



## *Principato di San Bernardino*

### **Constitution of the Principality of San Bernardino**

#### **Article 1**

The Principality of San Bernardino is independent and sovereign, legitimately subject of International Law and exercising sovereign functions equal to a foreign country; as such it is entitled to rights and obligations arising from the International Judicial Organization; Tax and Judicial Immunities are under its jurisdiction as judicial concern of States; consequently, the measures taken by its Courts count as Jurisdictional Provisions of a Foreign Country.

#### **Article 2**

The area located in the Red Sea in the island previously known as Aphrodite (coordinates 15.1588 North Latitude and 42.1019 Longitude East) is subject to the sovereignty of the Principality of San Bernardino.

#### **Article 3**

Only peaceful activities are authorized in the Territory subject to the sovereignty of the Principality. Any measures of a military nature, such as the establishment of military bases, the construction of fortifications, manoeuvres and experiments with weapons of any kind are prohibited. The Principality is not opposed to the use of scientific personnel for research purposes or any other peaceful purpose of any other state.

#### **Article 4**

The Principality of San Bernardino, at the request of the High Parties may use their financial resources to allow the exchange of information related to scientific programs in the Red Sea, the exchange of scientists between expeditions and stations and the exchange of scientific findings and results.

#### **Article 5**

The Principality will make it possible, by any means, to cooperate in terms of work relations with the United Nations specialized agencies and other International Organizations for which the Red Sea provides a scientific or technical interest.

#### **Article 6**

Nuclear explosions and disposal of radioactive waste in the territory subject to the sovereignty of the Principality of San Bernardino are prohibited.

#### **Art. 7**

The Principality of San Bernardino notes that the States waived their right to present further territorial claims or new proposals to extend previous claims of territorial sovereignty or establish rights of sovereignty over any part of the Red Sea.

#### **Article 8**

The Principality of San Bernardino pursuant to and by effect of art. 34 of the Vienna Convention does not create obligations or rights for a third State without its consensus.

#### **Article 9**

The Council of Government of the Principality of San Bernardino allows, without any conditions, observers of the United Nations and contracting parties to gain access to any part of the region subjected to the Sovereignty of the Principality.

#### **Article 10**

The Principality of San Bernardino is committed to complying with the principles of cooperation. In particular, authorizes the measures that:

- a) are inherent to the use of the territory of the Principality exclusively for peaceful purposes;
- b) facilitate scientific research in the Principality's Territory;
- c) facilitate international scientific cooperation in the Principality's Territory;
- d) facilitate the exercise of the rights of inspection;
- e) relate to the protection and preservation of flora and fauna in the Principality's Territory.

#### **Article 11**

All religions have equal dignity in The Principality of San Bernardino.

#### **Article 12**

The Principality is perpetually neutral, condemns war as an instrument of aggression against the freedom of other people and as a means of settling international disputes and wants to contribute, in person or together with other international organizations, to ensuring peace and justice among nations.



#### **Article 13**

The Principality of San Bernardino refers to the noble principles of chivalry.

#### **Article 14**

The Principality of San Bernardino wants to reaffirm and spread the virtues of charity and brotherhood, exercising the works of mercy towards the sick and needy without distinction of religion, race, origin or age.

#### **Article 15**

The functions of the Legislative, Executive and Judiciary Assembly are exercised in the manner and within the time limits set by this Constitution.

#### **Article 16**

The Principality of San Bernardino performs all the necessary and useful activities for the achievement of its purposes, including in hospital service, health assistance and social care, in all the States, in virtue of international conventions.

#### **Article 17**

The Prince, after consultation with the Governing Council, can carry out all the financial, movable and real estate transactions which are necessary or useful for the achievement of the State's purposes.

#### **Article 18**

The Principality's has registered office at the residence of the Prince.

#### **Article 19**

The Governing Council, on a proposal from the Prince, can establish representative or correspondence offices all over the world. The Principality has the active and passive Legation Right, according to the general rules of international law. In the ecclesiastical sense, such Right, in addition to welcoming and posting its own diplomats, includes posting and welcoming Legates from different religious authorities, without interference from the Civil Authority.

#### **Article 20**

The Prince appoints the Minister for Religious Affairs to administer the relationship with Churches and other religious organizations, for the purpose of promoting the spiritual interests of the Principality citizens and

maintaining relations between the Principality and religious organizations.

A fundamental condition for admission in the Principality of a church or other religious group is that nor the doctrine or the practices of the individual religious organization are prejudicial to the rights and liberties of any other people.

In case of religious organizations with major denominational subdivisions, it will be possible to appoint Vice ministers, Undersecretaries, and Heads of Departments for the relationship with individual denominations.

Heads and Vice-heads of such departments must be members of the Church or denomination they are appointed to serve".

#### **Article 21**

The Principality of San Bernardino, the Holy See and the other States are all independent and sovereign according to their own rules. Their relations are regulated by specific agreements.

#### **Article 22**

The state is divided into Districts governed by officials appointed by the Prince with Sovereign Decree. The Districts are divided into counties.

#### **Article 23**

The sources of the law of the Principality of San Bernardino are:

- The Constitution;
- The Legislative Measures;
- The Codes;
- The International Agreements;
- The Customs and Traditions;

#### **Article 24**

The Principality's flag displays a green triangle with a white diagonal which has the Prince's shield surmounted by the crown and a red triangle in its centre.

#### **Article 25**

The official languages of the Principality are the Italian, English and French.

#### **Article 26**

The currency of the Principality is the Pax.



## The Advisors of the Prince

### Article 26/a

The Prince will be assisted in the exercise of his duties both in the ordinary and extraordinary management of the Principality by three advisors appointed for life called 'arbitrators'.

### Article 26/b

The opinion of arbitrators is binding and therefore represents a voting strength which is as important as the judgment of the Prince.

### Article 26/c

The advisors of the Prince or arbitrators will be organized in such a way as to always have a single vote, with an unequivocal majority of two-thirds that is understood to be absolute towards the Prince.

### Article 26/d

The advisors will be personally responsible for making decisions towards the Prince and the Principality within their field of competence.

### Article 26/e

The arbitrators may hold more than one post and are entitled to one vote for each of the bodies they are members of.

### Article 26/f

None of the arbitrators are allowed to make individual decisions without the vote of the majority of the Prince's Privy Council or they will suffer exclusion from it due to unworthiness.

## The Citizens of the Principality

### Article 27

After consultation with the Government, the nationality of the Principality of San Bernardino is granted exclusively by the Prince with Legislative Decree with law effectiveness.

### Article 28

1 - Citizenship is granted to individuals who request it, who are at least eighteen years of age and who have not been convicted with definitive sentences in the last five years. All citizens have equal social dignity and are equal before the law, without distinction of sex, race, language, religion, and political views, personal and social circumstances.

2 - Personal liberty is sacred.

3 - Under the Principality, unless otherwise stated in the Constitution, any form of personal detention, inspection or search or any restriction of freedom is not allowed. The limitations on the exercise of the rights of the Citizens of the Principality are set by the law.

4 - Under the Principality, secret associations and those which pursue, even indirectly, political purposes through military organizations are prohibited.

5 - All have the right to freely express their thoughts through speech, writing and any other means of communication.

6 - In serious and urgent cases, having heard the opinion of the arbitrators, the Prince can suspend until definitive sentence, by motivated Royal Decree, the exercise of Citizenship rights.

## The Prince

### Article 29

The Prince is the Head of State, the symbol of its unity and continuity. He is the judge and controller of the proper functioning of its institutions. The Prince is entitled to sovereign prerogatives and honours. His title is Prince of San Bernardino and he is also entitled to the treatment of Serene Highness and may use other titles that pertain to the Crown.

### Article 30

The Prince is the High Representative in international relations and performs the duties envisaged expressly by the Constitution and laws.

### Article 31

The Prince is legitimately entitled to the sovereign privileges related to *Fons Honorum* the *Jus Majestatis* and the *Jus Honorum*, with the power to grant, renew and recognize coats of arms, honorary and chivalry titles, nobility titles whether in line or not, transferrable and non-Princely of Duke, Marquis, Count, Viscount, Baron, Lord, Lord of the Noble and Patrick. The treatment of Don and Donna concerns those bearing the titles of Prince and Duke by permission of the Prince.

### Article 32

The signature and legal representation of the Principality before third parties and in court pertains to



the Prince, who has the power to engage in administrative and judicial claims at all levels of jurisdiction, including revocations of judgements and appeals, and to appoint purpose lawyers and attorneys.

#### **Article 33**

The Prince's person is inviolable and not subject to the civil or criminal jurisdiction of regular courts, without prejudice to art. 35.

#### **Article 34**

Every act of the Prince, except for those *motu proprio*, is countersigned by the minister who proposed it.

#### **Article 35**

The Prince is personally responsible for any act performed while exercising his functions, including High Treason, for which he may be impeached by the Senate of the Principality.

#### **Article 36**

The Crown of the Principality of San Bernardino is hereditary and is therefore passed on to the successors of His Serene Highness Gianni Rolando Prince of San Bernardino. His Serene Highness Gianni Rolando takes on the dynastic name Gianni Rolando of San Bernardino. All successors to the throne should add Gianni, Giovanni, Gianfilippo, Giorgia with the initial letter 'G' as common denominator to their name.

#### **Article 37**

1 - The Succession to the Throne will follow the regular order of primogeniture and representation, always preferring the front of rather than the rear of the succession line; in the same line, the nearest degree rather than the furthest; to the same extent, the male rather than the female, and in case of the same sex heirs, the older.

2 - The Crown Prince of the Principality has the title of Prince of San Bernardino, with the treatment of Serene Highness.

3 - Once all legitimate lines approved by the Constitution are extinct, the Senate of the Principality can elect a new dynasty.

4 - The Prince is officially an adult on his twenty-first birthday.

5 - The role of Prince is for life.

6 - Those having the right of succession to the Throne who contracted marriage against the express prohibition of the Prince, or the Senate of the Principality remain excluded from the succession for themselves and for their descendants.

7 - The Prince's spouse has the title of Princess and is entitled to the treatment of Serene Highness.

#### **Article 38**

The Princess and the Crown Prince cannot take on constitutional functions unless the Prince decides otherwise.

#### **Article 39**

The Prince, before exercising his duties, takes the following oath: 'I, Gianni Rolando Prince of San Bernardino, Duke of Piemonte and Count of Derthona solemnly promise and swear on this Holy Cross and on these sacred Gospels of God to observe faithfully and loyally the Constitution of the Principality of San Bernardino and conscientiously carry out all the activities of the Principality. I ask God Almighty to support me in my duties or punish me should I betray His Will or the Constitution'.

#### **Article 40**

The Role of the Prince is incompatible with any other appointment. However, should he not be able to fulfil his duties, they shall be carried out by the President of the Senate of the Principality. Should he be unable to fulfil them because of death or abdication, the Crown Prince shall succeed to the throne.

#### **Article 41**

1 - Should the Prince be a minor, the father or the mother of the Prince and, failing that, the adult relative next in line to the Crown, will take the immediate exercise of the Regency in accordance with the order established by the Constitution and will exercise it until the Prince is eighteen years old.

2 - Should the Prince become unable to exercise his authority and that incapacity was recognized by the Senate of the Principality, that authority would become immediate competence of the Crown Prince, provided that he has reached adult age. Failing that, the Principality will refer to subsection 1 of Article 44.

3 - Should there be no person entitled to the Regency, the Senate of the Principality would appoint three or five people to such duty.

4 - In order to exercise Regency, one should be an adult.

5 - The Regency shall be exercised in the name of the Prince.

6 - Should he be a minor, the Prince will be assigned a Guardian appointed by the Senate of the Principality.

#### **Article 42**

The Prince, after consultation with the President of the Senate of the Principality, can dissolve the body of Regency. The power of the dissolved Body shall be extended until its reconstitution.



## The Senate

### Article 43

1-The exercise of the Legislative Power pertains to the Senate of the Principality.

2 - The Senate of the Principality consists of twelve members, six appointed by the Prince and six appointed by the Arbitrators in the manner and terms established by a special legislative regulation.

3 – The Prince shall appoint the President of the Senate of the Principality, the Vice-President and the Secretary in agreement with the Arbitrators.

4- The Prince may award the title of Senator for life without the right to vote to those who have distinguished themselves for outstanding achievements in the social, scientific, art and literature fields.

5 – The citizens of the Principality who have reached the age of forty are eligible or can be nominated to become Senators.

### Article 44

The Senate of the Principality Act authorizes the ratification of international treaties.

### Article 45

The Senate of the Principality approves the balance sheet and the cash flow presented by the Governing Council. Each law involving new or increased expenditures must specify the resources to face such eventualities.

### Article 46

1 - The Legislative power cannot be delegated to the Governing Council of the Principality, except for crucial matters, only for a limited time and specific objectives.

2 - The Senate of the Principality may express a majority vote of no confidence towards individual ministers and seek the approval of the Prince who will make the appropriate decisions regarding the matter.

### Article 47

1 - The Laws are promulgated by the Prince within a month of their approval and will be validated by the Keeper of the Seals appointed by the Prince within the terms established by law.

2 – Should the majority of the Senate of the Principality consider a law to be of urgent approval, it shall be promulgated within the prescribed period.

3 - The Laws must be published in the Official Gazette of the Principality of San Bernardino and enter into force on the eighth day after their publication.

### Article 48

The Prince, before promulgating a law, may ask the Senate of the Principality for a new deliberation.

### Article 49

The Senate of the Principality may, with permission or at the request of the Prince and /or the Arbitrators, carry out inquiries in matters of public interest. To this end, the Senate of the Principality shall set up a Committee consisting of its own members and shall establish both the number of members and the Committee's rules and regulations.

## The Government

### Article 50

1 – The Government of the Principality is presided by the Prince and composed of the Prime Minister, the Minister of Defence, the Minister of Economy, the Minister of Foreign Affairs, the *Minister of the Interior*, the Minister of Institutional Relations and the Minister of Treasury and Finance.

1/a - Three Ministers appointed by the Prince are *de jure* represented by members of the Council of Arbitrators.

1/b - The Prince may appoint three Ministers chosen from among deserving citizens of the Principality.

2 -The Prince, by Sovereign Decree, may appoint other ministers, with or without portfolio or establish new ministries.

3 -The Prince, the Prime Minister and the other Ministers compose the Government Council.

3/a - The Governing Council appoints a spokesperson among the ministers named Prime Minister, who acts

as a representative before the Prince about the Government activities.

4 - The Prince appoints and dismisses the Ministers for unworthiness or crimes against the Principality.

5 - Ministers, before their entry into Government functions, take an oath in the hands of the Prince.

6 - The Law establishes the rules of the Presidency of the Governing Council, the powers and organization of the Ministries.

7 - The Governing Council is vested with the broadest powers for the ordinary and extraordinary management of the Principality, without exception, and it may carry out, with the approval of the Prince, all the acts that are considered appropriate for the implementation and achievement of the purposes of the State, except those that the Constitution are strictly reserved for the Senate, the Court of Auditors or the Supreme Court.

8 - The Governing Council, with the approval of the Prince, has the right to buy, sell and exchange movable and immovable property; to take out loans guaranteeing



them against state assets; to allow mortgage annotations; to waive legal mortgages and exonerate Land Registrars from liability; to yield to or implicate even amicable compositors in arbitrary acts; to open or close bank or financial accounts and to carry out any transaction with banks or financial institutions.

9 - The Prince, after consultation with the Governing Council, has the right to appoint directors and *ad negotia* attorneys for certain acts, Noble acts or Awards that are not to be converted into law and should not be countersigned.

#### **Article 51**

The Sovereign Decrees for granting or withdrawal of titles fall within the exclusive *Fons Honorum* of the Prince.

#### **Article 52**

1 - The Prince issues the Sovereign decrees approved by the Governing Council.

2 - The Sovereign Decrees approved by the Governing Council are to be converted into law within one year from their issue.

#### **Article 53**

Ministers, unless otherwise decided by the Prince's last remain in office for five years.

#### **Article 54**

The Prince directs the general policy of the Governing Council as well as promoting and coordinating the activities of Ministers.

## **The Court of Auditors**

#### **Article 55**

The Court of Auditors oversees and controls the costs of the Principality's property. It also provides advice to the Prince and the Minister of Treasury.

#### **Article 56**

1 - The Court of Auditors consists of a President, a Vice-President and four members.

2 - Members of the Court of Auditors can be appointed equally by the Arbitrators and the Prince.

#### **Article 57**

1 - Members of the Court of Auditors shall be knowledgeable and proficient in the fields of Law, Economics and Finance.

2 - They shall hold office for five years.

3 - In case of irregular management on the Court's part or blatant incompetence of its members, the Prince, with Sovereign Decree, may revoke the individual members or the entire court, after consulting the Governing Council.

## **The Supreme Court of the Principality**

#### **Article 58**

1. The Supreme Court of the Principality is the court of last resort for all criminal, civil and administrative proceedings, both concerning the facts and the law of cases.

2. The Supreme Court judges also in disputes related to the constitutionality of acts and the allegations made against the Prince and the Ministers.

#### **Article 59**

1 - The Supreme Court of the Principality consists of eight members, four of which are appointed by the Prince and four by the advisors of the Principality.

2 - In case of irregular management on the Court's part or blatant incompetence of its members, the Prince,

with the Sovereign Decree, may revoke the individual members or the entire the board, after consulting the Governing Council.

3 - Should the Prince stand accused by the Parliament; such power cannot be exercised.

4 - The Judges of the Supreme Court of the Principality are selected from ordinary Judges, university professors with legal expertise and lawyers.

5 - The Judges of the Supreme Court will hold office for five years.

6 - The President of the Supreme Court of the Principality is appointed by the Prince.

7 - The Vice - Chairman and Secretary shall be elected with an absolute majority within the Court itself.

## **The Offices of the Principality**

#### **Article 60**

1 - The offices of the Principality are organized according to official regulations.

2 - The Offices' Regulations determine the spheres of competence, duties and responsibilities of its employees and officials.



## The Judiciary

### Article 61

1 - Justice is administered in the name of His Serene Highness the Prince.

2 - The Judges are subject to the Law.

3 - The Supreme Council of the Judiciary of the Principality, established in the manner and within the time limits set by Law, is chaired by Prince.

### Article 62

The disputes of the ecclesiastical jurisdiction may be submitted by interested parties to Ordinary Ecclesiastical Courts, in accordance with the Code of Canon. Those judgments must be ruled by a Court of the Principality of San Bernardino in order to be enforced in the territory of the Principality.

### The Legal Order

### Article 63

As far as the cases within the jurisdiction of the Lay Court are concerned, between individuals and legal entities of the Principality and towards third parties, the Judicial Function is exerted by the Princes Courts, according to Codes or Laws of the Principality of San Bernardino.

### Article 64

The Prince, in accordance with the Governing Council, appoints the Chairmen, Judges and Chancellors of Princes Courts and the Crown Prosecutor.

### Article 65

The Crown Prosecutor is a state's attorney who looks after the public interest on behalf of the Judicial Authority and enjoys the guarantees established in his favour by the rules on judicial organization of the Principality.

### Article 66

The Judges of the Court shall be chosen from among the citizens of principality who are highly experienced in the field of law and can be revoked in cases established by law. They remain in office for five years and may be reappointed.

### Article 67

The Judiciary and the procedure before the Princes Courts are governed by the Codes of the State.

## Review of the Constitution

### Article 68

1 - The laws concerning the review of the Constitution and other constitutional laws can be modified by the Senate of the Principality, provided that there is an absolute majority.

2 – The prince can exercise his Veto power as far as constitutional changes are concerned.

## Transitional Arrangements

I - The Directors of State of the Principality of San Bernardino who are officially in office on the day of the promulgation of this Constitution, shall assume the status of Senators.

II - The first State Advisor, at the time of promulgation of this Constitution, shall assume the role of President of the Senate of the Principality.

III - The second State Advisor, at the time of promulgation of this Constitution, shall assume the functions of Vice-President of the Senate of the Principality.

IV - The third State Advisor, at the time of promulgation of this Constitution shall assume the functions of Secretary of the Senate of the Principality. The title of Lord is granted to the founding Senators.

V - The first state budget of the Principality will close on 31 December of 2014.

VI - The first final balance must be presented by the Secretary of the Treasury to the Senate of the Principality within six months of the end of the first Financial Statements on June 30<sup>th</sup> 2015.

VII - The Court of Auditors shall be established by the 31<sup>st</sup> August 2014.

VIII - The Supreme Court shall be established within five years from the date of the proclamation of the Constitution of the Principality.

IX - Until the Codes of the Principality enter into force, one must refer to the codes of the State of Malta.



X - The Constitution of the Principality of San Bernardino shall enter into force on the day of its proclamation.

XI - The articles which are not explicitly covered must refer to the internal rules of the Principality of San Bernardino.