

The Path to Truth for Us Humankind

# THE CHARTER FOR PERMANENT PEACE

The Road Ahead for Taiwan, China and All Nations



Permanent Peace Partnership (PPP)

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# **A Declaration on the Charter for Permanent Peace**

## **Global Law · Our Dreams · Global Dreams**

Ultimately we humans have only two paths to follow: peace and destruction. Faced with relentless nuclear weapons development, once nuclear warfare erupts the whole world will be covered in ashes, and recovery will take thousands of years. Thus we affirm: peace is life, the truth, and the only absolute truth, as well as the highest truths — moral; political and economic; thought and belief; philosophy and science.

Permanent peace is the eternal truth. The Charter for Permanent Peace is the eternal road to truth, a path that beckons human beings to walk toward the truth, to end foreign troubles, to extinguish nuclear weapons, and to move onto a path to lasting happiness. Any nation that adopts the Charter for Permanent Peace will be a sun for all humankind, lighting up darkness throughout the world, and acting as a prized strategic partner of the United Nations.

This path of life and truth requires ongoing repair and strengthening from human beings, taking time to compare and evaluate the advantages and disadvantages of domestic law and universal law (Refer to the database of this association) to increase wisdom, discover truths, honor values, and construct the framework for a global system that the world's 249 political entities can operate permanently. This system will eventually become the new absolute law (compulsory law) under the provisions of the International Convention on the Law of Treaties (Article 64).

This path to peace does not threaten a single person, and whatever its title may be — Charter for Permanent Peace or Absolute Law (Compulsory) / Eternal Law (Time) / Laws of the Sun (Space) / World Law (System) —

it will remove the iron shackles of those still suffering under the world's 50 remaining autocratic regimes. Thus more than two-thirds of the world's suppressed people will lose only their chains and iron curtains, while gaining the right to join the rest of humankind and live in truth and order.

## **Editor's Notes**

- 1.The “Charter for Permanent Peace /Human Unity Constitution” is based on a political entity (the state) and the world as the norm. It does not involve international issues.
- 2.Brackets [] around the name of a country or geographical region means that any other country or region can be inserted; i.e., the Constitution applies to 249 political entities worldwide. For example, [Taiwan] can be replaced with [Korea], [China] can be replaced with [Asia], etc.
- 3.The hierarchical order used herein is: Article, Item, Section, Paragraph.
- 4.Parentheses () around a phrase following an article indicate that the main idea in the enclosed phrase is not in the text of the Charter.
- 5.The symbol “§” stands for “Article”. For example: § 1.2.3 is Article 1 - Item 2 - Section 3.
- 6.Text is provided in Chinese, English, Japanese, Russian, German, etc. Where there are differences in meaning or intent the Chinese text shall govern.
- 7.This Association has compiled the following works: Comparative World Constitutions, Global Criminal Law, Civil Laws Administrative Law, and International law.
- 8.This association has a database of electronic newsletters verifying the effectiveness of this Charter, available in Chinese, English, Japanese and German and issued daily. Website: [www.lawlove.org](http://www.lawlove.org)
- 9.The term “international law” as used in this Charter refers to “public international law” as defined in the dictionary of the Ministry of Education of the Republic of China: (1) Global International Public Law” applicable to all countries of the world, and (2) General Public International Law, applicable to most countries. This charter

recognizes that international law takes preference over domestic law and directly imposes rights and obligations on the people.

10. The term “universal law” as used in this Charter refers to (1) Specific International Law (EU, AU); (2) Contractual International Law (WTO); (3) International private law (Civil and Commercial Affairs Law); and (4) Constitutions and laws of other countries. All people can use it, and courts may refuse it.

# **The Charter for Permanent Peace / Human Unity Constitution**

## **Features**

The Charter for Permanent Peace / Human Unity Constitution (Contents: Constitutional Standards for Ensuring Human Rights Standards / Constitutional Principles for Ending External Trouble and Civil Unrest / Constitutional Law for the Distribution of National Power / Constitutional Order for the Allocation of Justice / Constitutional Art of War with Comprehensive Strategy) (hereinafter referred to as: this Constitution) )

**Question 1: Why does everyone need a permanent peace charter?**

**A: In war and peace in the modern global village, no one in the world is an outsider:**

- (1) There are only two paths for humanity in the end: one is peace and the other is destruction. Modern nuclear war will bring complete destruction, leaving no time or space for the enemy to counterattack. Once war breaks out, human lives will become nothing more than nuclear waste, and our civilization, developed over millions of years, will vanish and take thousands of years to recover.
- (2) There are at least 48 countries in the world with the capacity to produce nuclear weapon within only three months; there are still 50 authoritarian dictatorships as human shackles; according to the Freedom House 2018 Annual Report, more than 50% of the world's countries are not in free condition. These are all war factors.
- (3) In this point of view, peace is Truth, and peace is the eternal truth, the

greatest morality, and the highest justice. It is the highest of human law, all religious doctrine, life value and human fraternity. Nothing is higher.

- (4) In other words, the Charter for Permanent Peace is the path to Truth, the way to lead mankind toward Truth, and road of Truth to eternal blessing. This road needs all mankind to constantly repair it, and the association of Permanent Peace Development (hereinafter – PPP) is only one of the drafters.

## **Question 2: Is permanent peace possible?**

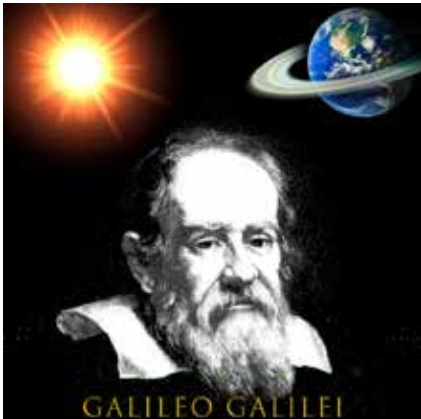
**A: Perpetual peace is Truth, and Truth can withstand severe tests. The more Truth is debated the clearer it becomes. Please see the explanation as following.**

- (1) For thousands of years, humans did not believe that the earth is moving. In 1600, the Italian philosopher Giordano Bruno was executed by burned at the stake by the Holy See for advocating Heliocentrism. In 1633, Galileo Gililei died while under house arrest by the Holy See for advocating Heliocentrism.
- (2) The He's Jade Disc, known in Chinese history of China as the world's greatest secret treasure, was adopted after He was shackled on two legs by three generations of emperors. With specific objects being treated as above, it is not hard to imagine how the abstract legal system will play out.
- (3) War and peace are entirely man-made. The only difference is only in the people's choice of "War and Peace".
- (4) Illustration and caption of the feature



## Defend the Truth

Heliocentrism, advocated by Galileo Gililei, presents the same concept as Taiwan's permanent peace idea: " Truth is not the authority of Mongolia dusty works, but in the universe, nature, this great book without words. "----- Galileo.



## Exterminate the Nuclear War

The picture below is the city turned to ashes in the atomic bombing of Hiroshima, Japan more than 70 years ago. It reminds us of the preciousness of peace. However, a hydrogen bomb, which has more destructive power than an atomic bomb, will become a devil that destroys humankind.



**Question 3: How does one skim through the Charter for Permanent Peace? It only takes 3 minutes.**

**A: This charter is divided into four parts:**

Part 1: Preparatory Provisions;

Part II: Formal Terms;

Part III: Guarantee Terms;

Part IV: Examples of Applicability to Several Countries.

**Question 4: Part 1 - What are the Preparatory Provisions?**

**A: Regarding the subject and scope of the application of this Constitution, the title of [Taiwan] is listed as follows:**

- (1) Regarding the "Subjective Idea", we must be prepared to accept permanent peace: to create the highest value of life - to demonstrate the basic standards of the Constitution - to improve the distribution of human resources - to promote permanent peace in the world.
- (2) Regarding the "Source of Sovereign Law", we base this on sovereignty in the people, "Natural Law", "International Customary Law", "United Nations Charter", "San Francisco Peace Treaty", and "Taiwan Relations Act [US]".
- (3) Regarding "Value Beliefs", we insist on: human rights, constitutionalism, international legalism, and global (multi-common) legalism.
- (4) Regarding the "Vision of the Mission", we must establish a great cause for [Taiwan], a great love for the earth, a great law for the world, and global unity for mankind. See Part 2, "Official Terms" for details.
- (5) About "Target and Method", the connotation of this Charter includes: the constitutional standards for global unity, the constitutional principles of the allocation of justice, the constitutional order regarding distribution of national power, and constitutional art with comprehensive strategy.
- (6) Regarding "Scope of Application", we must create a general constitutional principle of permanent peace applicable to the super-national level, the national level, and the sub-national level. However, this does not involve unique ideologies such as the country name, national territory, national flag, national anthem, language, culture, etc., and only applies to the special provisions of the current constitution or [the clause for permanent peace] into the constitution.

**Question 5: What are the Formal Terms of the second part of permanent peace? How should one grasp these points?**

A:(1)The formal terms are divided into two parts and eight necessary

conditions for permanent peace:

The first part - the rights and obligations of the people: freedom - democracy - human rights - the rule of law (§ 1 ~ § 4).

The next section - the basic organization of the state: legislative - administrative - procuratorial - judicial (§ 5 ~ § 8).

(2) Any one of the three dimensions refers to the hierarchy defined by the United Nations Global Governance Council:

First level: super-national level (global: for example - UN, EU; regional);

Second level: national level (Germany-France-China-USA);

Third level: sub-national level (state-state-province-special zone, such as - California (US) - Sichuan (China));

Fourth level: micro-national level (city-capital-section, such as - Los Angeles (California) - Chengdu (Sichuan)).

(3) Permanent Peace, Human Unity, and Harmless to Mankind are the basic principles that run through all the provisions of the Constitution. They also run through the general principle of “One World under One Set of Laws in Peace”, including:

I. Strategy:

i. Internal comprehensive strategy (to terminate civil unrest);

ii. Invincible strategy (to end external troubles).

II. Eternality:

i. Eternal time (through history);

ii. Unlimited space (beyond national boundaries).

III. Allocation:

i. Horizontal allocation of justice (the separation of state power/common

universal law);

ii. Vertical allocation of justice (levels of global governance / levels of the laws).

#### IV. Harmless

i. Beneficial for the world (no ethnic or environmental damage);

ii. Beneficial for all human beings (no victims).

### **Question 6: Part 3 - What do the Guarantee Terms mean?**

#### **A: Examination and revision of matters, persons, laws, time and space:**

- (1) Ensuring that this Constitution effectively takes care of everything that happens in any time and space in the country (even if nothing has happened yet). This is a function of this Constitution.
- (2) Public officials supported by taxes paid by the people are all guarantors of the constitution. They shall guarantee that the advantages of the constitution and laws of the world in the past flow into [Taiwan] - [Taiwan] globalization; in the future, the advantages of the constitutions and laws of the world flow out from [Taiwan] - Global [Taiwanization].
- (3) In order to improve a set of "living eternal law" or "world (multiple common law)", the state should continue to recruit elites from around the world to amend the constitution, and give them fair compensation. All donations should be tax-free.
- (4) In order to verify the effectiveness of this Charter, the "Permanent Peace Development Association" has accumulated more than 100,000 issues and solutions over more than a decade, and publishes electronic newspapers in Chinese, English, Japanese, Russian and German (lawlove.org) and post-replies to the original news source. We look

forward for fellows around the world to continue offering us advice.

- (5) In order to recruit talents from all over the world, those who provide better solutions will sell their intellectual property rights for from 10,000 TWD to millions of TWD. After the adoption of the new constitution, the state will take over the reward system.

**Question 7: Part 4 - What do the Examples of Applicability to Several Countries explain?**

**A: The reasons for listing the model political entities (countries) and enumerating the models in priority are:**

- (1) The reason for raising the [Taiwan] model to first priority is:

[Taiwan] is a beacon of democracy in Asia and a fortress of universal values in the West; [Taiwan] Globalization saves itself, and the world [Taiwanization] saves mankind.

- (2) The reason for raising China, Russia, Ukraine, and North Korea models to secondary priority does not call for a detailed explanation.

**Question 8: What should I believe? (One of the three big questions of the philosopher)**

**A: I believe that I can determine my own value, the value of the country and the value of the world:**

- (1) "It is jealousy and not confidence which prescribes limited constitutions, to bind down those whom we are obliged to trust with power. Our Constitution has accordingly fixed the limits to which, and no further, our confidence may go." --Thomas Jefferson: Draft, Kentucky Resolutions, 1798.
- (2) Believe only in the Rule of Law and science instead of the jurists who merely echo dictators' voices, the entrepreneur who applauds the

interest concessions of the authoritarians, the politicians, the media, and the scholars who live on the totalitarians' service.

- (3) Values decided by others will be taken away by others. Only values decided by oneself will never be taken. Letting others decide your constitutional values means handing over your soul to others to dominate your body. Constitutional amendments must be decided by the people.
- (4) Real values will be revealed through comparison. The comparison method of our association is an invincible tactic. One shall believe wisdom in the legal system accumulated by human beings for thousands of years, believe his/her own eyes and hands, and turn on a mobile phone to ask questions. He/she can find the basis of his/her right to protect his/her dignity and value, choose the most favorable law from the world (provided by this association), and govern constitutional guarantors supported by his/her tax in accordance with the law to sublimate the value of himself/herself and the country.
- (5) [Taiwan] is a beacon of democracy. More than 10 million people visited China in two years. There is no barrier between language and culture between Taiwan and China. Therefore the people of [Taiwan] are the only people who are fully capable of breaking through the CCP's internal information blockade and leading the Chinese to democracy, where permanent peace lies ahead. All empires have perished in the long history of human nature. As long as we believe in the wisdom of all mankind, we can transform the destiny of the nation, the family and ourselves, and harness immense power to change nature on behalf of the world.

**Question 9: What may I hope? (The second big question of the philosopher)**

**A: I can have my own dreams, national dreams and world dreams based on the Charter for Permanent Peace:**

- (1) The first part - Preparatory Provisions - seventh item - about self-realization: I am the master of the country, the navigator who forges freedom, democracy, human rights, the rule of law (details § 1 ~ § 4), and the lifelong sovereign of legislation, administration, procuratorial powers, and judicial rights (§5~§8).
- (2) Rolling reform of this charter represents standardized integration (Illustration 3) - the advantages that no other nation has, and no disadvantage of any other nation. Every article guarantees that we are representatives of universal values, representing where everyone achieves self-realization, lives and works in peace, and prospers through generations. We can stride forward in the world with pride, stand tall through the past and present. The country is great and the world is peaceful for the effort we make.
- (3) [Taiwan] cannot become a normal nation for the time being, but it can become a super-national level government at any time. Assuming the vocation of saving freedom and democracy, Taiwan can become the capital of Global Unity and the sun of peace. From then on, we will shine the light of freedom and democracy wherever we go.
- (4) If [Taiwan] people cannot make a transformation from this super-national level, they are only a group of walking dead without the national soul even if they have the form of the [Taiwan] Republic.

**Question 10: What ought I to do? (Three big questions of the philosopher)**

**A: The Constitution is the fundamental law of the country. Constitutional amendments will always belong to the people**

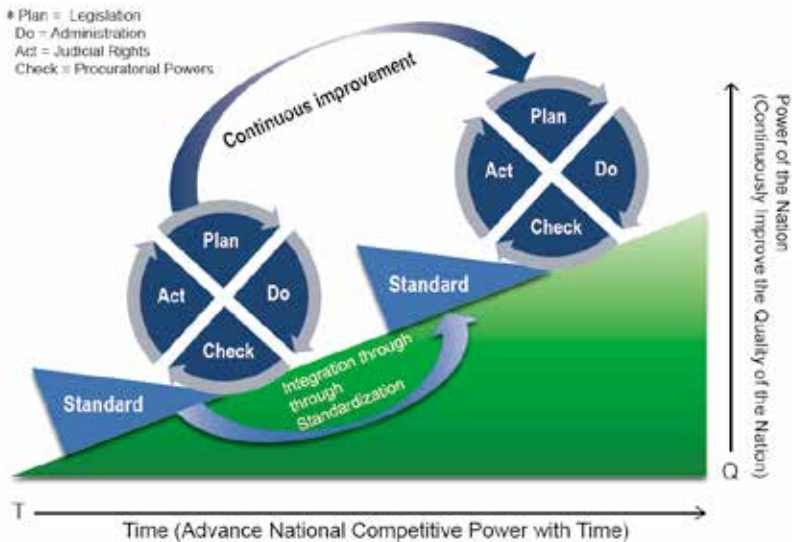
**unconditionally. As long as I support the model of the Charter for Permanent Peace, every email is a sacred light:**

- (1) Autocracy is always the persecutor of human peace. History has repeatedly demonstrated that constitutional reforms promoted by those in power always usurp the power of the people. Constitutional revisions led by those in power always kidnap the people's rights. Constitutional amendments are absolutely the rights and obligations of the people. As Kant said, "The pursuit of permanent peace is the highest goal of reason and a moral obligation."
- (2) This Constitution is not an unattainable ideal, nor is it a Utopian socialist theory. It is a fundamental great law that we can apply immediately and all countries can follow. It can specifically save countries that are not completely democratic, and save human civilization from nuclear mutual destruction. Therefore-
- (3) Given the fact that different regions, different cultures, different nationalities, and different countries must survive on the same planet, everyone has the right to press the button of "Permanent Peace" instead of the "Global Nuclear Bomb" button. No military support is required: all that is needed is for people to express their support for a special constitutional clause designating Taiwan's model for "The Charter for Permanent Peace". It will encourage the people of Taiwan as well as all people in the world to follow, and launch the last wave of global democratization. It will liberate those suffering under the yoke of autocracy in the remaining 50 countries, saving the oppressed, who are half the world's population, leaving dictatorship to disappear on the ground and nuclear weapons to be destroyed in the human world.

**Conclusion:**



- (1) The basic principles of permanent peace, human unity and harmlessness of all people run through all the provisions of this Charter. They will be more effective than the most optimistic imagination can ever be, creating a nation of super truth, goodness, beauty, and holiness.
- (2) The editorial organization of the constitutional system follows the International Standards Organization (ISO) to develop more than 30,000 international standards for the quality cycle to improve the PDCA (Plan Legislation - Do Administration - Check Procuration - Act Judicial Correction) guidelines, and then apply them to the designs and operations at all levels of organization in state agencies, as well as carrying out improvements in the operational standards (SOPs) of each public official. Therefore, readers are requested to read the International Constitutional Standard (ISO).



## **Charter for Permanent Peace/ Human Unity Constitutional Standards (Summary and Petition)**

I support this constitutional system of based on eight primary concepts, namely: 1. Freedom; 2. Democracy; 3. Human Rights; 4. Universal values such as the rule of law; and organization including 5. Legislative; 6. Administrative; 7. Judicial; and 8. Prosecutorial branches, and 34 propositions for permanent peace offered by Taiwan. With Taiwan as the carrier of the demonstration, I stand by this system that the 249 political entities in the world can perpetually operate, and liberate those suffering under the yoke of autocracy in the remaining 50 countries. If you agree with the content, please check in the column

1.  There are only two paths forward for humankind: Peace and annihilation. In the face of endless nuclear weapon, I stand by that Peace is the highest Truth. (See §1-§8)
2.  People's Values under Unity: Embracing the highest values of freedom, democracy, human rights and the rule of law is the sacred right of the people and the most pressing duty of all officials. (See §1-§4)
3.  Human Dignity under Unity: Dignity - freedom and value, reinforced by frequent elections and procedural justice; in addition to referendums, regular elections will be held at least twice a year. (See §1)
4.  People's self-determination under Unity: National sovereignty belongs directly and unconditionally to all taxpayers. Constitutional amendments and entry into and exit from international security organizations shall require the consent of half of the electorate. (See §1)
5.  Human rights help build a nation under Unity: In accordance with the Universal Declaration of Human Rights and the UN

Charter - Human rights are a global matter, sovereignty belongs to the people – and human rights rank higher than sovereignty. (See §3)

6. □Benefit the World through Human Rights under Unity: Intimate political relationships with any autocratic political entities that are anti-freedom, anti-democracy, anti-human right, anti-rule of law shall be banned. (See§3)
7. □Human Rights Protection under Unity: Create a Supra-national Human Rights Action and Citizens' Rights Exercise Committee. Half of its members shall be nominated by recognized international human rights organizations. (See §3)
8. □Abuse of Human Rights under Unity: Any official who uses freedom and democracy to attack basic order made possible by freedom and democracy should forfeit the right of access to the media and be deprived of other basic rights. (See §1)
9. □Separation of Powers under Unity: All human rights shall be protected. The heads of the legislative, executive, judicial and procuratorial branches shall be elected in alternating years and candidates must meet the same standards as candidates for president. (See §5-§8)
- 10 □Election Procedures under Unity: Ensure political integrity by setting aside at least one hour a week in all electronic media for free access by candidates in elections and for referendums.(See §1)
- 11 □ Separation of Politics and Media under Unity: Medias shall not use influence or resource superiority to interfere with politics, distort justice, or advocate autocracy. Any violators shall face legal sanctions. (See§3.9)
- 12 □Term Limits of Executive Heads under Unity: All elected heads shall concentrate on government affairs. The President shall serve a single 5-year term and shall not be eligible to run

for office for 6 years afterwards, during which time no benefits or compensation may be altered. (See §2)

13□Open up Public Offices under Unity: Lead Global Governance. Nationals of fully-democratic countries, with the exception of public opinion representatives, have the right to stand for election at various levels in Taiwan, with full local voting rights. (See §2)

14□Open up for Political Parties under Unity: Political parties from fully-democratic states that have members in parliament may set up party offices in Taiwan to promote their ideas, with all rights and benefits enjoyed by local citizens. (See §2)

15□Honest Election under Unity: Political contributions are considered bribery. Legitimate sources of money in the operation shall be investigated with the candidates' right for nomination in participating. (See §1)

16□Discipline of Political Parties under Unity: Any political party that violates international law, the UN Charter or internationally-recognized constitutional principles may be sued by other parties and ordered to disband. (See §1)

17□Constitutional Benchmarks under Unity: All constitutional standards shall serve to reinforce universal human rights standards. Unconstitutional elements shall be subjected to global constitutional review; and constitutional elements shall be incorporated into global constitutional agreements. Global constitutional standards (ISO) ensure global human right standards (ISO). (See §2)

18□Constitutional Guarantors under Unity: All public officials shall act as permanent guarantors of the constitution and peace and shall be the creators of civilized unity and culture of peace. (See §3)

- 19□National Beliefs under Unity: The nation shall be founded on the principles of permanent peace, human rights, constitutionalism, international law, and global (multi-common) law. (See §4)
- 20□Status of Domestic Law under Unity: International law shall take precedence over domestic law, with direct bearing on the rights and duties of the people to ensure the efforts of the people being cherished. (See §4)
- 21□Implementation of Outside Laws under Unity: The laws of any other nation may be incorporated into domestic law, and all people have the right to demand that their freedoms and rights shall never lag behind those of other countries. (See §4)
- 22□Countries Competing in Legislation Efforts under Unity: Lead the world to the harmless co-opetition in legislative, executive, judicial and prosecutorial procedures is the never-ending obligation of all states to ensure long-term prosperity. (See §5-§8)
- 23□Abolition of Nuclear Weapon under Unity: Eliminate nuclear weapon permanently and establish a peace development system where all entities can operate perpetually is the duty of the nation. (See §5-§8)
- 24□Parliamentary Structure under Unity: Found a modified committee-style parliament to create the parliament with no disadvantage of any nation and with all advantages of all nations. (See §5)
- 25□Open up Parliament under Unity: Enable global participation in legislation, accepting input from any nation or person, whether enemy or friend. The congress person represents the country while holding no voting rights on legislation irrelevant of it. (See §5)
- 26□Local Governments under Unity: Elected representatives shall serve two-year terms. Refer to the Global Declaration on Local Self-

Government and the European Charter for Local Autonomy in implementing globalization and localization. (See §5)

27□National Elected Executives under Unity: Modified Semi-presidential System. The Prime Minister shall act on the basis of public opinion in leading the government and heading national defense and shall be native-born. (See §6)

28□National Procuratorial Action under Unity: Embrace Global Law. No one shall be above the law, and no one shall be denied full protection under the law. (See §7)

29□National Judicial System under Unity: Supra-national Constitutional Court with judges from various nationalities and backgrounds to deepen the eternal world law. (See §8)

30□Judges' Rulings under Unity: Trials shall be conducted according to international law → Utilize the constitutions and laws of nations that will be most beneficial to the parties involved → Explain any failure to act in accordance with these principles. (See §8)

31□Sustainable Development under Unity: Make up for any drawbacks of the UN and work to realize Taiwan's great cause, based on love for the earth and laws for all the world's citizens, one nation under Unity. (See §7)

32□All levels of organization in the state agencies shall apply to the guidelines of international standards (SOP), carry them out to the operational standards (ISO) of each public official. (See §6)

33□Save human beings under Unity: Create a destiny for all humankind that the 249 political entities in the world can perpetually operate, and liberate those still shackled under the remaining authoritarian dictatorships. (See §5-§8)

34□Rights to resist constitutional violation under Unity: All humans

shall retain the right to resist any action that violates the principles of universal liberal democracy if no other remedy is available. (See §7)

The basic principles of permanent peace, human unity and harmlessness of all people runs through all the provisions of this constitutional system. It can be perpetually operated and amended, and it has been proven by over 100,000 Q&A articles (lawlove.org) over decades, and none is tied to any particular territory or nation. No military support is required, all that is needed is for the people to express their support for a special constitutional clause designating Taiwan as a revered land of permanent peace. Then, we can fulfill our own dreams, national dreams, and world dreams in one step. The people of Taiwan and the more than half of the world's population whose freedom remains shackled have nothing to lose but their chains and iron curtains. They will lose nothing while gaining the supra-national system, achieving the goal of creating sacred land, leading the world to peace and development for the world where everyone achieves self-realization, live and work in peace, and prosper through generations.

If you're willing to support the Charter for Permanent Peace, please countersign and leave your information. Thank you very much!

Full Name:

Affiliation:

Nationality:

Contact Information:





# **Part I The Charter for Permanent Peace - Formal Provisions ([Taiwan] -applicable Version)**

## **Chapter I: Rights and Obligations of the People**

### **Definitions and Positions**

**Section1: [the main idea] If we want peace, prepare for peace<sup>1</sup>. Our eternal philosophy:**

- (1) The eternal obligation of the “state” for permanent peace: to establish a great cause for the people, to build a great love for mankind, to establish a law for the heavens and the earth, and to make a great unity for the nations.
- (2) The eternal mission of “People” for permanent peace: to create the highest value of life, to demonstrate the basic standards of the Constitution, to improve the allocation of human resources and to promote permanent peace in the world.

**Section 2: [legal source of sovereign] ~ we the [Taiwanese] people base on:**

- (1) “Sovereignty is in the people” All public power exists for serving the people of the whole country and the people of the world. The people enjoy the privilege of sovereignty and are also the only source of state power<sup>2</sup>. Therefore, the state sovereignty, constitutional power, and constitutional amendment rights are all directly and unconditionally directly belong to the taxpayer (the obligation of paying tax is compulsory in the constitution), and the state and its organs, public

1 All the provisions of the Constitution. Its premise and norms depend on the total value of the decisions contained in this constitutional will.

2 American political scientist Gene Sharp pointed out that the principle of universal constitutionalism to implement democratic constitutionalism is an important method to prevent the restoration of authoritarianism and help the democratic constitutional roots. Another Taiwanese scholar, Du Duqing, pointed out that constitutionalism is a political act and belongs to the category of super-real law, and is not subject to the norms of the existing constitution.

officials, must not deprive them of this right.

- (2) “Construction of the Constitution” Natural Law, Natural Rights, International Absolute Law, Public International Law, “United Nations Charter”, “San Francisco Peace Treaty”, “United States [Taiwan] Relations Act”, National Sovereignty Principles, and People’s System Constitutional power, the development of the “Permanent Peace Charter” (hereinafter: this Constitution).

**Section3: [The Belief of Value] we pursue world law, [Taiwan] dream, world dream, and we insist:**

- (1) "Humanism" we recognize human rights as a gift, the state is to protect human rights; it is convinced that the world's human rights standards and human rights are globally integrated; it adheres to the world's great harmony and humanity.
- (2) "Constitutionalism" we believe that the guarantee of the world's human rights standards must establish the world constitutional standards. Adherence to constitutional recognition of human rights is a global internal issue, confirming that human rights are higher than political power and sovereignty<sup>3</sup>.
- (3) "International Legalism" we believe that The well-being of the earth is everyone's responsibility. We adhere One World under One Set of Laws concept, which directly restrains all powers of the state and directly ensures all rights of the people<sup>4</sup>.
- (4) "World Legalism" we believe that there is a higher natural law, justice

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3 Whether it is the constitution, the political power, or the sovereignty, its core purpose and meaning are to "protect human rights."

4 The subject of international law should not be limited to the state, but should be actively transformed into the world law or the common law of mankind, such as Philip Caryl Jessup's transnational law/transnational law, British Jank W.Jenks and others advocated actively weakening the sovereignty of the country and establishing a new international society based on individuals.

and law beyond the sovereignty of the ruler and the people and above all mankind. We insist that all laws should meet the requirements of "Nature, Justice, Morality" and "Freedom, Democracy, and Human Rights."

**Section 4: [Vision and Mission] ~ our common vision and mission:**

- (1) "Personal Vision" centered on world human rights standards, we guarantee the right to life, liberty, property, citizenship, peace, environment, development, and the pursuit of happiness. And we will create the highest value of life, self-realization, and safety and happiness of all families, and long-term wealth and security.
- (2) "National Vision" is based on "world law, [Taiwan] dream" as the sacred mission of the country. Leading permanent and peaceful development, demonstrating universal constitutional standards, saving freedom and liberating dictatorship, [Taiwan] is the capital of the permanent peace and the world.
- (3) "Vision of Asia" links the [Taiwan Strait] consensus with the universal values of freedom, democracy, human rights and the rule of law; with the peaceful development<sup>5</sup>, the world's great harmony<sup>6</sup>, conceptual innovation and institutional innovation, and the construction of a community of human destiny of [Asia] consensus. It will lead the unification of the world and make it peaceful forever.
- (4) "Global Vision" demonstrates "the common law of the world, [Taiwan]"

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5 At the end of 2005, the Chinese government published a white paper entitled "China's Road to Peaceful Development", clearly stating that the path of peaceful development is an international strategy for China's social development.

Chinese President Xi Jinping put forward the blueprint of "Chinese Dream" at the Communist Party's 18th National Congress in 2012, delineating the dream of "Great World".

6 The rights of the people have been spelled by the people themselves since ancient times, and they have never been the gift of the rulers.

globalization; the great future of mankind, the global [Taiwan]ization”, and presents the world’s eternal “constitution in the constitution and system of the constitution” The ultimate vision of mankind, the land of the Holy Land and the paradise of all nations.

**Section 5: [target and method] building a great cause for the people is our overall goal:**

- (1) “Human freedom” The earth is our homeland, human beings are our family members; the constitution is our embodiment, and freedom is our soul. (According to § 1: Free Datong).
- (2) “Human Democracy” We have made a constitutional confirmation: all the nations that are completely democratic in the world are the same as the [Taiwanese] people; the places where the whole world is completely free are the hometowns of [Taiwanese] people. (According to § 2)
- (3) “Human Great Equality” We have constitutionally confirmed that people are born free and equal in dignity and rights. (According to § 3: Human Rights Datong).
- (4) “The Great Rule of Law of Mankind” We have constitutionally confirmed that a planet, a set of laws, directly binds all powers of the state and directly protects all rights of the people. (According to § 4: The rule of law is the same).

**Section 6: [legal system] ~ We recognize a set of legal peace system on earth:**

- (1) “Global Co-opetition Legislation for Everyone’s Benefits “ creates an earth and a legal system. Through the principles of global competition and cooperation, the state organs construct a set of world (multiple common) laws for the long-term operation of peace and development. (According to § 5: Legislative Datong)
- (2) “Global Co-opetition Administration for Everyone’s Benefits “ is to innovate global governance, create a decentralized government, liberate the shackles of the last 50 autocratic regimes of mankind, and

move towards the ultimate good environment for permanent peace and development in the world. (According to § 6: Executive Datong)

- (3) “Global Co-opetition Prosecution for Everyone’s Benefits “ This Constitution is a unified body of the “World Law” order, which is based on the law of the world. The order of the “World Law” is: Natural Law / Absolute Law → International Law ( Legislative type) → Universal Constitution → International Law (contract type) → Law → Order. See [Annex Table 1: World Law Level Table]. (According to § 7: Inspection of Datong).
- (4) “ Global Co-opetition for justice for Everyone’s Benefits “ guarantees that the efforts of the people will not be in vain, and that human rights will not lag behind other countries. Everything that is conducive to promoting universal values forms part of the constitution and national law. (According to § 8: Judicial Datong).

**Section 7: [self-actualization] everyone can enter the state as a master of the country, and everyone can move abroad to become a global angel:**

- (1) “Master of freedom” Dedicate yourself and you will win<sup>7</sup>, fight for human life and freedom. [Taiwan] is a free holy place, and everyone is a free angel. (According to § 1: Free Datong).
- (2) “Masters of Democracy” Dedicate yourself and you will win, fight to be your own master. [Taiwan] is a holy place of democracy, and everyone is an angel of democracy. (According to § 2: Democracy Datong).
- (3) “Masters of human rights” Dedicate yourself and you will win, fight human rights and global integration. [Taiwan] is a holy place for human rights, and everyone is an angel of human rights. (According to § 3: Human Rights Datong).
- (4) “Masters of the rule of law” Dedicate yourself and you will win, fight

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<sup>7</sup> Human rights are God-given and are non-transferable.

the world's rule of law standards. [Taiwan] is the rule of law, and everyone is the angel of the rule of law. (According to § 4: The rule of law is the same).

- (5) “Masters of legislation” Dedicate yourself and you will win, and members of Congress should be partially re-elected each year. [Taiwan] is a model of global competition and cooperation legislation. We are all lifelong super legislators. (According to § 5: Legislation).
- (6) “Master of the administration” Dedicate yourself and you will win, fight for the election of the heads of various ministries. [Taiwan] is the ultimate example of global competition and administration. We are all super-executive heads of life. (According to § 6: Administration).
- (7) “Master of the prosecution” Dedicate yourself and you will win, and the procuratorial primaries will be elected. [Taiwan] is the ultimate example of global competition and prosecution. We are all lifelong prosecutor (According to §7: Prosecution).
- (8) “Master of the judiciary” Dedicate yourself and you will win, fight for the judicial election of the head of the judiciary. [Taiwan] is the ultimate example of global competition and justice. We are all lifelong judge. (According to § 8: Justice).

**Section 8:[Applicable Scope] ~ We confirm that the following scope applies to this Constitution:**

- (1) The Constitution takes [Taiwan] as the main body and the world as the community, demonstrating the basic norms of the adoption of the Constitution of the United States and the general principles of international law and domestic law.
- (2) This Constitution constitutes the main component of the national constitution and is committed to promoting the future common constitutional standards of the world and has evolved into a new international peace absolute law or jus cogens or world law.

- (3) The Constitution directly binds all powers of the state and directly protects all rights of the people. Even if the original constitution is not in use, the Constitution does not lose its effectiveness.
- (4) All provisions of the Constitution are the obligations of state organs. Its supporting clauses, organization laws or enforcement laws should be invoked in accordance with the laws of the world.
- (5) The Constitution pursues the universalization of the country, and therefore does not involve the country's national title, national territory, national flag, and national sovereignty; the first chapter of the current Constitution and those who have no contact with the Constitution continue to be effective.
- (6) The constitutional order of the Constitution, or the constitutional order of the permanent peace and development of the world, or the substantive content of the basic rights, shall not be infringed, and the amendment shall not be established.
- (7) The pre-existing provisions of this Constitution and the following provisions restrict all constitutional special provisions that are directly and effectively effective in establishing the country, constitutionalism, legislation, administration, prosecution, and the judiciary.
- (8) The above preparation terms have the same effect as the following formal terms.

## **Part II The Charter for Permanent Peace - Formal Provisions ([ [Taiwan] ] -Applicable Version)**

### **Chapter I: Rights and Obligations of the People**

#### **Definitions and Positions**

“Constitution”: A constitution is the sum of all written or unwritten laws and rules that establish the basic legal order of a state community.

“Constitution Principles”: The general principles behind a constitution, either a constitutional general principle or one that applies to all constitutions at the supranational, national or subnational levels.

“Unity”: Unity and standards are by definition synonymous. The People’s Rights and Duties and the State Organization’s Rights and Duties must meet the same standards for peace and prosperity of all nations.

“Constitutional Standards”: Global constitutional standards serve to protect world human rights standards and help achieve lasting peace. Integrating rules and regulations from around the world produces a set of systems that humanity can use peacefully and permanently: global multi-source common law. Regulations and laws from outside or above the nation are bundled into domestic law. Everyone has the right to use them, while state organs have the right to publicly refuse to use them in accordance with the law. This breaks through traditional notions that the law is entirely at the mercy of those who are in power (see § 4).

The “All-round Constitution”: The mechanisms of the constitution never



fail and can completely resolve any problem that arises. Even if nothing happens, that means the constitution is working.

The “Strategic Constitution”: The ultimate strategy for permanent peace and development integrates the rules of war into the constitution. This also serves as a basic strategy for preventing civil unrest and building long-term prosperity.

“The Path ahead for Humankind”: There are only two paths forward for humankind: peace and annihilation. Peace is truth, permanent peace is eternal truth, and the Charter for Permanent Peace offers the path to eternal truth. Autocracy is annihilation, either through self-annihilation, destroying others or being destroyed by others. With nuclear war, once it is launched it becomes all-out destruction, aimed at leaving the other absolutely no chance to fight back.

“Guarantors”: Refers to any term that is more conducive to permanent peace for this charter, guarantees long-lasting improvements and offers rich rewards; also refers to any public official being a constitutional guarantor.

Orientation of [“Taiwan”]: According to the definition of a nation at the UN’s Global Governance Committee, [Taiwan] is a sovereign and equal political entity at all levels: the supranational, national, sub-national level, etc. And according to the Charter for Permanent Peace/ Global Unity Constitution, [Taiwan] is the capital of the world, the sun of everlasting peace.

Orientation of “the people”: The people of [Taiwan] are, at the national level —liberty, democracy and human rights — the

beneficiaries of the rule of law and holders of sovereignty who monitor legislative, executive, judicial, and Procuratorial Powers; and at the supranational level — the global village — the people are the UN’s protector, the inheritor of the global law-global dream, the representative of permanent peace and the founder of global unity.

## **Article 1 Freedom under Unity**

### **Issues**

Who abducted our freedom and dignity? Who is suppressing our national sovereignty? Who is spending big money to manipulate elections? Who is emptying the treasury of our nations and collaborating with overseas powers? Who is suppressing our room in international relations and development? Who is the enemy of permanent peace and development? The answer is not ‘someone else’. It is the “party”: the ruling party in a government supported by the hard-earned wages of taxpayers. This is not merely something that was true in the past; it is still very much a reality today.

### **Therefore**

The Charter for Permanent Peace / Global Unity Constitution (including Constitutional Order, the Source of National Power/ Constitutional Principles of Distributive Justice/ World –changing Constitutional Law /An All-round Strategy for Constitutional Legislation...) Article One, Standards of Freedom – this is mainly intended to address the general principles behind the Charter for Permanent Peace, namely, development and innovations of freedom, laying out basic constitutional principles to serve as guidelines, guarantee clauses, binding clauses and delegation clauses, elements that make up the core structure of the universal constitution, and places the ideals of a common destiny for all humankind

firmly on the ground in [Taiwan]. There, then will take root and grow into a model for a peaceful planet and system. According to the Freedom House Annual Report, the people in more than half of the countries around the world are not free. For this reason, the oppressed people of [Taiwan] and elsewhere, including the people of the 50 countries<sup>8</sup> whose people are still constrained and shackled, have only their chains and iron curtains to lose. In return, they stand to gain the unfulfilled goal of the United Nations — Greater Human Freedom.

## **Implementation**

### **Section One (Permanent Peace 1.1 ~ Freedom Benefits the World-Global Unity<sup>9</sup>)**

- (1) Benefit the World through Freedom. Promotion of universal freedom, contributions to constitutional standards, improvement of distribution of resources, and promotion of world peace are the sacred rights of the people and among the country's most urgent obligations.
- (2) Freedom as Country's Base. [Taiwan] will become the Holy land of Greater Freedom<sup>10</sup> with the innovation of politics, economics, society, culture and peace. Everyone will function as a guardian of freedom. This shall be the never-changing principle we follow in building a nation.
- (3) Freedom in foreign relations. All nations should make freedom the first priority in dealing with international diplomacy.
- (4) Freedom and the Constitution. The real aim of a nation should be to

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8 Democracy Index, an encyclopedic reference for freedom.

9 In US News & World Report's 2018 ranking of democracies Taiwan was listed at number 42 while China was fifth from last.

10 Report on United Nations Efforts on Behalf of Global Freedom, by the UN Secretariat (2005).

ensure the freedom of its people<sup>11</sup>. Helping the United Nations and serving as a model for Greater Freedom<sup>12</sup> in its global operations is a basic duty of our nation.

- (5) Freedom in Unity and Permanent Peace basic principles that are relevant to all provisions of the Constitution; they are also among the general principles that guide One World under One Set of Laws (Peace based on multiple sources and shared laws).

[Editor's note: "The Charter for Permanent Peace / Global Unity Constitution " is the prototype for a global legal system.

**Section Two (Permanent Peace 1.2 ~ Global Freedom shall never lag behind the freedoms enjoyed in any single country- Global Unity)**

- (1) Recognition of the principles proclaimed in the UN Charter and confirmation of the inherent dignity and value of all members of the human family, as well as equal and inalienable rights, are the foundation for freedom, justice and peace in the world.
- (2) Therefore, the protections offered under universal freedom, especially freedom from fear, shall never lag behind those of any nation - this is a basic duty of all organs and agencies.
- (3) Therefore, all international laws that serve to guarantee freedom should be incorporated into domestic law, and international law should be given priority over domestic law (including constitutions), with direct

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11 The philosopher Spinoza once said, "The ultimate goal of a state is not to govern people by binding them with terror so that they yield to the will of others. Its purpose is to enable citizens to develop their minds and bodies securely and to use reason freely, because the real purpose of the state is 'freedom.'"

12 On March 21, 2005, UN Secretary-General Kofi Annan included freedom from fear as part of the UN's future direction in his report "Greater Freedom: Achieving Shared Development, Security, and Human Rights for All". In particular, [Taiwan] has been democratic for more than 70 years, yet the Communist Party still strives to keep [Taiwan] in a bloody political purgatory.

bearing on the rights and duties of the people of [Taiwan].

- (4) All laws of any nation that are conducive to the protection of freedom shall constitute a part of the constitution and laws of [Taiwan], and the people of [Taiwan] have the duty to use them as references as well as directly applying them. The state shall not be allowed to exclude such laws without due legal process.

### **Section Three (Permanent Peace 1.3 ~ Voting rates determine the level of respect and value for freedom)**

- (1) The freedom, dignity and sovereignty of man cannot be extinguished or violated<sup>13</sup>, and respecting and protecting respect for freedom and sovereignty shall be the primary duty of all state organs.
- (2) Voting protects freedom from want and freedom from fear, freedom, practice basic elements of harmony between individuals, individual and country, individual and the environment, and individual and humankind.
- (3) Vote at every opportunity to safeguard human dignity and freedom. Voting is a natural right of action for the people — the true holders of sovereignty; it is the only legitimate source of all state power, it serves to maximize the value of education for all; it is the most rational allocation of power and resources; it is the starting and end point of the people's will; and it is the broad foundation of all freedom<sup>14</sup>, peace and justice.
- (4) The dignity, freedom and value of human beings are confirmed by voting rates and procedural justice. National elections should be held twice a year on a regular basis (§ 1.3.3), while referendums should not take place more often than once a month. This limitation shall not apply to re-elections or a second round of voting in cases where results are not

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13 Civil Code of the Republic of China, Article 16: No one shall be permitted to waive his legal capacity or capacity to make juridical acts.

14 Freedom is a core concept of the US Constitution. (First Amendment to the United States Constitution), while in Europe the focus is on dignity (Basic Law for the Federal Republic of Germany, Article 1)

clear (§6.3.2). Voting dates should fall on weekends, and for the benefit of students, at the end of summer and winter vacations.

- (5) Voting acts to overcome differences and integrate different value judgments (including reconciling the irreconcilable, integrating contradictory opinions, and combining opposite viewpoints) to arrive at socially acceptable policies and laws.

#### **Section Four (Permanent Peace 1.4 ~ Voting Rights- Global Unity)**

- (1) Implement the concept that the people are the true holders of sovereignty. The rights of election, removal, examination, and public service allow the people to indirectly exercise the right to rule the nation, while the rights of citizens to formulate, review, self-determine, and resist give the people direct exercise of power to rule the country. (§1.2, §1.4, §4.7)
- (2) Freedom depends on separation of powers to ensure that voting is the starting point for decentralized government. National sovereignty belongs unconditionally to all taxpayers. The people cede a portion of this sovereignty to the heads of the executive, judicial and procuratorial branches, who are elected in alternating years, as well as lawmakers, 1/4 of whom face election each year.
- (3) The relative weights of all dignity, freedom<sup>15</sup> and values are determined through the ballot box. The heads of the executive, judicial and procuratorial branches are elected in alternating years, while 1/4 of all lawmakers face election each year. This ensures that elected officials will be fully aware of civil and public sentiments and helps ensure peace, stability and continued development.
- (4) In the interest of promoting national dignity and value and protecting

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15 Freedom is like the air we breathe: a little less can be suffocating. Freedom begins with “me” and is limited by “me”. This is the true meaning of freedom! The key word in constitutional government is freedom, and the key word in democracy is equality.

the people's sovereignty and national security, budgets for elections shall not be less than 0.5% of the total budget of the central and local governments, and shall be allocated directly to the "Supranational Committee for Human Rights Actions and Citizenship Exercise" (in short, the Human Rights Committee) to budget and use.. (§3.2)

- (5) The State shall establish an Anti-corruption Foundation and pour all proceeds from anti-corruption actions into the foundation. Funds for operations involving the exercise of citizenship, including but not limited to elections and referendums, shall be earmarked as such, and any resulting balance shall be returned to the state treasury on a regular basis.

### **Section Five (Standards of Freedom 1.5 ~ Rights and Duties Regarding Freedom- Global Unity)**

- (1) In [Taiwan], there are no rights without attendant duties, and no duties without attendant rights. Voting is the most sacred right of the holders of the nation's sovereignty and it is also their most basic duty<sup>16</sup>.
- (2) All citizens aged 18 and older are required to cast ballots.
- (3) The following citizens may decide for themselves whether or not to participate in voting:
- i. Those who are illiterate;
  - ii. Persons seventy years old or older;
  - iii. Those who have passed their 16th birthday but are not yet 18<sup>17</sup>;
  - iv. People with disabilities;

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16 'The world will not be destroyed by those who do evil, but those who watch them without doing anything'-Albert Einstein(1879-1955)

17 The Constitution of the Federative Republic of Brazil, Article 14: §1. Voter registration and voting are: I. compulsory for persons over eighteen years of age; II. Optional for: a. the illiterate; b. those over seventy years of age; c. those over sixteen and under eighteen years of age.

- v. Those who live in remote mountains and sparsely populated areas where there are no supporting measures for the election authorities;
- vi. Those who are working outside the nation where there are no supporting measures by election authorities;
- vii. Foreign citizens who reside in the nation and hold citizenship in a completely free and democratic country.
- viii. Outstanding military personnel who volunteers to demonstrate a loyalty that exceeds geographical or party affiliations and that the army is nationalized and globalized.

(4) The following citizens may not vote:

- i. Those who have been stripped of their civil rights;
- ii. Those who are citizens of multiple nations including some with incomplete liberties and democracy;
- iii. Those who are working in an autocratic country and are unable to return to vote;
- iv. Active military personnel who are recruited into military service and still active;
- v. The current president. When the number of votes received by two or more candidates is the same, the president can cast one vote to determine the outcome.

(5) Voting is compulsory for all eligible voters in the following elections and referendums<sup>18</sup>:

- i. Elections of lawmakers at local (city and county) levels of government;
- ii. Referendums at the supranational level (including global and

<sup>18</sup> Mandatory voting is the price of freedom. Mandatory Voting (Australia, for example) is the law in more than 26 countries where people are required to participate in most elections. Since 1915 Australia has observed mandatory voting in national elections. Except in cases of force majeure, any failure to vote is a violation of the law.



regional): (a) changes in national territory; (b) recognition of sovereignty or transfer of sovereignty to international organizations<sup>19</sup>; (c) the right to self-determination guaranteed by universal human rights standards; (d) Balloting designed to promote peace in the world, resolve international disputes, or confirm the country's participation in referendums on universal, general and mandatory international arbitration agreements on public relations; (e) Referendums called by the presidential in accordance with the law;

iii. Referendums proposed by 1/3 of the members of a minority party in parliament in protest of a motion made by the majority party.

(6) In cases where the preceding paragraph does not specify that compulsory voting is mandatory, it shall be determined by law whether voting is required. If voting in an election or a referendum is not mandatory, a registration system must be followed<sup>20</sup>.

(7) In national elections absentee voting shall be allowed. Any eligible voter who registers within the prescribed time limit may vote in any polling station in the country designated by himself or herself.

(8) All citizens are obliged to perform military service, to serve in

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19 See Basic Law for the Federal Republic of Germany, Article 24 [Transfer of sovereign powers – System of collective security], (1) The Federation may by a law transfer sovereign powers to international organizations.

(1a) Insofar as the Länder are competent to exercise state powers and to perform state functions, they may, with the consent of the Federal Government, transfer sovereign powers to trans-frontier institutions in neighboring regions.

(2) With a view to maintaining peace, the Federation may enter into a system of mutual collective security; in doing so it shall consent to such limitations upon its sovereign powers as will bring about and secure a lasting peace in Europe and among the nations of the world.

(3) For the settlement of disputes between states, the Federation shall accede to agreements providing for general, comprehensive and compulsory international arbitration.

20 See Chart 10, Registration Systems for Referendum in Various Nations

elections<sup>21</sup>, to fulfill democratic service, to perform social services, to serve the world as needed, and to vote and pay taxes.

- (9) All people have a duty to respect others. Every citizen must treat others as human beings and show that any person is worthy of dignity and respect<sup>22</sup>.
- (10) The people have an obligation to obey laws and regulations levied by the government; if the government is to continue enjoying powers granted by the people through voting, it must demonstrate that it is capable of protecting the people's rights to life, property and freedom.

### **Section Six (Permanent Peace 1.6 ~ Proper Voting Procedures and Free Access to Communications Channels – Global Unity)**

- (1) The state has a duty to ensure that voting procedures are just and that there are substantive elections for justice and/or referendums for substantive justice. (Editor's note: Any time money is involved in election costs, the politics is never clean)
- (2) Broadcast media are supported by public finances. All electronic media, including but not limited to radio, television, newsletters, the internet, etc., are obliged all year round to provide free and sufficient time or space for all elections, recalls, referendums, and public activities that are a part of the exercise of citizens' rights.  
  
(Editor's note: When election campaigns are free for candidates, the poor can rise up and class mobility is possible)
- (3) The top ten political parties shall all enjoy nationwide exclusive radio stations and internet channels free of charge as well as ten equal shares of television time for public interest announcements. Political parties

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21 See Chart 10, Registration Systems for Referendum in Various Nations

22 Kant made it clear that people are the end, not the means. Thus everyone must treat others as people. Kant, Li Minghui, Translator "The Foundations of Moral Education," UNCTAD Press, 1990.

that hold seats in parliament shall be given priority in distribution. Time on cable and broadcast TV will be provided free of charge at least once a week by the Human Rights Commission. In the case of local elections or referendums, all local media, radio stations, television stations, etc., shall follow the same principles.

- (4) End the role of money in elections. A total ban on money or other tangible or intangible resources, regardless of whether it comes from inside or outside the nation, intended to intervene in, distort, or unduly influence elections. Prohibit all self-initiated election activities and voting. All media, financial groups, organizations or individuals are barred from directly or indirectly affecting fair and just elections through financial, material or other types of influence. This shall include false pretenses, fake democracy, collections, differentiations, embedded advertising, etc. Any violations shall be subject to fullest prosecution under the law.
- (5) Improve the integrity of government operations. The use of political donations in elections shall be expressly forbidden. Political donations are to be used only for personal compensation or for public welfare activities. Donations in excess of statutory limits shall be considered bribery and punished accordingly to both sides who offer and accept bribes, with no statute of limitations on prosecution. Surrenders in such cases may be eligible to receive a reward of up to half the amount of the bribe involved.
- (6) Public recommendations and public duties. Any democratically elected public official who is recommended or promoted by any organization, religion, group or individual shall arbitrarily surrender any assets received from the entity involved if it is indicted by the government on charges of corruption; any person found guilty in such cases shall be jointly and severally liable, and any other individuals involved shall

have no beneficial ordines.

- (7) In case any candidate who is nominated or recommended by a political party or political group or its public servants that are implicated in charges of corruption, the recommender shall be jointly and severally liable to prosecution.
- (8) Registration for all elections shall be completed at least six months before the election. During this period, voters have the right to ask questions on public issues, and all candidates are obligated to answer. Candidates shall be given sufficient time to explain their policies and give voters time to appraise their talents and abilities. This dialogue on public issues shall be considered a part of a constitutional examination of candidates by the holders of sovereignty (the electorate). The content of such answers shall serve as a “contract for constitutional services for humankind.” The contents shall be fully protected by intellectual property rights, and all applicants indicate any sources of information or quotes. Candidates have the right to determine the number of people who accompany questioners.
- (9) After registration is completed the entire process shall be made public; the national security apparatus shall take full responsibility, and the cost of activities must be reported to the election committee in advance, expenditure is allowed only with 3/4 of all candidates capable of bearing the cost of the same activities.
- (10) Ensure political integrity. No elected public official who has served less than 3/4 of his/her current term of office shall be permitted to take part in an election for another office. With the exception of cases of force majeure, such officials may not arbitrarily give up their positions. Any official who violates this clause shall return any public funds they have received and may further be liable for breach of contract.
- (11) Voters have a contractual expectation right to vote in elections. One

year after a public official is elected, a certain number of voters may petition (§ 2.7) to make the official carry out his/her politics and/or inauguration declaration. Except in cases involving force majeure, voters may file a petition to invalidate the election in the High Court subordinated, and any trial of first instance shall be concluded within six months of filing at the latest.

- (12) Any proposal made for any person, time, place or thing must be accompanied by a financial report. Where votes are involved in policy purchases, election committees or related agencies have the right to petition for sealing of policy status.
- (13) Enforcement rules regarding procedural justice in voting and free access to public media shall be established by law.

### **Section Seven (Permanent Peace 1.7 ~ People's Right to Self-determination – Global Unity)**

- (1) State sovereignty is unconditional and belongs wholly to the people. The right to self-determination through referendum (abbreviation: referred to as referendum) is unconditional and belongs to all citizens. In the event a petition for referendum is not approved, a preliminary referendum must be held, and if more than one-half of the citizens who voted support the disapproval, the prohibition shall stand.
- (2) The right of people to self-determination is a basic requirement of the universal human rights standard (the Code of Human Rights) and is not restricted by national borders<sup>23</sup>. People have the right to self-determination at the supranational, national, sub-national and micro-

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23 The rights and obligations of all are procedural laws pertaining to absolute law. Recent developments in international law argue that if a nation engages in harmful acts of aggression or genocide, or infringes on human rights, it is considered to be in violation of the interests of the entire international community, not a single nation. In this situation, every country in the world can file a lawsuit for compensation from the injuring country. Qi Hongda, "Modern International Law," p.70.

national levels.

- i. Referendums at the supranational level shall apply to: (a) Changes in national territory; (b) Affirming the ownership of sovereignty; (c) Freely determining political status and seeking economic, social and cultural development; (d) Formulating or amending a constitution; (e) Other international rights of self-determination. Matters involving these categories must be approved in a referendum by more than 1/2 of the citizens before they can take effect.
- ii. The right to self-determination through referendums at the national level shall apply to: (a) Initiative of legislative principles; (b) Referendum of laws passed by the National Assembly; (c) Initiative, referendum or consultation of national policies; and (d) Other national disputes. Referendums in the first and second categories must attract votes from more than 1/2 of all citizens, and more than 1/2 of voters must support the proposal.
- iii. The right to self-determination through referendums at the subnational level shall apply to: (a) Initiative or referendum of the legislative principles of local organizations and autonomy at the first level (state-country-province-city); (b) Initiative, referendum or consultation of major policies for local autonomy and; (c) Other local disputes.
- iv. The self-determination right of the referendum at the micro-national level applies to: (a) Initiative or referendum of the establishment of the legislative and legislative principles of the second-tier and/or third-level (county-city-region or township-town-city) local organization and autonomy; (b) Initiative or referendum of major policies of local autonomy; (c) Other local disputes at all levels<sup>24</sup>. Matters in categories 3 and 4 must draw votes from more than 1/2 of

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24 See Chart 14 : Levels and thresholds in referendums

all citizens, and more than 1/2 of voters must support the proposal.

- (3) The right of self-determination is a necessary prerequisite to natural human rights, that is, procedural laws to establish a constitution or super-constitution. Laws or orders that prohibit or hinder people from exercising their right of self-determination shall be invalid ab initio.
- (4) Any matter involving people's rights and obligations or national sovereignty shall be reviewed and approved through referendum.
- (5) Administrative and legislature organs shall not interfere<sup>25</sup> with the exercise of citizenship rights such as elections, removals, initiatives, referendum, self-determination, etc. by citizens in addition to not proposing constitutional or constitutional amendments. Its implementation procedure is governed by the "Supranational Human Rights Action and Citizenship Exercise Committee" (Continued in § 3.4.2).
- (6) The legislature has the obligation to implement the referendum passed by the people as a specific law.
- (7) The administrative agency has the obligation to implement the referendum case passed by the people as a specific policy and execute it.

### **Section Eight (Permanent Peace 1.8 ~ People's Option –Global Unity<sup>26</sup>)**

- (1) Choose the form of life: Let the people enter the ballot to replace the resistance on the streets (continued § 1.1).

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<sup>25</sup> A constitution drafted and amended by those in power is always responsive to private interests rather than permanent peace and sustainable development. It completely usurps the power of the people, and no organ can initiate a constitutional amendment.

<sup>26</sup> As Jean-Paul Sartre once said, Man is condemned to be free, because once he is thrown into the world, he is responsible for everything he does.

- (2) Choose the referendum system: take the Swiss referendum as a model<sup>27</sup> (cont. § 1.4).
- (3) Choose a legislative system: take cabinet system and the committee system as the blueprint for improvement and innovation<sup>28</sup> (continued from § 5).
- (4) Choose the administrative system: semi-presidential system and California as the blueprint for improvement and innovation (continued § 6).
- (5) Choose the inspection system: Take the state of Maryland of the United States as a model<sup>29</sup> (cont. § 7).
- (6) Choose the judicial system: take the 50 states of the United States as the blueprint for improvement and innovation (continued from § 8).
- (7) Choose the monitoring system: take the ombudsmans and tribunes of the Nordic countries as a blueprint for improvement and innovation.
- (8) Choose a voting system: take Australia as a model<sup>30</sup> for mandatory voting and Internet liaison and voting.

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27 See Chart 4, Chart 5, Chart 6, Chart 7, Voting in Switzerland: The population is more than 8 million, per capita income is always among the highest in the world, showing that voter turnout is proportional to the strength of the national economy and the well-being of the people.

28 Permanent peace requires One World under One Set of Laws, and the laws of all nations shall be incorporated into domestic law. (§4.2~4.3).

29 See The Constitution of Maryland, 'Declaration of Rights', Article 8: Art. 8. That the Legislative, Executive and Judicial powers of Government ought to be forever separate and distinct from each other; and no person exercising the functions of one of said Departments shall assume or discharge the duties of any other. Also see Chart 8, Chart 9: Standards for Public Elections and Referendums in the state of Maryland.

The Chinese Constitution stipulates that the People's Supreme Procuratorate is independent of the People's Supreme Court and the Executive (State Council) and the Legislature (People's Congress Standing Committee)

30 Australia recognizes mandatory voting: voting is the right of the people, and at the same time it is also an obligation.



- (9) Choose all models: Paradigm shift is the most concrete and effective<sup>31</sup>, most economical and safe construction. For those who engage in exemptions from model transfer, if there is no other remedy, everyone in the world has the right to resist it, so as to ensure that the evil system will not, does not dare to, and cannot exist or arise.
- (10) Any model choice must not violate a set of rules and regulations of the Earth's permanent peace and sustainable development of mankind and the civilization process of the freedom-democracy-human rights-rule-of-laws world.

### **Section Nine (Permanent Peace 1.9 ~ Freedom and Equality - Global Unity)**

- (1) In [Taiwan], all men, women, religions, races, classes, parties, and nationalities are equal in the dignity and rights of a single set of laws on Earth.
- (2) The freedom of the person shall be guaranteed. Except where the current arrest procedure is determined by law separately, the arrest shall not be executed unless the judicial or police authorities determine the procedure according to law. The court shall not interrogate or punish the arrested unless the court determines the procedure according to law; Arrests, detentions, interrogations, and penalties must be rejected. Regardless of whether or not the person is caught red-handed or the kind of crime suspected to commit, when the people are arrested on suspicion of committing a crime, the arrest and detention institution shall inform the person and his/her designated relatives and friends of the reasons for the arrest and detention in writing, and shall transfer the suspect to the court for interrogations within 24 hours. The suspect or others may appeal to the court for arraignment to the arrest institutions within 24 hours.
- (3) The court must not refuse the aforesaid claims and must not order the arrest or detention of the authorities to investigate and reply in

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31 Chart 13: The Constitution of the Swiss Confederation, Title 4: The People and the Cantons, Chapter 2: Initiatives and Referendums

advance. The institution for arrest and detention shall not refuse or delay the court's arraignment. One who is arrested and detained by any institutions for illegal arrest may apply to the court for accountability, and the court may not refuse it. And within 24 hours, the institutions of arrest and detention shall be held accountable to according to the law<sup>32</sup>.

- (4) The people have freedom of speech, lecturing, writing and publishing; there is the freedom of secret communication and confidentiality; freedom of thought and belief; freedom of assembly and association; freedom of residence and migration; petitions and appeals Freedom; Freedom from fear and freedom from want; freedom from being traced; freedom from being enforced disappearance; the people may also enjoy all the freedoms in other nations that it has not listed above.
- (5) Where victims of enforced disappearance due to their participation in politics or all lawful activities, regardless of where the injurers come from, from the president to the head of the local government and other relevant constitutional guarantors (cont. § 3.6), shall bear all political - criminal - civil and administrative responsibilities, the parties may also request state compensation.
- (6) Where any person suffers from improper harassment such as auditing or tax inspection due to his participation in politics or all lawful activities, the victim has the right to pursue the political and legal liabilities of the perpetrator, and has the right to urgently request the court to declare the provisional state free of harassment, or appeal to the guardian (§8.2.3) for instant protection and prosecution
- (7) All other people's freedoms and rights, or the freedoms and rights guaranteed by a country recognized as a free and democratic country, and which do not prejudice public order or the public interest, are protected.

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<sup>32</sup> Constitution of the Republic of China (Taiwan), Article 8.

- (8) All rights to freedom shall not be restricted by law except for the necessity to prevent impeding the freedom of others, avoiding emergency, maintaining social order, or promoting public interests.
- (9) Construct a community of permanent peace and human destiny in the world. The laws<sup>33</sup> of fair and free civilized countries that limit the reduction of the dignity or freedom of the people are presumed to be unconstitutional and have no effect from the beginning.

### **Section Ten (Permanent Peace 1.10 ~ Responsibility of Enjoying Freedom - Global Unity)**

- (1) The constitutional order of freedom and democracy cannot be violated<sup>34</sup>. No one can use freedom to destroy freedom<sup>35</sup>, nor can state agencies infringe on any reason or in any way.
- (2) People do not have the freedom to choose to be a slave or to choose an autocratic system<sup>36</sup>. Any activity that suppresses the freedom and democracy of the people against authoritarian dictatorial regimes is presumed unconstitutional and illegal.
- (3) Freedom is based on the principle of free development that does not hinder, monopolize, omit, or jointly monopolize others. All speeches and

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33 See Hans Kelsen, *General theory of Law and State*, New Jersey: The Lawbook Exchange, 2007, Part Two: The State, VI: Nation and International Law. Wherever the drafting and enactment of laws are dictated by authoritarian parties, elections and referendums are entirely meaningless. For an autocratic party, the only purpose of elections and referenda is to conceal the fact of dictatorship and maintain control over the people.

34 See J. Y. Interpretation: No. 499.

35 General restrictions on freedom: 1 Do not interfere with the rights and freedoms of others. 2 Do not harm the ecological balance or use improperly. 3 Do not hinder social justice. 4 Do not interfere with free and democratic constitutional order.

36 See Civil Code of the Republic of China, Article 17: No one shall be permitted to waive his freedoms.

Any limitations on freedom shall not be in violation of public policy or morals.

activities that are anti-human, anti-civilized, anti-free, or anti-democratic shall not enjoy the right to freedom of speech and activity (§ 3.8).

- (4) Freedom of speech does not apply to: 1. Propaganda of war; 2. Incitement of violence; 3. Dissemination, incitement or advocacy based on ethnic, racial, gender, creed or religious hatred<sup>37</sup>.
- (5) Any abuse of freedom of speech, especially freedom of publication, freedom of speech, freedom of assembly<sup>38</sup>, freedom of association, correspondence, mail and telecommunications secrets, property rights, or asylum rights, attack the global constitutional order of freedom, democracy, human rights, fine law and governance in the global village who are subject to legal sanctions<sup>39</sup>. Deprive them of their basic rights and usurp their public rights. If organizations, groups, etc., block all their access and disband all their organizations, alternative organizations are also prohibited. The deprivation of the party organization and its scope are declared by the Constitutional Court (Continued in § 2.4).
- (6) To enjoy freedom and democracy and not exempt from the duty of loyalty to all taxpayers. Any person who violates the criminal responsibility of international law, terrorizes the enemy, and uses freedom of democracy to undermine freedom and democracy should be punished by law. Those who possess foreign nationality may be disqualified from their nationality.
- (7) People's vocation. The earth is our home. Humanity is our family. As long as there is still one person on the earth and we still live in op-

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37 See The Constitution of the Republic of South Africa, Article 16.

38 See Basic Law for the Federal Republic of Germany, Article 8 [Freedom of assembly]  
(1)All Germans shall have the right to assemble peacefully and unarmed without prior notification or permission.(2)In the case of outdoor assemblies, this right may be restricted by or pursuant to a law.

39 See Basic Law for the Federal Republic of Germany, Article 18 [Forfeiture of basic rights], This forfeiture and its extent shall be declared by the Federal Constitutional Court.

pressed authoritarian dictatorships, [ the [Taiwan]ese ] (§1.1), who are free angels, will obey the heavens and release their godliness, and free his/her vocation.

- (8) The destiny of public office. Freedom is the basis for permanent peace and sustainable development. Any public official should uphold the mission of saving a person who is not free, a destiny to save the world on behalf of the country, and a mission to build a community of human destiny.
- (9) Institutional construction: The relevant national agencies should have a world-view construction symbolizing the “Freedom” of the Holy Land.

## **Article 2 Democracy under Unity**

### **Preface**

Who is behind the internal and external blockades imposed on our nation and not leaving us a way forward? Who is usurping our human dignity and the sovereignty of our people? Who is colluding with totalitarian powers to tighten our chains and put us behind the iron gates of an authoritarian regime? Who will not let us take part in global governance? Who does not allow us to show that that we fully capable of functioning in global circles and selecting the good and capable for the public? Who is the enemy of permanent peace and development? The answer is not ‘someone else’. Rather, it is the “party”: the ruling party that is supported by the hard-earned wages of our taxpayers.

### **Therefore**

We Offer The Charter for Permanent Peace /Global Unity Constitutional Standards (Contents: Constitutional order as the source of power / Constitutional principle of distributive justice / Constitutional law to change the world / Constitutional art of war and all-inclusive strategy...)

The main point of Section Two regarding democracy and common prosperity is that human civilization has progressed to the age of global village in the present day, and the idea of global government as one nation and one family of human beings is a political entity that can and should be realized. This political entity both interprets and implements international law.

In fact, global government has simply added one administrative level above existing states. Most people would consider such international agencies as the United Nations, the International Criminal Court, the International Criminal Police Organization, the International Monetary Fund, the World Trade Organization, the World Bank, the World Health Organization, the Universal Postal Union, the International Olympic Committee, the International Hydrographic Organization and the World Conservation Union, as well as various supranational groups including the European Union, the African Union, the Organization of American States, the Union of South American Nations, and ASEAN, as prototypes for a global government.

Any solution for current international political dilemmas and peaceful development should be based on changes in domestic political systems to create a set of system of peaceful development under which the human race can function and prosper eternally under one world, making the whole world a global village linked by law and rationality. This section presents ten general and constitutional principles that has a far-reaching impact on the structure of the system. It proposes a method for combining ancient and modern rules for permanent peace and development for all nations and a model for the great ideal of a common destiny for all humankind.

The 21st century will be a watershed that determines whether the future will bring democracy or despotism, peace or the destruction of mankind, [Taiwan] is a lighthouse for human democracy and the

democratic salvation of 1.4 billion Chinese. Because the barriers with China represented by language and culture are minimal, [Taiwan] is the entity best suited to spur the CCP to accept democracy and urge China to lead the world to Global Unity. This guideline for permanent peace and a universal constitution follows various political threads through history and seeks to put an end to various nationalist conflicts experienced by humankind.

One lesson learned from history is the step-by-step process of forming a family, building a business and finally constructing a national government. If we pay attention to hardware only and ignore software, there will be blind spots and vacuums. The world's democracies should support the model offered in [Taiwan's] Charter for Permanent Peace and compare the advantages and disadvantages of various constitutions to eliminate blind spots and fill in the vacuums. This will further attract the Chinese people to bravely strive for democratization and force Russia to adopt democracy as well, eventually leading to liberation of the people still suffering under 50 authoritarian regimes. This will quell civil unrest and end the threat of destructive and unpredictable nuclear war.

Accelerating the civilization of [Taiwan] into the next century through The Charter for Permanent Peace is not an unattainable dream; rather, it's a realizable legal ideal. The people of [Taiwan] and more than half of the world's population suffering under despots have nothing to lose but their chains and iron curtains. With no other sacrifices, they can carry out the unfulfilled ambition of the UN — true democracy for all humankind.

## **Implementation**

### **Section One (Permanent Peace 2.1 ~ Democracy under Global Unity<sup>40</sup>)**

(1) Democracy will enrich the world. Promoting global democracy, creating

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40 The 2015 edition of the Democracy Index listed 20 fully democracies around the globe, representing some 8.9% of the total world population.

constitutional standards, improving resource allocation, and advancing world peace - the most sacred rights of the people - are every nation's most urgent obligations.

- (2) Use democracy to build nations. Build [Taiwan] into a democratic holy land for politics, economy, society, culture, peace and development. The people will serve as angels for democracy. And democracy as the principles of state-building is permanent.
- (3) Democracy and diplomacy. The state should consider democracy the greatest prerogative in handling all international relations.
- (4) Democratic constitutions. The real purpose of democracy is to properly allocate wealth. Developing a model for "Great Democracy" in global operations is a basic obligation for the nation.
- (5) Democracy and permanent peace are the two foundations that underlie all provisions of the constitution. They are also the two general principles that runs through the idea of One World under One Set of Laws (peace and pluralism).

[Editor's note: "The Charter for Permanent Peace / Global Unity Constitution" shall serve as a prototype for a global legal system.

### **Section Two (Permanent Peace 2.2 ~ Ensuring that under Universal Democracy, Freedoms Enjoyed by Any Nation Will Never Lag behind Those of Other Nations under Global Unity)**

- (1) Ensuring that under universal democracy the freedoms enjoyed by one nation will never lag behind those of other countries is the obligation of all state organs and public officials.
- (2) All international laws that are conducive to the protection of democracy shall be incorporated into domestic law and be given precedence over domestic laws and constitutions, with direct bearing on the rights and obligations of the people of [Taiwan].



(3) All laws of all nations that are conducive to the protection of democracy shall be incorporated into the constitution and laws of every nation. The people have the right to compare them as references and make real use of them as seen fit, and the state shall not overrule them without due process.

(4) The design of the structure of national legislative, executive, judicial and procuratorial branches shall include mechanisms that have no common shortcomings and will contribute to advantages through innovation (§ 5 to § 8) in order to attract the oppressed peoples of the world to bravely follow their lead in pursuing the eternal dream of permanent peace.

(Editor's note: This is not simply idealism; it represents the highest standards of political morality.)

### **Section Three (Permanent Peace 2.3 ~ Drafting and Amending the Constitution is the Exclusive Right of the People under Global Unity)**

(1) Sovereignty fully and unconditionally belongs to the people of a nation. The right to draft and amend a constitution<sup>41</sup> belongs only to the people<sup>42</sup>. The state, its organs and civil servants cannot interfere with, deprive or limit this right.

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41 American political scientist Gene Sharp has pointed out that the principle of implementing democratic constitutionalism with the participation of all citizens in the formulation is an important way to prevent the recurrence of authoritarianism and help plant the roots of a democratic constitutional government. Taiwan scholar Ruan Duqing notes that constitution-making is a political act and belongs to the dimension of supra-statutory law, which is not governed by existing constitutions.

42 There is no law in constitution-making in the world; the only approach is to find relevant laws which fit the issues. The general will of the citizens, which is beyond constitution, is the foundation of establishing a nation and the constitutional government. Therefore, it shall not be bounded by the laws of the state. When the citizens choose to follow fair democratic principles, or the referendum law of a fully democratic country, or the procedural provisions of the Constitutional referendum law in this charter to demonstrate its constitutional will, the decision shall be considered "permitted" rather than "applicable."

- (2) Application of the principals<sup>43</sup> involved in drafting a constitution shall be permitted under the principles of fair democracy, in accordance with the referendum laws of a fully democratic country, or under the referendum law explained in this charter (§ 1.4).
- (3) [Taiwan] is the forerunner of the realization of global governance by the United Nations and a political entity suitable to demonstrate the idea of common co-governing and sharing in the global village. Constitutional amendments must not violate the purposes of the United Nations.
- (4) Any amendments to a constitution<sup>44</sup> must be approved by the people in a proposed referendum. A draft shall be submitted to two consecutive congressional sessions and two-thirds or more of all lawmakers in each session must support the draft before it is submitted to a referendum. 1/2 or more of the total votes cast by citizens must support the draft for it to pass (§1.7). In any referendum on a constitutional amendment, voting shall be compulsory for all eligible voters.
- (5) The following terms may not be modified<sup>45</sup>: §1.1, .2, .3, .5, .6, 7, §2.1, .2, .3, §2.1, .2, .3, §3.1, .2, .3, 4, .5, §4.1, .3, .4, .9, §5.1, .3, §6.1, .4, §7.1, .3, .4, .8, .10, §8.1, .3, .4.

#### **Section Four (Permanent Peace 2.4 ~ Heads of State Shall Not be Limited by Nationality under Global Unity)**

- (1) Any citizen 25 years old or above has the right to be elected village/neighborhood or township representative; those 30 or older have the right to be elected town mayor or city/county council member; those 40

43 Those who hold power are the ones who love dallying with constitutional amendments the most. History has repeatedly shown that when constitutional amendments are handled by those in power the rights of the people are invariably abused.

44 See Article 79 of the German Constitution. Anything that affects the federal system, collective participation in legislation by länder or the basic principles of Articles 1 and 20 cannot be held.

45 Kant's Permanent Peace Section 3: The Law of World Citizenship shall be limited to conditions of universal hospitality.

or older are eligible for election as county mayor or mayor or members of Parliament; anyone 45 or older can be appointed Prime Minister; and anyone 50 years old and above can run for president.

- (2) Ensure permanent peace and development and lead the way to global democracy and unity. With the exception of elected representatives, all elected heads including village/neighborhood and town mayors, county mayors, mayors, presidents, etc., shall not be limited by nationality. Any citizen of a fully democratic country can come to [Taiwan] and be a candidate in elections, ensuring the public can choose from among the most virtuous and capable the world has to offer<sup>46</sup> ( § 6.3, § 6.5).
- (3) The elected head of the state shall serve one term of five years. Within six years after he/she completes this term of office, he/she and close relatives shall not be allowed to run for office. During this period, the amounts of salary and benefits shall not change<sup>47</sup>.
- (4) When there is only one candidate for president, if the number of votes won is less than one third of the total number of eligible voter<sup>48</sup>s, and no other candidate receives more than one quarter at other local levels, the election shall be declared null and void and a new election shall be held.
- (5) Any foreigner elected president shall be *mutatis mutandis* considered the European Commissioner. The Oath of Office shall include a pledge that they will be independent of their original country (motherland), and perform all duties loyally in accordance with the Constitution and the law. (§ 3.6: Constitutional Guarantors).

46 High salary nourishes honesty never changes. Good pay and sensible lifestyles leads people to the value and dignity of life; adequate food and clothing comes before honor or disgrace.

47 The Korean Constitution, § 67.3: “When there is only one candidate for president, and the number of votes cast in favor of the candidate is less than one-third of the total number of voters, the election shall not be considered valid.” Chinese-English version of the Omnibus of World Constitutions, editor, Huang Qian-ming.

48 Refer to §21.2 of the German Basic Law.

- (6) There shall be no dual nationality except as provided for in this constitution. All members of a country or organization that rejects One World under One Set of Laws shall not be allowed to participate in politics or hold public office in [Taiwan], and concealing of their nationalities or permanent residence permits shall be punished by law and shall not be subject to statute of limitations.
- (7) Any foreign candidate who runs for office shall provide proof that he/she is a citizen of a country that is completely free and democratic and does not exclude One World under One Set of Laws and that he/she has held that nationality for at least 30 years; if there are multiple nationalities, any nationality must fit the definition of a completely free and democratic country.
- (8) Acceptance of global unity shall be affective to recruit talents, and remuneration shall be sufficient to maintain integrity. All elites from around the world may come to [Taiwan] to run for public office and serve the electorate, and they shall be treated and granted no less than the salary and honors of the same position elsewhere in the world.
- (9) Any native citizen running for head of any level of government shall compete against the elite of the world to show that [Taiwan] is in the ranks of the world's elite. All candidates shall be qualified for international competitiveness and reserved as talents for future globalization.
- (10) The dates and titles of winners in elections for the heads of democratic states should be announced every month around the world to show that every elected leader is an elite who meets the latest world standards.

**Section Five (Permanent Peace 2.5 ~ Open Democratic Parties under Global Unity)**

- (1) The purposes and activities of any organization must be consonant with international standards such as 'nature, justice, fairness' and 'liberty,

democracy, and human rights’; they must also meet the requirements for permanent peace, sustainable development and One World under One Set of Laws. The requirements for permanent peace and sustainable development shall include all relevant laws and regulations; and any action aimed at hindering these requirements shall be deemed a violation of the constitution. Whether it is unconstitutional shall be decided by Constitutional Court.

- (2) Participation in political parties is an essential part of the formation of citizens’ political views. Complete freedom shall be allowed in forming political parties. A party’s internal organization must be compatible with the principles inherent in democracy. Unless otherwise stipulated in the constitution, political parties are prohibited from involvement in investment and profit-making operations or businesses in the media industry.
- (3) Political parties and members are not allowed to accept foreign funds. Political parties should publicly explain the sources and uses of all funds and property and shall be subject to audit by an impartial authority in accordance with the law.
- (4) No organization may covertly form any secret association. Political parties of a secret quality or secretly affiliated organizations shall be prohibited, and any individuals responsible shall be held legally accountable.
- (5) Political parties must not plan or engage in activities on behalf of state agencies or local government organs, the armed forces, state-owned enterprises or educational institutions.
- (6) Political parties from democratic states are free to participate in the development of cultural projects. Any political party that has party members holding seats in the Parliament of a fully democratic country may set up a branch in [Taiwan] to publicize their ideas, receive political

party subsidies in accordance with the law, nominate candidates in elections in [Taiwan] in accordance with the law, and act as a guarantor of the constitution according to its rules and regulations (§ 3.7).

- (7) Foreign political parties with registered branches in [Taiwan] are equally entitled to free access to time and space in radio and television programs as well as internet platforms in accordance with the law and the regulations of their own political systems. Any elected representative from another country is eligible for free time and space in this nation's media to promote freedom, democracy, human rights, and the concept of the rule of law.
- (8) Political parties should completely remove all traces of corruption and should fully and unconditionally pledge loyalty to all taxpayers. Foreign political parties or party members shall not be exempt from obligations to domestic taxpayers.
- (9) The license of any political party or association whose purpose or activity is prohibited by criminal law, or who violates the basic principles of the order of liberty and democracy, or international law and the UN Charter, or intends to endanger the survival of democratic [Taiwan] or violate the idea of international understanding, shall be revoked, and the scope of further sanctions shall be determined by the Supranational Constitutional Court.
- (10) Political parties have the rights and obligations of monitoring, checking and balancing, prosecuting other parties in regard to violations of the constitution and the law, and may directly exercise their rights in the Constitutional Court. Regulations regarding political parties shall be codified as laws.

## **Section Six (Permanent Peace 2.6 ~ Global Participation in National Legislation Global Unity)**

- (1) To develop a universal system of democracy and laws, revise the

structure of international relations, deepen global democracy and put common laws into effect globally<sup>49</sup>, any member of a foreign legislature, whether friend or foe, has the right to represent his/her own legislative body<sup>50</sup> in our nation's legislation process. On matters that are of interest to their home country, he or she shall have the right to vote. Other rights and obligations shall be the same as for local representatives. [§5]

- (2) In addition to representatives from other nations allowed under the previous paragraph to participate in legislation in [Taiwan's] legislative body, members of the national legislature of other nations shall be entitled to attend the national legislature randomly, with the right to speak but not to vote.
- (3) The above-mentioned members of other national legislatures shall have the right to give speeches in their native languages in our national legislature, and at least one representative of the permanent and ad hoc committees of the national legislature shall also participate. Regardless of whether they come to [Taiwan] for a meeting or speech, they should be compensated at a rate comparable to their own attendance fees.
- (4) All members of the local legislation bodies of fully democratic countries are allowed to give speeches in their local language in local legislation bodies as is customary. Members of local councils at all levels in other nations may attend or give speeches at comparative levels of local councils.

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49 Promote cooperation among various nations' lawmakers to strengthen the system of representation and promote international peace and cooperation. Review issues of interest in both local and the international community, and precipitate the actions of national legislatures to lead the world closer to unity.

50 A single-chamber legislature nation may appoint one person, while a nation with one legislature made up of two chambers may appoint two persons to serve as representatives in the National Assembly of Taiwan.

- (5) Implementation procedures of global participation in national legislation shall be codified as law.

**Section Seven (Permanent Peace 2.7 ~ World Citizens' Right to Participate, Petition, Appeal, and Right of Instituting Legal Proceedings under Global Unity)**

- (1) [Taiwan] shall practice global citizen participation in world democracy, including participation in government administration. Citizens of fully democratic countries shall have the right to participate in public affairs at all levels and shall enjoy all citizenship rights at local levels.
- (2) In the face of global and potentially dynamic changes, global citizens may connect with citizens of other countries through the internet in various ministries or parliamentary platforms in [Taiwan] to establish collective decision-making capabilities and lead the world into the future.
- (3) The scope of this clause is not limited by nationality or hierarchy, and media access shall be free of charge according to law. If within 100 days more than 10 citizens sign a petition, a village/neighborhood representative must respond; a town mayor must respond to a petition signed by more than 100 citizens; a county mayor or mayor must respond to petitions signed by more than 1,000 citizens; a city mayor must respond to petition signed by more than 10,000 citizens; and the head of a government branch must respond to petitions signed by more than 100,000 citizens<sup>51</sup>. On matters pertaining to legislation, the President or Prime Minister must respond and discuss the question with relevant lawmakers. If it is a judicial or procuratorial matter, the procedure should be the same mutatis mutandis. If more than 1 million

<sup>51</sup> The UK House of Commons established the Petitions Committee on June 17, 2015, and on July 20 of the same year, an electronic petition website ([petition.parliament.uk](http://petition.parliament.uk)) was set up to allow British citizens or residents to follow national issues. Parliament has stipulated that the government must respond to E-petitions signed by more than 10,000 citizens, and petitions signed by more than 100,000 must be debated in Parliament. Similar criteria apply in the US.



global citizens sign a petition the state shall have no right to interfere and a referendum shall be held. Failure to receive a reasonable response to the aforementioned petition shall be considered a constitutional violation, and the petition may be converted into a lawsuit.

- (4) No one may process two or more different petitions, appeals or referendum proposals at the same level within 60 days. Any communication related to this clause shall be accompanied by a digital file.
- (5) The general principles of ensuring that citizens of the world will participate in politics, decision-making, law-making or petitions, appeals and instituting legal proceedings shall be determined by law.

### **Section Eight (Permanent Peace 2.8 ~ Global Agreement and Reviews on Constitutional and Unconstitutional Issues under Global Unity)**

- (1) Lead the way to uniform laws. To build a single legal system for the whole world, we will confirm and guarantee that constitutional equivalence shall reach more than 99% through global agreements<sup>52</sup>. (§ 4.2, § 4.3).
- (2) Lead the world to develop constitutional standards and safeguards of human rights standards throughout the world: Global and national courts shall have universal jurisdiction and review rights regarding constitutional violations (§ 7.3 Constitutional Court).
- (3) Respect the values of the Charter for Permanent Peace and provide [Taiwan] the solution to solve problems and provide hope that the world will carry out a paradigm shift. This will allow the world to recognize [Taiwan] and realize that the world needs [Taiwan]-a model for democracy and a common law system for the whole world.

### **Section Nine (Permanent Peace 2.9 ~ Democratic Responsibilities under Global Unity)**

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<sup>52</sup> Classes of constitutions: classic constitutions, civil constitutions, and provisional constitutions. Amplifying this charter as a provisional global agreement will ensure our rights to be protected internationally through the law and our rights fit in line with international standards.

- (1) Democratic constitutional order must be inviolable<sup>53</sup>. Any person who abuses democracy to attack the basic order of democracy shall be deprived of all basic rights and be sanctioned to the full extent of the law. Any media outlet which attacks democracy shall be ordered to suspend business and lose their right to access communications channels, and those who operate radio channels shall lose their broadcast licenses.
- (2) The people’s mission. The earth is our home, and humanity is our family. As long as there is still one person on the earth who lives under an oppressive authoritarian regime, the [Taiwanese] as angels of democracy have a duty to liberate him/her from their shackles.
- (3) Public officials’ mission. Democracy is the foundation of permanent peace and sustainable development. All public officials shall adhere to the duty of rescuing any person who is a slave under an authoritarian regime as representing the state to save the world and to build a common destiny<sup>54</sup> for all humankind.
- (4) The state’s responsibility: Regardless of nationality, any person who makes a democratic contribution to the common destiny of humankind shall be honored and compensated by the state. Regardless of whether the deed involved takes place inside or outside the state, all rewards shall be exempt from taxation and tax credits.
- (5) Institutional structure: All relevant state agencies shall maintain a worldview commensurate with “democratic” holy lands.

## **Section Ten (Permanent Peace 2.10 ~ Legislation to Promote Global Democracy under Global Unity)**

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53 Democratic constitutions all incorporate self-defense mechanisms. The only cure for recognized imperfections in a democracy is more democracy.

54 The term “building a human community with shared destiny” as used here refers to the concept presented by China and adopted by the UN General Assembly on March 11, 2017.

- (1) Global democratization is the foundation of world peace. There are only two paths to the future for humanity: peace and destruction (see: Introduction). Peace is the truth; permanent peace is eternal truth; and the Charter for Permanent Peace is the path toward eternal truth. To this end, the state should provide a budget to promote global democracy and provide a universal constitution to end domestic unrest and external problem against the government and eliminate the threat of nuclear warfare.
- (2) The state shall review the position of the US based on the [Taiwan] Relations Act. It should separately formulate laws regarding relations with recognized fully-democratic countries and confirm that their domestic laws shall have direct bearing in [Taiwan] (§4.4). Citizens of said countries shall have the right to run for election for leaders at all levels of government in [Taiwan], and their people shall directly enjoy all rights and legal protections afforded [Taiwan] citizens as part of rational exchanges under permanent peace. [See - List of Democracy Index]
- (3) Countries offering something short of complete democracy shall also be covered by relationship laws according to the general constitutional principles of the Charter for Permanent Peace. This shall include confirmation that their domestic laws will have direct bearing in [Taiwan], as a model for global permanent peace systems for all humankind. --- The One World (Multi-source and Common) Act.
- (4) The relationship laws for the 249 major political entities in the world (including UN members and non-controversial regions) should include provisions for: 1. Promoting permanent peace and development in the world; 2. Unconditionally helping target countries to solve their underlying problems; 3. Taking into consideration the interests of other nations; and 4. Improving friendship between the peoples on both sides. Said target countries shall include not only hostile and potentially hostile states but allies as well.

(5) The national legislature shall establish and maintain an up-to-date global database of laws and regulations, including this relationship law and supporting laws, for non-governmental international organizations to use in diagnosing fundamental problems and solutions for any political entity. (See - The Permanent Peace and Development Association's 100,000 solutions for various national issues, accumulated over a span of more than ten years.)

## **Article 3 Human Rights under Unity**

### **Preface**

We begin by asking: Who is depriving us of our human dignity? Who is kidnapping our national sovereignty? Who is suppressing our window on the world? Who is the enemy of our human rights and peaceful development? The answer is not someone else. It is rather our "own self"<sup>55</sup> in the form of the party government supported by the hard-earned dollars of taxpayers. Secondly, it must be noted that peace is not judged by whether or not we are in a state of war; it must be understood from the perspective of human rights. Finally, we must declare that peace will only be achieved under the premise of ensured human rights, and there are universal constitutional standards to guarantee human rights standards.

### **Therefore,**

The Charter for Permanent Peace / Global Unity Constitutional Standards (contents: Constitutional Standards for Ensuring Human Rights Standards/Constitutional Principles for the Allocation of Justice/Constitutional Order For the Development of National Power/Constitutional Law with Comprehensive Strategy...) The main purpose of

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<sup>55</sup> According to classical liberalism, which of the following is/are the enemies of human rights? (A) military; (B) enterprise; (C) religion; (D) government. Answer: D (Political Science - 2011 Civil Service Special Examination for the Disabled (fourth grade)).

Article 3 is to try to establish a set of universal standards and conditions. The standard terms of human rights are included in the Charter together with all human rights protections in the world (see §3.2), in order to form a “living law” (living constitution) rather than simply compiling the usual list of human rights — a waste of money , time and effort that does not help keep up with the times. An incomplete constitution, or outdated and rigid construction, also undermines its effectiveness and undignifies the constitution.

With regard to the arrangement of this charter and the need for countless revisions in the face of changing times, the universal core values and state core organizations are covered in eight sections. Each item, section, and title of the charter can be filled in accordance with the needs of the times. This will not affect the strictness and elegance of the overall rankings, and can be clearly quoted, just as there are only seven articles in the original US constitution, and no changes have been made in the body of the document in more than two hundred years of existence. During that period, some 27 amendments have been made to the Bill of Rights, none of which has affected the protections offered for the rights of the American people. .

We also recognize that constitutions generally stipulate the rights of the people and restrictions on the government. The most important thing is the reference in the section on the executive branch to human rights and common law: the “Supranational Committee for Human Rights Actions and Citizenship Exercise”; half of the members of this committee must be of different nationalities. Human rights agencies recognized by the world have developed complete and comprehensive standards for permanent peace and human rights, and the ideal of the community for human destiny has taken root in [Taiwan]. For this reason, the people of [Taiwan] and the more than half of the world’s population suffering under despots, including people in the

50 countries<sup>56</sup> where freedom remains shackled, have nothing to lose but their chains and iron curtains. They will lose nothing while winning world-wide human rights protection and lasting prosperity under a world capital.

## **Implementation**

### **Section One (Permanent Peace 3.1 ~ Human Rights under Global Unity)**

- (1) Human rights are a global issue. Ensuring universal human rights, enacting world constitutional standards, improving the distribution of resources and promoting permanent peace in the world are the most sacred rights of the people – one of the three urgent obligation of the country.
- (2) Human rights help build a nation. [Taiwan] shall serve as a sanctuary for developing political, economic, social, cultural, peace-related and human rights-oriented policies, with every person acting as an angel for human rights – the immutable and solid principles in building a country.
- (3) Equality of human rights. All men and women, religions, ethnic groups, classes, parties and nationalities are equal in the dignity and rights of One World under One Set of Laws.
- (4) Human rights diplomacy. The state should use universal human rights as a prerequisite in dealing with all international relations.
- (5) Constitutions and human rights. The real aim of a constitution is human rights. Constitutional standards serve to guarantee human rights standards. Demonstrating human rights in global operations is a basic obligation of all nations.
- (6) Human rights, universal peace and permanent peace are the three basic principles that run through all the provisions of the constitution, and they are also the three general principles that run through One World

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56 “Democracy Index” is an index compiled by the UK-based company the Economist Intelligence Unit (EIU) that intends to measure the state of democracy in 167 countries, of which 166 are sovereign states and 165 are UN member states.

under One Set of Laws.

[Note: «The Charter for Permanent Peace / Global Unity Constitution “ is an embryonic model for world law (§ 4).

**Section Two (Permanent Peace 3.2 ~ Human Rights in Any Nation are Guaranteed Not to Lag behind Those of Other Countries -Global Unity)**

- (1) Human rights are God-given and are not to be abalienated<sup>57</sup>. We hereby confirm that human rights are the foundation of all human society, world peace and justice, and they are not to be violated or surrendered.
- (2) Human rights and global unity. We declare that the intention in the Universal Declaration of Human Rights, in the International Covenant on Human Rights, and the recognition of everyone’s right to enjoy all the rights and freedoms set forth in these instruments are not different in any way. Therefore, assurance that human rights of all citizens will not lag behind those of other countries is a basic obligation of every government.
- (3) All international laws that are conducive to the protection of human rights shall be incorporated into domestic law. They shall be given priority over domestic laws (constitutions) and have direct bearing on the rights and duties of the people of [Taiwan].
- (4) All the laws of any nation that are conducive to the protection of human rights shall be incorporated into the constitution and laws of every country, and the people have the right to access the materials and use them for reference. No state agency shall attempt to invalidate such laws without due process.
- (5) The State is obligated to abide by the universal human rights norms of

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57 Human rights are God-given and are non-transferable, indivisible, and inviolable. However, state powers are given by the people and must be separated. The legislative-administrative-judicial-prosecution elected by the people is the initial point of decentralization.

the UN Nations. It shall actively invite annual reviews by the UN Human Rights Commission, carry out any suggested corrections, and punish any authorities and public employees guilty of dereliction of duty.

**Section Three (Permanent Peace 3.3 ~ Human Rights Issues are an Globally Internal Matter — Human Rights shall be Accorded Priority over the Sovereignty of Any Regime)**

- (1) Based on the natural human rights principles inherent in natural law, the people of [Taiwan] recognize that natural human rights are superior to human rights, and human rights rank higher than the sovereignty of any regime.
- (2) We recognize the rights and duties enjoyed by individuals in accordance with the Universal Declaration of Human Rights<sup>58</sup>, the Convention on Rights and the UN Charter, all of which take priority over the legislative, administrative, and judicial systems in which they operate<sup>59</sup>.
- (3) The main purpose of all constitutions is to protect human rights. The core value of a constitutional government is that sovereignty lies in the hands of the people. Thus human rights are naturally superior to the sovereignty of any government.
- (4) According to the Declaration of the Organization for Security and

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58 The United Nations General Assembly in Paris on 10 December 1948 (General Assembly resolution 217 A) : THE GENERAL ASSEMBLY proclaims THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

59 See John R. Vincent, 'Modernity and Universal Human Rights' in Anthony McGrew and Paul Lewis(eds) Global Politics, Cambridge, Polity Press, 1992, pp.269-292.



Cooperation in Europe<sup>60</sup>, human rights are not an internal matter of any single nation, but rather a common internal concern for all nations.

- (5) In the Vienna Convention on the Law of Treaties (§ 27) as presently written, parties may not invoke provisions of their domestic laws to justify failure to enforce the treaty. According to the Universal Declaration of Human Rights (§2), every person has the right to enjoy all the rights and freedoms set forth in this Declaration. They cannot be undifferentiated by the political, administrative or international status of a country or region having jurisdiction over a person, regardless of the region's degree of independence, management or autonomy, or restrictions imposed by sovereignty. This confirms the principle that human rights are a common internal concern for all nations.
- (6) All laws, legal sources and legal barriers which contract the ideals followed in domestic law and this article shall be considered invalid ab initio.

#### **Section Four (Permanent Peace 3.4 ~ Public Officials are Guarantors of the Constitution - Global Unity)**

- (1) Constitutions serve to safeguard human rights in free and democratic societies. Every public official must take an oath to defend the democratic constitution and the democratic order it outlines.
- (2) The president is the ultimate guarantor of the constitution to ensure that its provisions are all observed, public powers are functioning normally,

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60 OSCE, Helsinki Summit Declaration (1992), ...8. We emphasize that the commitments undertaken in the field of the human dimension of the CSCE are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned. The protection and promotion of the human rights and fundamental freedoms and the strengthening of democratic institutions continue to be a vital basis for our comprehensive security.

and national powers are being promoted and sustained<sup>61</sup>. Further, the prime minister, ministers and other public officials are all guarantors according to their rights and responsibilities. The greater an official's power, the greater the scope of his/her joint responsibility. Where power lies, there also lies responsibility for guaranteeing the constitution in accordance with corresponding powers and responsibilities.

- (3) The head of the Judicial Branch of government is the ultimate guarantor of constitutional justice, and the judges in the highest courts at all levels shall be responsible for guaranteeing the constitutionality of verdicts and judgments.
- (4) The head of the Procuratorial Branch is the guarantor in final reviews of the constitution. Similarly, prosecutors at all levels shall bear responsibility for ensuring constitutional provisions in cases they handle.
- (5) The national legislature and local councils shall be responsible for seeing that constitutional guidelines are followed in all legislation.
- (6) Public organs as where civil servants serve the public and solve their problems, the heads of decision-making organs act as guarantors of the constitution according to their statutory powers and relative influence.

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61 See Chien ming, Huang edit., *Encyclopedia of World Constitutions*, Taipei: Permanent Peace Partnership, "The Constitution of the French Republic", Art.5: The President of the Republic,... He shall be the guarantor of national independence, territorial integrity and due respect for Treaties. "The Constitution of the Grand Duchy of Luxembourg", Art.33, "The Constitution of the Republic of Burundi", Art.95, Art.209-221, "The Constitution of the Republic of Benin", Art.41, Art.127, "The Constitution of the Republic of Côte d'Ivoire", Art.34, "The Constitution of the Republic of Cameroon", Art.5, Etc. also have the same or similar provisions. Then, "Constitution of the People's Republic of China", 'Preamble': "The people of all nationalities, all State organs, the armed forces, all political parties and public organizations and all enterprises and institutions in the country must take the Constitution as the basic standard of conduct, and they have the duty to uphold the dignity of the Constitution and ensure its implementation." is different, Scholars said Constitution of the People's Republic of China is "Language play constitution"

Whether a case involves a legal entity or a natural person, the ultimate decision-maker serves as the ultimate guarantor.

- (7) Regardless of the length of time a public official has been in office, and regardless of whether the office offers remuneration or not, the level of the position, or whether the official functions independently or as part of a group, the official's duties are limited to public functions and public services, and all employees in government agencies, public enterprises and public fund-raising enterprises who work with said official, and are not serving compulsory public service, also serve as guarantors of the constitution.
- (8) Constitutional guarantor shall not be exempted from liability for constitutional guarantee liability by dismissal, resignation, expiration of term of office, or retirement at the end of a term. Any violations of the duties of a constitutional guarantor toward the constitution shall be subject to legal sanction. Their immediate supervisors shall be jointly and severally liable for any violation of the constitution, and there shall be no statute of limitations whatever.
- (9) Constitutional guarantors have the right to disregard illegal directives. If an immediate supervisor asks a public official to conceal his/her identity and infiltrate a group of protesters, they have every right to refuse; but if they agree and actually participate in the act, both the public official and all direct supervisors shall be accused of preparatory crime and punished in accordance with laws regarding Offenses Against the Internal Security of the State; if they incite mass insurrection, they and their superiors at all levels shall be prosecuted and punished in accordance with laws regarding Offenses Against the Internal Security of the State.
- (10) When any public officer takes office, he/she shall swear allegiance to the taxpayer. Either during the term of office or leaving, anyone

found to have betrayed the duties of the office, political opinion or the oath of office shall be punished by law, including even the current president. Offenders shall not enjoy criminal immunity and all powers shall be automatically terminated, and all income and benefits shall be recovered.

- (11) The State shall formulate a system to review the actions of constitutional guarantors as well as an exit mechanism for the office. Except as otherwise provided for by the Constitution, compensations and benefits accorded public officials shall end within three years after leaving office; special cases involving specific public officials shall be determined by law.
- (12) All items in the Constitution are the responsibility of public officials. The state's citizens has the right to supervise the government forthwith, and verify the result by the Constitutional guarantors in accordance with the constitution<sup>62</sup>.
- (13) Any constitutional guarantor shall have substantive investigative powers based on the extent of his/her responsibilities, but only in the prescribed scope, and unlimited power expansion or improper involvement is banned. The right of public opinion organs to carry out investigations through collegiate system shall be in accordance with the law.
- (14) Any constitutional guarantor who directly or indirectly invests in public or private enterprises outside taxpayers' jurisdiction shall be deposed as a guarantor of the constitution and shall not be eligible to serve in any other public position with pay or not.

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62 See Chien ming, Huang edit., Encyclopedia of World Constitutions, "The Constitution of the Socialist Republic of Vietnam", Art. 8.2: All state agencies, cadres, officials and employees must show respect for the People, devotedly serve the People, maintain close contact with the People, listen to their opinions and submit to their supervision; resolutely struggle against corruption, wastefulness and all manifestations of bureaucracy, arrogance and authoritarianism.

- (15) Constitutional guarantors are pledged to implement the basic constitutional standards: to guarantee that the four universal values of freedom, democracy, human rights and rule of law are not to lag behind those enjoyed in other nations; and to ensure that the heads of the four main branches are chosen in democratic elections. The above obligations of constitutional guarantors are not subject to change or exemption. If any one of these duties suffers it shall be regarded as total destruction. If there is no other way to provide relief, everyone worldwide has the right to resist and refuse to cooperate<sup>63</sup>.
- (16) The above-mentioned regulations regarding constitutional guarantors shall be prescribed by law.

### **Section Five (Permanent Peace 3.5 ~ The Supranational Committee for Human Rights -Global Unity)**

- (1) [Taiwan] shall set up a Supranational Committee for Human Rights and the Exercise of Citizenship Rights (referred to as the Human Rights Committee). The Human Rights Committee shall be in charge of final appointment and removals of members of the National Communications Commission; supervision of human rights in practice; the right of review in any lawsuit; the right to investigate duties; the right of appeal; the right of elections, removals, and the right of citizens to self-determination; decisions on elections, referendum disputes, and announcements of voting results.
- (2) The president shall function as chairman of the Human Rights Committee. Five officials — the Prime Minister, , the head of the Judicial Branch, the head of the Procuratorial Branch, the convener of the National Legislature, and the Chief Judge of the Supreme Court — shall serve as ex-officio members. Another five members of various nationalities shall be chosen from among individuals recommended by recognized international human rights organizations. Former presidents

63 The natural obligation clause is called “The Eight Natural Provisions” by the people.

shall be statutory life members of the Human Rights Committee and not subject to quotas on membership in the Organization.

- (3) The Human Rights Commission will set up a “Human Rights Monitoring Agency” to introduce impeachment measures against unscrupulous constitutional guarantors in the National Legislature or local councils.
- (4) The Human Rights Committee shall present a human rights report to the world each year.
- (5) The organization of the Supranational Committee for Human Rights and the Exercise of Citizenship Rights shall be prescribed by law.

### **Section Six (Permanent Peace 3.6 ~ Human Security - Global Unity)**

- (1) Ensuring human security in accordance with the UN Charter is a basic obligation of all constitutional guarantors. This shall include:
  - i. Economic Security: Freedom from poverty and deprivation, including unemployment, hazardous work, poor human factor engineering, unequal income and/or resources, poverty and lack of housing.
  - ii. Food Safety: Ensure the quantity and quality of food, regardless of levels of basic income.
  - iii. Health and Safety: Free from disease and pollution of water, land and air).
  - iv. Environmental Safety: Free from pollution caused by science and technology processes or products, power generation and the destruction of forests.
  - v. Personal Safety: Protection against lynching, war, violence, conflict, poverty, drug-related crimes, violence against women and children and terrorism, and assurance of personal data and privacy.
  - vi. Transportation Safety: roads, land transport, maritime transport, air transport, internet, postal services, information, etc.

- vii. Community safety: families, ethnic groups, communities, and culture shall be free of unequal treatment.
  - viii. Recreational Safety: Ensuring the safety and development of birth, child care, education, sports, music, arts, amusement parks, zoos, botanical gardens, and parks are all the responsibility of the state.
  - ix. Political Security: Freedom from ideological persecution and human rights violations, guarantees of citizens' rights and democratic principles.
  - x. Financial Security: The national government shall set up a committee which is independent from the systems and structures to monitor and manage financial issues. Membership shall be limited to legal and mathematics experts, and government financial officials are expressly prohibited.
- (2) Everyone is responsible for the well-being of the earth. To safeguard all common human problems such as the global environment, climate, air and water resources, and nuclear pollution, citizens of the earth have the right and are all fully responsible for taking care the world around us.
- (3) Doctors or judges whose judgments affect the rights of life, liberty, dignity, and the pursuit of happiness of citizens must not make decisions based solely on their personal beliefs. Their opinions should be reviewed by others who meet the same qualifications, and all should be jointly accountable for resulting decisions.
- (4) The state shall strive to develop a “prediction mechanism” in cooperation with various industries and technologies. In particular, hospitals and courts that made decisions and take actions<sup>64</sup> that affect human lives should be given priority to the development and implementation of such practices (§7.7.6).

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64 IBM supercomputer can diagnose lung cancer by analyzing data such as MRI scans, and the results are even more accurate than doctors.

- (5) The State shall ensure environmental safety and the health of humans, animals and plants, and protect the ecological environment in accordance with “precautionary principles” espoused in international conventions (aka “precautionary approach (inversion of responsibility of proof).
- (6) Specialists in all occupations involving responsibility to the public, including physicians, pharmacists, judges, prosecutors, lawyers, accountants, pilots, engineers, etc., shall receive regular training before being allowed to continue their practice.

**Section Seven (Permanent Peace 3.7 ~ Sustainable Development-Global Unity)**

- (1) Humankind is the main body of all laws and the ultimate goal of sustainable development for the UN. The proceeding process of sustainable development in any one nation cannot be allowed to lag behind that of other nations or the UN.
- (2) Sustainable development as used in the provisions of this law is a basic obligation of all constitutional guarantors (See [Annex Table 20: Comparison of the UN’s Sustainable Development Goals<sup>65</sup> with those of the Charter for Permanent Peace and Development]).
- (3) The government has a responsibility to promote “cradle to cradle” policies and formulate relevant laws and regulations to require that all industrial processes and products are designed to ensure safe return to nature.
- (4) Sustainable development laws shall be prescribed by law.

**Section Eight (Permanent Peace 3.8 ~ Human Rights Education - Global Unity)**

- (1) Education shall be free for all citizens at all levels. The state must adopt comprehensive human rights education policies at institutions including schools, police, courts, etc. All people concerned must receive

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65 See Annex Table 18:UN Sustainable Development 17 Goals and 169 Targets.



human rights education. The elevation of any nation's education level represents an improvement in national power. The state shall continue to promote a sound lifelong education system, coordinate lifelong education policies for human security and sustainable development, establish a sound and sustainable learning environment, and make certain that funds for lifelong education represent an appropriate proportion in budgets at all levels of government.

- (2) All state organizations, governments at all levels and industrial organizations must establish key performance indicators (KPIs) to gauge human security and sustainable development as an annual performance appraisal element.
- (3) The President shall annually present a review of government agencies' performance on human security, permanent peace and sustainable development, and publish a report for the citizens and all people. (For a reference regarding human rights development, see [Annex Table 21: United Nations Human Development Index 2014])
- (4) Citizens whose per capita income is below the national average shall qualify for free internet access. The government should ensure that all citizens can enjoy bandwidth at a sufficient speed to achieve instant access to all life and education information of human security and sustainable development, and to monitor and enjoy all government public services.

### **Section Nine (Permanent Peace 3.9 ~ Human Rights Culture - Global Unity)**

- (1) Right and wrong must be clearly defined. Any political, economic, social, cultural, food, medical, housing, transportation or other information, instructions, advertisements, and news must not be false in any way or manner. There shall be no incorrect representations of public opinion on behalf of others or the public.

- (2) Any directive from the government shall be accompanied by a declaration of protection of basic human rights. The principal involved should first state his identity and power base and inform all impacted persons of their rights.
- (3) Only when the people are upright will the nation be outstanding. Examples of outstanding people are to be studied and maintained for at least 100 years on the internet. Procedures for bringing this about shall be prescribed by law.
- (4) The people shall have the “Right to be forgotten” regarding dishonorable records, including temporary suspension of criminal records. The statute of limitations regarding criminal records shall not exceed the deadline for prosecution under the law. [Note: In cases where prosecution period is avoided, no criminal record is established. So should anyone who is lawfully cleared carry a bad record for life? ]
- (5) Constitutions represent the highest level of collective belief among humankind; human dignity is guaranteed by the constitution all throughout one’s life. When a person reaches the end of a long life, village chiefs and village officials must assist families in handling related issues in able to represent the country’s founding spirit of freedom, equality, and fraternity. When requested by families concerned, they should offer praised on behalf of the constitutional court for their contributions to humanity, ensuring they will be extremely honored to have loved their native country.
- (6) The people’s tax dollars are to be used for the benefit of the people. No legal entity funded by a public agency or state treasury may misappropriate people’s taxes or accept donations from political parties, religious groups or individuals.
- (7) Separation of church and state. Public officials must not use public resources or influence in any way to fund religious groups or

individuals, nor should they accept funding from any religious group or individual.

- (8) Personal religious beliefs are protected by the Constitution; anyone who preaches religious beliefs shall be obligated to disseminate common sense of the Constitution at the same time. This common sense shall be prepared by the constitutional examination authority (§ 4.8).
- (9) Religious organizations and individual members may not enjoy special privileges, may not be tax exempt, and shall be obligated to file tax returns and pay taxes according to the law.
- (10) Public donations to think tanks, schools, education, hospitals, non-government agencies, non-political parties and non-religious charities may be fully tax-deductible.
- (11) Separation of government and business. Continuous improvement in the allocation of resources is the cornerstone of permanent peace and development<sup>66</sup>. All business executives and agents should make the best use of Rules of Lobbying Act and argue publicly in meetings held in the offices of government officials. Anyone who holds meetings elsewhere, regardless of whether he/she is a civil servant or a corporate executive, and whether or not a specific violation of the law is involved, shall be prosecuted according to the law.
- (12) All decision-makers who have public investment, public fund-raising, or stock-listed companies should declare a full listing of their property and assets. Any person with unknown sources of property shall be

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66 See U.S. Code, Title 18, Part I, Chapter 13, § 240.7: Conspiracy against rights.

subject to legal sanctions<sup>67</sup>.

(13) Separation of the political field and media:

- i. The media shall not be exempt from total loyalty to taxpayers;
- ii. Members of the media shall not engage in false actions<sup>68</sup>
- iii. The media should speak the truth and must not make false promotions;
- iv. The media may not create ‘fake news’.
- v. The media must not become the thugs of specific organizations through unspecified or anonymous embedded marketing;
- vi. The media shall take a political stance and shall not present false information;
- vii. Media resources are limited, and monopoly of multi-political channels is prohibited;
- viii. Where several electronic media maintain the same political inclination or ideology, the competent national authority has the right to request a merger or the draw of approval certificates;
- ix. The media may not be supported by foreign capital (with the exception of international or public infrastructure);
- x. The media has the rights and obligations for basic human rights protections and;
- xi. The media must not use its influence, voice or resources to interfere in politics, distort academics, or advocate dictatorship; violators

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<sup>67</sup> In 2006, the National Bank sold 1.12 trillion bad debts; in 2016, the Bank of Mega Bank in New York Branch was fined by the US authorities for financial inspections on violating anti-money laundering act and being involved in suspicious transactions in 2012, and was fined US\$180 million (contract NT\$5.7 billion) ). If this structural and systematic action of hollowing out the Treasury and the public are not eradicated, Taiwan will never have a break through.

<sup>68</sup> See U.S. Code, Title 18, Part I, Chapter 13, § 241: Conspiracy against rights

should be subject to legal sanctions.

(14) Separation of Party and government (§ 2.4: Party Unity).

(15) Separation of Black and White: Politicians and political parties must not be linked to secret organizations (Maoist/Black Gold forces).

(16) Separation of Politics and Education, Separation of Business and Commerce and Separation of the Media and Political Parties shall be based on the principle of “the separation of rights and protection of human rights” and shall be prescribed by law.

### **Section Ten (Permanent Peace 3.10 ~ Human Rights Responsibilities - Global Unity)**

(1) National Responsibility: Human rights are the founding spirit of the nation and the soul of the Constitution. As long as there is one person on earth who still lives under an oppressive authoritarian regime, [Taiwan]ese as human rights angels (§3.1) have a natural mission to liberate them and restore their human rights.

(2) Public responsibilities: The earth is our home, and all humankind are our family members. All public officials should work to unseat dictatorial regimes that enslave their citizens as part of the nation’s destiny to save the world and shoulder the burden of building a community for human destiny.

(3) State Responsibility: Regardless of nationality, anyone who makes democratic contributions to the community for human destiny shall be awarded honors and compensated by the State. Regardless of whether he/she lives inside or outside of the state, any person who contributes a donation shall be exempted from taxation and may claim a full tax deduction for the donation.

(4) International Responsibility: Human rights merits of all nations in the past and their laws have flowed into [Taiwan], while human rights advantages for the future of all nations have flowed out of [Taiwan], resulting in higher human rights and constitutional standards for all. The state should

set aside a budget for implementing its international responsibilities, promote the Charter for Permanent Peace to the international community, and explain the reasons why [Taiwan]’s success or failure is a vital concern to the great civilizations of the world.

- (5) The structure of relevant state organs should incorporate a worldview that symbolizes “Universal Human Rights.”

## **Article 4 The Rule of Law under Unity**

### **Preface**

“What is a law?” “Laws exist to ensure justice.” If laws and justice only passively protect those who understand the law, why not let the law take the initiative to protect everyone? Since the law represents justice, why not let people use global laws to compare levels of justice? Since the law is the lowest level of morality and the nation represents overall morality, why not let people compare laws to compare the morality of various nations? Since the law is a means of maintaining civilization and advancing civilization, why not let the law restrict the risk of destroying civilization posed by nuclear weapons? Who outlawed direct protection of the people by international law? Who buried our values and wisdom in the rule of law? Who has kidnapped us for seventy or eighty years with a vile constitution? Who denies us relief from our hardship and humiliation? The answer is not someone else. It is rather our “own self” in the form of the party government supported by the hard-earned dollars of taxpayers.

### **Therefore,**

The Charter for Permanent Peace/ Global Unity Constitutional Standards (Contents: Constitutional Standards for Ensuring Human Rights Standards / Constitutional Principles for the Allocation of Justice / Constitutional Laws that Affect the World’s Constitutional Principles/ Constitutional Order for the Distribution of National Power / Constitutional Law with

Comprehensive Strategy (Draft). The purpose of Article 4 is to ensure that everyone understands law and justice, how to master universal justice and morality, and the need to promote civilization and peace. The state should consider the Permanent Peace Partnership as a model for study. All human laws and regulations are included in the comparative database. Simply enter a keyword in the search box and all relevant global regulations will be presented simultaneously to form a prototype for use in One World under One Set of Laws and outline the necessary conditions for achieving permanent peace.

This charter is based on the supranational, national, sub-national and micro-national hierarchy as defined by the UN Global Governance Committee, and is presented as a new guide for the world in terms of natural law, peremptory norms, international law, and the laws of all nations. It is a response to a demand from humankind that has existed for more than two millennia: “The law must conform to all standards of nature, justice and morality as well as freedom, democracy, and human rights.” This means crafting a set of permanent standards for a human-sustainable peace system. This “request” itself proves that this is a global-scale action that is worthy of our sacrifice: “A charter for permanent peace and all the truths in heaven and on earth,” rather than simply a definition of peace system for the coming millennia.

In terms of policy, we must get past old ways of thinking by traditional leaders who worked to consolidate power to control the people, and strive instead to accept international law or the laws of other countries. It is up to the executive to make this choice by opting for a system with a feature for “+ addition laws”. The era of the global village calls for integration of laws from all legal systems world-wide, giving the people the right to choose, with the nation retaining the right of refusal. This will lead to continuous integration and introspection among human beings and the

development of a system with the “- subtraction law” function. The ultimate result will be a set of universal laws incorporating the world’s best legal standards and devices.

As for behavior, we must emphasize rule of law instead of rule of man. This means no more pronouncements by big headed jurists who work as “the dictator’s voice,” the big entrepreneurs who “applaud for the autocrat’s decentralization of power” or politicians and media scholars who try to please the totalitarians - they are all partners in crime and beneficiaries of the system. Do not sell your soul and allow others to control your own body. Trust your eyes and hands, because none of the individuals, groups, or countries that you hear or see rank as high as the millennia of wisdom you hold in your hands. Put your trust in the wisdom.

In the end, the law has its own purposes and knows the values it must uphold. To this end, the people of [Taiwan] and the majority of the oppressed people, including the people of the 50 countries whose citizens are the world’s last souls still in shackles, have nothing to lose but their chains and iron curtains. They will lose nothing else while achieving the sacred land for rule of law for global unity. They and their fellow believers shall be angels for the rule of law. They will lead humankind to global law, from individual dreams to national dreams and on to worldwide dreams and finally into the next era with its promise of eternal blessings. This will assure that no nuclear weapons will threaten to destroy civilization, while permanent peace will be carried out, and all people will live the Truth-permanent peace.

## **Implementation**

### **Section One (Permanent Peace 4.1<sup>69</sup> ~ Rule of Law Benefits the World -**

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69 Peace under rule of law refers to the conditions necessary for rule of law to respond to needs for permanent peace and the pursuit of global unity.



## Global Unity)

- (1) Rule of law benefits the world. Create a One World under One Set of Laws system, a unified and peaceful system under the rule of law that humans can utilize permanently. Develop a global set (multi-source common law) that meets the requirements of nature, fairness, justice, freedom, democracy, and human rights, and that has a direct bearing on the obligations and rights of all citizens. This is the most sacred right of the people and the fourth most urgent obligation of the nation.
- (2) Rule of law establishes the nation. To develop [Taiwan] as a sacred place for innovation in politics, economics, society and culture, where every citizen serves as an angel for the law-is the long-lasting structural principle to be used in establishing the nation.
- (3) Believe in the rule of law<sup>70</sup>. People are the main body of every nation, where the country should implement human rights, constitutionalism, and international and global (multiple-source and shared) legalism<sup>71</sup> throughout the world.
- (4) Rule of law. Everyone becomes a subject of global law and universal law through their relationship with the global village<sup>72</sup>, this extends rule

70 Hans Kelsen advocated that individuals be made the direct subjects of international rights. See “General Theory of Law and the State”, translated by Shen Zongling, 2016, Beijing Commercial Press, 484 pages.

71 According to Kelsen’s “General Theory of Law and the State”, evolution of international law may lead to the establishment of a “global nation,” thus it is naturally possible to have a “world capital.” Thus original law advocates support for the Taiwanese people. At this stage, we should do our best to make a big difference and achieve this goal.

72 One inevitable fact in this universe is that in any country an individual must live in human society. Thus it is essential to establish joint relationships along all kinds of pathways, including (1) Joint relationships to satisfy common needs with other human beings. These can only be satisfied through shared lifestyles; (2) Joint relationships for division of labor; that is, human beings have different abilities and needs and must meet these needs through mutual exchange of services. See the French legal expert Léon Duguit’s elaboration on “The Theoretical Basis of Constitutional Thinking.”

of law throughout the world to create permanent world law (multi-source common law).

- (5) The real purpose of the rule of law is to promote true justice. The state should follow the Great Rule of Law in its global operations.
- (6) Rule of law under global unity and permanent peace are part of the four basic principles that run through all the provisions of the constitution as well as the four general principles that runs through One World under One Set of Laws (multi-source common law).

## **Section Two (Permanent Peace 4.2 ~ Sustainable Renewal of the Charter for Peace - Global Unity)**

- (1) People are the main body of universal law and the ultimate subject of One World under One Set of Laws. Universal Law does not require domestic or international transfer procedures to allow the [Taiwan]ese people to use them directly. Its laws are directly applicable to domestic legislative, executive, and justice cases. And state organs may exclude any with the exception international laws.
- (2) The State shall establish a global database of comparative laws and methods, to be updated and translated at any time into local languages. People shall be allowed to search, apply, and compare available reference data, leading the way toward One World under One Set of Laws that can be used permanently to achieve peace and the rule of law. (§4.3-4).
- (3) The state shall continue to invite people with interest and organizations from around the world to join us and continue revising the Charter of Permanent Peace (= the Global Constitution). We shall also reward them with generous rewards of NT\$100,000 or more within each revise. [Note: This reward is offered by the Permanent Peace and Development Association until constitutional reform is achieved]
- (4) Advance toward permanent world peace and implement a constitution

based on international law, with nations working through the process of paradigm shifts. Acting in accordance with the spirit of The Hague Conference on Private International Law, establish an international organization for the purpose of gradually unifying constitutional standards, and convene at least one “permanent peace constitutional conference” annually.

**Section Three (Permanent Peace 4.3 ~ Ensure that the People’s Hard Work Shall Not Have Been in Vain - International Law under Unity)**

- (1) The ultimate goal of international law<sup>73</sup> and domestic law is to protect all the values of each person and to uphold the country’s duty to govern well and serve all of humankind.
- (2) The people of [Taiwan] recognize that international law (including Natural Laws, International Human Rights Laws, International Humanitarian Laws, International Mandatory Laws, and international customary laws of the same nature) take priority over domestic laws, whether now or in the future, and whether or not such laws currently exist, with direct bearing on the rights and duties of the people<sup>74</sup>.
- (3) Statutory standards shall be established in all areas. All legal norms represent all standards. The highest standards in international standards organizations (such as ISO) or other nations and international organizations (such as the EU) constitute basic national standards.
- (4) The state shall participate in the formulation or revision of international rules or international standards, with no exceptions or delays.
- (5) State organs shall be responsible for fulfilling their international obligations in accordance with this Constitution and the law. No agency may invoke domestic law (including constitutions and laws) as an excuse

73 Article 15 of the Russian Constitution states: “The state must abide by international agreements, even if an agreement conflicts with domestic laws.”

74 International law takes priority over domestic law, and it directly imposes rights and obligations on the people, with reference to §25 of the German Basic Law.

for non-compliance with international law or international standards.

- (6) The state and all organs shall all devote their efforts toward the realization of One World under One Set of Laws and work constantly to revise the Charter for Permanent Peace and Development (abbreviated as Global Law, the Common Law for Humanity, or the Unified Law for Humankind).
- (7) Regardless of whether or not the state is a signatory, any public international law, convention, treaty or agreement that has more than 30 signatories shall automatically take effect; any new public international law, convention, treaty or agreement shall be seen as ratified by the state after 90 days the 30th signatory is officially announced.

#### **Section Four (Permanent Peace 4.4 ~ Integrating Rule of Law from around the World to Establish a Peace System- Human Unit)**

- (1) Guarantees of freedom, democracy, human rights, and the rule of law shall never lag behind those observed in other nations. The constitutions and laws of all nations form a part of our constitution and laws<sup>75</sup>, and the people can use them directly. The general legal principles generally recognized by fully democratic countries and the fair and good rules they devise shall all be directly accessible to the people.
- (2) All nations and all peoples (citizens of the world) shall enjoy legal immunity in accordance with their own constitution or laws in [Taiwan]. At the same time, however, any foreign laws which openly threaten or contradict public order and local customs may not be invoked<sup>76</sup>.
- (3) This law states that all legal rights observed in any fully democratic country — with the exception of any content which is unrealizable to

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75 See the “Global Criminal Code” [Appendix, Table 7]; “Global Civil Code” [Appendix, Table 8]; and “Global Administrative Code” [Appendix, Table 9]. Edited by Huang Chien-ming, published by the Association for Peace and Peace Development.

76 See Shen Zongling’s work and Lin Wenxiong’s revision, *Jurisprudence (Revised 2nd edition), Theory of International Public Order*, p. 436.

any person, which requires or permits a person to commit an offense, which is contrary to public order or fair customs, or has a significant and apparent flaw or which represents an immediate or obvious threat — shall not be plundered by any legislative, executive, judicial or procuratorial agencies.

- (4) Rights that are not stipulated by laws or standards domestically or abroad may be deemed valid based on natural law, natural rights, global jurisprudence, human habits, and universal jurisprudence.

### **Section Five (Permanent Peace 4.5 ~ Rule-of-Law Nations and the Principles behind Rule of Law - Human Unity)**

- (1) When a state organ exercises public power, it shall give priority to applicable international laws. When no international law applies, domestic law shall be applied first, after which laws of other nations may be followed to implement the principle that the people shall become more completely international in nature (Refer to [Appendix Table 1: Hierarchy of World Law Levels]).
- (2) All state organs and their public officials shall observe One World under One Set of Laws. Executives who violate international law or the constitution shall be subject to legal sanctions.
- (3) The main principle behind the rule of law is that government officials need to be corrected before the people are corrected. Constitutions represent the general will of the people. The operations of all rule of law systems should follow the principles of globalization and constitutionalism, the principle of constitutionalization of localities, the principle of modernized interpretation of constitutions<sup>77</sup>, and the principle of accountability for unconstitutional acts.
- (4) All legislative, administrative, judicial, and procuratorial organs have the right to make decisions in accordance with the Constitution, in

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<sup>77</sup> Listen to the voice of the past and converse with the future.

quasi-barge of parties' use of the constitution or laws of another country, but all judgments must be accompanied by complete explanations of the reasoning involved.

- (5) With the exception of international laws that are seen as difficult to enforce or immediately harmful for [Taiwan] which may be suspended with the approval of 2/3 of national legislators, all laws may be excluded if an absolute majority of voters support such a move in a referendum<sup>78</sup>. Procedures and resolutions for deferral or exclusion of laws should be communicated in writing to the international organization that originally enacted the bill as well as to signatory nations, or international arbitration may be requested.
- (6) All laws and regulations must be published in public media, with electronic records kept for inspection at any time; laws and regulations that are not published or cannot be immediately checked shall not be applicable to all parties concerned.
- (7) If, due to neglect on the part of guarantors of the constitution in the civil service, a fair law enacted by any other nation is not promptly published in public media or public think tanks for comparison purposes, the constitutional guarantor shall be called to account by every citizen.

## **Section Six (Permanent Peace 4.6 ~ Ranking of Rule of Law Systems - Human Unity)**

- (1) All state organs should abide by the following legal hierarchy, govern the nation according to the Constitution, and administrate according to law:

Level 1: Reservation of Global Law (including Natural Law). Human rights are bestowed by god, not by humankind.

Level 2: Reservation of Mandatory Law. General norms of

<sup>78</sup> Regarding applicable laws in international law, we adopt the principle of direct recognition to overcome the lack of systemic, institutional, and sustained momentum. This exclusion approach is specifically designed up to prevent reactionary and autocratic vested interests from counterattacking.

international law;

Level 3: Reservation of International Law. Legislative-type international public laws, customs, treaties;

Level 4: Reservation of the People. Constituent power, the right to amend constitutions, the right of initiative;

Level 5: Reservation of the Constitution. State powers and people's rights that must be regulated by the Constitution;

Level 6: Reservation of Absolute Laws. Contract-type international treaties, legal punishments for crimes;

Level 7: Reservation of Related Laws. Specifications or clarifications legally authorized by the national leader;

Level 8: Matters that are not reservation of laws but rather by orders issued by executive authorities.

(2) Global competition in legislative and judicial systems ensures that the rule of law in any nation will never lag behind that of other countries (see §5-§8).

### **Section Seven (Permanent Peace 4.7 ~ Culture and Rule of Law - Global Unity)**

(1) Ensure that everyone lives together in constitutional truth and practice the meaning of truth. Promote lifelong education from an early age, with the state determining the basic curriculum regarding rule of law and giving priority to sufficient budgets from the government.

(2) Government agencies, public places, school groups, courts, military units, etc., shall display symbols of the constitution front and center of all auditoriums and meeting venues.

(3) Circulated currency shall include an emblem symbolizing the constitution or global law.

(4) Official documents such as public documents, judgments and notices

shall all bear constitutional marks.

- (5) When any public official (including the president) assumes office, he/she shall hold the constitution in his/her left hand, raise his/her right hand with fingers straight out, and recite the oath of office in front of a world map for the people and global citizens. The as-yet unannounced oath of the constitution shall be prescribed by law.
- (6) Judicial public officials such as judges, prosecutors, and civil service officials shall be recruited independently and their educational backgrounds shall be independent of each other to present a diverse legal culture. Procedures to achieve this shall be prescribed by law.
- (7) Regardless of what administrative, legislative, judicial or prosecutorial duties they may have, those who have decision-making powers shall be seen as being lobbied according to law. All lobbying activities shall be orderly, widespread, delayed and simple to make it an essential part of rule of law culture.
- (8) All relevant national agencies should have a world outlook that sees the “Universal Rule of Law” as a sacred goal. The naming of state organs should incorporate the meaning of common human destiny where feasible. Taking the names of courts as an example, Taoyuan Human Court (for Taoyuan District Court), [Taiwan] Higher Human Court (for [Taiwan] High Court), and Supreme Human Court (for Supreme Court).

### **Section Eight (Permanent Peace 4.8 ~ Transfer of Sovereignty and Human Safety and Sustainable Development- Global Unity)**

- (1) Any nation is allowed to join a collective security system for mutual protection in the interest of peace; in doing so the nation must agree to place limits on its sovereignty in order to establish and ensure lasting peace between the region and the nations of the world<sup>79</sup>.
- (2) Within the scope of its authority to perform national power and perform

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<sup>79</sup> See Article 24 of the German Constitution on the transfer of sovereignty.



its national tasks, a sub-national government agency may, with the consent of the central government and/or the federal government, have the right to entrust sovereignty to relevant international organizations.

- (3) In order to resolve international disputes, a nation or a sub-national agency as described in the preceding paragraph (§4.7.2) may join in common, general and mandatory international arbitration agreements.
- (4) In order to achieve permanent peace, consolidate the ideals of the world's principalities (the purpose of the UN Charter) and implement the ideals of the human family (human rights standards § 1), all fully democratic countries that meet the basic and general principles of this constitution must agree to be a part of the global unity<sup>80</sup> and share the benefits of lasting peace at all levels.
- (5) Any deletions of the content of paragraphs 1 to 3 of this section shall be agreed to by more than half of all taxpayers; any additions to or deletions from the fourth paragraph shall be subject to the approval of more than half of all taxpayers.

### **Section Nine (Permanent Peace 4.9 ~ Constitutional Examination-Human Unity)**

- (1) All candidates for public office as well as those hoping to serve in a public position, shall be required to pass an examination on the contents and intentions of the national constitution, the UN Charter and all relevant international laws.
- (2) Except as otherwise provided in the Constitution, constitutional examinations shall be divided into different grades depending on the different levels positions sought. The procedures for implementing these levels shall be prescribed by law.

<sup>80</sup> Nations Shall be Founded on a Federation of Free States) °

According to Article Two of Emmanuel Kant's On Permanent Peace, international law should be based on a federal system of free countries (The Law of Nations Shall be Founded on a Federation of Free States).

- (3) Revisions in the pool of questions for constitutional examinations at all levels must be announced one year in advance of test dates. With the exception of general public servants and publicly-elected representatives, the pool of questions regarding the titles of elected heads at all levels should possess all kinds of legal terms used by the UN, which can be downloaded from the internet.
- (4) Public officials should be requalified on a regular basis, and any military personnel should be familiar with international humanitarian laws and military law.
- (5) Any public official shall be appointed after passing the examination on the national constitution, UN Charter, and/or international law (§ 5.7); in the execution of official duties, procedural human rights shall be given priority over substantive human rights.

### **Section Ten (Permanent Peace 4.10 ~ Right Relief - Global Unity<sup>81</sup>)**

- (1) The people of [Taiwan] acknowledge that laws without legal repercussions are not laws, and constitutions which do not brook resistance are not constitutions. If no other remedy is available, for
- 81 The Taipei District Court ruled that defendants who participated in the SunFlowers student movement were guilty of “civil disobedience”. The reasons given for the guilty verdict included:
1. The object of the protest was an illegal or unjust action related to government or public affairs;
  2. Any judgment must be based on concern for the public interest or the purpose of public affairs;
  3. Protests must be associated with the object of protest;
  4. Protests must be open and non-violent;
  5. Protests must comply with the principle of appropriateness; i.e., the type of protest must contribute to achieving the purpose of the movement;
  6. Protests must comply with the principle of necessity, that is, no other legal and effective remedy was available;
  7. Protests must comply with the narrow principle of proportionality; i.e., any harm caused by the protest action must be less than the benefits resulting from the action, and be limited to the lowest level possible.

those who engage in actions meant to overturn public international law or the liberal democratic constitutional order, all citizens of the world have the right to resist, to disobey and not to cooperate. The government has no right to prosecute the people due to outcome with a law lower than the constitutional level.

- (2) Prosecution of the government for crimes against peace and humanity or for massacres and war crimes, shall not be subject to a statute of limitations or restrictions on jurisdiction.
- (3) No one shall be obliged to enforce a law or order that is manifestly illegal. Anyone who provides or enforces such apparently illegal laws or orders shall be held legally responsible.
- (4) With the exception of decisions handed down by a court, all citizens have the right for disobedience or emergency self-defense when any law or regulation threatens their life, health, or property beyond recovery. During diplomatic warfare against foreign countries to protect the country and its people, the law regarding it shall be legally restricted otherwise.
- (5) The right of the people to demonstrate peacefully is guaranteed by the constitution. If the government is attempts to violently disperse demonstrators, they should show signs warning the government such actions are “violation of constitution” If there is no other remedy, the people have non-cooperative right and may peacefully refuse to cooperate.
- (6) In [Taiwan], the laws of all nations can be applied for supplemental purposes, but this is now way we shall imply that “draconian regimes are legal.” Bad laws and bad governance are the greatest obstacles to permanent and peaceful development of humankind.

## **Section Eleven (Permanent Peace 4.11 ~ Legal Responsibilities - Human Unity)**

- (1) National Responsibility: Rule of law is a highlight of the spirit and soul that underlay the foundation of the state and its constitution. As long as there is still one person on earth still suffering under an authoritarian dictator, the [Taiwan]ese as angels of the rule of law have an inborn duty to liberate the victim from oppression.
- (2) Responsibility of public officials: Any public official should uphold the boundless power and unlimited love represented by the law. The rescue of any person being constrained by other human beings is a mission to save the world on behalf of all nations and part of building a common destiny for humankind.
- (3) State Responsibility: Regardless of nationality, anyone who contributes to the rule of law for the community of human destiny shall be honored and compensated by the state. Regardless of whether the act takes place domestically or abroad, all such compensation should be tax-free and tax deductible.
- (4) International Responsibility: Enacting One World under One Set of Laws, with direct bearing on the rights and duties of the people directly shall be the permanent and unwavering basic principle behind a nation's position on human rights. The state shall set aside a budget sufficient to fulfill its international responsibilities, promote the Charter for Permanent Peace to the global community, and explain the reasons why [Taiwan]'s success or failure is closely related to the development of world civilization.
- (5) The structure of relevant state agencies should reflect a world-view that symbolizes "universal rule of law."

## **Part Two. National Rights and Obligations**

### **Chapter II: Rights and Obligations of the State**

#### **Article 5 Legislation under Unity**

## Preface

Who has stolen our human dignity? Who is kidnapping our people's sovereignty? Who is monopolizing our constitutional rights? Who is making evil laws to encircle and suppress us? And who is the enemy of peaceful development? The answer is not "someone else". It is rather our "own self" in the form of the party government supported by the hard-earned dollars of taxpayers.

As everyone knows, although states and governments all have equal rights in the international arena, they have no rights and only obligations domestically. Be that as it may, our nation's ruling authorities regard these obligations as rights and melon cut all resources for their own use. They grab what is at hand and scramble for whatever they can in government coffers<sup>82</sup>: this is the essence of how a party government works to suppress the people. Transparency International (TI) points out that surveys conducted by both domestic and foreign agencies show that the public sector that the people in every nation consider to be the dirtiest is the legislature — the very organ that is both the root of the country's fortunes and government turnover, and also the exchange where justice and evil are bartered routinely.

## Therefore

The Charter for Permanent Peace / Global Unity Constitutional Standards (contents: Constitutional Standards for Ensuring Human Rights Standards / Constitutional Benchmarks for Ending Civil Unrest/

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82 Chen Keng-chin, former Director of Personnel Administration at the Executive Yuan, appealed to all the current military cadres at the General Assembly of the National Federation of Military, Police, and Retired Persons General Assembly on February 17, 2017, that "Let's steal and take all we can, and slack all we can. Let's drag this government down." Jason Hu, Vice Chairman of the KMT, and Han Kuo-yu, a candidate for the party chair, also shouted approval.

Constitutional Order for the Distribution of National Power/ Constitutional Principles for the Allocation of Justice / Constitutional Laws that Affect the World's Constitutional Principles/ Constitutional Law with Comprehensive Strategy (Draft). The main aim of Article 5 of this document is to offer a structure for a system of laws under which the Earth can function for a long time.

Therefore, the issue of globally competing legislative powers naturally arises. In other words, if the organization involved deals with global or regional security, its legislative powers are those of an international organization; if there is a national identity, it belongs to the Legislature, and the relation is the same at the state, province, city or local level. To those who are part of these councils, we say: This is a road to truth that we humans must all follow.

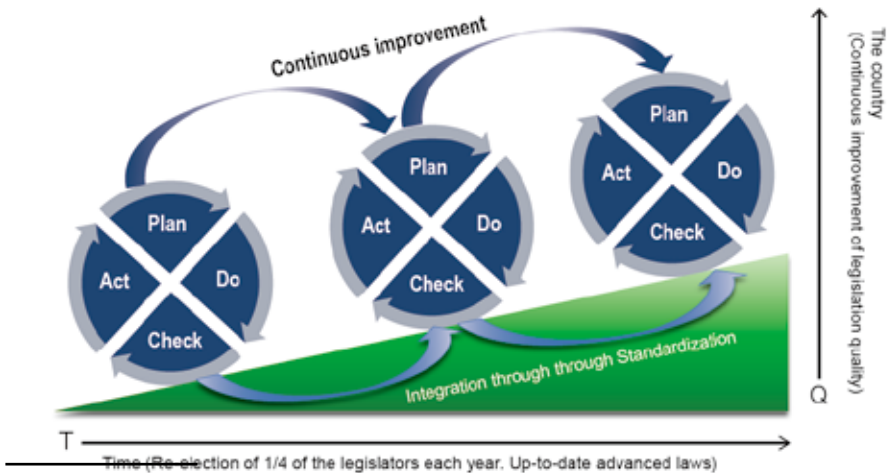
Secondly, the Legislature consists of twelve standing committees, three ad hoc committees (generational committees (§6), international law committees (§7), and universal law committees (§8)), forming an organic and matrix-based system of checks and balances. The overall effect is like 12 quasi-governments or shadow cabinets, or even 12 separate legislatures. This mechanism makes legislation more flexible and versatile. At the same time it suffers none of the fatal shortcomings commonly found in contemporary legislative procedures, even while offering advantages unmatched anywhere else.

Next, legislatures must establish a complete database of global regulations, so that the internet can be used smartly and logically. It should let users compare the advantages and disadvantages of various laws and regulations so that we can augment our wisdom, discover new truths, honor true values and build a unified system for world that will prosper under peaceful rule of law. This will then be the new absolute law (mandatory

law) called for in the International Convention on the Law of Treaties (Article 64).

Finally, regardless of which system people around the world use to access this feature, the eventual goal shall be the Charter for Permanent Peace / Global Unity Constitutional Standards or World Law (multi-source common law), which can be used to liberate those still shackled under the remaining authoritarian dictatorships. More than two-thirds of the world’s population is still suppressed, and they have nothing to lose but their chains and iron curtains<sup>83</sup>. They too have the right to live in harmony with all humankind, to live in truth and freedom, and follow a lifestyle of their own choosing.

Illustrate: National legislation should comply with the rolling reform that specifies more than 20,000 international standards (ISO, and integrate the legislative constitutional standards for permanent peace and sustainable development through standardization:



83 BBC Chinese News 2015/6/9: A Freedom House survey showed that at present, two-thirds of the world's population live under a dictatorship; 2 billion people in the world live in a high-pressure ruling environment; and 106 dictatorships or semi-dictatorships account for 54% of the world's nations.

## Implementation

### Section One (Permanent Peace 5.1 ~ A Model for Multi-national Competition in Legislation - Global Unity)

- (1) The need for legislation is universal. A system for legal competition / cooperation will stimulate constitutional standards, improve resource allocation and advance world peace. This is the most sacred right of the people, and the fifth most urgent obligation of the stage.
- (2) We acknowledge the need for legal co-opetition<sup>84</sup> under the principle of One World under One Set of Laws, confirming that national legislatures are representative bodies<sup>85</sup> empowered by international law and guaranteeing global participation in legislation (§2.5). Our ultimate aim is to build a community for a common destiny for all humankind, an obligation that no state may change or shirk.
- (3) We advocate One World under One Set of Laws as well as competition / cooperation in legislation. We also declare that national legislatures are representative bodies reinforced by international law<sup>86</sup>, and we guarantee the right of global participation in legislation (§2.5) to realize

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84 So-called "co-opetitive legislation" refers to the same matter or behavior, but involves legislative standards for mutual competition between legislative powers at the national and sub-national levels (including state, provincial, SAR and/or local levels). To this end, it is clear that the legislative power at the super-national level is greater than that at the national level.

85 According to Kelsen's General Theory of Law and the State, "Domestic law is entrusted by international law", a position which can be used to establish a supra-national organization for permanent peace — the UN.

86 According to Roscoe Pound, the law has been linked to civilization from certain times. In the past, the law was the product of civilization; from now on, the law is a means to maintain civilization. Looked at from this point of view, the law is a means to promote civilization. "Co-opetitive legislation" represents changes in time and space which enable the international, national, regional or city levels of government to maintain the law at the optimum point of co-opetition to create maximum civilized effect and enable the greatest benefit for sustainable development.



a community of common destiny for humankind, an obligation that no state may change or ignore.

- (4) National level: The government has legislative powers that enable it to establish equal living relationships and consider the interests of the overall population as a way to maintain legal order and economic unity, while recognizing appropriate national legal norms as needed.
- (5) Sub-national level: At the level of provinces, states, special administrative zones and municipalities, international organizations and legislatures shall not enact laws in areas outside their legislative jurisdiction, retaining the right to make laws only in areas where they are active. The rules regarding lawmaking at each level shall be similar.
- (6) When exercise of legislative power in a cooperative effort generates controversy or poses obstructive or obvious and immediate danger, it shall be resolved by a decision of the [Taiwan] Super-National Constitutional Court until such time as the International Constitutional Court is set up.
- (7) Global cooperative legislation and the global permanent peace shall serve as the basis for all provisions of the Constitution. This shall also be the fifth general principle of international law and domestic law.

## **Section Two (Permanent Peace 5.2 ~ A Legislature for All Humankind - Powers and Responsibilities under Global Unity)**

- (1) The people of [Taiwan] solemnly offer a constitution that promises an innovative system for permanent peace and development for all humankind<sup>87</sup>. We propose a legislature that represents all citizens of the global village, entrusting international law with sovereignty to complete the internalization of an international legal system.
- (2) This Constitution is based on the laws of [Taiwan], and all treaties

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87 Xi Jinping noted on January 21, 2017, that “innovation” is the most important remedy for the global economy and politics.

concluded or to be concluded under [Taiwan]'s authority are the highest laws of [Taiwan]. This also includes treaties concluded prior to the implementation of this document. Where there are conflicts between various treaties, they shall be resolved by laws passed by the legislature.

- (3) Legislation should serve to ensure that levels of human dignity and freedom for personal development in one nation shall never lag behind those of any other nation (§1.1). Further, national legislation shall involve global input (as noted in §2.5), and the Legislature shall establish a General Administration of Interpretation in accordance with procedures followed in the UN and/or the EU<sup>88</sup>. This will enlist all fair laws and all elites of the world. The aim shall be to realize long-lasting peace and development for the continuing benefit of the people as well as all humankind.
- (4) The Legislature shall have the power to resolve legal cases, present budgets, try martial law and amnesty cases, make declarations of war, handle defamation cases and treaties, issue corrections, handle impeachment proceedings and handle other important national matters.
- (5) Within three weeks after the passage of a bill by the National Legislature, if more than 1/4 of all lawmakers approve, the President may be required to consider a veto of the bill. If the number of votes fails to reach a quarter of the number of lawmakers, compensation of the lawmakers backing the proposal shall be reduced by 1/3 during the remainder of their term of office, effective on the date of the vote.

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88 At present, there are 24 official languages in the European Union. Various meetings are held every day in the European Parliament, the European Union Executive Committee and other institutions. If there is no interpreter, the discussions are almost identical. Each of the 24 languages can be translated into another 23 languages, so there are as many as 552 combinations, but the actual numbers do not stop there, because sometimes you need to use Chinese or Arabic. There is even a sign language translation that exists to serve the hearing impaired.

- (6) The Legislature may file an impeachment case against the president, the Speaker of the Legislature, the Head of the Procuratorial Branch, the Chief Justice of the Constitutional Court, the Chief Justice of the Supreme Court, any ambassador, and any military officer with the rank of general or its equivalent if any illegal or dereliction of duty is concerned.
- (7) The Legislature shall form an impeachment committee to consider any impeachment case that is offered. If the resulting investigation recommends impeachment of the President, further action must be approved by more than one-third of the members of the National Assembly, and more than two-thirds of all lawmakers must vote for impeachment in order for it to pass.
- (8) The Legislature shall not enact laws that contradict international law, world (common) law or generational justice, nor may it deprive any person of his/her human rights or civil rights.
- (9) The Legislature shall clarify and punish criminal acts which violate international law, including violations of anti-corruption conventions, and actions which constitute “substantial influence” in domestic, transnational or international crimes.
- (10) The Legislature shall set up a dedicated live television, radio station and internet website. With the exception of classified materials, all broadcast programs and discussions shall be available to the public, and the global comparative database will be open and accessible to other media to broadcast live or on a delayed basis.
- (11) The Legislature should establish a complete database of comparative laws and regulations (see § 4.2.2) to serve as a global law comparison center that any citizen can access and use.
- (12) The Legislature shall set up research institutions and promote the enactment of international conventions or laws that are lacking.

According to international practice, general regulations will automatically take effect 90 days after approval by the 30th signatory state<sup>89</sup>. In [Taiwan] any such regulations will take effect nationally on the same day in line with the spirit of a global legal system.

- (13) The Legislature should strive to win recognition for [Taiwan] as a full member of the UN and advocate for the UN's [Asian] headquarters to be located in [Taiwan].
- (14) All laws related to the exercise of powers of the Legislature and laws on global participation in legislation shall be prescribed by the Constitution or by appropriate laws.

### **Section Three (Permanent Peace 5.3 ~ Modified Committee-Centric Structures - Global Unity)**

- (1) The modified Legislature shall have 12 specialized standing committees and a number of ad hoc committees linked to national and global society in accordance with national needs. The total number of lawmakers shall be 180, with 15 assigned to each of the 12 specialized committees. Each committee shall have independent authority to propose, examine, investigate, hear, and interrogatory on issues regarding impending bills.
- (2) The modified committee system shall consist of 12 standing committees, corresponding to 12 cabinets, with 12 lawmakers on each committee. One member shall serve as committee chair, representing all political groups (12 members). The 144 full-fledged members of the Legislature shall serve a term of four years, and each year 1/4 of their number shall face re-election (see Appendix Figure 1: Schematic diagram of the modified committee system).
- (3) Members of Ad Hoc Committees shall include: 12 lawmakers sharing the ongoing development concepts of the generation (consolidated chosen by the elected presidents - § 6), and 12 members of the

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<sup>89</sup> §84 of the Vienna Convention on the Law of Treaties.

International Law Internalization Council (chosen by the elected heads of Judicial Branch - § 7), There shall also be 12 members of the Law Internalization Committee (chosen by the elected heads of the Procuratorial Branch - § 8)<sup>90</sup>, for a total of 36 people, all of whom also serve as regular committee members. The term of office and nominating process shall be the same for all committee chairs. Nominees may be removed from the list for any reason, and the terms of other special members shall not be affected.

(4) Members of the Legislature shall be elected according to assigned specialties in the Legislature but not to represent a geographical area, and they shall be grouped according to Legislative duties rather than political parties. A combined one-vote single-vote system shall be followed<sup>91</sup>.

(5) When a committee chair is vacant with more than half the term of office

90 The modified committee system comprises 12 committees according to social functions. Each has a “social relationship based on division of labor” - that is, people have different abilities and needs, and they must exchange services to meet these needs. The government divides functions according to specialties. In each of the 12 departments, each has a “social relationship with others on the same basis” — that is, people have common needs and live together to meet these needs. The above-mentioned “matrix” relationship must be reconciled through Congress and the government. See Digu Duguit, *The Theoretical Basis of Constitutional Thought*.

91 A group of candidates or a group of political parties participating in the election will be grouped together on one ballot. The voters can only choose one of them as a representative of the political group. There are 12 committees in the corresponding cabinet of the National Legislature. The chairs are elected by and from among the committee membership. For example, the chairs of three groups (1/4 of all chairs) are elected each year. Each group chair assumes that there are three groups running for election. The total number of candidates is 9, they are combined on one ballot and voters can only choose one candidate. This is a “combined one-vote system”; a form that avoids the danger of having the larger parties “take the whole pot.” Even in non-primary elections when the two major political parties field candidates, the system still allows for third parties to participate effectively rather than serving as token minority parties.

remaining, candidates shall be nominated and chosen by the remaining members of the committee. The stopgap committee chair shall not take office for the Prime Minister and cabinet ministers.

- (6) During the 50-day period before a scheduled election, the National Legislature shall be adjourned. Within 10 days after the election<sup>92</sup>, the National Legislature shall be opened so that international competition in law-making shall be strengthened and the general democratic shortcomings shall be addressed through reforms. Legislators shall consider annual elections a gauge of public opinion for 1/4 of its membership. In order to focus on the overall situation, legislative elections must not be held concurrently with other balloting, with the exception of referendums and local elections.
- (7) Members of participating political groups shall not be composed entirely of one sex, and they should also include a number of indigenous peoples.
- (8) Members of the Legislature must be at least 40 years old and have resided in [Taiwan] for 30 years.
- (9) Organization laws and internal regulations for the legislative, executive, judicial, and prosecutorial branches shall be formulated by the National Legislature and shall be subject to constitutional review.

#### **Section Four (Permanent Peace 5.4 ~ Links between Local Public Opinion and the International Community - Global Unity)**

- (1) Municipal councils and first-level administrative districts shall adopt a

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92 Rousseau said that the people are free only when they choose their representatives. Once their representatives have been chosen, they are no longer free. Although they can use recall, initiative, referendums, etc., to control their elected representatives, the effect is ultimately limited, and it is impossible to change the fact that their rights are subjugated. All the same, the “invention” of “interim re-elections” not only allows for new input of public opinion, it also encourages other good policies to continue functioning.

single-sector two-vote system (joint system)<sup>93</sup>. One-half of councilors at all levels shall represent a district while one-half shall be at-large representatives, and the term of office shall be two years. Council Speakers shall serve one-session and may not be nominated for a second term<sup>94</sup>. Election procedures for local public officials in secondary administrative regions shall be prescribed by law.

(Note: Refer to [Appendix Table 22: Countries Adopting the joint or two-vote system], [Appendix Table 23: Selection of National Legislatures].)

- (2) Depending on local conditions, each city or county council may select up to three different political party members to serve as members of the council for a term of one session or one issue with no voting privileges. All other rights and duties shall be the same as those of regular councilors.
- (3) Local councils shall have the right to correct mistakes or missteps made by local self-governing organs; they shall also have the right to impeach the local executive head of an autonomous group. These impeachment powers regarding local administrators shall be backed by laws.
- (4) Foreigners who are citizens of a fully democratic country shall enjoy full rights in local elections in accordance with the law in procedures such as recall, initiatives and restitution.

93 In the future, urban competition will be the trend of global competition. The parliament needs half of the parliamentarians to take care of the whole city. New Zealand has a population of 3.85 million in 2000, which is equivalent to the population of Taiwan's New Taipei City. The election of its parliament is MMP(Mixed-Member Proportional representation).

94 Former New York State Speaker of the House of Representatives Xiaohua Sheldon Silver (two-year term) was found guilty of corruption 5 million and sentenced to 7 years (2018/7/29) In accordance with §152 of the Swiss Federal Constitution, the legislative spirit is that a speaker or deputy speaker cannot run for the same position for four years after his/her term ends.

- (5) Except as otherwise provided in this Charter, representatives in local councils, township civic representatives' associations, farmers associations and water conservancy associations who have served one two-year term can run for re-election at the end of their term of office; for lawmakers serving a term of four years, 1/4 shall face election each year.
- (6) Organization laws and internal regulations regarding local legislative, executive, judicial, and procuratorial officials shall be approved by the Constitutional Court after review by the highest administrative courts in respective jurisdictions according to the constitution.

### **Section Five (Permanent Peace 5.5 ~ Legislative Standards Laws -Global Unity)**

- (1) Legislation to mend laws: The Legislature should aim to formulate One World under One Set of Laws, leading the way to the civilization for the rule of law<sup>95</sup>, and advancing the legislative standards laws for permanent peace<sup>96</sup>.
- (2) Basic goals of legislation: The law should conform to “Nature, Justice and Morality” as well as “Freedom, Democracy and Human Rights,” and must not contravene Global Law (Multi-source Common Law), Mandatory Law, Public Law of the UN and national constitutions.
- (3) Basic beliefs underlying legislation: Legislation should embrace human rights<sup>97</sup>, constitutionalism, international legalism, and global law (multi-

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95 For a description of Roscoe Pound's connection between law and civilization, see the previous note 79 for details.

96 For ways that development of legislative law and the modified membership system of multi-governments can best keep pace with the times, refer to Di Diguait, *The Theoretical Basis of Constitutional Thoughts*; see also the note on the previous page 102.

97 The people of Taiwan recognize that human rights are not talents. Human rights are natural rights, not granted by the Constitution. The role of the Constitution is merely to serve as a means for guaranteeing and realizing human rights. There have been historic precedents for the use of positive law to deny human rights. For example, fascist and Nazi regimes used empirical law as their legal avenue for carrying out genocide.



source common law).

- (4) Basic legislative principles: All laws shall be clear, globally consistent, complete and predictable.
- (5) Legislative standards laws shall be prescribed by law and shall be publicly announced following a constitutional review.

### **Section Six (Permanent Peace 5.6 ~ UN Strategic Partners - Global Unity)**

- (1) The Legislature should act in accordance with the basic principles of the constitution and the various advantages listed above (including global competition/cooperation in legislation, the establishment of a universal global law comparison database, modified committee-centric structure, and local public opinion linked to international and legislative guidelines), providing constitutional formulation services for all 249 political entities around the world (excepting disputed areas)<sup>98</sup>.
- (2) The Legislature, whether directly, indirectly or by proxy, shall, in addition to a headquarters in [Taiwan], establish offices at the UN headquarters in New York and at its European headquarters to help political entities formulate peace and development constitutions that can serve for a long period of time and will facilitate prosperity, thus functioning as a strategic partner for the UN.
- (3) Relying on experience accumulated by humankind over thousands of years, we acknowledge and confirm that great nations are the result of great contributions to humankind, through great systems and by great groups of people. Globalization has enabled [Taiwan] to save itself, and in turn [Taiwan] will save humanity and become a strategic partner of the UN for permanent peace.

### **Section Seven (Permanent Peace 5.7 ~ Relationships between Legislatures and Executive Branches - Global Unity)**

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<sup>98</sup> See ISO 3166-1 [Global Country Code] Complete List.

- (1) The Speaker of the Legislature shall serve as the highest person in charge of all operations. He/she may be nominated by the President and serve concurrently as Prime Minister; the Prime Minister may also nominate one committee chair to serve as a Master Committee Chair.
- (2) If the President nominates a candidate for Prime Minister who is not a committee chair, the nominee must be approved by all members of the Legislature (§6). With the consent of all committees, the Prime Minister may choose to hire local and foreign elites from other nations that are globally complete democracies to serve as heads and Parliamentary Secretaries in government, so long as they do not hold multiple citizenships.
- (3) The State Council shall be responsible to the National Legislature.
- (4) Any organization or individual that uses public funds, regardless of the amount used or the proportion of capital contribution, shall be subject to supervision by the National Legislature or the local council. If three members of the legislature or council act as co-signers, they can be held jointly accountable for business and finance activities.
- (5) Any mechanism for organizing committees shall incorporate checks and balances and should include members of at least three organizations or political parties that are not affiliated with each other; anyone who has conflicts of interest with their own business should avoid such activities.
- (6) The Vice-President shall serve concurrently as Speaker of the National Legislature and shall have no voting rights other than to break tie votes<sup>99</sup>. If the office of Vice President is vacated, a successor as Speaker will be elected by the committee chairs for the remainder of the term, and not allowed to hold the post again in the next term.
- (7) The Legislature may adopt paradigm shifts in legislative and executive

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<sup>99</sup> US Constitution § 1.3.2, the Vice President serves as the Speaker of the Senate, with exception for breaking tie votes, he/she shall have no voting rights on bills.

relations with other nations featuring semi-presidential or cabinet-style governments (§1.8).

**Section Eight (Permanent Peace 5.8 ~ Ethical Guidelines for National Legislatures - Global Unity)**

- (1) The people’s legislatures shall act as representatives of all voters at all levels of government. Other than obeying international law and the Constitution, they shall not be bound by orders or instructions, acting only in response to their conscience.
- (2) Sessions attended by less than 2/3 of the total number of non-members of specialized committees of the National Legislature shall not be valid. Unless otherwise stipulated in this Charter, bills approved by the majority of members present shall be considered passed, with tie votes decided by the chair of the session. Local councils shall follow the same principle<sup>100</sup>.
- (3) Any person who makes false statements or who knows the truth but refuses to disclose it<sup>101</sup> before the National Legislature or a local council shall be subject to legal sanctions. Proceedings in closed hearings shall be prescribed by law.
- (4) In the national legislature, local councils, or other public opinion organizations, only representatives who participated in the hearings in each case has full voting rights in such case.
- (5) Any lawmaker who attends less than 2/3 of committee meetings for

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100 In view of the shortcomings of democracy, countries of democratic system will have a tendency to be swallowed up by democracy. Which means the populism operates the 51% and 49% vote proportion and causes turmoil. The reasonable threshold of the bill and examinations shall be at least 60 points or 3/5.

101 Emmanuel Kant once said: Speaking the truth tells all the lies under the sun that “they are corrupt all the way to the lowest origins of justice. Thus always telling the truth is sacred and unconditional loyalty to the law of reason, and not simply the most convenient course.”

three consecutive months shall automatically forfeit all functions and powers. In local councils, representatives who are present for less than  $2/3$ <sup>102</sup> of the actual hours of each session will also be automatically terminated. Any vacant seats of the national legislature thus created shall be filled from the list of candidates in the last previous election, and any vacant seats of the local legislature shall be filled by the candidate within the order of the next-highest vote count in succession.

- (6) If more than half of the members of a legislative party caucus fail to meet the  $2/3$  attendance hours, all members of that party will be dismissed and will be replaced by members of the party garnering the next-highest total of votes in the previous election.
- (7) The Legislature, local councils and other public opinion organs shall be responsible for resolutions concerning “affairs” with public name, while matters regarding “people” shall be legally resolved by the respective organs in accordance to the law.
- (8) Members of legislative bodies shall not, either directly or indirectly, openly or covertly, engage in business, investment or part-time activities, and may not issue contracts, act as an agent, handle public funds, issue public funds, give orders to the people or serve as officials in public or private organizations. Any violators shall face legal sanctions.
- (9) The people’s representatives at all levels shall abide by the ethics of public opinion, including but not limited to violence, intoxication during meetings, collecting service or consultant fees, using influence for personal gain, taking advantage of a situation to cause troubles, or other corrupt bureaucratic practices, in addition to sanctions, violators

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102 In the Ukrainian Rada, only 198 of all 423 members recorded a single sign-in in the signing book in February 2018. What’s more, most of the members would sign in then immediately disappear. As a result all bills in February were passed by a total of seven representatives with higher attendance rate. Source 2018/3/6/ Politeka

may be expelled<sup>103</sup> by a vote of more than 2/3 of the members of the legislative body.

- (10) Members at all levels must go abroad to inspect at least two legislative bodies each year. They shall file inspection reports which shall be open to public scrutiny for at least 30 years.
- (11) Proposals and amendments proposed by members of the legislature which would result in a reduction in public financial income or increase or create new public finance expenditures, shall not be considered.
- (12) The Legislature shall not propose an increase in expenditures for a budget proposed by the State Council. Local councils shall not consider proposals to increase spending in locally-drafted budgets.
- (13) Any adjustment in salaries or benefits of members of the Legislature will take effect with the next session. Any other changes in compensation of the national lawmakers shall take effect four years after the date of the announcement; for local councils, such changes shall take effect two years after the date of the announcement.
- (14) Members have the right to travel on public transport free of charge.
- (15) Members should serve as models of behavior for the people. The ethical norms of representatives at all levels should reflect those of legislative bodies in fully democratic nations and meet sound ethical norms<sup>104</sup>.

### **Section Nine (Permanent Peace 5.9 ~ Transitional Justice -Global Unity)**

- (1) Legislative efforts to achieve transitional justice and sustainable transition will never cease (see § 8.6).
- (2) Any lawmaker involved in making unjust laws or orders that violate the principles of nature, justice, morality, human rights or international law

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103 See § 40 of the French Constitution for details.

104 See § 48 of the German Basic Constitution for details.

must be held accountable retroactively.

- (3) Any organization or individual persecuted by public power shall have full rights of pursuit, remedy, and claims.
- (4) Anyone who exerts substantial influence over government agencies and uses and controls public funds and obtains private benefit from himself/herself, can be sued for compensation by any victim(s) of such actions.
- (5) Military or public officials who have contributed to transitional justice and eliminated obvious harm and/or injustice shall be promoted by at least three grades or ranks.
- (6) Transitional justice shall draw lesson from other nations and be prescribed by law.

### **Section Ten (Permanent Peace 5.10 ~ The vocation of Legislation - Global Unity)**

- (1) Models for Legislation: [Taiwan] shall be a mecca for world citizens to participate in global competition and cooperation in legislation. Every citizen shall be a legislative angel, life-long representative, and a champion of life choices and public opinion<sup>105</sup>. All people shall take advantage of the heavenly calling to service for humankind and permanent peace. The national legislature should be immediately associated with the holy land for Global Law.
- (2) Responsibility of Representatives: Global law represents the foundation of the nation and the soul of its constitution. As long as there is one person on earth still living under an authoritarian dictatorship, all [Taiwan]ese as the world's legislative angel have a duty and mission to help them through legislation.

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105 That human rights are God-given and are natural provisions which are universally recognized and confirmed as well as guaranteed by the constitution. They can neither be infringed on nor denied, as stated clearly in the eight sections on freedom, democracy, human rights, rule of law, and the legislative, executive, judicial and procuratorial branches.

- (3) **Public Responsibility:** The earth is our homeland, and all human beings are our family members. Every public official has an obligation to help build a community for human destiny. All officials must fight laws that contravene universal values as part of their calling to save world peace.
- (4) **International Responsibility:** Adhere to the doctrine of One World under One Set of Laws, implementing good things from the past and letting the laws of all nations flow into [Taiwan]. In the future, advantages never seen in any other nations will flow out from [Taiwan], and a single comprehensive set of laws will form a legal system for human beings in long-lasting peace. The state should formulate a proper budget in support and help promote the necessity of peaceful development in [Taiwan] to the world.
- (5) The national policy should be to demonstrate the goals and ideals of future human civilization in the UN Global Governance Council. We should take the lead in found the Permanent Peace Congress League, and set up members of the UN Parliamentary Assembly on par with the UN General Assembly's Democracy Committee to jointly promote the core ideals and values of the UN.

**Section Eleven (Permanent Peace 5.11 ~ Legislative Transition - To be rescinded when transition is complete)**

- (1) No elected public official shall be subject to disbenefit changes in powers due to constitutional reforms.
- (2) The current term of office of members of parliament may be extended until all members of the new system are elected.
- (3) Newly-elected members of the Legislature shall be elected within two-year terms through four election cycles while such time as the terms of all old members have expired.
- (4) Local council members shall remain in office until the expiration of their current term of office.

(5) This section shall be rescinded once the transition is complete.

## **Article 6 Administration under Unity**

### **Preface**

Who is betraying our future? Who repeatedly feigns constitutional reform to consolidate the dictatorship? Who is plundering contemporary [Taiwan]’s resources from generation to generation? Who is the enemy of our permanent peace and development? The answer is not others; rather, it is “one of our own” — the party government supported by the hard-earned dollars of our taxpayers.

### **Therefore**

The Charter for Permanent Peace / Global Unity Constitutional Standards (Contents: Constitutional Standards for Ensuring Human Rights Standards / Constitutional Principles for the Allocation of Justice / Constitutional Laws that Affect the World’s Constitutional Principles/ Constitutional Order for the Distribution of National Power / Constitutional Law with Comprehensive Strategy). Article 6 follows the definitions outlined in the UN Global Governance Council: super-national, national and sub-national levels all the way down to the design of the administrative co-opetition system in towns and villages.

National governments shall follow a modified semi-presidential system<sup>106</sup>. The Legislature works with the Cabinet along with 12 standing

<sup>106</sup> For details, see [Appendix Table 26: Comparison of Global Constitutional System Studies]. Take the presidential system as an example. While the US system can be regarded as a success, it has not yet reached perfection, and we have seen no other successful cases. In Korea, for instance, from 1948 to the present, the nation has gone through 16 terms and 11 different presidents. All of the presidents met tragic endings, either dying far from the limelight or being assassinated, imprisoned or voted out, or being unceremoniously drummed out. Practically no president has been able to retire with grace and dignity.



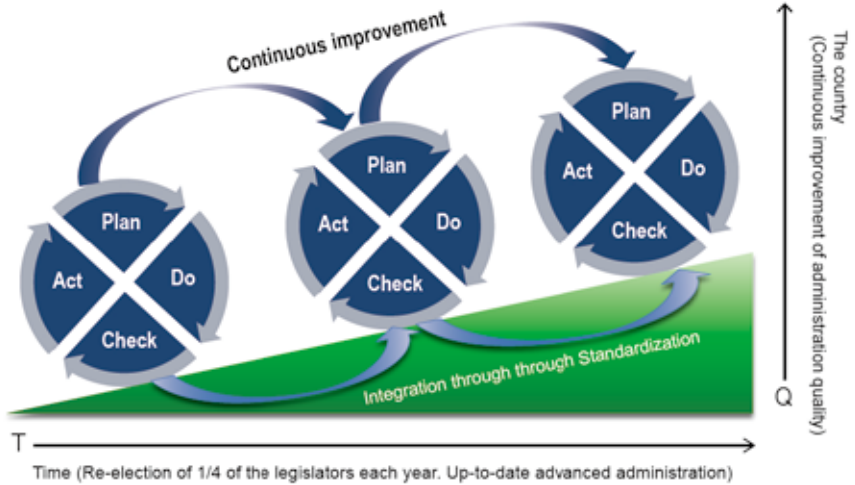
committees and a number of ad hoc committees. The Prime Minister and ministers are doubled as the elected members of special committees organized by the elites gathered in the National Legislature. The central government is responsible to the Legislature and closely tied to the system design.

To implement global governance and world harmony, elected heads of government branches shall not be limited by nationality but must be citizens of fully democratic countries. The heads of the three key bureaus in local government shall also be elected by the people. The “three-in-one one-vote single-vote system” is adopted to systematically promote the people as a third force in the government.

This Constitution requires the government to pursue the truth, solve problems, create happiness, and honor value; and the constitution shall ensure that [Taiwan] will be an executive model for permanent peace for all the world.

This set of national systems pursues the best administrative quality, efficiency and efficacy; we shall gain all the advantages that other states have achieved, and we will offer advantages that no other nation can boast, working both ways to fully make up global administrative shortcomings and demonstrate the advantages to the world as a way to lead humankind to the future. To this end, the people of [Taiwan] and the oppressed of the world have nothing to lose except their chains and iron curtains. In exchange, they will win long-lasting peace.

Illustrate: National administration should comply with the rolling reform that specifies more than 20,000 international standards (ISO, and integrate the administrative constitutional standards for permanent peace and sustainable development through standardization:



## Implementation

### Section One (Permanent Peace 6.1 ~ Global Co-opetition for Administration - Global Unity)

- (1) Government administration must always serve to make a better world. Together with promoting global co-opetition for administration, reinforcing constitutional standards, improving resource allocation, and promoting world peace are the most sacred rights of the people as well as one of the most urgent duties of the state.
- (2) We recognize the potential co-opetition for administration power of a multi-national government, recognizing that a state administrative organization<sup>107</sup> is an executive agency empowered by international governments, guaranteeing administrative participation globally, and constructing a community to work for a common destiny for humankind. This is an obligation that no state can shirk.
- (3) The state, in accordance with international law, can exercise administrative powers that global administrative organizations (such as the UN and other professional international organizations<sup>108</sup>) do not enjoy. Such organizations have administrative powers only in their limited jurisdictions. Co-opetition efforts are based on the principle of global co-opetition (§5.1) and shall be administered according to law.
- (4) Operating on the basis of global unity and governance, the state shall have independent, equal, self-jurisdictional, self-defending, environmental, peaceful, development, and neutral rights over other countries.

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107 According to Kelsen's General Theory of Law and the State, "domestic law is empowered by international law", a concept which can be used to establish a supranational organization with permanent peace (i.e., the UN).

108 The United Nations, World Trade Organization, World Health Organization, Interpol, International Monetary Fund, World Bank, International Olympic Committee, International Hydrographic Organization, other international standards...

- (5) The state shall not interfere in other countries' affairs or encourage them to cause civil strife, and shall respect human rights, abide by international law<sup>109</sup>, resolve disputes peacefully, and avoid using war as a tool for implementing national policies.
- (6) The administrative powers of the people of [Taiwan] are entrusted to the elected executive heads of government branches at all levels; the implementation of international administrative norms shall be carried out by various administrative organs at all levels as determined or defined by the Constitution.
- (7) In order to resolve international disputes, the state should join in all universal, general and mandatory international arbitration agreements<sup>110</sup>. [Editor's note: If [Taiwan] does not take part, responsibility does not automatically devolve to [Taiwan]]
- (8) Global co-operation for administration and the permanent peace of mankind are basic principles that run through all the provisions of the Constitution. They are also among the six general principles of international and domestic law.

## **Section Two (Permanent Peace 6.2 ~ National Orientation - Global Unity)**

- (1) In order to serve the people and all mankind in the era of the global village, all nations should appreciate the progress and positioning achieved by [Taiwan] by looking at the world from [Taiwan]'s point of view with the time and space conditions as they exist today.
- (2) [Taiwan] is an active contributor to global governance, world harmony, human security and permanent development. All nations should incorporate this into their constitutions to show what makes for effective universal government.

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109 The section on "State Rights and Obligations" generally refers to Resolution 375 adopted by the UN General Assembly on December 6, 1949.

110 Refer to §24 of the Basic Constitution of Germany: Transfer of State Sovereignty.

- (3) [Taiwan] operates at the super-national level (the UN, EU, AU, ASEAN...), the national level (Germany, France, China, the US); the sub-national level (state, province, SAR, California (USA) - Sichuan (China)); and at the micro-national level (city or metropolis, such as Los Angeles (California) or Chengdu (Sichuan)) and acts as a strategic partner in dynamic human-related organizations.
- (4) [Taiwan] is a development partner with 249 political entities<sup>111</sup> around the world by providing constitutional services. This Charter shall have the same legal effect in any political entity as it does in [Taiwan].
- (5) [Taiwan] serves as a moral model for [Asia]. It strives to construct a peaceful development structure within which the global village can operate permanently, and create nations of truth, goodness and beauty<sup>112</sup>. [Taiwan] shall be an oriental model for universal values.
- (6) [Taiwan] operates as a charitable organization for mankind. It provides a new constitutional compass for all humankind. “Life must be free from want and survival free from fear; everyone shall be living and working in peace, and every generation will prosper.”
- (7) [Taiwan] is the sacred land for rule of law in the Eastern world. It is the capital of global governance, a symbol of global unity and a fortress for democracy for the world.
- (8) [Taiwan] stands as an [Asian] lighthouse steering all away from civil strife, internal disturbances and the threats of nuclear and chemical weapons. It is an eastern sun that shines for permanent peace and development in the Far East.

### **Section Three (Permanent Peace 6.3 ~ Positon Process of the President**

111 At present, there are 244 major political entities in the world, including 193 UN members (not including disputed areas).

112 It is the primary responsibility of the state to create conditions conducive to the overall development of the people and individuals in accordance with the concepts proclaimed in the UN Declaration on Social Progress and Development.

## **and Legislative Members - Global Unity)**

- (1) The president must be at least 50 years old<sup>113</sup>, with no restriction on nationality. According to the sacred principle of “sovereignty of the people”, the President shall be directly elected by the people in accordance with true democracy: “The world belongs to everyone for Great Unity.”
- (2) Presidential elections shall follow a two-round system, and the winner must receive an absolute majority of votes. If no absolute majority is obtained in the first round of voting, a second round shall be held on the 14th day thereafter, with the two candidates who won the most votes in the first round participating. If the candidate with the highest vote total in the first round declines to continue, he/she will be replaced by the candidate with the second-highest vote total for the second round.
- (3) In order to promote his/her executive agenda, the President nominate 12 members for a Permanent Development Generation Team, with qualifications to include being native-born and 45 years old. These permanent development representatives will serve as members of the 12 specialized committees in the National Legislature during the President’s term of office. When the President takes office, they will also swear to give up party membership and refrain from participating in party affairs. These lawmakers shall have no right to vote on the impeachment of the President; and unless they are nominated for recognition as a lifelong legislator or service as lawmakers for internalization of international laws or for adoption of other laws from legal systems around the world, during the first three years following the

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113 Among the 44 presidents of the US, the youngest was 43 at inauguration and the oldest 69, while the majority were in their 50s, 25 presidents or 57.8%; 10 were over 60, accounting for 22.7%; and those aged 50 to 60 accounted for 20%, only 9 persons. Most cabinet members are somewhere between 50 and 60 years old, generally in the same range as the president.

end of term or retirement they shall continue to refrain from activities related to political parties and business, while their remuneration and benefits shall remain unchanged during this period. All violations of this clause shall be sanctioned by law.

- (4) Permanent development representatives shall serve as vice-chairs of the specialized committees they belong to. When the committee chair is absent they will preside over meetings, and will cast the deciding vote when balloting by other committee members results in a tie.
- (5) The President shall serve one five-year term. He/she shall not be eligible to run again for six years after the term ends, nor may he/she hold any other public office<sup>114</sup>. Lifelong security is guaranteed by the state and the current president shall be in charge for its implementation.
- (6) If a foreigner is elected president he/she shall, within six months of taking office, the signing of an extradition treaty between his/her native country and [Taiwan] shall be effected. Anyone who fails to accomplish this task must not hold dual citizenship. The method to be followed shall be prescribed by law.
- (7) 60 days before the election of a new president, the current president shall be responsible for government security and shall not make any major decisions during the period. Within 60 days after the election, the newly-elected president shall begin the job of transition, and Inauguration Day shall mark the change-over. The handover procedure from old to new president shall be described by law.
- (8) If the President steps down or is unable to perform his/her duties for any reason, the Prime Minister shall act as an emergency replacement. The National Legislature shall elect an acting President within 72 hours. In addition to the Prime Minister, various members of the Permanent

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114 See §70 of the Constitution of the Republic of Korea, “The president serves a five-year term and is not eligible for re-election.”

Development Generation Team and specialized committee chairs shall nominate a replacement for the president to be elected by all members of parliament<sup>115</sup>. The acting president should carry out the new presidential election within six months and re-calibrate his/her term of office. All aspects of the presidential election shall be prescribed by law.

- (9) The President shall take the oath of office as follows: “I sincerely swear to the people of the whole nation and the whole world that I will abide by the Constitution, transcending party politics to be impartial, do my duty and enhance the welfare of the people. I shall uphold the ideals of ‘nature, justice and morality’ as well as ‘freedom, democracy and human rights,’ as the core interests of humankind. I shall strive to raise the value of life, promoting constitutional standards and improving the distribution of resources, promoting world peace and accepting no political donations. If I fail to uphold this oath, I am willing to be severely sanctioned by the state.
- (10) Both the presidential election recall law and presidential office organization shall be prescribed by law.

#### **Section Four (Permanent Peace 6.4 ~ The Presidential Office and Presidential Power and Responsibility -Global Unity)**

- (1) National system: a modified semi-presidential system, universal suffrage in presidential elections; professional committees corresponding to 12 national and global divisions in the National Legislature, 12 cabinets and a number of ad hoc committees, and prime ministers and ministers. The prime minister and cabinet ministers shall be elected from among

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115 The US Vice President acts as Speaker of the Senate, § 1.3 of the US Constitution. If the president cannot handle a matter for any reason it is not easy for the prime minister to act in his/her stead. Hitler was appointed Prime Minister by German President Hindenburg in 1933. After Hindenburg’s death in the following year, Hitler became the head of Germany and served as the supreme commander of the German armed forces. History is full of such examples.



committee chairs to ensure the central government is responsive to the Legislature. [Appendix Figure 2: Central System ~ Diagram of Modified Semi-Presidential System], [Appendix Table 24: Partial List of Nations Using Semi-Presidential System (Dual Leader System)]. [Appendix Table 25: Modified Semi-Presidential System ~ President, Selection of Prime Minister and Cabinet Ministers, and whether or not there is a Deputy Minister].

- (2) The President represents the country as a leader committed to humanity and unity and is responsible for diplomacy. He/she ensures the observance of all parts of the Constitution, safeguards the normal operations of public power, continues and enhances national strength, and upholds generational justice.
- (3) The President shall be in charge of the three branches of the armed forces, with authority to declare war, negotiate peace, declare martial law, grant pardons and amnesty, declare State of emergency and promulgate laws. The aforementioned amnesty shall not include impeachment cases<sup>116</sup>. All decrees issued by the President are subject to approval by the Prime Minister and relevant ministers.
- (4) The President shall preside over the highest national defense conferences, national security conferences and state conferences<sup>117</sup>.
- (5) The President shall appoint ambassadors and special envoys and accept the credentials of foreign ambassadors and special envoys.
- (6) The President shall make decisions based on recommendations from the Cabinet; if a decision is not in accordance with the Cabinet's

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116 See § 2.2 of the US Constitution: ... With the exception of impeachment cases, he has the right to grant pardons and amnesty for those who violate the laws of the US.

117 The President of France is responsible for convening important meetings to ensure application of the nation's major policies and to protect the rights of the people. For details, see § 9 and § 15 of the French Constitution.

recommendations<sup>118</sup>, the issue will be returned to the Cabinet for reconsideration. In this case, the Cabinet may notify the National Legislature on matters other than treaty ratifications or appointments to official positions. Thereafter, the Cabinet may propose that the matter be decided in accordance with instructions from the Legislature regarding the Cabinet Report.

- (7) The President shall prepare and deliver a State of the Union address to the National Legislature once a year, with no immediate discussion of the contents. The President shall appear at a joint meeting of the twelve special legislative committees in the National Legislature for this purpose. After his departure, lawmakers may discuss the president's address but there will be no vote.
- (8) The President shall choose a Prime Minister from among the specialized committee chairs, exempting him/her from certain duties according to a general statement from the Prime Minister. The President shall appoint a Cabinet on the basis of the Prime Minister's proposals. If the President wishes to appoint someone other than a specialized- committee chair as a minister, the appointment must be approved by the Legislature.
- (9) The President represents the state in international relations and concludes treaties with other nations. Any regular diplomatic relations or treaties/agreements/protocol involving national legislative matters shall be in the form of law, with prior consent or participation by the Legislature

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118 For details, see the Finnish Constitution § 58 Presidential decision-making power: 1. The President of the Republic makes decisions based on the recommendations of the Cabinet. 2. If the President does not make a decision in accordance with the recommendations of the Cabinet, the issue will be returned to the Cabinet for reconsideration. In such cases, the Cabinet may report to the Parliament on matters other than the approval of the law, the appointment of an official or a position. Thereafter, the Cabinet may propose that the matter be decided in accordance with the instructions of the Parliament based on the findings in the Cabinet Report.

- (10) The actions of the President shall be above party politics. In addition to nominations for Ministers, all bills signed, orders issued, and applications for overseas trips are to be countersigned by the Prime Minister and relevant ministers.
- (11) The President should lead the country in working for the benefit of humankind and ensuring that human rights protection in [Taiwan] will never lag behind that of other nations. In return, the people guarantee the president's compensation shall be the best in the world.
- (12) Any changes in the powers or benefits of the president changes shall take effect when the next president assumes office.
- (13) The President may call for a referendum to settle a major national security issue<sup>119</sup>.
- (14) With the exception of the crimes of fomenting civil strife or external crimes, the President shall not be indicted or removed from office without criminal charges.
- (15) The organization of the Presidential Office shall be prescribed by law.

### **Section Five (Permanent Peace 6.5 ~ Organization of the State Council and the Prime Minister's Powers and Responsibilities - Global Unity)**

- (1) The Prime Minister is the highest executive officer of the state, representing the government and directing its operations while also taking responsibility for national defense.
- (2) The Prime Minister shall formulate and implement national policies, govern the executive organs and the military, and be accountable to the National Legislature.
- (3) The Prime Minister shall have the power to make executive regulations and appoint civil and military officials to ensure compliance with the law.
- (4) The Prime Minister presides over the work of the Cabinet and is responsible for coordinating preparation and deliberation of the affairs

119 See § 72 of the Constitution of the Republic of Korea.

of the Cabinet. The Prime Minister may delegate some of his powers to other ministers. The Prime Minister and the heads of ministries and committees shall submit bills and budgets, make proposals for martial law, amnesty, declarations of war and peace, treaties and other important matters for submission to the National Legislature, as well as other matters involving the ministries. The State Council shall act to resolve any conflicts.

- (5) All ministers are responsible to the National Legislature for their duties. Every minister shall participate in Cabinet proceedings, and if there is no objection to a proposal, shall be jointly and severally responsible for any decision made by the Cabinet. Bills shall be signed by the Prime Minister as well as relevant ministers.
- (6) The Cabinet must immediately inform Congress of its governing agenda as well as any major changes in the make-up of the Cabinet.
- (7) The term of office of the Prime Minister shall be one year, and special committee chairs may not be re-appointed during the term of office of the Legislative chair. When the Prime Minister is absent or unable to perform his/her duties, the Deputy Prime Minister shall act as a temporary replacement. The President shall appoint a new Prime Minister within 30 days.
- (8) The Prime Minister must be at least 45 years of age, native-born [Taiwan]ese, and have resided in [Taiwan] for 30 years.
- (9) The Prime Minister may appoint two elected committee chairs to serve as Deputy Prime Ministers; appointments of non-elected chairs as Deputy Prime Ministers shall be subject to approval by the National Legislature. The qualifications for Deputy Prime Minister shall be the same as for Prime Minister.
- (10) The state shall implement a general compulsory military service

system based on the tenet that “all people are soldiers<sup>120</sup>”. The organization, equipment, and training of the national army, as well as all rules and regulations governing service in defense of the nation shall be prescribed by law.

- (11) Organization of the State Council, election and removal of executive leaders and procedures for the State Council to exercise its powers and policy decisions shall be prescribed by law.

### **Section Six (Permanent Peace 6.6 ~ Departmental Organization and Ministerial Powers and Responsibilities - Global Unity)**

- (1) The Minister shall be the final constitutional guarantor of all matters pertaining to each ministry.

The Prime Minister is the first among joint guarantors while the President is the ultimate guarantor.

- (2) Each Minister has the power to administer personnel and order the personnel of his/her subordinates. For example, the Foreign Minister has the power to command diplomats and subordinates; the Minister of Defense has the power to command and lead the armed forces; and the powers and duties of other ministers shall be similar.
- (3) Each Minister has the right to investigate all affairs regarding personnel

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120 See 1 Switzerland’s universal military service: 4,200 permanent soldiers are on active duty, while 351,000 can be mobilized in 48 hours in wartime. Male citizens from 20 to 34 years old must perform military service, and female citizens can also volunteer for military service. 2 Israel’s national system: Both men and women are recruited for the army at the age of 18; some immigrants may also voluntarily join the Israel Defense Forces, with the exception of Arab citizens; most Arab citizens are not recruited to avoid conflict of interest if hostilities break out with Arab nations. Compulsory service for males is three years, and for females, two years. Although Arab citizens are not included in the recruitment process, they may volunteer to join the army. The same policy applies to other non-Jewish citizens. After completing compulsory military service, Israeli men are transferred to the Defense Force Reserve and are active for several weeks of service and training annually until they reach 40.

under his jurisdiction.

- (4) Each Minister has the power to request support from other ministries in accordance with the law.
- (5) The organizational rules regarding each ministry and the exercise of all ministerial powers shall be prescribed by law.

### **Section Seven (Permanent Peace 6.7 ~ Powers and Responsibilities of the Local Organization and Local Heads - Global Unity)**

- (1) Local governments at all levels should give priority to public tasks and develop governance experience among local citizens. The central government need not do what locals can do; the international entities need not do what the state can do: this is a basic part of the foundation of global governance.
- (2) Build a sound and clean government. In elections of municipal mayors or county magistrates, the three key bureau chiefs (the chief controller, the finance director, the education director, etc.) shall also be chosen in a one-vote-single-vote system<sup>121</sup> to systematically allow the people to act as a third force in the system. Rules for election of local heads shall be prescribed by law.
- (3) Implement localization throughout the nation. All organs of the central government, including legislative, executive, judicial and procuratorial, shall set up a single-window joint service office in local cities and counties, and local governments and sub-local governments should extend full cooperation to other levels.
- (4) Implement global in localization. In addition to relevant provisions of the Constitution, local governments should promote local development

121 The “combined one-vote single-ballot system” means that the names of three candidates are printed on the same ballot and voters can choose only one person. Thus it is not easy for the city mayor or county magistrate, the chief comptroller and the auditor to belong to the same political party. Political parties are not necessarily sheltered from each other’s power plays and greed.

and international exchanges in accordance with the “Declaration on Local Self-Government,” the “European Local Self-Government Charter,” the “European Metropolitan Human Rights Protection Charter” and the “World Constitutional Entity - Local Autonomy”.

- (5) Sub-national level groups (local offices) may join in efforts of sub-national level groups (states, municipalities, special zones, etc.) of any fair and completely democratic state that do not violate rules at super-national and national levels regarding economic, social, cultural and other treaties or agreements.
- (6) Local governments have the right to set up militia organizations in order to defend freedom, democracy and human rights. The administrative heads of cities and counties shall organize, direct, and supervise all militia groups under their jurisdiction. Militia organizations of cities and counties may be incorporated into the national army through resolutions by the National Legislature. The organization and operations of local civil defense groups shall be prescribed by law.
- (7) The relationship between the central and local governments as well as the organization and operation of local governments, public organizations, and community development associations shall be prescribed by law.

### **Section Eight (Permanent Peace 6.8 ~ Townships, Villages and Communities- Global Unity)**

- (1) Townships and villages are the basic places for solving people’s problems. Public officials in these areas, whether paid or not, are the people who act first to solve the public problems. The operations of heads of townships and equivalent areas shall be described by law.
- (2) Implementing the best government on all sides. All communities shall set up “Community Development Associations” with 9 to 27 directors, all of whom shall hold honorary positions. They shall be elected by

villagers for a term of four years; the chairman of the board of directors shall be elected by the directors for a term of one year, and may not be reappointed after the term ends. The chairman of the board of directors is the nation's most basic administrator, representing the nation in serving the people<sup>122</sup>.

- (3) Implementing small actions on behalf of the people is considered a major event for the nation. The chair of the village community shall act on behalf of the township's citizens in an honorary post.
- (4) Civil servants in the village who are qualified through the constitutional examination shall be responsible for assisting operations of the Community Development Association and handling constitutional powers and legal concerns (see 6.9.13).
- (5) Donations shall be tax deductible, and no funds shall be used for political contributions or religious donations.
- (6) General rules for the organization of townships and villages shall be prescribed by law.

### **Section Nine (Permanent Peace 6.9 ~ Government Neutrality and Judicial Transparency - Global Unity)**

- (1) The government shall be neutral in operations and administration. Certain public officials, including officers, judges and prosecutors, may not be associated with political parties, participate in party activities, or hold active party membership. Public officials who are absolutely above party politics shall be prescribed by law.
- (2) No government official is allowed to waste resources, time, funds or development opportunities. Conversely, all government agencies shall

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122 For example, my two brothers lived close to each other in the same village but have nothing to do with each other because they supported different candidates for village chief. After the village chief ran again and continued office for 2 terms, the two brothers remained estranged until they died. The election of the village chief is the keystone in bearing the weight of democracy.



establish standard operating procedures that will allow the people to monitor operations of the government simply and effectively.

- (3) The government is responsible for solving all problems involving the nation and the society. Any public official who handles official duties must do the right thing starting from the first time. Someone must ultimately be held accountable for any mistakes.
- (4) National recruitment of public officials shall also act as an exit mechanism. During the first half of a term, employees should be hired on a regular contract basis, and his/her initial period should be fairly assessed. If performance is good, those who did well will be upgraded to status as a full public official. At the same time, performance appraisals on a regular basis shall still be required.
- (5) The government should submit complete “generational reports,” balance the budget and adopt “generally accepted accounting principles” to issue accurate “government assets and liabilities” reports on a regular basis.
- (6) The government should ensure a sustainable living environment. The population density of [Taiwan]’s inhabited areas is the highest in the world. Non native-born citizens may not own residential land, with one exception: those who are elected mayors of townships or towns in [Taiwan] shall not be subject to this restriction.
- (7) The government should be fair, honest, and transparent, and utilize the internet where practical to encourage political participation. All information should be immediately available online, publicly displayed for at least 100 years, and subject to long-term legal and ethical examinations.
- (8) The government should provide up-to-date, clear and complete information to ensure that all citizens are safe, including medical, food, housing and transportation information and a safe and traceable system open to mobile phone enquiries.

- (9) Basic services and facilities which the disadvantaged depend on to survive should all be operated in an open manner, and public services such as medical attention and care-giving should not be allowed to deviate from their stated goals of public and community service.
- (10) All organizations and units shall make good use of scientific management thinking, commit themselves to global localization, continuously evolve and improve, comprehensively promote administrative quality and efficiency, and honor the global unity administration while respecting the global legal system.
- (11) Operations of the government shall be transparent 24 hours a day. Any delays, inflations or reductions of the contents of a report shall be subject to legal sanctions.
- (12) All cabinet members or other members of the government should trust each other, depend on each other and take care of each other in serving the people. When the central or local government is on the verge of bankruptcy, it should be responsible to all personnel.
- (13) Empirical love is basic to the Constitution, and its greatness lies in the government. The government shall guarantee salvation, justice and responsiveness to the people, ensuring human dignity and guaranteeing protection by the Constitution throughout life. All government personnel should practice the spirit of equality and fraternity, and strive to achieve a nation where no one commits suicide or self-destruction.

**Section Ten (Permanent Peace 6.10 ~ Administrative Duties - Global Unity)**

- (1) The administrative paradigm: [Taiwan] shall become the capital under Unity, a community dedicated to a common destiny for humankind, as an ever-lasting principle underlying the establishment of the government. All executive agencies and personnel should work in buildings with the designs which symbolize this common destiny.

(2) International Responsibility: Innovating global governance and leading the world together<sup>123</sup> shall be the basic national policy of all nations. The state shall prepare a budget that will enable it to meet international obligations.

**Section Eleven (Permanent Peace 6.11~ Administrative Transition Provision – To be rescinded when transition is complete)**

- (1) Once this Charter has been approved by the people, the current President shall serve until the end of his original term; and the heads at lower levels shall also remain in place until the end of the President’s term. With the exception of automatic resignations, there shall be no changes that are not in the public interest.
- (2) This section shall be rescinded once the transition is complete.

**Article 7 Procuratorial Powers under Unity**

**Preamble**

Who has stolen sovereignty from the people? Who is monopolizing procuratorial powers to cover up a corrupt regime? Who is the enemy of peace and justice? The answer is not others: rather, it is “one of our own” — the party government supported by the hard-earned dollars of our taxpayers. We [Taiwan]ese people offer this charter as our commitment to a historical destiny. Drawing on the experiences of people who have been exploited for thousands of years, we seek to follow the desires of Heaven and humankind and promote a procuratorial system that will serve all humankind and foster permanent peace and development.

**Therefore**

The Charter for Permanent Peace / Global Unity Constitutional Standards (Contents: Constitutional Standards for Ensuring Human

<sup>123</sup> For a brief description of “Innovation” by Xi Jinping, please refer to note 80 in the previous section.

Rights Standards / Constitutional Principles for the Allocation of Justice / Constitutional Laws that Affect the World's Constitutional Principles/ Constitutional Order for the Distribution of National Power / Constitutional Law with Comprehensive Strategy). Article 7 aims to ensure that [Taiwan] will serve as a model for procuratorial action. All people shall be angels of justice, acting on far-reaching and solid constitutional provisions.

Implementing One World under One Set of Laws and exercise global co-opetition in procuratorial work is the first step toward a global procuratorial system. Nations shall have procuratorial power only where global international agencies have failed to exercise procuratorial power. Existing international inspection and supervision agencies should actively work to promote complete development of the system.

This Charter incorporates universal law and the laws of all nations into a single legal system. The people shall have the right to choose and directly invoke the laws and provisions of any system that promotes procedural justice, and procurators are obliged to guarantee people that their rights will never lag behind those of people in other countries.

Rule of law must first be applied to governments, and then to the people. The Procuratorial Branch must be fully independent of the legislative, executive and judicial branches. It is no longer attached to and controlled by administrative organs and can truly be the embodiment of justice.

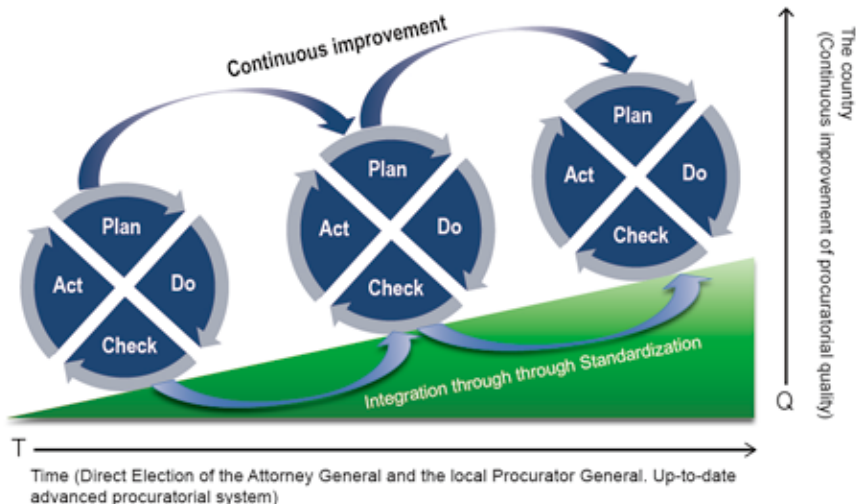
The Procurator General is nominated by the president and must meet the same qualifications as candidates for the presidency. Attorney Generals at local levels shall also be elected by the people, with the qualifications of candidates the same as those for county and city mayors and magistrates. The Procurator General shall be directly responsible to the people, and procuratorial policies shall be monitored by the people as holders of

sovereignty, a thorough shedding of the previous outdated and convoluted procuratorial system.

In order to implement One World under One Set of Laws and achieve the political views and reform ideas of the elected Procurator General, the Procurator General-elect will form a team of 12 legal internalization lawmakers to help incorporate universal law and the laws of all nations into a single legal system.

This procuratorial system will provide the highest quality and efficiency in inspection, utilizing the advances [Taiwan] has made and other countries have yet to make, and offering them to make up shortcomings in global Procuratorial Powers, demonstrating [Taiwan]’s good features to world. This peaceful contribution from [Taiwan] to the world means that those who suffer under oppressors have nothing to lose but their chains and iron curtains, while others will suffer no loss while winning the glory of a world capital, permanent peace at the supra-national level, and the release of human beings still held hostage under some 50 dictatorships world-wide.

Illustrate: National Procuratorial Powers should comply with the rolling reform that specifies more than 20,000 international standards (ISO, and integrate the procuratorial standards for permanent peace and sustainable development through standardization:



### Implementation

#### Section One (Permanent Peace 7.1 ~ Global Co-opetition for Procuratorial Powers – Human Unity)

- (1) Leading the way to co-opetition in procuratorial efforts, raising constitutional standards, improving resource allocation and promoting world peace are the most sacred rights of the people and the eighth most urgent obligation of all nations.
- (2) Global Co-opetition in Procuratorial Matters: The State shall have procuratorial powers only in areas where there are no laws governing procuratorial or prosecutorial powers and outside its jurisdiction.
- (3) Establish equal living relationships in the global village and in consideration of overall human interests, in order to maintain unity in legal order and the distribution and utilization of resources, and

to affirm that international institutional norms are necessary and international agencies should have procuratorial rights.

- (4) The State shall have procuratorial powers to achieve equal living relationships in the nation, and consider national procuratorial norms to maintain consistency in legal and economic affairs under the overall national interests.
- (5) Prosecutors shall act on “International Absolute Law” in cases involving internationally recognized crimes, or for prosecution in the International Criminal Court, in particular for crimes involving genocide, inhumane acts, war, aggression, etc. It shall have full procuratorial powers regardless of whether the alleged perpetrator is charged with planning, abetting, assisting, or attempting a criminal act.
- (6) The people’s pursuit of One World under One Set of Laws and procuratorial justice are sacred rights of all world citizens and the most urgent obligation of procurators everywhere.
- (7) Public procuratorial agencies must be fully independent of the powers of the legislative, executive and judicial branches. Their power comes directly from the people and they are directly responsible to the people, and not subject to any political interference.
- (8) Procurators are empowered by the people to exercise judicial and procuratorial power and perform in accordance with international procuratorial regulations including Guidelines on the Role of Prosecutors. The Procurator General and local procuratorial agencies, as well as procuratorial departments and bureaus of the state, shall all operate independently according to the law.
- (9) Global co-competition in procuratorial powers and the right of permanent human peace shall function as the eighth principle in all provisions of the Charter, and shall also be a part of the general principles of international and domestic law.

## **Section Two (Permanent Peace 7.2 ~ The Procuratorate - Human Unity)**

- (1) The procuratorate is the state's legal supervisory authority, supervising all due processes of law<sup>124</sup> — exercising supervision, impeachment, and auditing rights; criminal, military, and civil inspection and prosecution; and judicial education and implementation of protection of the people and the Constitution.
- (2) The Procuratorate: The procuratorial department shall set up a general prosecutor to conduct investigations, initiate and prosecute cases, and direct the execution of criminal judgments (§8.4). Exercise of these procuratorial powers shall be based on an inclusive collegiate system as well as a hierarchical system.
- (3) Ministry to Protect the People: The Ministry to Protect the People shall set up an office for a public procurator.
  - i. The Peoples Procurator shall serve as a lawyer for the people, assisting the civilian population in exercising their constitutional and legal guarantees.
  - ii. The public prosecutor shall be a public prosecution representative agent for the people to lodge complaints against public entities and public officials. The guardian of the public shall not sue or prosecute the people.
  - iii. The guardian procurator shall not be subject to the exclusive jurisdictional norms of procedural law when involved in an investigation. The guardian has the right to supervise and direct public security organs or procurators in investigating, and has the same performance appraisal rights granted to all constitutional guarantors.
  - iv. Public prosecutors can intervene to supervise the conducting of jus-

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124 See § 181 of the Constitution of the Republic of South Africa: the establishment of the Public Protector Office is based on relevant provisions in a democratic constitution.



tice at any time and any place.

(4) Audit Department: The Audit Department has an audit procurator.

1. Acting on behalf of the people's interests, the Audit Department shall, in accordance with the Constitution, review financial revenues and expenditures at all levels of government agencies, assess financial efficiency, verify final accounts, inspect financial operations and confirm financial liabilities.

2. If the auditor's position is found to be in error, the right to pursue the action may be exercised after certain procedures are taken.

(5) The Impeachment Department is staffed by an impeachment officer.

i. This department is responsible for the impeachment of public officials at all levels of the executive, legislative, judicial and procuratorial branches. If no justifiable reason is forthcoming from those who violate election procedures and/or the inauguration oath, a case for impeachment will be made.

ii. Impeachment prosecutors may directly pursue cases in relevant courts, and appeal to terminate their public power or rework their organization if necessary.

(6) Organization of the procuratorate and its affiliated procuratorial departments, the Ministry of the People, the Ministry of Audit and the Department of Impeachment shall be prescribed by law.

### **Section Three (Permanent Peace 7.3 ~ A Directly-elected Procurator General - Human Unity)**

(1) The Procuratorial Branch shall be entirely independent of the legislative, executive and judicial branches, and its procuratorial <sup>125</sup>and supervisory

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125 With regard to the independence of procuratorial powers and direct election of the Attorney General and the Procurator General, refer to provisions of the Maryland State Constitution and the Constitution of the People's Republic of China. Please see footnote 46 above.

powers may be independently exercised.

- (2) The Procurator General shall be directly elected<sup>126</sup>, and all candidates for the post shall put forward procuratorial policies, systems, personnel, budgets, evaluations, performance, appointments and dismissals in relation to Procuratorial Powers, training, etc., to ensure they keep pace with the times through continuous reform, and are directly responsible to the people.
- (3) The qualifications for the post of Procurator General shall be the same as those for the President, including passing an exam regarding the Constitution<sup>127</sup>. The term of office shall be five years, with no right to run again within six years. Salary and benefits shall be unchanged for six years after leaving the post, and no political activities or work in a private for-profit company shall be allowed, with violators sanctioned by law.
- (4) The Procurator General-elect shall nominate 12 members of the Law Internalization Council, with the minimum age 45 years old. They will head 12 committees in the National Legislature, with their term of office concurrent with that of the Procurator General. When inaugurated, he/she shall openly swear together with the president-elect to renounce party membership and cut party relations, and withdraw from political and business activities. Members of the Legal Internalization Team shall have no voting rights in cases like impeachment of the Procurator General in the Legislature; and unless they are designated a lifelong legislator or serve on the Committee for Internalization of International Laws or for adopting the laws from legal systems around the world,

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126 All state power stems from the consent of the people; the procuratorial system shall be fully democratized and accountable.

127 Successive terms lead to collusion and endanger administrative neutrality. This Constitution advocates maintaining the same terms of office as an institutional incentive for procuratorial independence.

during the first three years following the end of term or retirement they shall continue to distance themselves from activities related to political parties and business, while their remuneration and benefits shall remain unchanged during this period. All violations of this clause shall be sanctioned by law.

- (5) The Procurator General shall also serve as Chief Procurator of the highest procuratorial court. The Procuratorate has the right to select and recruit appropriate procurators, lawyers and expert scholars from across the country to act as constitutional procurators. They can also be seconded with domestic and foreign professionals to assist in handling cases or planning. Procuratorial organs at all levels shall investigate corruption, economy and finance cases, and if necessary, handle the cases until they are finally resolved.
- (6) Those who have been subjected to judicial persecution, including defamation cases, false cases, wrong cases, or indiscriminate prosecutions and acquittals, or other persons who have been subjected to judicial persecution due to political factors, may be candidates in elections for procurators or local level inspectors. No party nomination or joint recommendations are necessary, instead all but a 5% guarantee fee is needed, and the candidate receiving the greatest number of total vote wins the election<sup>128</sup>.
- (7) Election procedures for the Procurator General, the Legal internalization representatives, and local procuratorial posts shall be prescribed by law. (Cross-generational and permanently serving lawmakers do not require the securities specified above)

#### **Section Four (Permanent Peace 7.4 ~ Election of Local Procuratorial**

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<sup>128</sup> History has repeatedly shown that regardless of the legislative-executive-judicial-procuratorial structure, self-regulatory reform is ineffective. Judicial reform can only succeed with non-power holders initiating heteronomous legal reforms with the pressure of competition.

## **Chiefs – Human Unity)**

- (1) Candidates for the positions of local procuratorial chiefs and deputies shall include any prosecutor, judge, lawyer, law professor or equivalent who is at least 40 years old and either a citizen of this nation or of another fully-democratic nation. Term of service is two years, and running for another term is allowed.
- (2) The names of all candidates in an election for local procuratorial chiefs and deputies shall all appear on a single ballot. Each voter can select one candidate, and the candidate receiving the greatest number of votes is elected Procurator Chief, the second highest vote-getter will be First Deputy Procurator Chief, and the third highest vote-getter will be Second Deputy Procurator Chief.
- (3) Decrees issued by the Procurator-General shall be countersigned by the Deputy Procurator General.
- (4) Decrees issued by a Procurator Chief shall be countersigned by the Procurator General or a Deputy Procurator General.
- (5) If the number of procurators in a local procuratorate agency is less than three, a procurator may be appointed by a neighboring local procuratorate.

## **Section Five (Permanent Peace 7.5 ~ Procuratorial Powers and Responsibilities - Human Unity)**

- (1) Procurators are representatives for justice who are totally independent of the legislative, executive, and judicial branches. They supervise and aid in criminal investigations, prosecuting, assisting private prosecutions, conducting private prosecutions, monitoring, and directing the execution of criminal judgments and other laws and regulations in accordance with the Constitution.
- (2) Procurators are guardians in the world of justice. They shall not acknowledge laws that are unjust or evil, and they shall ensure that no one

is above the law and that no one is deprived of their rights under the law.

- (3) Any matter involving the rights and obligations of the people shall be authorized by a procurator and investigated. The procurator may supervise any investigation or directly intervene any time he/she sees fit.
- (4) With the exception of jurisdiction of elected procurators, prosecutors' monitoring actions<sup>129</sup> shall not be limited by exclusive jurisdiction.
- (5) Procurators shall be assigned to geographical areas based on the principles of public lotteries.
- (6) Before or after a decree is published, the Procuratorate may request the Constitutional Court to review its constitutionality. In addition, local cases and decisions method may be submitted by a local procuratorate to a higher administrative court in the same locality for constitutional examination.
- (7) All administrative agencies (including the Legal Affairs Department of the State Council / The Legal Affairs Department of the Ministry of the Interior / The Legal Affairs Department of the Ministry of Finance, etc.) may set up executive procuratorial offices to carry out administrative inspections in accordance with the law, coordinate with procurators to conduct investigations, and assist procurators in prosecuting and implementing enforcement of lawsuits, execution of criminal judgments and other duties as defined by other laws and regulations<sup>130</sup>
- (8) When a procurator finds that an essential law is lacking, he / she should

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129 Integration of Procuratorial Powers means that any prosecutor who finds injustice anywhere has the right to directly pursue prosecution. This is designed to prevent local prosecutors from being blinded individually or collectively, at the expense of fairness and justice. However, the jurisdiction of elected prosecutors is limited to their constituencies.

130 Prosecutors who belong to administrative organs are appointed as agents of the administrative organs, an approach followed in France; secondly, those positioned as defenders of administrative organs, such as in the US; and third, those who are positioned as public welfare representatives or public welfare defenders, as in Japan.

promptly report it to the Procurator General, and assign a number of his legal experts to help put together a legislative patch.

- (9) When a procurator discovers that a law is lacking, he must also be responsible for any unlawful legislation that ensues.
- (10) No individual or legal entity (a political party, a stock listing or a publicly funded director or supervisor) may obtain improper benefits for the illegal acts of him / herself or others.
- (11) Anyone who has a substantial influence on a government agency or a public agency and draws unlawful benefits from it shall be liable to lawsuits and claims.
- (12) Those who occupy land unlawfully should return it; and those who have occupied public land for more than 20 years should abandon it. The principle of residential justice should be implemented, and all injustices should be corrected.
- (13) Protecting civilians and avoiding self-incrimination. Public officials who are charged with illegal behavior should defend themselves, including but not limited to proving that they have not resorted to torture, violence, coercion, degradation, bullying or other means to force the plaintiff to plead guilty. If a financial source is unknown; it can have a substantive influence that affects others' crimes. See the UN Anti-Corruption Convention and its enforcement laws.
- (14) With the exception of arrests, searches or court decisions in accordance with the law, no one shall enter a residence in any name without the consent of the occupants. No searches shall be conducted at night except when crimes are being committed currently.
- (15) From the time when the people are controlled by public authorities to the time they are free from to control, the whole process shall be recorded with two sets at the same time and kept separate as evidence. There shall be no interruption, no dead spots, and no excuses for

mechanic failure. Any interruption, loss, distortion, or theft shall be subject to no-fault compensation and criminal liability. Any related personnel should all be jointly and severally liable.

- (16) The same prosecutor has the right to pursue a final appeal for the same case; if he is unwilling to pursue the final judgment, he shall be obliged to assist a senior prosecutor to understand the case. And at the request of the senior prosecutor, he is obliged to accompany the team to court and pursue justice. .
- (17) Prosecutors should never cease pursuing justice and implementing transformational justice (§ 5.9)
- (18) The safety of prosecutors and their families is threatened by the performance of their procuratorial functions, and relevant national authorities should provide them with complete security protection<sup>131</sup>.
- (19) Procurators set the standards for rule of law in civilization. Direct election of the head of the judiciary shows that procuratorial power is granted by the people, not by the state.
- (20) The state should establish a multi-layered monitoring system<sup>132</sup>. The structure and the relationships between powers and responsibilities of the prosecutor, the officer of procuratorial administration, and the judicial police shall all be prescribed by law.

## **Section Six (Permanent Peace 7.6 ~ Implementing the Procuratorial System: World Law - Our Dreams-The World's Dreams- Human Unity)**

- (1) When the procurator is performing his duties, he should promote “people” as the subject of heaven and earth. Regardless of international law or domestic law, the ultimate goal is to protect every human being.

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131 Article 5 of the Guidelines for the Role of United Nations Prosecutors.

132 Power corrupts people, and absolute power leads to absolute corruption! Integration of Procuratorial Powers makes it an engine of public prosecution. Until absolute power is abolished, it will not be able to push a country toward great times, great integrity and great development.

- (2) The procuratorial organ shall initiate the human engineering of “World Law, Our Dreams, The World’s Dreams”. Indictments should be carried out in priority under international law, followed by our Constitution and laws, followed by the constitutional or legal provisions of ten fully democratic countries to demonstrate universal justice.
- (3) The procuratorate is obliged to position [Taiwan] as the birthplace of global multi-source common law and the foundation for permanent peace and development in the world.

### **Section Seven (Permanent Peace 7.7 ~ People Have the Option of Jury Trials – Human Unity)**

- (1) The people are the holders of sovereignty, and criminal suspects can demand that the right to sue and the right to prosecute be returned to the people and a jury of peers to decide whether one is guilty.
- (2) Any criminal suspect who has not been examined by a jury or has new evidence, whether in the first instance or in the second instance, has the right to request the right of recourse be returned to the people, and a jury shall examine whether he / she is guilty.
- (3) The State shall, according to the seriousness of the crime, set up a jury system consisting of small juries with 6 members, medium juries with 12 members and grand juries with 24 members.
- (4) Paradigm shifts in the jury system shall be prescribed by law. (According to §1.8, §8.7.8)

### **Section Eight (Permanent Peace 7.8 ~ Constructing a Global Court Predictive Verdict System- Human Unity)**

- (1) The procuratorate should evaluate the Legislature to establish a comprehensive database<sup>133</sup> of the latest global regulations, so that

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133 See the World Constitutional Encyclopedia, the Global Criminal Code, the Global Civil Code, Permanent Peace Development Association; <http://tw-roc.org> the Global Administrative Code, edited by Huang Chien-ming, and published by the



people can access the Internet at any time and any place, master their own future, and put together a nation of truth, goodness and beauty.

- (2) The Procuratorate shall establish a “Global Court Predictive Judgment System” with an accuracy rate of 2/3 or greater, depending on the countries eyed on each continent. Anyone can go online at any time to predict how a court will decide<sup>134</sup>, and everyone is equal and has equal opportunities before the law. The global court verdict prediction system shall be prescribed by law.
- (3) International responsibility. The state should prepare a budget to promote universal reviews of the unity concept, and to establish a great cause for [Taiwan], great love for the earth, great laws for the world, and great unity for all nations.

### **Section Nine (Permanent Peace 7.9 ~ Monitoring Swearing in Ceremonies - Maintaining the People’s Constitutional Rights – Human Unity)**

- (1) In our nation, the people are the holders of sovereignty and the only source of state power (see § 1.3). The people directly exercise their power through state organs and local autonomy government. The right to make and amend the Constitution belongs only to the people. Neither the state nor its organs nor civil servants should deprive anyone of this right. No one can usurp the power of the state (cf. § 1).
- (2) The President, the Speaker of the Legislature, the Head of the Judicial Branch and the Procurator General will be administered the oath of office by court justices, while the oath of office for other central civil and military officials will be administered by a civil guard at the local procuratorate.

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134 The Guardian: A team of scientists from University College London, Sheffield University and the University of Pennsylvania in the US have jointly developed a new artificial intelligence program with built-in algorithms that can identify bill data and successfully predict cases. The accuracy of predicted verdicts in trials reached about 80%. 2016

- (3) Guardians and procurators shall prevent persons in power from initiating constitutional formulation or constitutional amendments (§2.3), have the right to sue directly in the Constitutional Court, and request the right to initiate emergency disposition<sup>135</sup> (see § 7.4.6).

### **Section Ten (Permanent Peace 7.10 Maintaining People's Exercise of Unconstitutional Resistance -Human Unity)**

- (1) We affirm that laws which do not carry legal consequences are not laws, and constitutions which do not countenance resistance are not constitutions. When public actions are unconstitutional and violate the principles of permanent peace, or a set of human justice systems or the liberal democratic constitutional order, while no remedy is at hand, everyone in the world has the right to resist<sup>136</sup>.
- (2) According to the trials of the International Court of Nuremberg and the Tokyo International Court of Justice, when international laws governing basic human values are inconsistent with national laws, individuals must violate national laws and exercise the right to cooperate or resist.
- (3) When safeguarding international absolute law, Article 2 and Article 4 of the UN Charter prohibit the use of threats or force; while according to the Convention on the Prevention and Punishment of the Crime of Genocide; the Convention on the Crimes against Humanity; the Convention on Human Trafficking; the Convention on the Prohibition of Racial Discrimination; The preamble to the UN Charter[6]; the Convention against Torture; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Reduction of Statelessness, individuals must violate

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135 Human history has repeatedly shown that constitutional reforms initiated by those in power unfailingly kidnap the power of the people.

136 See §20 Imperial Clause of the German Basic Constitution: Resistance; §79 The right to resist may not be modified.

national laws<sup>137</sup> and exercise the right to non-cooperation or resistance.

- (4) In order to defend the constitutional order of freedom and democracy, the military has the right to resist betrayal or surrender by a commander, whether at the front or the rear, in battle or in preparation for combat. Therefore, any military personnel who defended freedom and democracy for sovereignty should at least rise three levels of his/her pay grade, and be honored in Martyrs' Shrine post-mortem.
- (5) The consequences of the people exercising the right of resistance, disobedience, and non-cooperation are all to be settled according to the Constitution. The government has no right to pursue the people with laws below the constitutional level.

**Section Eleven (Permanent Peace 7.11 ~ Procuratorial Transition Provision – To be rescinded when transition is complete)**

- (1) The main operations of the Supervisory Office shall be transferred to the Procuratorate and the Legislature. On the day when the Procuratorate begins operation, the Supervisory Office will be abolished simultaneously.
- (2) The structure and facilities of the procuratorate and courts at all levels of the Ministry of Justice shall be handed over to the procuratorates at all levels, and relevant personnel and operations will be transferred to the Ministry of the Interior. The procedural offices of the Ministry of the Interior and procuratorates at all levels shall share existing structures and facilities with the procuratorates at all levels. On the day the

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137 Definition of jus cogens: According to the latter part of Article 53 of the Vienna Convention on the Law of Treaties: the international community of states accepts and acknowledges that no derogation is allowed, and only norms in general international law that will have the same nature in the future are subject to change. The same applies to treaties and continuity of the jus cogens in Article 64: in the event of a new norm in international law, any existing treaty which is in conflict with that norm becomes invalid and void.

Procuratorate begins operation, the Ministry of Justice will be rescinded simultaneously.

- (3) The National Statute Database of the Ministry of Justice shall be transferred to the Legislative Global Regulations Database.
- (4) The Judicial Officer Training Institute of the Ministry of Justice shall be transferred to the Procuratorate and renamed the Judicial Officer College. The former Forensic Institute of the Ministry of Justice will also be transferred to the Procuratorate.
- (5) The agencies under the Ministry of Justice such as the agency of investigation, political affairs, honest politics, corrections etc. and their respective prisons will be renamed and transferred to the Ministry of Internal Affairs and Inspection Department.
- (6) After the Charter is adopted, each branch shall establish a transfer team to actively arrange transfer of duties and equipment.
- (7) If necessary, the State Council shall set up a legal department for inter-ministerial meetings to coordinate the needs of state affairs.
- (8) All ministries will manage their respective administrative divisions.
- (9) This section shall be rescinded once the transition is complete.

## **Article 8 The Judicial Rights under Unity**

### **Preamble**

Who is using rule of man instead of rule of law? Who repeatedly uses judicial reform to consolidate a judicial dictatorship? Who is the enemy of our peace and justice? The answer is not others; rather, it is “one of our own” — the party government supported by the hard-earned dollars of our taxpayers.

### **Therefore**

The Charter for Permanent Peace / Global Unity Constitutional

Standards (Contents: Constitutional Standards for Ensuring Human Rights Standards / Constitutional Principles for the Allocation of Justice / Constitutional Laws that Affect the World's Constitutional Principles/ Constitutional Order for the Distribution of National Power / Constitutional Law with Comprehensive Strategy). Article 8 aims to create far-reaching and basic constitutional principles that encourage competitive and innovative legislation that will extend across national borders and through generations.

Realize One World under One Set of Laws, with global co-opetition in legislative work. International law shall have direct bearing on the rights and obligations of the people, while universal law shall apply directly in domestic courts and be directly applicable for all people. This will allow [Taiwan] to lead all humankind to unity and implement the Charter for Permanent Peace.

Judicial reforms shall make self-discipline unnecessary, and the law will meet the highest expectations of the people. The head of the Judicial Branch shall be elected by the people, with qualifications for candidates the same as those for the presidency. The directly-elected head of the Judicial Branch shall put together a judicial system that responds to change and reflects the needs of the people, thoroughly innovate a feudal judicial system that is now hopelessly complicated.

In order to implement One World under One Set of Laws and realize the campaign pledges and ideas for judicial reform ideas of the directly-elected head of the Judicial Branch, he/she will form an International Constitutional Legislative Team with 12 members to incorporate international law into the constitution.

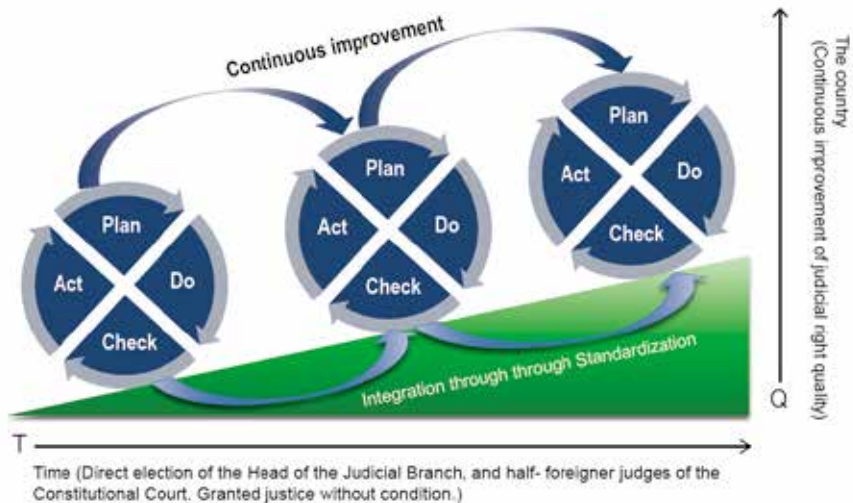
Innovative global governance under rule of law will require an International Court of Justice as well as a Supra-national Constitutional

Court consisting of judges nominated by a variety of recognized entities, with half of them of different nationalities.

This dual system with constitutional review ensures that the values and dignity of all people are protected by the Constitution. Courts throughout the world shall have the right to request constitutional reviews, with the Supra-national Constitutional Court serving as the court of final appeal in all constitutional reviews.

This judicial system offers an approach for conducting trials and reviews that ensures quality, efficiency and efficacy. It includes the best features of other nations' systems as well as advantages that [Taiwan] alone enjoys. It can fully make up shortcomings in the global judicial system while enhancing its good points. It will yield a constitution which guarantees [Taiwan] will be a holy place for justice, with all people protected by the guardians of justice. To this end, the people of [Taiwan] and oppressed peoples around the world have nothing to lose but their chains and iron curtains, while at the same time winning universal justice in a fully-responsive legal system.

Illustrate: National administration should comply with the rolling reform that specifies more than 20,000 international standards (ISO, and integrate the judicial constitutional standards for permanent peace and sustainable development through standardization:



## Implementation

### Section One (Permanent Peace 8.1 ~ Global Co-opetition on Judicial Rights – Human Unity)

- (1) Administration of justice. Promote global co-opetition in achieving justice, enhancing constitutional standards, improving resource allocation and promoting world peace as the most sacred rights of the people – this is the eighth most urgent obligation of the state.
- (2) We recognize co-opetitive jurisdiction for the Global International Court, confirming that domestic judicial systems are executive entities empowered by the international judicial system<sup>138</sup>, thereby ensuring globalization of the judiciary, and consolidating a single set of human

138 According to Kelsen’s General Theory of Law and the State, “domestic law is empowered by international law”, which can be used to achieve permanent peace (through the UN).

rights standards under a peaceful system of rule of law. This is an obligation which no state may change or shirk.

- (3) Regarding global competition in judiciary matters, states shall only implement laws that are not applicable in global international courts, and shall only exercise judicial powers in areas within their jurisdiction<sup>139</sup>.
- (4) The Judicial Branch shall be fully independent of the executive and procuratorial branches. Its power shall come directly from the people, and it shall be directly responsible to the people without any interference.
- (5) Global co-opetition in judicial matters and the right of permanent peace for humankind are the eighth basic principles that run through all the provisions of the Constitution. It shall also be a general principle in both international and domestic law.

### **Section Two (Permanent Peace 8.2 ~ The Judicial Branch – Human Unity)**

- (1) The Judicial Branch is the highest judicial organ of the nation, responsible for conducting trials in civil, criminal and administrative cases as well as discipline of civil servants.
- (2) The Judicial Branch shall interpret the constitution and has the power to interpret laws and orders in a consistent manner.
- (3) The Judicial Branch shall include the Supranational Constitutional Court and courts of all levels as defined by the Constitution.
- (4) Except as otherwise specified in the Constitution, organization of the courts shall be prescribed by law.

### **Section Three (Permanent Peace 8.3 ~ Direct election of the Head of the Judicial Branch and International Lawmakers – Human Unity)**

- (1) The elected Head of the Judicial Branch shall be directly responsible

<sup>139</sup> For a description of Roscoe Pound's connection between law and civilization, and the effect and value of "competition", please refer to note 79 on the previous page.



to the people in handling judicial justice; judicial policies; trials; administration; personnel; budgets, sources of judges (through examination or election); training, appointment and dismissal, evaluation, retirement, pensions, etc. This shall be based on common values and basic standards, with the branch head directly promoting implementation to directly guarantee the Constitution will be upheld.

- (2) The qualifications for the head of the Judicial Branch shall be the same as those for the president. The candidate must have passed the constitutional exam and will serve one five-year term. Remuneration and benefits may not be adjusted for six years after he/she steps down, and with the exception of judicial academic research, participation in political activities or business ventures shall not be permitted, with violators sanctioned by law.
- (3) The Head of the Judicial Branch shall nominate 12 candidates for an International Constitutional Legislative Team who are at least 45 years old and place each of them in the 12 specialized committees of the Legislature. Their term of office shall be the same as that of the branch head and all shall publicly swear to refrain from political activities and withdraw from any business relations. Members of the team shall not have the right to vote in impeachment hearings for the branch head, and unless they are nominated for another term with the team, designated a Permanent Generational Representative or a Multi-national Law Internalization Team member, or nominated for a judgeship, shall receive the same remuneration and benefits for three years after stepping down; they shall also continue abjuring from political and business activities, with violators subject to legal sanctions.
- (4) When a place in the International Law Constitutionalization Committee is vacant, it shall be filled with a nominee by the head of the Judicial Branch, subject to approval by more than 2/3 of the remaining members

of the committee.

- (5) An international law shall not take effect immediately upon domestic legalization. Members of the International Constitutional Legislature shall first review the law to improve its consistency, completeness and authority in relation to both domestic and international law. (See § 4.3)
- (6) The Head of the Judicial Branch shall serve as a “quasi-presiding judge”. When there are doubts about the decisions handed down by a judge, he/she may convene a review panel, presiding over its meetings. He/she shall have the right to vote on issues, and the final decision of the Constitutional Review Court may not be further appealed.
- (7) Election procedures and the oath of office for the Head of the Judicial Branch shall be prescribed by law.

#### **Section Four (Permanent Peace 8.4 ~ Organization, Powers and Responsibilities of the Supra-national Constitutional Court – Human Unity)**

- (1) The Supra-national Constitutional Court shall consist of 18 judges and one Chief Justice (the elected Head of the Judicial Branch). Nine of the judges shall be native [Taiwan]ese who serve a term of eight years, with no individual seniority, and with the exception of the head and deputy head of the Judicial Branch, are not allowed to seek another position for four years after their term of office expires. The other nine judges shall be from other nations with fully democratic governments. Foreign judges shall serve for life, and all judges shall have legal immunity.
- (2) The judges of the Supra-National Constitutional Court shall be appointed by the Legislature, choosing from 5 persons nominated by the President, 3 of whom are foreign nationals; 5 persons nominated by the Prime Minister, 2 of whom are foreign nationals; 4 nominated by the Head of the Judicial Branch, 2 of whom are foreign nationals; and 4 persons nominated by the Procurator General, 2 of whom are foreign nationals.

- (3) The Supra-national Constitutional Court shall be responsible for the following matters:
- i. Act as Court of Final Appeal for cases involving unconstitutional decisions by courts.
  - ii. Interpretations of international laws / world laws. (Are world laws (including natural laws) taken into account?)
  - iii. Explain the Constitution.
  - iv. Rule on dissolution of political parties charged with unconstitutional actions.
  - v. Hear impeachment cases against the President, Prime Minister, Procurator General and Head of the Judicial Branch.
  - vi. Other legal matters.
- (4) The Supra-national Constitutional Court shall try the following cases:
- i. When there is a dispute over the scope of the rights and obligations of an international organ or the highest organ or other related person, and explanation of relevant provisions in the Constitution is requested.
  - ii. Cases in which more than one-fourth of the State Council, a local council or the National Legislature request a ruling on international or national laws and the Constitution regarding the form or substance of any conflict or disagreement.
  - iii. Decisions regarding the rights and obligations of the central and local governments, as well as allocation of resources, especially regarding the implementation of central laws in various localities and the central government's supervision of various localities, and disagreements between different levels of authority.
  - iv. Where there are no other legal channels to handle disputes between the central government and various localities, between localities and

localities, or other local and public law disputes.

v. Lawsuits alleging harm to public rights by unconstitutional actions regarding any citizen's claim regarding basic rights, the people's right to resist, civil rights and obligations, constitutional guarantees, civil servants' provision of public law services, election recalls, court hearings, and protection of freedom.

vi. Charges filed by townships or villages alleging legal damage to their autonomy by unconstitutional actions.

(5) Any individuals, regardless of nationality or place of birth, may sue in the Constitutional Court of [Taiwan] if they feel their basic rights or other rights stipulated in the Constitution are being infringed on by the public power of the [Taiwan] government.

(6) In disagreements between the government and the Speaker of the National Legislature or other major constitutional cases, the Constitutional Court shall, at the request of either party, offer a decision within eight days.

(7) The organization, rights and duties and procedures of the Supra-national Constitutional Court shall be prescribed by law.

### **Section Five (Permanent Peace 8.5 ~ Judicial Decisions and the Priority of Applicable International Laws – Human Unity)**

(1) As the leader in One World under One Set of Laws system, [Taiwan] shall be the first to apply international law in domestic courts<sup>140</sup>, ensuring that all citizens are subject to international law and have full international status and dignity.

(2) Any stipulation in international law may be directly referred to in

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140 "Subject": An individual who enjoys rights and duties under a legal system is a subject under the legal system. Under the system of international law, subjects of international law may include countries, international organizations and individuals. Please refer to Chiu Hung-ta, Chen Chunyi, *Revising Modern International Law* (3rd Edition), p. 265.

decisions of the International Court of Justice, and domestic law shall not apply<sup>141</sup>. If a domestic court cites a law in a case that is transferred from international law to domestic law, the parties to the case are not subject to international law and remain subject to domestic law. Judges who violate the intent of this provision and thereby degrade the international status and dignity of parties involved shall be subject to legal sanctions.

- (3) The State shall establish a special court for serious crimes that violate international law, consisting of three judges, one of whom is native born and two other foreigners. In special cases, 5 judges shall preside over the trial room, including 2 [Taiwan]-born judges and 3 foreign judges.

### **Section Six (Permanent Peace 8.6 ~ Judicial Decisions – The Laws of Any Nation Shall be Directly Applied – Human Unity)**

- (1) Leading the way to One World under One Set of Laws means changing the world to accept international law and other nations' good laws. This involves foregoing an “+ addition” system arbitrarily imposed by the leaders of various countries and instead giving the people the right to choose, while ruling authorities are obliged to follow accept their decisions and drop any laws the people cannot accept.
- (2) We affirm that “evil laws are illegal,” and we do not recognize “bad laws.” Comparing the laws of many different nations, through constitutional reviews by the Supra-national Constitutional Court, specifically guarantees that the universal values of freedom, democracy, human rights and rule of law will not lag behind those of other countries, and our posterity will improve through generations.
- (3) We offer a model for global multi-source common law for the world (unifying all laws into one law). Any citizen who comes to [Taiwan] for

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141 Article 38 of the Statute of the International Court of Justice stipulates that the court shall apply: ① legislative treaties; ② international customs; ③ general legal principles; ④ precedents; ⑤ doctrines; and ⑥ fair and good principles.

the first time and makes a mistake has the right to request that the laws of his/her native country be given priority.

- (4) The State shall promote the Charter for Permanent Peace / Global Unity Constitution to the whole world. When citizens of other nations go abroad they are protected by the laws of their own country only when they return home. [Taiwan], on the other hand, is a human rights sanctuary where they can ignore the advantages and disadvantages of their own laws. [Taiwan] thus can be seen as a second home for all humankind.

### **Section Seven (Permanent Peace 8.7 ~ Three- level National System of Court Trials and Appeals– Human Unity)**

- (1) The State shall establish a Supreme Court, an Administrative Court, a Financial Court, a Labor Court and a Social Court as the highest courts for hearing cases regarding general legal issues and administrative, financial, labor, and social legal issues. Selection of judges for such courts shall be prescribed by law in accordance with the nature of the case.
- (2) The Chief Justice of the Supreme Court shall be nominated by the Head of the Judicial Branch and appointed by the President after approval by more than half of all members of the Legislature. If the President disagrees with the nomination, he/she shall return the issue to the Legislature for another vote. If more than two-thirds of all members of the Legislature approve the nominee, the President must accept him/her; if less than two-thirds show support, the Head of the Judicial Branch must nominate a different candidate.
- (3) Military units shall not establish trial courts, and military administrative offices may not act as judges or make rulings on final judgments. In special cases, however, the state may set up a provisional military court to serve the armed forces as a national court. These courts shall exercise criminal jurisdiction only over members of the armed forces stationed abroad or on warships. Their rulings shall not serve as final judgments,

however, and details of their organization and procedures shall be prescribed by national law.

- (4) The State may set up special courts where necessary to deal with disciplinary procedures and petitions regarding the actions of public officials.
- (5) The State shall not set up provisional courts or courts to deal<sup>142</sup> with special issues. No one may be denied the right to be heard by a judge in accordance with the law.
- (6) Courts shall be established on the principle of three trial levels. Special conditions must be specifically prescribed by law. When a second level trial concludes, both parties have the right to appeal to the third level if the first and second levels resulted in different opinions.
- (7) Before arguments begin in court, either party may request a change of judges, but only to the second level. The courts also have the right to provide a list of judges for the parties to agree on and to implement any rules determined by the court<sup>143</sup>.
- (8) Where constitutional provisions, restraint clauses, guarantee clauses or empowerment clauses offer broad coverage but there are no specific laws in regard to a case, the court shall call for a jury trial to reach a decision. If the jury system is not well defined, the competent court has the right to adopt a jury system used in other countries<sup>144</sup>.
- (9) Organization of the courts shall be prescribed by law.

## **Section Eight (Permanent Peace 8.8 ~ Rights and Obligations of**

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142 See §101 of the German Basic Constitution for details.

143 Going to court can be like throwing a dart or spinning a roulette wheel. The gamble lies in the quality of the presiding judge. If the parties in a suit have a role in picking a judge, the ruling will carry more weight, the judge will be viewed more favorably, and assistants in the trial will be better reviewed. The advantages build on each other, and it is a worthwhile system to adopt.

144 Justice should be timely and clearly transparent; justice delayed is not justice.

## **Judges– Human Unity)**

- (1) The judicial power of the people of [Taiwan] is entrusted to judges as the guarantors of constitutional and international judicial norms, including the Basic Principles on the Independence of the Judiciary.
- (2) Judges must be above party politics and should perform their duties in accordance with international law and the Constitution, acting in a conscientious, detached and independent manner to conduct fair trials, with no outside interference whatever.
- (3) Judges who are tenured and formally appointed shall not be dismissed, permanently or temporarily suspended or transferred, or retired, in violation of their will, without a judgment from the court and in accordance with statutory grounds. In the event of a change in court organization or its jurisdiction, a judge may be transferred to another court or suspended, but shall retain all remuneration and benefits.
- (4) Judges must be truly neutral and sever all connections with political parties<sup>145</sup>. Violators shall be removed from office and prosecuted for unconstitutional punitive damages<sup>146</sup>. Any fines collected shall be awarded in full to the informant to reward his/her bravery in maintaining correct justice.
- (5) To improve the quality of decisions handed down by judges, the results of judges on collegial panels shall be open and transparent to ensure that decisions made by the court are justified and justice is achieved.

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145 Advanced human rights countries have established guidelines regarding the conduct of judges and restrict the participation of judges in political activities; for example, the UK requires judges who are appointed to renounce any political activities and sever all contacts with political parties; Australia requires judges to break off all contact with political parties; in Canada It is stipulated that judges should avoid participating in political parties and political activities.

146 Laws or constitutions that do not carry penalties are not laws or constitutions. They are nothing more than moral persuasion offered up in vain.



- (6) Any judge who uses the substantive influence or power of his/her position or acts in a non-professional manner to violate constitutional norms, the rule of law, the principle of transitional justice, or constitutional order of freedom and democracy, may be transferred, ordered to retire or removed from office.
- (7) All trials shall be open, subject to the written consent of the parties. If a party's future "dignity" in society is obviously threatened, the parties may not be compelled to agree.
- (8) Regardless of whether the death penalty is abolished or not, judges and prosecutors shall not call for capital punishment.
- (9) The safety of judges and their families may be threatened by the performance of their judicial obligations. Relevant state authorities shall provide personal safety protection as necessary.
- (10) The system of multiple sources of judges and whether they are elected or appointed, how to evaluate their performance, and the mechanics of appointment and dismissal, training, retirement and pension, etc., shall be prescribed by law.

### **Section Nine (Permanent Peace 8.9 ~ Examination of Unconstitutional and Constitutional Laws– Human Unity)**

- (1) Judges shall exercise judicial power according to legal orders (see [Appendix Table 1: World Law Levels Table]).
- (2) Global Examination of Unconstitutional Laws: Any court in the world has universal constitutional review power over our Constitution and laws. (According to § 2.8)
- (3) Unconstitutional/constitutional examinations adopt the second-level second-instance system, and the [Taiwan] Supra-National Constitutional Court is the final court for all unconstitutional/constitutional examinations. The general constitutional review procedure shall be prescribed by law. (Is using the term "Supra-national Court" the same

as omitting the word “Taiwan”?)

- (4) If a court rules that a law is unconstitutional and the validity of the law is related to a case being tried, trial procedures shall be immediately suspended and an unconstitutional review procedure shall be initiated. If it is found to be in violation of this charter, it shall be referred to the [Taiwan] Supra-national Constitutional Court. If people invoke the constitutions or laws of other countries in violate the Constitution or infringing on the laws of our country, any court may exercise the right of constitutional examination in accordance with the law, and an original letter laying out the review ruling shall be sent (by e-mail according to law) to be approved by the Supra National Constitutional Court. If the notice is not received within 10 working days, it shall be deemed to have been accepted.

### **Section Ten (Permanent Peace 8.10 ~ Justice is a God-given Right – Human Unity)**

- (1) Model of Justice: The Charter guarantees that [Taiwan] will become a holy place for justice. Every citizen shall be a sacred angel for justice and the embodiment of righteousness. The Supra-national Constitutional Court guarantees universal justice and ensures that the system will be responsive.
- (2) International Responsibility: The Charter promotes justice for all nations, and every place is a judicial holy place. It is the basic national policy of the country forever. The State shall prepare a budget to support this international duty.
- (3) Realizing justice: The judicial system is the last line of defense for justice. Justice should not only be achieved in a timely manner, but should be presented in visible way. Above the entrance to each courtroom the words “Everyone is equal under the law” should be engraved, to show that the spirit of “judicial fairness” will never die.

**Section Eleven (Permanent Peace 8.11 - Judicial Paradigm Transition Provision – To be rescinded when transition is complete)**

- (1) A judge who holds a seat on the bench when this Charter enters into force shall remain in place until the expiration of his/her term of office, unless he/she tenders a resignation.
- (2) With the exception of transitional justice, the salaries and benefits of judges who hold tenure for life shall not be subject to change, but they should still retire according to the retirement age for judges as stipulated in this Charter.
- (3) This section shall be rescinded once the transition is complete.

# The Path to Truth for Us Humankind

## The Charter for Permanent Peace

### The Road Ahead for Taiwan, China and All Nations

Ultimately we humans have only two paths to follow: peace and destruction. Faced with relentless nuclear weapons development, once nuclear warfare erupts the whole world will be covered in ashes, and recovery will take thousands of years. Thus we affirm: peace is life, the truth, and the only absolute truth, as well as the highest truths — moral; political and economic; thought and belief; philosophy and science.

Permanent peace is the eternal truth. The Charter for Permanent Peace is the eternal road to truth, a path that beckons human beings to walk toward the truth, to end foreign troubles, to extinguish nuclear weapons, and to move onto a path to lasting happiness. Any nation that adopts the Charter for Permanent Peace will be a sun for all humankind, lighting up darkness throughout the world, and acting as a prized strategic partner of the United Nations.

This path of life and truth requires ongoing repair and strengthening from human beings, taking time to compare and evaluate the advantages and disadvantages of domestic law and universal law (Refer to the database of this association) to increase wisdom, discover truths, honor values, and construct the framework for a global system that the world's 249 political entities can operate permanently. This system will eventually become the new absolute law (compulsory law) under the provisions of the International Convention on the Law of Treaties (Article 64).

This path to peace does not threaten a single person, and whatever its title may be — Charter for Permanent Peace or Absolute Law (Compulsory) / Eternal Law (Time) / Laws of the Sun (Space) / World Law (System) — it will remove the iron shackles of those still suffering under the world's 50 remaining autocratic regimes. Thus more than two-thirds of the world's suppressed people will lose only their chains and iron curtains, while gaining the right to join the rest of humankind and live in truth and order.



Permanent Peace Partnership (PPP)

