July 2010, Presidential Order 16 dated 30 July 2010, Presidential Order 17 dated 20 August 2010, Presidential Order 18 dated 10 September 2010 and Presidential Order 21 dated 1 October 2010, would otherwise lapse with the lapsing of the State of Emergency declared by me on 1 October 2010, the said Presidential Order 11 shall continue in force.
2. Notwithstanding that Presidential Order 14 dated 9 July, which was continued in force by Presidential Order 16 dated 30 July 2010, Presidential Order 17 dated 20 August 2010, Presidential Order 18 dated 10 September and Presidential Order 21 dated 1 October 2010, would otherwise lapse with the lapsing of the State of Emergency declared by me on 1 October 2010, paragraphs 2, 3, 4 and 5 of Presidential Order 14 shall continue in force.
3. Notwithstanding that Presidential Order 20 dated 15 September, providing for supply, which was continued in force by Presidential Order 21 dated 1 October 2010, would otherwise lapse with the lapsing of the State of Emergency declared by me on 1 October, the said Presidential Order 20 shall continue in force.

Given under my hand this 22nd day of October, 2010 at 9:01 am.

HON. MARCUS STEPHEN, MP
PRESIDENT