



unicornis est liber?

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INTRODUCTION

As we contemplate a move into the next phase of our democracy, it is important we realise our democratic journey to date has not been in vain and; although our current system is undoubtably broken; it can be remade, utilising existing structures.

Our election processes have systems in place which allow us to select representatives from community and constituency level right through to national and international level. When the votes are counted, we simply have to adjust what the outcome of our selections mean and redefine where the authority lies.

And this is what we present: A shift in where the authority lies.

What we propose will shift the power dynamic in this country from a centrally controlled representative democracy, to a community controlled direct democracy, ensuring people will always have a voice; a tangible route to directly engage with the democratic system and the decision making processes which directly affect their daily lives; something desperately missing from our current structures.

In brief: the new system will see elections only taking place at community level and the highest national level.

How we manage our cities will require further consultation involving all connected communities, community organisations and businesses within that cities boundaries.

Three elections will be held at community level, Community Guardians will replace local councillors, Peace Officers, operating under The Constitution and common law, will reinstall a community policing model, and a Community Administrator will document all information and be responsible for coordinating all community events.

This would see the return of the ancient role of; Guardian of Scotland, only every Community would have their own Guardian and this will become the elected position in Scotland; where all authority lies.

After a comprehensive selection process; Estates Managers will be selected and will replace constituency MP's. They will report directly to Community Guardians and will be responsible for the coordination and administration of essential services between communities within their region.

A new head of state will also be elected: A Constitutional Guardian; who will replace the First Minister and will oversee all operations.

After a comprehensive selection process; a national, central unit of Commissioners; proficient, qualified and experienced in their individual fields, will replace the roles of the executive/cabinet. They will manage national and international obligations, coordinate national essential services, create budgets and present infrastructure plans.

They will operate directly under the guidance of The New Head of State, report directly to Community Guardians and liaise with Estates Managers for works and essential services which involve multiple regions.

This is our first step for change; a draft; Codified Scottish Constitution, which establishes in perpetuity; not only the inalienable rights and responsibilities of the individual, it also establishes the rights of children, sentient beings/animals and Mother Earth.

This document is being released out into the world for consultation and feedback. We believe that together, with further dialogue will can present a template for the creation of a new; abundant, inclusive and peaceful society.

CHAPTER 1: INALIENABLE RIGHTS AND RESPONSIBILITIES OF THE INDIVIDUAL

ARTICLE 1

Every individual human being is, from birth: sovereign, free and equal, in dignity and rights.

The rights and freedoms, interests and welfare of the sovereign individual take precedence over the interests of the state, science or society.

ARTICLE 2

Every sovereign individual has the right to determine their own identity, free from fear and coercion and free to refuse the dilution of their individuality.

ARTICLE 3

Every sovereign individual has the right to love whom they choose, to marry and raise a family, the union of consenting adults regardless of race or colour, religion or spiritual belief, sex or sexual preference, is equal in rights; at the point of union, during the union and at its dissolution.

ARTICLE 4

Every sovereign individual has the right to freedom of thought, conscience and religion; including the freedom to change their religion or beliefs, and the freedom, either in solitude or in a community, in private or in public, to practice their religion or beliefs.

ARTICLE 5

Every sovereign individual has the right to practice, protect and develop their cultural traditions and customs and to maintain their distinctive spiritual relationship with their lands, territories, waters, coastal seas and other resources.

ARTICLE 6

Every sovereign individual is physically autonomous; no medical body, no government or associated agency, international organisation or employer has the authority to mandate, coerce or force any medical intervention.

ARTICLE 7

Every sovereign individual owns the exclusive rights to their own personal information, including but not limited to; all financial data, transactional and behavioural data, medical records and DNA information. The exploitation of an individuals personal information without informed agreement, negotiation and written permission, is illegal.

ARTICLE 8

Every sovereign individual has the right to freedom of opinion and expression, including the freedom to hold opinions without interference and to seek, receive and impart information and ideas through any form of media they choose.

ARTICLE 9

Every sovereign individual has the right to freedom of peaceful assembly and association and the power to petition any authority for a redress of grievances.

ARTICLE 10

Every sovereign individual has the right to move freely without being subjected to arbitrary surveillance from government bodies and agencies, the technological applications of media, advertising corporations and associated organisations.

CHAPTER 1: INALIENABLE RIGHTS AND RESPONSIBILITIES OF THE INDIVIDUAL

ARTICLE 11

Every sovereign individual has the right to full freedom of movement to and from any place on the Earth, including but not limited to; the right to cross international borders, through port or otherwise, and to return to the land of their physical birth without let, hindrance, molestation or charge.

ARTICLE 12

Every sovereign individual has the right to seek and to enjoy in other countries asylum from persecution.

ARTICLE 13

Every sovereign individual has the right to access and produce adequate nutrition and water.

ARTICLE 14

Every sovereign individual has the right to free elementary education.

ARTICLE 15

Every sovereign individual has the right to educate their children in any way they deem to be beneficial for their physical, intellectual, emotional and spiritual development, free from supervision, intervention or inspection.

ARTICLE 16

Every sovereign individual has the right of superior guardianship from the time of their child's conception until their child reaches 18 years of age.

ARTICLE 17

Every sovereign individual has the right to a home; the right to own property, alone and in association with others and the right to use and enjoy any and all property held in peaceful possession.

ARTICLE 18

Every sovereign individual has the right to use all necessary and reasonable measures to safeguard the security of themselves, their family, their home, their communities and their interests, including the appointment and authorisation of defenders of the peace in their community.

ARTICLE 19

Every sovereign individual has the right to be actively involved in developing and determining strategies for health, housing, education, support services, economic and social programmes affecting themselves, their families and their communities, in the pursuit of the highest attainable standards of education and employment, physical and mental health, happiness and abundance for all.

ARTICLE 20

Every sovereign individual has the right, alone and in association with others, to access financial and banking services.

ARTICLE 21

Every sovereign individual who works, has the right to just and favourable remuneration, ensuring an existence worthy of human dignity, the right to rest and leisure, reasonable working hours and periodic holidays with pay.

ARTICLE 22

Every sovereign individual has the right to financial security in the event of unemployment, sickness, disability, death in service, old age and circumstances beyond their control.

ARTICLE 23

Every sovereign individual, without discrimination, has the right to equal pay for equal work.

CHAPTER 1: INALIENABLE RIGHTS AND RESPONSIBILITIES OF THE INDIVIDUAL

ARTICLE 24

Every sovereign individual is equal before the law and entitled, without discrimination, to equal protection. No individual; or group; will be subjected to disadvantage or prejudice on the basis of race or colour, sex or sexual orientation, religious or spiritual beliefs, political opinion or medical preference.

ARTICLE 25

Every sovereign individual, in the exercise of their rights and freedoms, shall be subject only to such limitations which are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the common good.

ARTICLE 26

No sovereign individual shall be subjected to a trial on the unsupported statement of a single official.

ARTICLE 27

No sovereign individual shall be subjected to arbitrary arrest, detention or exile, stripped of their rights or possessions, deprived of their standing in any way, no warrants will be issued unless allegations are supported by oath and the due process of law, presented with a sealed writ and issued by a rightful authority.

ARTICLE 28

Every sovereign individual has the right to the protection of the law against unreasonable searches and seizure and arbitrary interference with their privacy, family, home or correspondence.

ARTICLE 29

Every sovereign individual has the right to be presumed innocent of all allegations until proven otherwise by the lawful judgement of their peers.

ARTICLE 30

Every sovereign individual has the right to be informed promptly and directly of any charges against him or her, and to have access to legal or other appropriate assistance in the preparation and presentation of their defence.

ARTICLE 31

Every sovereign individual has the right to a fair and public hearing by an independent and impartial tribunal.

ARTICLE 32

No sovereign individual shall be arbitrarily deprived of their property, nor shall their property be taken for public use, without informed consent, written agreement and just compensation.

ARTICLE 33

No sovereign individual may be sentenced to surrender property or accumulated wealth unless the assets have been used to commit, or are profits from, a criminal act.

ARTICLE 34

Every sovereign individual deprived of their liberty has the right to bring their deprivation of liberty before a court without unjustified delay. Deprivation of liberty must be necessary and must not constitute a disproportionate infringement.

CHAPTER 1: INALIENABLE RIGHTS AND RESPONSIBILITIES OF THE INDIVIDUAL

ARTICLE 35

Every sovereign individual has, through freedom of information, the right of access to all documents of the state and a right to follow the proceedings of the courts and all organisations associated with governance, elected or otherwise.

ARTICLE 36

Every sovereign individual has the right to refuse to be bound by an unlawful, illegitimate or inequitable judgment, order, warrant, directive and/or ruling which they believe violates the fundamental rights granted by this Constitution and has the right to an effective remedy by independent national tribunal.

ARTICLE 37

Every sovereign individual has the right to vote once they are eighteen years of age and to be involved in genuine elections which shall be by universal and equal suffrage, held by secret vote or by equivalent free voting procedures.

The right to vote may be lost by convicted criminals, citizens who serve in a foreign government, citizens who are resident overseas, or citizens with a reduced level of consciousness.

ARTICLE 38

Every sovereign individual has the right to represent their community and stand for election as an independent candidate, providing they are not a registered member of a political party, provided they are twenty five years of age or older and provided they live within the community they intend to represent at the time of the election.

ARTICLE 39

Every sovereign individual has the right to be involved in the selection of community observers to ensure the appropriate structures and mechanisms to eliminate electoral malpractice are put in place, including the safekeeping of election materials and maintaining the integrity of the ballot box.

ARTICLE 40

Every sovereign individual, gifted with the innate capacity for self governance, and who embraces this Constitution and the vision of a truly egalitarian society, built for the benefit and abundance of all, accepts that these freedoms and liberties involves taking responsibility for themselves and their actions; the responsibility of protecting these rights for future generations, the responsibility of creating a society which will establish a balance and a new relationship with sentient animals, nature and with Mother Earth.

ARTICLE 41

Every sovereign individual has the responsibility to ensure the rights of all children are protected, to educate them of their rights written in this Constitution, until they are legally able and capable.

ARTICLE 42

Every sovereign individual has the responsibility to ensure the rights of all children are protected during the dissolution of any marital or civil union, and ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child, and the best interests of the child will be their primary concern.

CHAPTER 1: INALIENABLE RIGHTS AND RESPONSIBILITIES OF THE INDIVIDUAL

ARTICLE 43

Every sovereign individual has the responsibility to ensure the protection of the community, where connected support, will see personalities forged, passions ignited and ambitions realised.

ARTICLE 44

Every sovereign individual has the responsibility to ensure the rights of their fellow sovereign citizens, who may not possess the means, faculties, maturity or mental capacity to defend themselves, are protected.

ARTICLE 45

Every sovereign individual has the responsibility to ensure that our very existence, social and sporting activities, finds harmony with nature and co-exists with respect and consideration for Mother Earth and her ecosystems.

ARTICLE 46

Every sovereign individual has the responsibility to ensure that our very existence, social and sporting activities, finds a harmony with all sentient animals and to ensure that they are protected from systematic, reckless and unnecessary cruelty.

ARTICLE 47

Every sovereign individual has the responsibility to ensure that they promote, maintain, facilitate and engage with economic systems, products and business practices that are in harmony with Mother Earth and her ecosystems.

ARTICLE 48

Every sovereign individual has the responsibility to ensure that they promote, maintain, facilitate and engage with economic systems, products and business practices that are in harmony with all sentient animals and to ensure that they are protected from systematic, reckless and unnecessary cruelty.

ARTICLE 49

Every sovereign individual has the responsibility to ensure the rule of law is adhered to, good governance is independently monitored, subjected to continual scrutiny and the checks and balances outlined in this Constitution.

ARTICLE 50

Every sovereign individual has the responsibility to ensure the continued supremacy of this Constitution and ensure that no elected representative or government body, political movement, religious institution or international organisation can alter, restrict or undermine the rights laid out in this Constitutional document.

ARTICLE 51

Every sovereign individual is; as a general rule, equally bound to serve in the defence of Scotland, irrespective of birth or fortune.

ARTICLE 52

Every sovereign individual has the right to deny or revoke their consent to be governed or regulated; and furthermore, the right to refuse to exercise any of these rights.

CHAPTER 2: INALIENABLE RIGHTS OF THE CHILD

Motherhood and childhood are inextricably interconnected and therefore entitled to special protection.

ARTICLE 53

Every child is entitled, without discrimination, regardless of their ethnicity, sex, religion, language, abilities, family background or any other status, to all protections, freedoms and liberties contained within this document.

ARTICLE 54

Every child has the right to be registered immediately after birth and shall have the right, from birth, to a name and a nationality.

ARTICLE 55

Every child has the right to loving parents or guardians.

ARTICLE 56

Every child has the right to, whether born in or out of wedlock, adopted or orphaned, enjoy the same social protection.

ARTICLE 57

Every child has the right; if temporarily or permanently deprived of their family environment, or in whose own best interests cannot be allowed to remain in that environment, to special protection and assistance from the community.

ARTICLE 58

Every child has the right to protection against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of their parents, legal guardians, or family members.

ARTICLE 59

Every child has the right to an education. Education free from religious, racial, political or gender indoctrination, free to develop their individual and unique personality.

Primary education and different forms of secondary education will be available to every child, for their benefit and the enhancement of their physical, intellectual, emotional and spiritual development, health and wellbeing.

ARTICLE 60

Every child has the right to continually develop their freedom of thought, conscience and religion, encouraged and guided by their parents or legal guardians, and with the support of their communities in a manner consistent with their evolving capacities, empowering and enhancing their sense of individuality, dignity, self-respect, their place in, and responsibility to the community and wider society.

ARTICLE 61

Every child who is considered a refugee in accordance with applicable international or domestic law shall, whether unaccompanied or accompanied by their parents or by any other person, be entitled to all protections, rights and freedoms contained within this constitution.

They shall be entitled to special protection and humanitarian assistance in order to obtain information necessary for reunification with their family.

In cases where no parents or other members of the family can be found, the child shall be permanently accorded the same protection, rights, freedoms and status as every Scottish child.

CHAPTER 2: INALIENABLE RIGHTS OF THE CHILD

ARTICLE 62

Every child who has experienced neglect, abuse, exploitation, torture or who have been victims of war will receive special support to help them recover their health, dignity, self-respect and social life. They will be afforded every available resource to aid in their physical and psychological recovery and social reintegration.

ARTICLE 63

Every child has the right to be protected from all forms of sexual exploitation and sexual abuse, including but not limited to inducement or coercion to engage in any unlawful sexual activity; prostitution, pornographic performance and the production of pornographic material.

ARTICLE 64

Every child has the right to be protected from economic exploitation and from performing any work that is likely to be hazardous or interfere with their education, be harmful to their health or physical, mental, spiritual, moral or social development.

ARTICLE 65

Every child has the right to be protected against being abducted, sold or moved illegally in or outside their country for the purpose of exploitation.

ARTICLE 66

Every child has the right to be protected from the illegal use of drugs and from being involved in the production or distribution of drugs.

ARTICLE 67

Every child has the right to the protection of their community from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, while in the care of parent/s, legal guardian/s or any other person who has the care of the child.

ARTICLE 68

Every disabled child, has the right to special care and all available resources will be afforded to those responsible for their care, every mentally or physically disabled child should enjoy a full life, with access to education, training, health care services, rehabilitation services, recreation opportunities in conditions which ensure dignity and in a manner conducive to the child's achieving, self reliance, the fullest possible social integration and individual development, including their cultural and spiritual development and facilitate the child's active participation in the community and wider society.

ARTICLE 69

Every child has the right, if they have been placed by the competent authorities for the purposes of care, protection or treatment of their physical or mental health, to a periodic review of the treatment provided and all other circumstances relevant to their placement.

CHAPTER 2: INALIENABLE RIGHTS OF THE CHILD

ARTICLE 70

Every child deprived of liberty shall be treated with humanity and in a manner which takes into account the needs of persons of their age, any detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time.

ARTICLE 71

Every child deprived of liberty shall be separated from adults, unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with their family through correspondence and visits.

ARTICLE 72

Every child has the right to have their privacy fully respected at all stages of any legal proceedings.

ARTICLE 73

Every child has the right to be treated in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.

ARTICLE 74

Every child has the right to; guidance and counselling; education and vocational training, rehabilitation programmes and other alternatives to institutional care.

ARTICLE 75

No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment.

ARTICLE 76

Every child has the right to, during the dissolution of any marital or civil union, maintain, on a regular basis, save in exceptional circumstances, personal relations and direct contact with both parents.

ARTICLE 77

Every child involved in the adoption process has the right to special protection and assistance from the community. The community will oversee the whole process of adoption to ensure it is safe, lawful and that it prioritises the child's best interests.

CHAPTER 3: INALIENABLE RIGHTS OF SENTIENT BEINGS/ANIMALS

ARTICLE 78

The establishment of animals, vertebrate and invertebrate, being regarded as living sentient beings is established here in this document. The rights of animals will be subjected to a singular standard whether they be regarded as companion animals, wild animals, farm animals, entertainment animals or laboratory animals.

ARTICLE 79

Every animal has the right to a good life, positive and enriching, with access to facilities which will ensure rest, clean and sanitary conditions and good health.

ARTICLE 80

Every companion animal has the right to access clean water and food which is consistent with their natural dietary requirements.

ARTICLE 81

Every wild animal has the right to live a full life in their natural habitat free from the arbitrary pollution of their environment, free from snares and traps, capture and imprisonment.

ARTICLE 82

Every animal has the right to live free from torture, cruelty and arbitrary imprisonment.

ARTICLE 83

No animal should be held in overcrowded, unsanitary and inhumane conditions.

ARTICLE 84

No animal should be transported for long periods of time in overcrowded, unsanitary and inhumane conditions.

ARTICLE 85

No animal should have to witness another animal being slaughtered.

ARTICLE 86

No animal should be subjected to experimentation for the purposes of establishing product safety or producing cosmetic or medical goods for humans or other animals.

ARTICLE 87

No animal should be subjected to unnecessary cruelty for the purposes of producing food for consumption by humans or other animals.

ARTICLE 88

No animal should be subjected to unnecessary cruelty for the purposes of producing clothing for humans or other animals.

ARTICLE 89

No animal should be arbitrarily hunted or killed for the pleasure of humans in pursuits designated as leisure or sport.

CHAPTER 4: INALIENABLE RIGHTS OF MOTHER EARTH

ARTICLE 90

Mother Earth is a unique, intelligent, self-regulating community of integrated and interrelated ecosystems that sustains all beings and all life. The establishment of Mother Earth as a sentient living being, and as such, afforded the same rights as all sentient beings living on this planet, is established here in this document.

ARTICLE 91

Mother Earth has the right to clean water and clean air, she has the right to exist free from contamination, pollution and toxic waste.

ARTICLE 92

Mother Earth and the integrity of her vital ecological cycles, processes and balances must be respected, protected, conserved and where necessary, restored.

ARTICLE 93

Mother Earth has the right to life, the right to regenerate her bio-capacity and to continue her vital cycles and processes free from human disruptions.

ARTICLE 94

Mother Earth has the right to maintain her identity and integrity as a distinct, self-regulating and interrelated being.

ARTICLE 95

Mother Earth has the right to not have her genetic structure modified or disrupted in a manner which threatens her integrity or natural functionality.

ARTICLE 96

Mother Earth has the right to expect humans to establish precautionary and restrictive measures to prevent human activities from causing species extinction, the destruction of ecosystems or the disruption of ecological cycles.

ARTICLE 97

Mother Earth has the right to special protection and to expect that human activity will always be conducted in a manner which maintains her integrity, balance and health.

CHAPTER 5: GOVERNANCE

ARTICLE 98

The people of Scotland are the Sovereign source of all authority in the country/realm. All authority is vested in the people; individually; collectively in their communities and nationally.

ARTICLE 99

All executive authority is derived from the authority of the people. No executive, elected individual, elected body, regulatory authority, domestic or international, exists above the authority of the Scottish people.

ARTICLE 100

All executive and governing authority is granted/devolved/loaned by the will of the people and is conditional upon an oath being taken by all public servants; to protect and preserve the Constitution, to protect and preserve the freedoms and the sovereignty of the people, to protect and promote the common good, the interests of the community and the nation.

ARTICLE 101

All executive authority is granted/devolved/loaned by the will of the people and is conditional upon the creation, promotion and maintenance of systems and programmes designed to establish a new Direct Democratic Model for governance in Scotland, ensuring sovereignty and supreme authority resides with; and remains with; the people.

ARTICLE 102

All executive authority is granted/devolved/loaned by the will of the people and is conditional upon the funding, promotion, maintenance and expansion of systems and programmes designed to protect, educate, love, nurture and empower; all of our children.

ARTICLE 103

All executive authority is granted/devolved/loaned by the will of the people and is conditional upon the establishment of an independent body responsible for the the wellbeing of the nations children. Their health, both physical and mental. Their education, their happiness and their safety.

It will report with regularity and with full transparency with regards to public accessibility.

ARTICLE 104

All executive authority is granted/devolved/loaned by the will of the people and is conditional upon the fair and transparent management of our national assets, the preservation of our natural environment, our Land, Seas, Air and water.

Natural resources shall be managed on the basis of comprehensive long-term considerations, ensuring all wealth generated serves the common good and safeguards future generations.

CHAPTER 5: GOVERNANCE

ARTICLE 105

All executive authority is granted/devolved/loaned by the will of the people and is conditional upon the promotion and maintenance of systems and programmes designed to protect the individuals right to; develop, practice and promote their chosen, faith, religion, spirituality, traditions, practices and distinctive customs.

ARTICLE 106

All executive authority is granted/devolved/loaned by the will of the people and is conditional upon the promotion, maintenance and expansion of systems and programmes to ensure access to all levels of education is available to all, at any age, at all times.

ARTICLE 107

All legal authority is granted/devolved/loaned by the will of the people and is conditional upon the creation, promotion, maintenance and expansion of systems and programmes designed specifically to establish the supremacy of the rule of Common Law in all Scotland's territories.

ARTICLE 108

All legal authority is granted/devolved/loaned by the will of the people and is conditional upon the promotion, maintenance and expansion of systems and programmes to establish and protect the independence of the judiciary.

ARTICLE 109

All legal authority is granted/devolved/loaned by the will of the people and is conditional upon the promotion, maintenance and expansion of systems and programmes designed to ensure everyone is equal before the law and entitled, without discrimination, to equal protection.

No individual; or group; will be subjected to disadvantage or prejudice on the basis of race or colour, sex or sexual orientation, religious or spiritual beliefs, political opinion or medical preference.

ARTICLE 110

All legal authority is granted/devolved/loaned by the will of the people and is conditional upon the promotion, maintenance and expansion of systems and programmes designed to ensure that everyone has the right to be presumed innocent of all allegations until proven otherwise by the lawful judgement of their peers.

ARTICLE 111

All legal authority is granted/devolved/loaned by the will of the people and is conditional upon the promotion, maintenance and expansion of systems and programmes designed to ensure that everyone has the right to a fair and public hearing by an independent and impartial tribunal.

CHAPTER 5: GOVERNANCE

ARTICLE 112

All legal authority is granted/devolved/loaned by the will of the people and is conditional upon the promotion, maintenance and expansion of systems and programmes designed to ensure that no-one shall be subjected to arbitrary arrest, detention or exile, stripped of their rights or possessions, deprived of their standing in any way, no warrants will be issued unless allegations are supported by oath and the due process of law, presented with a sealed writ and issued by a rightful authority.

ARTICLE 113

All legal authority is granted/devolved/loaned by the will of the people and is conditional upon the promotion, maintenance and expansion of systems and programmes designed to ensure everyone has the right to be informed promptly and directly of the charges against him or her, and to have access to legal or other appropriate assistance in the preparation and presentation of his or her defence.

ARTICLE 114

All legal authority is granted/devolved/loaned by the will of the people and is conditional upon the promotion, maintenance and expansion of systems and programmes designed to ensure no-one shall be subjected to a trial on the statement of a single official.

ARTICLE 115

All legal authority is granted/devolved/loaned by the will of the people and is conditional upon the promotion, maintenance and expansion of systems and programmes designed to ensure that everyone has, through freedom of information, the right of access to all documents of the state and a right to follow the proceedings of the courts and all organisations associated with governance, elected or otherwise.

ARTICLE 116

All legal authority is granted/devolved/loaned by the will of the people and is conditional upon the promotion, maintenance and expansion of systems and programmes designed to ensure that everyone has the right to refuse to be bound by an unlawful, illegitimate or inequitable judgment, order, warrant, directive and/or ruling which they believe violates the fundamental rights granted by the Constitution and therefore has the right to an effective remedy by independent national tribunal.

ARTICLE 117

All fiscal authority is granted/devolved/loaned by the will of the people and is conditional upon the creation and maintenance of a New Scottish Central Bank, independent from executive authority and corporate control.

The Scottish Central Bank will be responsible for implementing and maintaining; regulations, ethical standards and practices which will ensure a banking and financial system designed to protect and promote the financial interests of the individual, ensure the financial security and financial stability of communities, the nation and uphold the common good.

ARTICLE 118

All fiscal authority is granted/devolved/loaned by the will of the people and is conditional upon the creation and maintenance of new; comprehensible and transparent systems of taxation, which are fair, balanced and applicable to all peoples, organisations and businesses, both domestic and international, with no exceptions and no immunity.

CHAPTER 5: GOVERNANCE

ARTICLE 119

All fiscal authority is granted/devolved/loaned by the will of the people and is conditional upon a budget being presented to the nation annually for approval, including emergency contingency plans and associated costs.

Any public expenditure/expense not contained within this budget will require separate approval by Community Guardians on a case by case basis.

ARTICLE 120

All fiscal authority is granted/devolved/loaned by the will of the people and is conditional upon the creation and maintenance of systems and programmes to ensure the comprehensive and competent financial management of the realm/country/nation; to facilitate the transparent management of all Scotland's tax revenues and natural resources, to ensure all public spending and associated financial data, reports, quotes, invoices, payments and expenses, budgeted work targets and their associated public expenditure are officially recorded, accessible, comprehensible and always readily available for public scrutiny.

ARTICLE 121

All fiscal authority is granted/devolved/loaned by the will of the people and is conditional upon the creation and maintenance of systems and programmes to facilitate and support a new Financial Conduct Authority and Public Auditor, independent of all authorities and reporting only to the people.

It will be responsible for creating and maintaining a new national public spending database, it will report annually, with full transparency with regards to public accessibility, ensuring the effective and ethical use of public money, the protection of Scottish consumers and the integrity of Scotland's financial systems.

ARTICLE 122

All regulatory authority is granted/devolved/loaned by the will of the people and is conditional upon the promotion, maintenance and expansion of systems and programmes to protect and serve the common good, to promote equality, dignity, liberty and the welfare of all.

ARTICLE 123

All regulatory authority is granted/devolved/loaned by the will of the people and is conditional upon the creation, promotion, maintenance and expansion of systems and programmes, where every person capable, is able to earn a living through their work or enterprise.

Special provisions will be made for those who cannot provide for themselves; they will have the right to support from the people, their community and the nation.

ARTICLE 124

All regulatory authority is granted/devolved/loaned by the will of the people and is conditional upon the promotion, maintenance and expansion of systems and programmes which incorporate the protection of all animals and sentient beings.

CHAPTER 5: GOVERNANCE

ARTICLE 125

All regulatory authority is granted/devolved/loaned by the will of the people and is conditional upon the promotion, maintenance and expansion of systems and programmes which will incorporate the protection of our natural environment and the integrity of Mother Earth.

ARTICLE 126

All regulatory authority is granted/devolved/loaned by the will of the people and is conditional upon the establishment of a new independent body for food standards.

This body will be responsible for monitoring all aspects associated with food; nutrition, food production and food supply; potential conflicts of interest, financial irregularities and all relevant ethical, legal, scientific and societal issues related to additives, chemicals, animal cruelty and any associated analysis. It will report with regularity and with full transparency with regards to public accessibility.

ARTICLE 127

All regulatory authority is granted/devolved/loaned by the will of the people and is conditional upon the establishment of an independent trade, trading standards and practices body which will operate and report with regularity and with full transparency with regards to public accessibility.

ARTICLE 128

All regulatory authority is granted/devolved/loaned by the will of the people and is conditional upon the promotion, maintenance and expansion of systems and programmes involving public sector procurement which will incorporate human rights and fair trade both domestically and internationally at the planning stage.

ARTICLE 129

All regulatory authority is granted/devolved/loaned by the will of the people and is conditional upon the creation, promotion, maintenance and expansion of systems and programmes to protect the people's right to privacy.

The right to move freely without the dehumanising practice of continual monitoring. The right to maintain confidentiality with regards to all personal information and data.

Exploitation of an individual's personal information, including; financial data, personal correspondence, online activity, location information, transactional and behavioural data, medical records and DNA information, without a written contract, informed agreement and written consent, will be illegal.

CHAPTER 5: GOVERNANCE

ARTICLE 130

All regulatory authority is granted/devolved/loaned by the will of the people and is conditional upon the creation of a new media model and authority. This will be independent, impartial, free from state influence or corporate monopoly.

The establishment of a platform for uncensored, uninhibited and enlightened public discourse, incorporating transparent and unfettered public access to information on all matters concerning the common good, the interests of the nation and the facilitation of public scrutiny, is of national importance.

ARTICLE 131

All regulatory authority is granted/devolved/loaned by the will of the people and is conditional upon the application of the precautionary principle being applied to both ethical and safety issues raised by the rapid advances in technology.

All technological advancements and applications should be considered with respect to the dignity of human beings, human rights and natural freedoms, the dignity of animals, animal rights and natural freedoms, the rights of Mother Earth and the interconnected health and wellbeing of all.

ARTICLE 132

All regulatory authority is granted/devolved/loaned by the will of the people and is conditional upon the precautionary principle being applied, both ethically and economically, to all issues raised by the rapid and unregulated advancement of Artificial Intelligence (AI).

The potential for AI to be used as a weapon of war, its potential for fraudulent activity, violation of Intellectual Property, its potential to create economic hardship, the potential to decimate employment levels and compromise our children's safety must be tightly controlled and continually monitored. The consequences with regards to tax revenues and the potential impact on small businesses, community services, critical infrastructure and the common good is a clear danger.

Societal harmony must take precedence over; advancement: for advancements sake.

ARTICLE 133

All medical authority is granted/devolved/loaned by the will of the people and is conditional upon the understanding that the sovereign individual will decide whether or not they receive any medical intervention or treatment.

ARTICLE 134

All medical authority is granted/devolved/loaned by the will of the people and is conditional upon any preventative, diagnostic or therapeutic medical intervention only being carried out with prior, free and informed consent and without any element of force, fraud, deceit, duress, overreaching, or other ulterior form of constraint or coercion.

The individual involved should have legal capacity to give consent. The information provided should be comprehensive and provided in a comprehensible form which include protocols for withdrawal of consent.

CHAPTER 5: GOVERNANCE

Consent may be withdrawn by the individual concerned at any time and for any reason without disadvantage or prejudice.

The duty and responsibility for ascertaining the quality of the consent rests upon each individual who initiates, directs, or engages in the treatment. It is a personal duty and responsibility which may not be delegated to another with impunity.

ARTICLE 135

All medical authority is granted/devolved/loaned by the will of the people and is conditional upon human scientific research and medical experimentation only being carried out with the prior, free, express and informed consent of the individual concerned.

The individual involved should have legal capacity to give consent. The information provided should be comprehensive and provided in a comprehensible form which include protocols for withdrawal of consent.

Consent may be withdrawn by the individual concerned at any time and for any reason without any disadvantage or prejudice.

The duty and responsibility for ascertaining the quality of the consent rests upon each individual who initiates, directs, or engages in the experiment. It is a personal duty and responsibility which may not be delegated to another with impunity.

ARTICLE 136

All medical authority is granted/devolved/loaned by the will of the people and is conditional upon research, which is carried out on a group of persons or a community, being subjected to special independent evaluation and scrutiny.

In no case should a collective community agreement or the consent of a community leader or other authority figure, substitute for, or supersede, an individual's informed consent or Constitutional rights.

ARTICLE 137

All medical authority is granted/devolved/loaned by the will of the people and is conditional upon emergency protocols being activated to ensure special protection is being given to persons who do not have the capacity to consent.

Medical interventions or experimentation should only be carried out for their direct health benefit.

ARTICLE 138

All medical authority is granted/devolved/loaned by the will of the people and is conditional upon human scientific research and medical experimentation only being carried out for the good of society, to investigate and establish solutions for health unprocurable by other methods or means of study, and not random and unnecessary in nature.

The degree of risk to be taken should never exceed that determined by the humanitarian importance of the problem to be solved by the experiment.

CHAPTER 5: GOVERNANCE

ARTICLE 139

All medical authority is granted/devolved/loaned by the will of the people and is conditional upon the establishment of an independent body for public health.

This body will be responsible for monitoring all aspects associated with public health; potential conflicts of interest, financial irregularities and all relevant ethical, legal, scientific and societal issues related to research projects involving human beings; including genetic engineering and associated technologies such as CRISPR technologies and Gain of Function research. It will report with regularity and full transparency with regards to public accessibility.

ARTICLE 140

All Community Security authority is granted/devolved/loaned by the will of the people and is conditional upon all Community Security personnel, their communications and hardware and all other aspects of Community defence remain; at all times; operational and primed.

ARTICLE 141

All National Security authority is granted/devolved/loaned by the will of the people and is conditional upon the creation, maintenance and preparedness of systems, programmes and personnel required to maintain the protection of the people of Scotland, our critical infrastructure, our territories and borders.

All diplomatic matters and military command matters, both domestic and international, which is deemed necessary to keep secret, will be documented and maintained in a special record.

ARTICLE 142

All military authority is granted/devolved/loaned by the will of the people and is conditional upon the understanding that the Executive does not have the authority to use military force; to deploy soldiers or police officers with military status, domestic or foreign, on the streets of Scotland or in any of Scotland's territories, except where there is unequivocal proof of an insurgency/invasion which undermines the peoples peace and not without a full national multi-stakeholder debate and the approval of 75% of all voting aged people in a national referendum.

ARTICLE 143

All military authority is granted/devolved/loaned by the will of the people and is conditional upon the understanding that Scotland's military may not declare war, nor our armed forces be transferred to the service of any foreign powers involved in a war, nor may any act of aggression be carried out against another nation, without a full national multi-stakeholder debate and the approval of 75% of all voting aged people in a national referendum.

ARTICLE 144

All military authority is granted/devolved/loaned by the will of the people and is conditional upon the understanding that Scotland's military will not permit the armed forces of any foreign power to be brought into Scotland without a full national multi-stakeholder debate and the approval of 75% of all voting aged people in a national referendum.

CHAPTER 5: GOVERNANCE

ARTICLE 145

All military authority is granted/devolved/loaned by the will of the people and is conditional upon the creation and maintenance of systems and programmes to ensure the removal of all nuclear, chemical and biological weapons from our lands, territories and waters.

ARTICLE 146

All military/diplomatic authority is granted/devolved/loaned by the will of the people and is conditional upon the following instruction being adhered to:

The free sovereign peoples of Scotland will no longer hold; as a deterrent, use as a threat, or store for any country or organisation; any nuclear weapons; any chemical weapons; any biological weapons or any weapons capable of inflicting mass destruction and suffering.

ARTICLE 147

All military/diplomatic authority is granted/devolved/loaned by the will of the people and is conditional upon the following instruction being adhered to:

The free sovereign people of Scotland seek war with no nation, no peoples or no species, we seek to collaborate with our fellow earthlings, to pursue and to implement protocols and policies which will move all humanity towards a planetary peace.

ARTICLE 148

The authority to veto any decision made by the executive or any regulatory, fiscal, legal, medical, diplomatic or military authority is granted/devolved/loaned by the will of the people.

This authority will remain solely with elected Community Guardians and can be invoked at any time by a single Community Guardian. This authority can be invoked to deal with issues relating specifically to their own community requiring a 75% approval from their voting age community conducted through a secret ballot.

This authority can also be invoked to deal with National issues and any veto will be observed with the approval of 75% of all Community Guardians conducted through a secret ballot.

The approval of 75% of all Community Guardians will force a national referendum.

ARTICLE 149

The authority to recall any elected representative of the people, should they be found guilty of: professional malfeasance; providing misleading information with regards to their public duties; misuse or abuse of their position; providing false or misleading information for their expenses or allowance claims or being convicted of an offence which receives a custodial sentence.

This authority remains with the people.

If 10% of voters in the area represented, sign a petition to recall, then the representative will forfeit their position and a fresh vote will be automatically triggered.

The recalled representative will be allowed to face a public vote again, providing that they have not been found guilty of professional malfeasance, fraud, intentionally misleading the people or have received a custodial sentence.

CHAPTER 6: ELECTIONS AND VOTING

ARTICLE 150

Elections will be held once a year. All public declarations, debates, forums etc. will commence on the 1st of September and will conclude by October 21st with elections and counts being concluded by 30th October.

ARTICLE 151

One person, one vote, through free and secret ballot.

ARTICLE 152

Those entitled to vote in elections will be Scottish natives and naturalised individuals who are eighteen years or older.

ARTICLE 153

Those entitled to stand for elections will be Scottish natives and naturalised individuals who are twenty five years or older. Candidates must reside within the community/area/region they seek to represent, at the time of the election.

ARTICLE 154

No one may stand for election unless they are entitled to vote.

ARTICLE 155

No family members; multiple siblings; husband and wife, parent and child may hold elected office, within the same community or region at the same time.

ARTICLE 156

Rules may be lawfully applied concerning the right to vote of individuals otherwise entitled to vote who are suffering from a seriously weakened mental state or a reduced level of consciousness/capacity.

ARTICLE 157

Rules may be lawfully applied concerning the right to vote of individuals otherwise entitled to vote who have been imprisoned for a criminal offence.

ARTICLE 158

Rules may be lawfully applied concerning the right to vote of individuals in the service of a foreign power or government.

ARTICLE 159

Elected representative will be required to swear an oath of allegiance to the people of Scotland and the Constitution and therefore must relinquish any oath previously made or currently held.

ARTICLE 160

The right to petition for the right of recall can be invoked when an elected representative has been found guilty of a criminal offence, behaved dishonestly or fraudulently, or behaved in a manner which diminishes the office they represent.

Voters within the relevant jurisdiction/region/area will have 8 weeks to sign the petition. If 10% of voters in the area represented sign a petition to recall, then the representative will forfeit their position and a fresh vote will be automatically triggered.

The recalled representative will be allowed to face a public vote again, providing that they have not been found guilty of professional malfeasance, fraud, intentionally misleading the people or have received a custodial sentence. If less than 10% of voters in the constituency sign the petition, the elected representative will remain in their post.

CHAPTER 7: CONSTITUTIONAL SUPREMACY

ARTICLE 161

The rights and privileges presented here in this Constitutional document will remain embedded in law, in all Scotland's territories, in perpetuity.

ARTICLE 162

The legal, fiscal, medical, military, diplomatic, regulatory and executive authority granted/devolved/loaned by the people, authority deemed necessary to facilitate and ensure effective and competent governance, is conditional upon the understanding, that no authority exists above the supremacy of this Constitution.

ARTICLE 163

The legal, fiscal, medical, military, diplomatic, regulatory and executive authority granted/devolved/loaned by the people, authority necessary to facilitate and ensure effective and competent governance, is conditional upon the understanding, that no branch of the executive, no administrative body, no organisation, domestic or international, can amend or pass laws which infringe or restrict any of the rights or privileges of this Constitution.

ARTICLE 164

All legal, fiscal, medical, military, diplomatic, regulatory and executive representatives, all Community Guardians and Community Administrators, Peace Officers, Estates Managers and Commissioners, and all public servants will be bound by Oath and Affirmation to support, promote and uphold the Constitution.

ARTICLE 165

Any amendments or corrections to be made to the final Constitution, can only be made by national referendum, where the approval of 75% of Scotland's free and sovereign people will be required to make the change.

A NEW SCOTTISH CONSTITUTION: 2ND DRAFT; JULY 2025.

The people of Scotland, and our extended family throughout the British Isles, have found ourselves adrift within a political system which has taken a horribly wrong turn; and despite the protestations of millions of citizens, it does not show any sign of correcting its course.

It is therefore incumbent upon us; the people; to establish, once and for all; definitive boundaries between ourselves and those we select, and pay; to represent the interests of our communities and administer/organise/coordinate our public services, detailing exactly what we expect from them.

A mandate to represent the people can no longer mean you get a five year pass to do whatever you please and that you can expect a blank cheque to do it with.

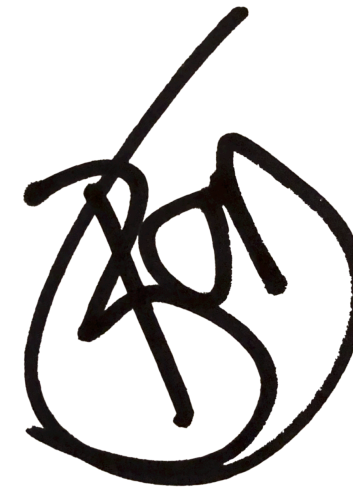
The Scottish people need independence now; more than ever. We need our own voice out there in the world, we need our own foreign policy and we need our elected representatives to actually reflect the character of the Scottish people. This is very important to us and this document reflects that.

The only way to ensure this, is to codify our rights; responsibilities and systems of governance, to ensure we better serve our own communities and peacefully engage with our fellow earthlings throughout the world.

The document has a link to provide your feedback, which we would be very grateful if you would take the time to do.

www.adapas.org

Written by
Brendan O'Donnell.

A handwritten signature in black ink, appearing to be 'B O'Donnell', enclosed within a circular flourish.