THE FEDERAL ALLIANCE OF SOUTHERN AFRICA

CONSTITUTIONAL COMMISSION

Institution Specification No. 002

THE CONSTITUTIONAL GUARDIAN

Working Draft 1.0

STATUS

The Constitutional Guardian is the permanent constitutional head of a Sovereign State.

This office safeguards the constitutional identity, historical continuity, and long-term interests of the Nation.

The Constitutional Guardian is not the executive government.

The Constitutional Guardian safeguards the State.

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1. PURPOSE

Every civilisation possesses institutions that outlive governments.

The Constitutional Guardian exists to preserve the constitutional continuity of the Nation through changing governments, changing generations, and changing political circumstances.

The office exists to ensure that the Nation itself remains greater than any government.

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2. CONSTITUTIONAL DEFINITION

The Constitutional Guardian is the permanent constitutional head of a Sovereign State recognised by the Federal Constitution.

The title of the office shall be determined by the customs, traditions, and constitutional identity of each State.

Examples may include:

- King

- Queen
- Paramount Chief
- Traditional Monarch
- Constitutional Guardian elected according to civic tradition

The Constitution recognises the office rather than prescribing the title.

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3. THE PURPOSE OF THE OFFICE

The Constitutional Guardian exists to safeguard:

- The Constitution.
- The Nation.
- The People.
- The Cultural Heritage of the State.
- Constitutional Continuity.
- The Long-Term Interests of Future Generations.

The office exists to preserve.

It does not exist to administer government.

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4. CONSTITUTIONAL CHARACTER

The Constitutional Guardian shall remain:

Politically impartial.

Constitutionally faithful.

Morally accountable.

Nationally representative.

The office shall never become an instrument of political parties, factional interests, or private commercial influence.

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5. RESPONSIBILITIES

The Constitutional Guardian shall:

Safeguard constitutional continuity.

Represent the Nation.

Protect cultural heritage.

Encourage unity.

Promote peace.

Appoint the State Representative to the Council of Twenty.

Serve as constitutional patron of State institutions.

Support constitutional education.

Protect the dignity of the Nation.

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6. PROHIBITED FUNCTIONS

The Constitutional Guardian shall not:

Administer executive government.

Control government departments.

Direct People's Tribunals.

Interfere with elections.

Exercise political party leadership.

Use the office for personal financial gain.

Rule by decree.

Suspend the Constitution.

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7. RELATIONSHIP WITH GOVERNMENT

The relationship between the Constitutional Guardian and the elected Government shall be governed by one constitutional principle.

> **The Guardian safeguards the Nation.**
>
> **The Government administers the State.**

Neither institution replaces the other.

Each fulfils a distinct constitutional function.

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8. RELATIONSHIP WITH THE FEDERAL ALLIANCE

The Constitutional Guardian appoints one representative to participate in the Council of Twenty.

That representative speaks on behalf of the constitutional interests of the State.

The representative does not replace the elected State Government.

The representative safeguards the constitutional relationship between the State and the Alliance.

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9. SUCCESSION

The method of succession shall be determined according to the recognised constitutional traditions of the Sovereign State.

The Federal Constitution recognises the lawful succession of the office but does not prescribe the method by which succession occurs.

The Alliance acknowledges that different nations possess different constitutional traditions regarding succession.

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10. VACANCY

Where the office becomes vacant:

The recognised constitutional succession of the State shall immediately commence.

Where succession is disputed, the Federal Constitutional Tribunal shall determine constitutional compliance.

The Federal Alliance shall not appoint a Constitutional Guardian.

It shall only recognise one.

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11. ACCOUNTABILITY

The Constitutional Guardian remains subject to the Federal Constitution.

No Constitutional Guardian exists above the Constitution.

Where constitutional misconduct is alleged, the matter shall be referred to the Federal Constitutional Tribunal according to constitutional procedures.

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12. OATH

Every Constitutional Guardian shall publicly affirm:

> I accept the responsibility entrusted to this office.
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> I shall safeguard the Constitution.

I shall preserve the Nation entrusted to my care.

I shall protect the liberties of the People.

I shall honour the institutions of the Federal Alliance.

I shall faithfully discharge the duties of this office for the benefit of both present and future generations.

ARCHITECT'S REVIEW

I think this is substantially stronger than writing "The King" because it defines a constitutional office that can be fulfilled in different ways while preserving institutional consistency across the Alliance.

However, I think we've uncovered something even more fundamental.

We've been thinking in three bodies.

I now believe there are actually **four**.

1. The Constitutional Body

The Constitution.

The Constitutional Guardian.

The Federal President.

The Federal Alliance.

Purpose:

Continuity.

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2. The Executive Body

State President.

Ministers.

Departments.

Purpose:

Administration.

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3. The Judicial Body

People's Tribunals.

Common Law.

Juries.

Purpose:

Justice.

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4. The Civic Body

The People.

Families.

Communities.

Municipalities.

Purpose:

Civilisation.
