

# REPUBLIC OF NAURU

## CONSTITUTION OF NAURU (REFERENDUM AMENDMENTS) BILL 2009

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**REPUBLIC OF NAURU**

A Bill for

**AN ACT**

[No.     of 2010]

To amend the *Constitution of Nauru 1968*

[Certified:             ]

Enacted by the Parliament of Nauru as follows—

**1. Short Title.**

This Act may be cited as the *Constitution of Nauru (Referendum Amendments) Act 2010*.

**2. Commencement**

This Act shall come into force on the day of the general election next following the certification by the Speaker that this Act has been passed in accordance with Article 84.

**3. Constitution**

In this Act the *Constitution of Nauru 1968* is referred to as the Constitution.

**4. Insertion of new Article 2A**

The Constitution is amended by inserting immediately after Article 2, the following new Article 2A —

‘Promotion of awareness of the Constitution

2A(1.) The government shall, in the Nauruan and English languages, promote public awareness of the Constitution.

(2.) The government shall provide for the teaching of the Constitution in schools, government institutions and disciplined services.’

**5. Insertion of new Article 2D**

The Constitution is amended by inserting at the beginning of Part II immediately before Article 3, the following new Article 2D –

‘Application

2D. (1) Everyone in Nauru is entitled to the protection of fundamental rights and freedoms set out in this part, subject to clause (4.) of this Article and to such limitations of that protection as are not inconsistent with the provisions of this Part, being limitations designed to ensure that the enjoyment of those rights and freedoms by a person does not prejudice the rights and freedoms of other persons or the public interest.

(2.) The provisions of this Part apply to all laws and bind the legislature, the executive, the judiciary, and all public officers.

(3.) A provision in this part binds natural and legal persons if, and to the extent that, it is applicable, taking into account the nature of the right and the duty imposed by the right.

(4.) Only natural persons are entitled to the benefit of the rights and freedoms protected under this Part.’

**6. Repeal and replacement of Article 3**

The Constitution is amended by repealing Article 3 and replacing it with a new Article 3 as follows-

‘Right to Equality

(1) Everyone is equal under the law and is entitled to the equal protection of the laws.

(2) No law and no executive or judicial action shall, either expressly, or in its practical application, discriminate against any person on the basis of gender, race, color, language, religion, political or other opinion, national or social origin, place of birth, age, disability, economic status, family status, sexual orientation or descent.

(3) A law is not inconsistent with clause (1) or (2) on the ground only that it:

(a) appropriates revenues or other money for particular purposes;

(b) imposes a retirement age on a person who is the holder of a public office;

(c) imposes on persons who are not citizens a disability or restriction, not imposed

on citizens;

(d) imposes a restriction on a person on the grounds of their opinions or beliefs if those opinions or beliefs involve harm to others or the diminution of the rights or freedoms of others;

(e) provides protection of indigenous land ownership to the exclusion of others;

(f) provides for the protection or advancement of a class of persons who are disadvantaged; or

(g) makes special provision in relation to children,

provided that the law is reasonable and justifiable in a free and democratic society.’

**7. Amendment of Article 4**

Article 4 of the Constitution is amended by

- a) inserting in clause (1) immediately before the words ‘No person shall be deprived’ the words ‘Everyone has the right to life.’;
- b) deleting from clause (1) the words ‘except in execution of a sentence of a court following his conviction of an offence for which the penalty of deprivation of life is prescribed by law’; and
- c) deleting paragraph (b) from clause (2).

**8. Amendment of Article 5**

Article 5 of the Constitution is amended by

- a) substituting in paragraph (e) of clause (1) for the word ‘twenty’, the word ‘sixteen’; and
- b) inserting in clause (4) immediately after the words ‘complaint is made to the Supreme Court’ the words ‘or any subordinate court’ and by inserting immediately after the words ‘detained, the Supreme Court’ the words ‘or the subordinate court’.

**9. Amendment of Article 8**

Article 8 of the Constitution is amended by inserting immediately after clause (1) a new clause (1A) as follows –

‘(1A.) The just terms of compulsory acquisition of property shall be agreed between the relevant parties, or, if no agreement can be reached within a

reasonable time, shall be determined by the Supreme Court, having regard to all relevant factors, including:

- (a) the current use of the property;
- (b) the history of the acquisition and use of the property;
- (c) the importance of the public purpose for which the property is being acquired;
- (d) the interests of those affected by the acquisition; and
- (e) any hardship to the owner/s.’

**10. Amendment of Article 9**

Article 9 of the Constitution is amended by

- a) inserting in clause (1) immediately after the words ‘other persons’ the words ‘and nor shall the privacy of his communications be infringed’; and
- b) inserting immediately after clause (1), a new clause (1A) as follows –

‘(1A) Evidence obtained pursuant to an invalid warrant, or obtained in a manner that in any other way contravenes this Article, is not admissible in criminal proceedings.’

**11. Amendment of Article 10**

Article 10 of the Constitution is amended by inserting immediately after clause (9), a new clause (9A) as follows –

‘(9A) No law shall prevent a citizen bringing civil action against the Republic or its instrumentalities.’

**12. Amendment of Article 11**

Article 11 of the Constitution is amended by substituting for the words ‘A person’ in clause (1) the word ‘Everyone’.

**13. Amendment of Article 12**

Article 12 of the Constitution is amended by substituting for the words ‘A person’ in clause (1) the word ‘Everyone’.

**14. Amendment of Article 13**

Article 13 of the Constitution is amended by substituting for the words ‘Persons have’ in clause (1) the words ‘Everyone has’.

**15. Insertion of Article 13A**

The Constitution is amended by inserting immediately after Article 13, the following new Article 13A –

‘Protection of right to privacy and personal autonomy

13A. Everyone shall be free from unreasonable interference in personal choices that do not injure others and from unreasonable intrusions into their privacy.’

**16. Insertion of Article 13B**

The Constitution is amended by inserting immediately after Article 13A, the following new Article 13B –

‘Right to information

13B.(1) Everyone has the right of access to information held by the government and its instrumentalities.

(2) As soon as practicable after the commencement of this Article, Parliament shall enact a law to give effect to this right, including provision for the retention and secure storage of information.

(3.) Nothing contained in or done under the authority of a law passed in accordance with clause (2) of this Article, or any other law, shall be held to be inconsistent with or in contravention of clause (1) of this Article to the extent that that law makes provision:

(a) for fair and reasonable measures to alleviate the administrative and financial burden of the right to information on the government; or

(b) for the denial of public access to sensitive Cabinet information and sensitive information the disclosure of which could harm Nauru’s foreign relations or national security or would be contrary to the public interest.’

**17. Insertion of Article 13C**

The Constitution is amended by inserting immediately after Article 13B, the following new Article 13C –

‘Right to health services

13C.(1) Everyone has the right to access basic health services, including maternity and related care for every woman.

(2) The government shall take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of this right, and to progressively improve the standard of health services.’

#### **18. Insertion of Article 13D**

The Constitution is amended by inserting immediately after Article 13C, the following new Article 13D –

‘Right to education

13D.(1) Everyone has the right to primary and secondary education.

(2) The government shall take reasonable measures, within its available resources, to make education accessible and to progressively improve the standard of public education services and may provide support to private education services.’

#### **19. Insertion of Article 13E**

The Constitution is amended by inserting immediately after Article 13D, the following new Article 13E –

‘Environmental Protection

13E. Everyone has the right:

- (a) to an environment that is not harmful to their health or well-being; and
- (b) to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that –
  - (i). minimise pollution and environmental degradation;
  - (ii). promote rehabilitation and conservation; and
  - (iii). secure ecologically sustainable development and use of natural resources including marine resources while promoting justifiable economic and social development.’

**20. Insertion of Article 13F**

The Constitution is amended by inserting immediately after Article 13E, the following new Article 13F –

‘Employment rights

13F. (1) Everyone has the right to fair labour practices.

(2) Every citizen has the right to choose their trade, occupation or profession freely.

(3) The practice of a trade, occupation or profession may be regulated by law.

(4) Nothing contained in or done under the authority of a law shall be held to be inconsistent with or in contravention of the provisions of clauses (1) or (2) of this Article to the extent that that law makes provision for the prohibition of the practice of any trade or profession in the interests of public safety, public order, public morality or public health.’

**21. Insertion of Article 13G**

The Constitution is amended by inserting immediately after Article 13F, the following new Article 13G –

‘Women’s rights

13G. Every woman has the right to a reasonable period of maternity leave.’

**22. Insertion of Article 13H**

The Constitution is amended by inserting immediately after Article 13G, the following new Article 13H –

‘Children’s rights

13H. Every child has the right:

(a) to a name and nationality from birth;

(b) to be cared for by parents, family or appropriate alternative care if removed from the family environment;

(c) to basic nutrition, shelter, and basic health care services;

(d) to be protected from maltreatment, neglect, abuse or degradation;

(e) to be protected from exploitative labour practices;

(f) not to be required or permitted to perform work or provide services that are inappropriate for a person of that child's age, or that place at risk the child's well-being, education, physical or mental health, or spiritual, moral or social development;

(g) not to be detained except as a measure of last resort, in which case, in addition to the rights the child enjoys under Articles 5 and 10, the child may be detained only for the shortest appropriate period of time, and has the right to be:

i.) kept separately from detained persons over the age of 18 years; and

ii.) treated in a manner, and kept in conditions, that take account of the child's age;

(h) to have a legal practitioner assigned to the child by the government, and at government expense, in civil proceedings affecting the child, if substantial injustice would otherwise result; and

(i) not to be used directly in armed conflict, and to be protected in times of armed conflict.'

### **23. Insertion of Article 13I**

The Constitution is amended by inserting immediately after Article 13H, the following new Article 13I –

'Rights of Persons with Disabilities

13 I. (1.) All persons with disabilities have the right to the full realisation of all human rights and fundamental freedoms without discrimination of any kind on the basis of disability.

(2.) The government shall take reasonable legislative and other measures, within its available resources, to facilitate the full and effective participation and inclusion in society of persons with disability, to make mobility aids and other assistive technologies accessible to persons with disability, and to improve the accessibility of all public facilities and services to persons with disability.

(3.) For the purposes of this Article, persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.'

### **24. Amendment of Article 14**

Article 14 of the Constitution is amended by

- a) deleting from the beginning of clause (1) the brackets and number (1); and
- b) deleting from clause (1) the words ‘at the suit of a person having an interest in the enforcement of that right or freedom, and inserting in their place the words ‘in accordance with Article 54’; and
- c) deleting clause (2).

**25. Amendment of Article 15**

Article 15 of the Constitution is amended by

- a) inserting, immediately before the words ‘In this Part’, the following –

‘(1.) When interpreting this Part, a court:

(a) shall promote the values that underlie a democratic society based on freedom and equality; and

(b) shall, if relevant, have regard to public international law applicable to the protection of the rights and freedoms set out in this Part; and

(c) may, if relevant, have regard to foreign law.

(2.) The provisions of this Part are not to be construed as denying or limiting other rights and freedoms that are not specified in this Part but that are recognised or conferred by common law, customary law or laws enacted by Parliament to the extent that they are not inconsistent with this Part.

(3) The rights and freedoms protected in this Part may only be limited in accordance with the exceptions provided for in this Part. In determining whether a law that limits rights is reasonably required for a prescribed purpose, the Court must take into account:

(a) the nature and extent of the limitation;

(b) the importance of the purpose of the limitation;

(c) the relation between the limitation and its purpose; and

(d) any less restrictive means to achieve the purpose.

(4)’;

- b) inserting in clause (4) immediately after the word “requires-“ the words “”child” means a person under the age of eighteen years’; and
- c) deleting from clause (4) the words ‘ “public property” includes property of a body corporate established by law for public purposes.’

**26. Amendment of Article 16**

Article 16 of the Constitution is amended by

- a) in clause (1) substituting for the word ‘Parliament’ the words ‘the people of Nauru in accordance with Article 16A’;
- b) inserting immediately after clause (1), the following –

‘(1A) The President shall be the Head of State and Head of Government’;

- c) deleting from clause (3) the words ‘Speaker and’ and substituting in clause (3) for the word ‘are’ the word ‘is’;
- d) inserting immediately after clause (3), the following new clauses (3A) and (3B) –

‘(3A.) The functions and powers of the President are those vested in him by this Constitution and by law, and include the following –

- to appoint Ministers to Cabinet – Article 19;
- to preside at meetings of Cabinet – Article 22;
- to assign to Ministers responsibility for government business – Article 23;
- to advise the Speaker on the appointment of a date of election after dissolution – Article 39;
- to advise the Speaker on the time for the beginning of parliamentary sessions – Article 40. (1);
- to advise the Speaker on the prorogation of Parliament – Article 41(1);
- to initiate the process of dissolution of Parliament – Article 41(2);
- to appoint judges and acting judges – Articles 49(2) and 53;
- to appoint the Ombudsman – Article 57B
- to appoint the Director of Audit – Article 66(1);
- to appoint the Director of Public Prosecutions – Article 70A;
- to declare and revoke a state of emergency – Article 77;
- to make emergency orders during a state of emergency – Article 78; and
- to exercise the prerogative of mercy – Article 80.

(3B) A person assuming the office of President shall, before entering upon the duties of that office, take and subscribe before the Chief Justice or the Speaker an oath in the form set out in the Seventh Schedule to this Constitution’;

- e) inserting in clause (4) immediately before the words ‘The President holds office’ the words ‘Except as otherwise provided in the Constitution’; and
- f) repealing clause (5).

**27. Insertion of Articles 16A, 16B, 16C and 16D**

The Constitution is amended by inserting immediately after Article 16 the following new Articles 16A, 16B, 16C and 16D –

‘Election of President

16A. (1) Nomination for and an election to the office of President shall be held in such manner as is prescribed by this Article and, subject thereto, by an Act of Parliament and Standing Orders of Parliament.

(1A) Nomination for election to the office of President shall be held -

(a) within the timeframe prescribed in clause (8) of Article 41 following a general election and before proceeding on any Bill; and

(b) subject to Article 16D and to clause (2) of Article 21B, within the timeframe prescribed in clause (9) of Article 41 whenever the office of President becomes vacant.

(2.) Whenever Parliament is required by this Constitution to nominate candidates for election to the office of President it shall nominate, from among members of Parliament, not fewer than two nor more than three candidates for election as President, and no other person may be a candidate.

(3.) An election for President shall be held:

(a) twenty-eight days after the day on which a general election is held; or

(b) on a Saturday not later than thirty-five days after a vacancy in the office of President has occurred, other than a vacancy that has occurred by reason of clause (1) of Article 24 or clause (1) of Article 61(A).

(4.) Every person who is entitled to vote in a general election is entitled to vote in an election of President.

(5.) A person elected to the office of President under this Article assumes that office on the day upon which he is declared elected.

Tenure of office

16B.(1.) The President, unless he ceases to be President by virtue of this Article, shall continue in office until the person elected at the next election of President assumes office.

(2.) The President shall vacate his office as President –

(a) if he resigns his office, by writing under his hand addressed to the Speaker;

- (b) if a motion of no confidence in the President and Cabinet is passed in accordance with Article 24;
- (c) if Parliament is dissolved pursuant to Article 61A;
- (d) if he ceases to be a member of Parliament otherwise than by reason only of its dissolution; or
- (e) if he is removed in accordance with Article 16C.

Removal from office on the grounds of incapacity

16C.(1.) Subject to clause (3) of this Article, where there is delivered to the Speaker a request that complies with clause (2) of this Article, for the question of the mental or physical capacity of the President to discharge the functions of his office to be investigated, the Speaker shall notify the Chief Justice who shall appoint a Medical Board consisting of not less than two persons who are qualified as medical practitioners under the law of Nauru or under the law of any other country in the Commonwealth, and the Board shall inquire into the matter and shall report to the Chief Justice stating the opinion of the Board whether or not the President is, by virtue of any infirmity of body or mind, incapable of discharging the functions of his office.

(2.) A request referred to in clause (1) of this Article –

- (a) shall be in writing;
- (b) shall be signed by a member of Parliament for each of at least three constituencies and by a number of members of Parliament which is at least one third of the total number of members of Parliament; and
- (c) shall set out the reasons for the request;

and if the Speaker is satisfied that the request satisfies the requirements of this clause and that the reasons provided under paragraph (c) of this clause are valid, he shall notify the Chief Justice in accordance with clause (1) of this Article.

(3.) Where there is delivered to the Speaker a request for the question of the mental or physical capacity of the President to discharge the functions of his office to be investigated which complies with clause (2) of this Article except for the fact the Speaker is not satisfied that the stated reasons for the request are valid, he shall inform Parliament of the receipt of the request and shall put to Parliament the question of whether the Chief Justice ought to be notified in accordance with clause (1) of this Article, and if Parliament so resolves by a majority of the total number of members of Parliament other than the President, the Speaker shall notify the Chief Justice accordingly.

(4.) Upon receiving the report of the Medical Board the Chief Justice shall give the President or his representative the right to be heard, and shall then make a

determination in writing as to whether the President is, by reason of infirmity of body or mind, incapable of discharging the functions of his office.

(5.) If the Chief Justice determines under clause (4) of this Article that the President is, by reason of infirmity of body or mind, incapable of discharging the functions of his office the President shall cease to hold office from the date of the Chief Justice's determination in writing.

#### Vacancy in the office of President

16D. (1.) If the office of President becomes vacant by reason of the President ceasing to hold office by virtue of clause (1.) of Article 24 or Article 61A of this Constitution, the Council of State shall perform the functions of President in accordance with Article 21B.

(2.) If the office of President becomes vacant for any other reason, the Deputy President shall assume the office of President.

(3.) If the office of President becomes vacant during any period when the office of Deputy President is also vacant, the Cabinet shall elect one of the Ministers to assume the office of President.

(4.) A person assuming the office of President under this Article shall advise the Speaker to call a session of Parliament to be held no later than two weeks after his assumption of the office of President, and nomination for election to the office of President shall be held in the manner prescribed in Article 16A at the first sitting of that session and before proceeding on any Bill.'

## **28. Amendment of Article 17**

Article 17 of the Constitution is amended by

- a) deleting from clause (1) the words 'and the Cabinet has the general direction and control of the government of Nauru';
- b) inserting immediately after clause (2), new clauses (3) and (4) as follows:

'(3) The executive authority vested in the Cabinet shall include but shall not be limited to the following powers, functions, duties and responsibilities, subject to this Constitution and to any other law:

(a) to have the general direction and control of the government of Nauru;

(b) to recommend to Parliament such legislative proposals as it considers necessary or desirable to implement its policies and decisions; and, in particular, shall recommend to Parliament proposals for the raising of revenue and for the expenditure of public money in accordance with the provisions of Part VI;

- (c) to be accountable to Parliament for all public expenditure and for relating such expenditure to the appropriations made by Parliament or to other authority conferred by this Constitution or by law;
  - (d) to be responsible for conducting the foreign affairs of Nauru, whether by treaty or otherwise; provided that Cabinet shall, upon finally accepting any treaty as binding, table the treaty in Parliament;
  - (e) to be responsible for making such provision as may be reasonable and necessary for the security of Nauru;
  - (f) to be responsible for establishing and maintaining such hospitals and other institutions and for providing such other services as may be reasonable and necessary for the public health;
  - (g) to be responsible for making such provision as may be reasonable and necessary to provide educational opportunities for the people of Nauru;
  - (h) to be responsible for establishing and maintaining such other institutions and services and for making such other provision as may be reasonable and necessary to achieve an adequate standard of living for the people of Nauru, to enable them to enjoy their legal rights, and to serve their economic, social and cultural welfare;
  - (i) to make, in the exercise of its responsibilities, such contracts and other instruments on behalf of the Government of Nauru as it considers necessary.
- (4.) No treaty or other international agreement which is finally accepted as binding by or on behalf of the Republic of Nauru shall, of itself, have the force of law in the Republic.’

**28A. Insertion of new Article 21B**

The Constitution is amended by inserting immediately after new Article 21A, a new Article 21B as follows –

Council of State

21B(1.) In the circumstances described in clause (2.) of this Article, a Council of State shall be formed which shall, subject to clauses (6.), (7.), (8.) and (9.) of this Article, consist of the persons for the time being holding or acting in the offices of Chief Secretary, who shall be Chairman, Chief Justice and Speaker.

(2.) In the event of the dissolution of Parliament in the circumstances specified in clause (1.) of Article 24 or the circumstances specified in clause (1.) of Article 61A of this Constitution, the Council of State shall, subject to clauses (3.), (4.) and (5.) of this Article and to clauses (2.) and (3.) of Article 61A, perform the functions of the President and the other executive functions of the government

until the person elected at the next election of President following a general election assumes office.

(3.) During any period in which the Council of State is performing the functions of the President and the other executive functions of government, such functions shall be performed in a manner consistent with the conventional limitations on a caretaker government, and in particular the Council of State shall not be empowered to exercise:

- (a) the power to appoint judges (but may appoint acting judges for a term of no more than three months);
- (b) the power to appoint the Director of Public Prosecutions, the Ombudsman or the Director of Audit;
- (c) the power to exercise the prerogative of mercy;
- (d) the power to enter into treaties; or
- (e) the power to enter contracts for the disposal or acquisition of major public assets.

(4.) If the Council of State assumes the functions of the President and the other executive functions of government under clause (2) of this Article, the Council of State shall as soon as practicable after assuming such functions, collectively exercise the functions of the President and Speaker under Article 39.

(5.) The Council of State may only exercise the emergency powers under Part IX of this Constitution by the unanimous agreement of all members.

(6.) If, at any time when it is necessary for the Council of State to be formed, the Chief Secretary is not a Nauruan citizen or is a citizen but is unavailable, the place of the Chief Secretary on the Council of State shall be filled by a person designated by the Chief Secretary who is a Nauruan citizen and is deemed by the Chief Secretary to be a fit and proper person for the purpose.

(7.) If Parliament has provided for a Public Service Commission, the provisions of clause (1.) and of clause (6.) shall apply to the Chairperson of the Public Service Commission as if that person was Chief Secretary.

(8.) If, at any time when it is necessary for the Council of State to be formed, the Chief Justice is not a Nauruan citizen or is a citizen but is unavailable, the place of the Chief Justice on the Council of State shall be filled by a person designated by the Chief Justice who is a Nauruan citizen and is deemed by the Chief Justice to be a fit and proper person for the purpose.

(9.) If, during any period in which the Council of State is performing the functions of the President and the other executive functions of government there is a vacancy in a position on the Council of State by virtue of the unavailability or vacancy in the office of any of the members specified in clause (1), the remaining members of the Council of State shall appoint to fill that vacancy a person who is a Nauruan citizen and who is deemed by those remaining members to be a fit and proper person for the purpose.

**29. Amendment of Article 58**

Article 58 of the Constitution is amended by inserting immediately following the word ‘Nauru’ the words ‘or by a public officer or Member of Parliament for or on behalf of, or for the benefit of, Nauru’.

**30. Amendment of Article 65**

Article 65 of the Constitution is amended by inserting in clause (4) immediately after the words ‘judge of the Supreme Court,’ the words ‘Speaker of Parliament,’ and by inserting in clause (4) immediately after the words ‘Clerk of Parliament,’ the words ‘Director of Public Prosecutions, Ombudsman’.

**31. *[deleted at Committee of the Whole]***

**32. Repeal of Article 93**

The Constitution is amended by repealing Article 93.

**33. Amendment of Schedule 5**

Schedule 5 of the Constitution is amended by

- a) inserting in paragraph (iii) immediately after ‘16,’ the number ‘16A, 16B, 16C, 16D’ and inserting in paragraph (iii) immediately after ‘17’ the number ‘21B’;
- b) inserting immediately after paragraph (iv) a new paragraph as follows – ‘(iv-a) Article 57A’;
- c) inserting in paragraph (v) immediately after the number ‘58,’ the number ‘58A’ and inserting immediately after the number ‘59’ the number ‘59A’;
- d) inserting immediately after paragraph (vi) a new paragraph (vi-a) as follows – ‘(vi-a) Article 78.’;
- e) substituting in paragraph (vii) for the word ‘Article’ the word ‘Articles’ and inserting in paragraph (vii) immediately after the number ‘84’ the number ‘84A’; and

f) deleting paragraph (ix).

### **34. Insertion of the Seventh Schedule**

The Constitution is amended by inserting immediately after the place in which the repeal of the Sixth Schedule is noted a new Seventh Schedule as follows –

#### **‘Seventh Schedule**

Article 16

#### **Oath of President**

In full realisation of the great responsibility I assume as President in the service of the Republic of Nauru I, (*name*), do hereby swear by Almighty God to be faithful to the Republic of Nauru, and do solemnly and sincerely promise at all times to promote that which will advance the Republic and to oppose all that may harm the Republic; to obey, observe, uphold and maintain the Constitution and all other laws of the Republic; to discharge my duties with all my strength and talents to the best of my knowledge and ability and true to the dictates of my conscience; to do justice to all; and to devote myself to the well-being of the Republic and all its people. So help me God!’