

## Rights and Freedoms

Should there be any group-based rights?

There will be group-based rights where Molvanians and Slobovians will have linguistic and religious rights. They are legally protected from discrimination based on language, religion, and culture. Children have the right to free public primary and secondary education as well as the right to protection from mistreatment and domestic violence.

Which types of groups should be protected in the constitution?

Molovanians and Slobovians are protected from discrimination and children are protected from mistreatment and lack of education. Molovanians and Slobovians are protected because they are prominent ethnic minorities and children are protected because they are considered a vulnerable population.

Should specific linguistic, religious and ethnic-based rights be guaranteed by the state?

The state guarantees linguistic, religious, and ethnic-based rights to all citizens of Kerblaksitan given that there is ample language and religious variation. No citizen is to be institutionally discriminated against by their linguistic, religious, or ethnic identity. There is complete freedom of religion. As a result, no official state religion will be imposed.

Should economic rights be guaranteed by the state?

Certain economic rights are guaranteed by the state. All citizens have the right to own private property and cannot have it seized by anyone unless it is by a formal court order. These property rights also apply to farmland owners given that 40% of Kerblakistan's GNP is agriculture. All citizens have the right to work and earn a salary or wage. Both agricultural and industrial workers are protected against unsanitary work conditions.

## System of Government:

Which system is best for the state (unitary, federal or confederal)?

The system of government will be unitary where power is held by the central government. This allows for there to be uniform laws applied to the country as a whole. Given that Kerblakistan is ethnically fragmented with high ethnic tension between its different groups, a unitary system will be implemented rather than a federalist system because federalism can reinforce these cleavages and engrave them into the country's government in the long term which may worsen the ethnic conflict, according to Erk and Anderson (2009).

In a unitary government, the government is consolidated into one governing body, rather than treating each region differently. In federalist systems, the different treatment given to each region may result in competition and favoritism that heightens the ethnic divide (Erk and Anderson, 2009). A unitary system can lessen the potential for a power struggle between Molvanians, Kerblaks, and Slobovians as well as the states and the nation. It has the potential to ease tension between the different groups as they can all identify with the same national system and laws. Thus, a unitary system as opposed to a federalist system will better prevent the further ethnic fractionalization of Kerblakistan.

Should certain regions have autonomy and how should it be defined?

To compensate for the absence of a federalist system, Kurkent and Moltara are regions that will have territorial autonomy at the allowance of the central government. They will have certain autonomy to create local statutes that are necessary for the well-being of Kurkent's Slobovians and Moltara's Molvanians given that these two regions hold Kerblakistan's two main ethnic minorities. These autonomous regions will be able to fund cultural institutions that pertain to these two ethnicities as well as implement local laws that are necessary for the practice of their culture, however, they must be approved by the central government and not interfere with national law. Moreover, autonomous regions can create laws that are related and necessary for the type of agriculture naturally prevalent within that particular region.

This is appropriate as Kerblakistan consists of geographically concentrated minorities. Providing a certain level of autonomy to these regions will prevent an overwhelming desire for secession as regional autonomy serves as a concession that accounts for the prevalent diversity of Kerblakistan, but that is restricted to prevent a complete physical and ethnic division between the regions.

What powers are shared and divided among governments in the state?

There is a separation of powers between the executive, legislative, and judicial branches. They conduct checks and balances and oversight over one another. In the executive branch, the president and prime minister share executive power. However, the president is head of state in foreign affairs and the prime minister is head of government in domestic affairs, given that it will be a semi-presidential regime. The president appoints the prime minister and the prime minister appoints the ministers that will form its cabinet. The prime minister helps the president oversee the effective enforcement of laws and the prime minister delegates this task to specific ministers based on their scope of practice. Each minister is responsible for their own department.

The upper and lower houses of the legislative branch share the power of making and proposing laws. Both must agree on a bill in order for it to be ratified. If neither can agree on a bill, then they must revisit and revise it until they can both reach an agreement. Although they both share legislative powers, the lower house is responsible for creating

financial laws, determining the national budget, and creating laws concerning elections and foreign affairs as this is more focused on the national scale rather than the regional scale. The lower house must create this legislation, but both houses must approve it. The upper house cannot create this type of legislation. The upper house is responsible for approving the prime minister and other minister appointments. The upper house serves as a form of representation for the diversity within the country. This division of power between the houses allows for a balance of constitutional power between them, making it a symmetrical division of power. The executive branch interacts with the legislative branch as the president is permitted to propose bills, however, their powers remain separated as the president cannot make a bill become a law and mainly has non-legislative powers. Additionally, the president has the power to dissolve the parliament after deliberating this possibility with the prime minister. This will help prevent any authoritarian acts of power.

The interpretation of the law is reserved for the Supreme court and city courts where the constitutionality of laws passed by parliament is checked and citizens are tried for civil and criminal matters. This power is separate from that of the executive branch and legislative branch. All city and local courts respond to the central government. They share the power of interpreting the law, however, they are created by the national government, given that it is a unitary system.

The division of power between the central government and the autonomous regions is that the autonomous regions are created by and must respond to the central government. Autonomous regions have autonomy in financing their own cultural institutions and creating statutes that are necessary for the protection of ethnic minorities and majorities specific to that region. Additionally, autonomous regions can create laws that are specific to the type of agriculture practiced within that particular region. Apart from laws specific to the region, both the central government and autonomous regions share the power of enforcing and practicing national laws.

## Regime Type

Should the state be parliamentary, presidential or semi-presidential?

The state will be semi-presidential. It will be semi-presidential because fixed terms of the president do not pose a large problem as they are only head of state and not the head of government, whereas the prime minister is head of government and can be voted out by parliament if they become unpopular. Thus, semi-presidentialism provides more flexibility in government as power alternates between the president, who is chosen by the people, and the prime minister, who is chosen by parliament. Schleiter and Morgan-Jones (2009) in their literature review portion of their study point to arguments made in the past by scholars such as Giovanni Sartori that semi-presidentialism has the ability to strengthen democracy or efforts for democratic transition because of the flexibility it provides in the executive branch as executive power is not solely concentrated on a single person. They further support this by stating that Shugart and

Carey (1992) indicate that the balance of power between the president and the assembly is a major determinant when assessing the effectiveness of a semi-presidential regime. This is mainly because the cabinet in a semi-presidential regime is held accountable primarily to parliament allowing for flexibility in the distribution of power between executives in the executive branch where the duties of the president and the prime minister are clearly divided (Schleiter and Morgan-Jones 2009 and Shugart and Carey 1992). Such a balance of power and flexibility in authority may help ensure the maintenance of substantive democracy as there are clear limits on the powers of each executive and they can conduct oversight over one another.

Additionally, the flexibility that having two executives provides allows for a more wholesome representation of the citizenry as two executives are likely to provide a broader outlook on government interests than one executive alone as executive power is balanced between the two (Schleiter and Morgan-Jones 2009). This may prove beneficial for Kerblakistan as this country houses a lot of diversity that must be accounted for in executive decisions. Representation of interest can increase in a semi-presidential regime as it merges advantages from both presidentialism and parliamentarism where the will of the people is reflected in the popular election of the president and an unpopular executive, a prime minister, can be removed by parliament in a vote of no confidence, once again, demonstrating the benefits that this regime's flexibility entails.

If the state is semi-presidential, what is the division of power?

The executive branch is divided between the president and the prime minister. The prime minister is appointed by the president, but the appointment must be approved by the parliament. The prime minister is responsible for appointing members of the cabinet and other ministers of ministry departments. These appointments must also be approved by the parliament. The prime minister must oversee and delegate tasks to the subordinate ministers based on their scope of practice. The president serves as head of state and the prime minister serves as head of government. The president has the power to dissolve parliament only after deliberating it with the prime minister in order to prevent any act of authoritarian rule.

Legislative Branch

Should the legislature be bicameral or unicameral?

The legislature should be bicameral because the inclusion of an upper chamber can account for the ethnic diversity present within Kerblakistan. The upper chamber can have legislatures that represent different regions of the country such as Moltara and Kurkent where Moltara has a large Molvanian ethnic concentration and Kurkent has a large Slobovian concentration. Without a bicameral legislature, these ethnic groups are not given political representation in government. Additionally, a bicameral legislature assists in preventing flawed legislation as there are two houses that exert oversight over the legislative process.

If the legislature is bicameral, how are powers divided between the two houses?

The division of power between the two houses will be symmetrical. Both will be responsible for creating legislation and both must approve it. This will allow greater oversight between each other to prevent flawed legislation. The lower house will entail national representation, with representatives from districts based on population size, and the upper house will serve as regional representation. Matters that are fundamental for national function, such as the national budget, election laws, and foreign affairs, must be only created by the lower house and approved by both chambers. Apart from these matters, both can create legislation. The upper house is responsible for approving prime minister and other minister appointments.

What is the power relationship with the executive?

Both chambers will be responsible for overseeing the executive. The prime minister can be removed when there is a vote of no confidence in parliament, however, the president cannot be removed as they have fixed term limits. The president has the power to dissolve parliament and propose bills, however, the president cannot pass laws as there is a separation of powers between the branches. Moreover, prime minister and other minister appointment made by the executive must be approved by the upper house.

Elections and Electoral System

Should the constitution discuss the electoral system, and if so, what system should be adopted?

The electoral system should be discussed in the constitution in order to address any electoral issues that may arise due to the prevalent ethnic tension presented within Kerblakistan. For presidential elections, majoritarianism will be implemented as this will allow for sincere voting in the first round of elections as noted by McClintock (2018). Moreover, majoritarianism entails winning the majority of votes which is 50% plus 1%. Given that Kerbalskistan is highly diverse ethnically and there has been strong ethnic tension between the three main ethnic groups, this allocation rule will ensure a popular candidate is chosen for president rather than a minority winner, that may be unpopular because of ethnic differences.

For legislative elections, plurality will be used where the candidate with the most votes wins. This is preferable for legislative elections as it will allow for government formation to be easier as the probability of coalitions being formed decreases. Because this is a semi-presidential regime, the prime minister and parliament will form the cabinet, so having plurality as the allocation rule for the legislature will make the formation of the cabinet easier to conduct.

Should legislative seats be provided for specific groups?

Legislative seats will not be provided automatically for specific groups as this may cause tension between Kerblaskistan's varying ethnic groups due to possible speculation over favoritism. This may induce continued competition and power struggles

between them. Instead, legislative seats must be earned by the parliament members that win the popular election who may or may not represent particular ethnic groups.

How often should elections be held for various offices?

Presidential elections will be held every four years and general elections for prime minister and members of parliament, from both houses, will be held every six years in the election cycle, however, the prime minister can be removed with a vote of no confidence at any time.

## References

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