

Guantanamo Bay Act was adopted April 2006, as World Legislative Act #36 by the ninth session of the provisional World Parliament, meeting in Tripoli in conformance with Article 19 of the *Constitution for the Federation of Earth*. The Act was amended at the tenth session of provisional World Parliament, meeting June 2007 at Kara, Togo, West Africa.

World Legislative Act #36
Mundialization of Guantanamo Base
Earth to United States:
Notice to Quit Guantanamo Bay

Short title

“Guantanamo Bay”

Whereas, Guantanamo Bay has been supposedly Cuban government property, leased indefinitely by United States since 1903, but not regarded as US territory;

And whereas, Cuba has continued any lease of this property only under duress and objection;

And whereas the United States Navy base in south-eastern Cuba is base to numerous ships, air forces and activities that are criminalized under the World Legislative Acts 1, 12, 13, 19 and other world statutes;

And whereas it is alleged by numerous governments and rights groups that activities are taking place on the Guantanamo base that are violations of the Bill of Rights for citizens of the Earth Federation, requiring intervention on behalf of the World Ombudsmus and the World Attorneys General;

And whereas world commerce and international industry may be greatly enhanced by the mundialization of Guantanamo Bay;

Whereas Guantanamo Bay effectively comprises a World Territory in its location at a vital strait, as specified under Article 16., particularly Section A.2., of the *Earth Constitution*; and

Whereas Guantanamo Bay effectively comprises a World Territory under Article 16. Section A of the Earth Constitution which specifies World Territories to include areas that, “are not reasonably within the province of national ownership and administration...”;

And as the *Earth Constitution* Article 4, Item 26 grants the Earth Federation the power to control and administer vital waterways and ocean transport systems; and as other sections of Article 4 grant the power to prevent wars, supervise disarmament,

prohibit incitement to war, supervise boundary settlements and otherwise provide the means for peaceful and just solutions of disputes and conflicts among or between nations;

This ninth session of the provisional World Parliament mundializes Guantanamo Base, all vessels and all properties within 5 kilometers of the Guantanamo Base ramparts or outer fences, whichever is greater, and all waters of the bay, out unto the generally recognized waters of the Earth Federation. The World Parliament declares the World City of Guantanamo Bay. On at least provisional basis, Guantanamo Bay is declared a World Federal Zone. The People shall administrate this law.

1. Guantanamo Bay is the entire land and water area within approximately the 5 kilometer perimeter of the current Guantanamo Base ramparts or outer fences, as well as within approximate 5 kilometer perimeter of the upper bay, not including lands within the customary municipal limits of the city of Guantanamo. To create land access between both East and West Shores of Guantanamo Bay, Earth Federation eminent domain extends to include 5-kilometer perimeter of the entire Guantanamo Bay, including upper bay. Guantanamo Bay boundaries run North-South and East-West, simplified with standard geographical coordinates as follows:

North Boundary is at 20*06' North latitude.

West Boundary is at 75*17' West longitude.

East boundary is at 75* 02' West longitude.

South boundary is at 19*42' North latitude.

South boundary is at sea, together with the general world jurisdiction of the Caribbean Sea.

Extension includes municipalities of Mato Abajo, Paraguay, Arroyo Hondo, and Las Lajas. Aerodromo Los Canos includes within the extension.

[Ed. note: Underlined provisions are amendment from 10th session of provisional World Parliament, June 2007. See bottom of this html page for summary of PWP10 amendments to WLA#36.]

Provisions referring to “Guantanamo Base” refer to the area within the outer fences of the United States-occupied area , but also to the officers, service members and other individuals in the Guantanamo Bay area, irrespective of nationality. This act prohibits the departure of any vessel from Guantanamo Bay that is equipped with any of the weapons of mass destruction as defined in World Legislative Act Number 1. Weapons of mass destruction include conveyances, such as cannons, guns designed to fire explosive shells, mortars, missile launch mechanisms, missile and bomb storage mechanisms, torpedoe launching capacity, radar jamming capacity, depth charge capacity, acoustic mechanisms likely to harm wildlife. (Further description of weapons of mass destruction is in World Legislative Acts 1 and 13.) Violation of this provision is unauthorized misappropriation, theft or transfer of world federal property

- Class 3 felony. This is in addition to any other charges that may generate from the type possession or use of the misappropriated weapons, or other violation, such as specified in World Legislative Act #12., Article 3.

2. This act directs the United States Commander-in-Chief, intermediate officers, and the United States Commanding Officer of Guantanamo Base to issue orders that all service personnel are to begin the conversion of the vessels (air and sea) of Guantanamo Base to civil police capacity, or for Emergency Earth Rescue Administration operations. If in the opinion of Earth Federation naval engineers, conversion is not possible, even with re-design and renovation, then service personnel shall disable any vessel that is non-convertible in a location to not obstruct the docks and waterways of Guantanamo Base, and in such a location that dismantlement of the vessel can be accomplished, but not on Cuban territory nor in Cuban waters. Resources on hand will be used, until further resources are available. The United States Commander-in-Chief, intermediate officers, and the Commanding Officer of Guantanamo Base are directed to reduce contamination of the waters and beach and land areas from wastes, and to prevent spillage into Cuban territory and Cuban waters. The United States Commander-in-Chief, intermediate officers, and the Commanding Officer shall issue orders to contain wastes until proper disposal or neutralization is available. Violation may be classified as determined by law.

In the event of incapacity or unwillingness of the United States Commander-in-Chief, intermediate officers, or the Commanding Officer to begin conversion, the law-abiding officers, including officers of Guantanamo Base may relieve any respective noncompliant Commanding Officer(s) of duty. If relief of duty is for unwillingness, the law-abiding officers may take the former Commanding Officer(s) into custody on felony counts of World Legislative Act #1.1.4. maintaining, storing, stockpiling weapons of mass destruction (class 1 felony), and of World Legislative Act# 1.1.8. directing violation of world legislation by request or command (One classification level higher than violation, except if class 7 felony, then class 7 felony. In this case a class 2 felony.)

3. This act absolves the United States Commander-in-Chief, intermediate officers, the Commanding Officer of Guantanamo Base, and all other officers and Service Personnel from any liability that may be called as follows:

3.1. "breach of duty";

3.2. "mutiny";

3.3. "insubordination";

3.4. "treason";

3.5. "AWOL"; or

3.6. "posse commitatus",

by supposedly higher authorities within the United States military, the NATO

Alliance or the United Nations security system, for refusal to obey national or international orders to violate this Act. The World Court may find that inappropriate subjurisdictional legal charges constitute impeding the activities of agents of the Provisional Earth Federation or Earth Federation. - Class 3 felony.

All officers, servicemembers or other persons in Guantanamo Bay have the right to retain original nationality, or to change nationality. Any interference or threat to withdraw the national status of individuals against the will of the individual is unlawful *Elements of Crimes* 7 (1) (h) Crime against humanity of persecution -- Class 5 felony.

4. This provisional World Parliament recognized that the prisoners kept at Guantanamo Base are in fact kidnap victims. The United States military has no jurisdiction regarding any prisoners kept at Guantanamo Base. In keeping with the principle of habeas corpus named in Article 12 of the Earth Constitution, and described in Articles 6, 8, 9 and 10 of the United States Constitution itself, the Commanding Officer of Guantanamo Base shall ~~remand~~ release, in health and living, the detainees who have been held at Guantanamo Base. ~~to the custody of official representatives of the World Attorneys General Office, for immediate presentation in a Court of the Provisional World Court, or for immediate presentation at the International Criminal Court at the Hague, together with any charges and evidence maintained against detainees, .~~ The Court, in turn, shall observe also the principle of habeas corpus in dealing with this situation. Violation is *Elements of Crimes* 7 (1) (e) - Class 5 felony, or *Elements of Crimes* 8 (2) (c) (iv) , - Class 6 or 7 felony. Any countermand to the delivery of the detainees is grounds for charges of interfering with officers of the Enforcement System and Earth Federation (WLA13.2.09 class 3 Felony), Violations of 7.1.d.,e.,f.,i., or k., of *Elements of Crimes* (classes 5,5,7,7,5 felonies, respectively), and violation of directing violation of world legislation (WLA#1.1.8., WLA#13.2.04, one classification level above the level of the violation directed.), as well as other possible charges.

In the event of incapacity or unwillingness of the Commanding Officer to ~~remand~~ release, the law-abiding officers of Guantanamo Base may relieve the Commanding Officer of duty. If relief of duty is for unwillingness, the law-abiding officers may take the former Commanding Officer into custody on felony count of Crime against humanity of imprisonment or other severe deprivation of physical liberty without due process *Elements of Crimes* 7 (1) (e) -- Class 5 felony; or of War crime of sentencing or execution without due process; Sentencing without due process 8 (2) (c) (iv) *Elements of Crimes* -- Class 6 felony.

At least until the World Courts determine and record the payment of appropriate punitive or restitutive payments by the United States for the displacement and disruption of the kidnap victims' lives, the Earth Federation shall provide relief to the

kidnap victims through the provisions of World Legislative Act #42 for the Guaranteed Annual Income, as well as from the Victims Fund. Earth Federation agencies shall assist the victims in any way feasible, provided victims affirm support for the *Earth Constitution* and world law.

[Ed. note: Underlined provisions are amendment from 10th session of provisional World Parliament, June 2007. See bottom of this html page for summary of PWP10 amendments to WLA#36.]

5. Guantanamo Bay military officers and military service members who immediately comply with this and all world legislation are eligible for full amnesty from prosecution by World Court for prior violation of World Legislative Act #1 and #13, as well as amnesty from subjurisdictional charges. Officers and service members who hesitate in compliance may be eligible for probationary amnesty. Individuals are still subject to civil suits arising from world law violations that have allegedly occurred at Guantanamo Base, in spite of these amnesty provisions, in particular regarding allegations of torture, infringement of habeas corpus and related alleged abuses. The World Bench for Civil Cases or World Bench for Human Rights will handle cases arising from allegations of torture at Guantanamo Base. Only officers, service members or privately contracted personnel who resist the implementation of this World Legislative Act by military force may face full force of the *Criminal Code Penalty Classification* (World Legislative Act #19). Military resistance is impeding the activities of agents of the Provisional Earth Federation or Earth Federation - Class 3 felony. The World Attorneys General Office shall elaborate and implement a process for notification to all officers and service members.

This Act directs the Commission for Legislative Review to draw up, in cooperation with the World Attorneys General Office and the World Court System, proposals for further detailing of provisions for full and conditional amnesty for all service personnel and officers at Guantanamo Bay who comply with the provisions of this World Legislative Act.

Guantanamo Base veterans are also eligible for full amnesty, provided they affirm the *Earth Constitution* and comply with world legislation. Guantanamo Base veterans remain liable to civil prosecution under allegations of torture.

Officers, servicemembers and other individuals who comply with this Act may remain in Guantanamo Bay, or may leave, or may leave and return freely, respecting the rule of the Harbor Master if leaving or returning by sea.

Provisions of this article are applicable to Cuban officers and Cuban servicemembers at any level, as well as to United States officers from new base commander down, assigned in conformance with this Act, and to United States military service members.

6. Protections and Benefits

6.1. Officers and service members may retain their service revolvers, pistols, and their rifles, including automatic rifles, and munitions for respective operation, during and after the process of conversion of the vessels of Guantanamo Base, provided the individuals are not under warranted criminal charges for military resistance against the law, in violation of the amnesty.

6.2. Officers, servicemembers or other individuals must not volunteer rifles, service revolvers, pistols, automatic weapons nor respective munitions into the custody of any person who expressly intends or indicates to violate this Act. (World Legislative Act #13.2.12. Illegal transfer – class 1 felony; and World Legislative Act #13.2.06. Accomplice – same felony classification level as the other violator.)

6.3. Officers who express or indicate intention to violate this Act must not order, demand or suggest that subordinate officers, service members or other individuals return service revolvers, pistols, rifles, automatic weapons or respective munitions – World Legislative Act 1.1.8. directing violation of world legislation by request or command (One classification level higher than violation, except if class 7 felony, then class 7 felony) ; World Legislative Act 13.2.04. Directing persons to violate world legislation, publicly or privately – One classification level above the classification of the violation directed, except in the case of directing a Class 7 felony violation, in which case – Class 7 felony.

6.4. Although this legislative act cannot guarantee immediate cash salary payments, this Act authorizes and directs the World Financial Administration to establish accounts for all officers, service personnel and privately contracted personnel in Guantanamo Bay. A salary accrual shall begin and continue from the date of adoption of this Act, at equivalent value to each respective individual's original salary, up to the federally established income limits specified in the Equity Act, World Legislative Act #22,, Article 9. Access to these accounts are guaranteed no later than 6 months after declaration of the first operative stage of Earth Federation.

This Act recognizes compliance as work and costs of private citizens of Earth, and a legitimate cost for establishment of constitutional Earth Federation, under Article 17F of the *Earth Constitution*. Officers, servicemembers, and other individuals may continue to receive and use any salary that might be paid (and which is owed) by the respective national employer. The World Financial Administration shall ignore any continued payment of national salary for the sake of simplicity of this Act. The 200% bonus, guaranteed by the *Earth Constitution* refers to salaries that would have accrued if national employer(s) were not to discontinue payment. Since there is no guarantee of continuity of national payments to the respective individuals in Guantanamo, to fulfil the constitutional requirement, the Act also authorizes and directs the World Finance Administration to establish a separate bonus retirement accounts for all the

officers, servicemembers and private contracted personnel, with bonus earned to accrue from the date of adoption of this Act. On an installment basis, the World Financial Administration shall transfer these funds into the respective first operating accounts beginning when the first accounts have expended the original amount earned from salary, provided this does not exceed the federal maximum income limit. Installment transfers may be pro-rated to match the maximum income limit. The bonus retirement account is a world federal account separate from the statutorily guaranteed retirement account of World Legislative Act #13.7., which veterans are entitled to. The first veterans' benefits and retirements are ordinarily paid from one's national government, but guaranteed if the national government defaults (National governments must eventually pay back to the Earth Federation for veteran benefit defaults.)

For officers whose commissions were scheduled to end, or for servicemembers or other individuals whose service was scheduled to end, or for unscheduled endings of salaries, to continue earnings must apply and obtain employment through a civil service office of the Earth Federation. The Earth Federation employment may begin at the original commission or service contract termination date.

6.5. The World Court may order forfeiture of salary, retirement and bonus upon conviction of violation of this Act or other world federation. Being under orders to violate World Legislation does not exempt an individual from accountability in this regard. The World Court shall relate amount of forfeiture to the seriousness of violations. Medical benefit guarantees are not forfeited in any case.

6.6. Accrued accounts including bonus accounts survive. Veterans and others who have accounts may assign these in trust to beneficiaries by last will and testament. For individual beneficiaries, and according to the expressed desire of the beneficiary, the World Financial Administration shall either release the trust account funds to beneficiaries by pro-rated installments not to cause income to exceed the maximum income limits, or shall release trust accounts as lump sums, in which the beneficiary shall assign the excess. The World Financial Administration may also arrange with the beneficiary a partial lump sum release together with pro-rated installments.

7. Upon full operational stage of Earth Federation, the final fiscal arrangements for the mundialization of Guantanamo Bay will be managed by the joint operation of the Habitat and Settlement Ministry together with the Ministry of Revenue. However, until that stage is reached, other authorities of the provisional Earth Federation operate to establish the fiscal arrangements. In particular, Departments of the Enforcement System and the World Ombudsmus may coordinate with offices of the World Financial Administration, including the Provisional Office of World Revenue for initiating the fiscal process.

The mundialization operates by value tax assessment for land and harbor space usage

based on Earth Federation assessed appreciation values, as well as for assessed value of mundialized marine vessels. The World Financial Administration may assess a higher rent for preferred locations, that is, desirable locations for any leases that may be of greater value based upon respective location. Therefore, taxes for rents to lessees of lots in preferable locations within the Guantanamo Bay world federal territory may be assessed a higher tax than less desirable lots in other locations, even if leasing lots are smaller in the preferred locations.

8. Officers of the Provisional Office of Revenue shall discuss with the Cuban government the fair remuneration required by the mundialization of Guantanamo Bay, keeping in mind the value of the base to the Earth Federation. The fair remuneration may include a perpetual portion of the income from the land rent tax collected by the Earth Federation for lease of Guantanamo Bay land and harborage. The World Parliament remains bound by Article 12, Item 16 of the *Earth Constitution*—“inalienable rights include the following: Safety of property from arbitrary seizure; protection against exercise of the power of eminent domain without reasonable compensation.” In conformance with Article 16.B. of the *Earth Constitution*, all members of the Presidium of the provisional Earth Federation are ex officio officers of the Provisional Office of Revenue and have a vote in the agreement with the Cuban national government. Any agreement is subject to approval or disapproval of World Parliament., as per Article 16.B1 of the *Earth Constitution*. The World Parliament welcomes Cuba to ratify the *Earth Constitution*, and especially encourages Cuba’s simultaneous ratification together with about 25 other nations. However, this legislative Act and claim of mundialization is binding whether or not Cuba agrees or provisionally ratifies, though conditions of the bind may depend on ratification status. The compensation to Cuba for the mundialization as approved by the World Parliament is also binding. However, if after the first operative stage begins, the World Parliament confirms or adjusts any compensation, and that compensation is less than the originally assessed amount as arrived at by the Provisional Office of Revenue, Presidium, and Cuba Government working together (which amount will be publicly known), and Cuba has preliminarily or finally ratified the *Earth Constitution*, the Cuba Government is entitled under numerous articles of the *Earth Constitution* to seek the fair compensation through benches of the World Court System: Constitutional Cases, Public Cases, Appeals, if applicable or the Superior Tribunal. The status of Guantanamo Bay as a World Federal Zone is not binding and will not continue, if the people of Cuba (all adult residents of Cuba), having finally ratified the *Constitution for the Federation of Earth*, vote against accepting Guantanamo Bay as a World Federal Zone through an independently monitored, comprehensive plebiscite organized for this purpose.

9. The Commanding Officer of Guantanamo Base shall preserve dock works intact to the Earth Federation. The Earth Federation shall use the dock works together with an additional 40% of the lands circumscribed by the mundialization, including up to 40% of the beachfront in excess of the docks and 40% of the lands of Guantanamo Bay for administrative offices, residences, parks and shipyards of the Earth Federation.

10. Cuban civilians giving proof of already living within the 5 kilometer mundialized buffer zone of Guantanamo Bay, have first option to lease land. For the respective lease to be valid, these civilians must ratify the *Earth Constitution*, agree to abide by the legislation of the World Parliament, and agree upon the system of land value taxation. Civilians may apply for tax exemption, or for temporary forbearance of the land rent tax or a portion of it, if their circumstances are such that the tax would be a hardship. For civilians who were already living on these lands or using harborage within this area before the date of adoption of this legislative act, income of the world federal minimum income or less is grounds for full exemption from the land use tax. However, if respective personal incomes go above this limit, the land rent tax may begin to apply.

11. Non-Governmental Organizations or civil society organizations, such as the Organization Greenpeace International have an option to lease up to 10% of those remaining lands of Guantanamo Bay, not reserved by the Earth Federation, provided that respective NGOs ratify the *Earth Constitution* and agree to abide by the legislation of the World Parliament, and agree upon the system of land value taxation, which includes provisions for tax exemptions for non-profit organizations registered with the Earth Federation. The Non-Governmental Organizations, have first option to lease any vessels, whether aircraft or seacraft, that are not retained by the Earth Federation. Vessels must be completely demilitarized for clearance to leave Guantanamo Bay harbor. Participating NGOs have first option to lease space for sea vessels, subject to tax system. NGOs and their principle officers must be ratifiers of the *Earth Constitution* to lease land, vessels or harborage.

12. The Government of Cuba has an option to lease up to 50% of those remaining lands of Guantanamo Bay, not reserved by the Earth Federation, prior residents and NGOs, provided the Cuban government gives preliminary ratification or joint preliminary ratification to the *Earth Constitution*, agrees to abide by legislation of the World Parliament and agrees upon the system of land value taxation, which includes provisions for tax exemptions for socializing governments, and tax exemption in case of hardship.

The Government of Cuba has an option to lease any vessels, whether aircraft or seacraft that are not retained by the Earth Federation, or leased by the NGOs. Vessels must be completely demilitarized for clearance to leave Guantanamo Bay harbor. Cuba may lease harbor space, subject to the value tax system.

13. The Provisional Office of Revenue shall lease the remaining lands and beachfront areas to the world public at either a sealed bid or price set by the Revenue Office assessment. Any other government, corporation, organization, or individual, including US or Cuban veterans, may then offer to lease the remainder of the land, not reserved to the Earth Federation, and not leased by prior residents, the government of Cuba, nor by NGOs, provided that the government, corporation, organization, or individual ratifies the *Earth Constitution*, agrees to abide by the legislation of the World Parliament, and agrees upon the system of land value taxation. Active service members residing at Guantanamo Bay or Guantanamo Base veterans may purchase an option to lease, placing the optioned lot into reserve, by federal agreement. The lease becomes effective upon discharge from commission or service, or upon commencing commission or service with the Earth Federation. At Guantanamo Bay Council decision, officers or service members may begin use of optioned lots before the original commission or service ends. The public has an option to lease any vessels, whether aircraft or seacraft, that are not retained by the Earth Federation, or purchased by the Organization Greenpeace International, or by the government of Cuba.

14. All vessels, whether used by the Earth Federation, by Non-governmental organizations, by the Government of Cuba or by the public, must be entirely demilitarized with the removal or incapacitation of all weapons of mass destruction on board, before leaving port of Guantanamo Bay. Vessels are subject to inspection by Earth Federation authorities. Any violations by prohibited movements or transport of weapons of mass destruction are unlawful (WLA#1.1.3., WLA#12.3. Class 1 felony). (Directing or commanding transport violation is unlawful (WLA#1.1.8., WLA#13.2.04, Class 2 felony in case of presence of WMDs.).

During the provisional operational stage and at least until Guantanamo Bay is fully demilitarized, captains of vessels must seek and obtain a clearance to leave port from the Earth Federation Harbor Master, to ensure safe operations of the Guantanamo Bay Harbor and Earth Federation waters. Failure to obtain clearance from the Harbor Master is unlawful (class 1 misdemeanour), and may also subject the captain and the enterprise to civil fines as determined by the Governing Board of the Guantanamo Bay Harbor. A schedule of these civil fines are subject to disapproval, approval or adjustment by the World Parliament, but stand if the Parliament makes no further decision on them.

15. Guantanamo Bay Governing Board

15.01. Guantanamo Bay has a Governing Board of up to 47 Members which includes the following:

15.01.1. The Municipal Council Members from Guantanamo and the upper cities (inner or north end), up to 10 members. If there are more than Ten (10) members from the northern municipalityies, then the members will decide by Borda

Count or similar universal vote amongst themselves who is to serve on the Board;

15.01.2. The national government of Cuba names Five (5) members;

15.01.3. Each of the 5 departments of the Enforcement System name one Member (5 Members, subtotal);

15.01.4. Each Member of the Council of World Ombudsen name one Member (5 Members, subtotal);

15.01.5. Popular plebiscite from within the limits of Guantanamo Bay as defined by this statute at the time of world federal general elections, understanding that the electorate approves the *Earth Constitution*, shall elect Ten (10) Members, one of whom the people will vote as Mayor of Guantanamo Bay, who shall carry out customary mayoral functions; All 10 will serve continuous customary Council functions, as determined by the Board. The election is by universal suffrage, both civilians, as well as service members and officers may participate. Participation in the Council and Mayoral election legally implies personal ratification of the *Earth Constitution*;

15.01.6. The Agencies of the Integrative Complex shall each name one Member to the Board (7 Members, subtotal);

15.01.7. The World Oceans and Seabeds Authority with the World Ministry of Transport (WOSA/WMOT), jointly, shall name Five (5) Members to the Board, from the civil service lists of personnel qualified to serve in the Merchant Marine as Ship Captains. WOSA/WMOT shall endeavour to find persons who can be residents of Guantanamo Bay. However for WOSA/WMOT Members, residency is not a requirement, unless so determined by WOSA/WMOT or by later decision of the World Parliament. Agreement to study and report all proposals of the Guantanamo Bay Board is a requirement for the post. WOSA/WMOT-Named Members may electronically attend meetings of the Board. Until the World Oceans and Seabeds Authority and Ministry of Transport are operational to name members, the Presidium or Standing Cabinet of the provisional World Parliament may request the International Maritime Organization or an NGO, such as Greenpeace International, to name interim members.

15.02. All members to serve on the Governing Board of Guantanamo Bay must be personal ratifiers of the *Earth Constitution* and promise to uphold world legislation;

15.03. During provisional Earth Federation, Federation members need not necessarily be residents of Guantanamo Bay, and may attend electronically to meetings of the Board. However, upon declaration of the first operative stage, all Board Members except for the Members named by WOSA/WMOT or International Maritime Organization or an NGO, such as Greenpeace International, Guantanamo (North city) Municipal Council Members, and the Members named by the Cuban government must be residents of Guantanamo Bay. Upon first operative stage of Earth Federation, all Members, except for the WOSA/WMOT Members (or International Maritime Organization or NGO-Named Members) must attend Board meetings and be

physically present for participation in decisions of the Board.

15.04. After the declaration of the first operative stage of Earth Federation, for eligibility for nomination, resident Members must have been residents of Guantanamo Bay for at least one year prior to taking office. In all Board Member appointments, nationality is not a consideration, but residency may be a consideration, in accordance with the provisions of this Act.

15.05. Members serve for the term of the respective source, and until new appointments or elections are made for replacement after the end of these respective terms. Board members are eligible for reappointment.

15.06. The Board can remove its own Members by an absolute 2/3 majority vote; Original sources shall fill vacancies occurring from removal. In the case of any vacancies from members determined by plebiscite, the Board shall call special elections, and the elected replacements serve until the end of the term, and are eligible for re-election.

15.07. The Board shall cooperate with Earth Federation personnel, particularly regarding the disarmament, dismantlement and federal law enforcement provisions, but also with revenue collection efforts of Earth Federation personnel.

15.08. The Board shall plan and propose annual budgets and budgetary reports for the operations of Guantanamo Bay in cooperation with agencies of the Integrative Complex and with the Presidium; The Board shall submit these budgeting plans and reports annually to each agency of the Integrative Complex, to the World Attorneys General Office, and to the Presidium; The Board shall submit these reports at least one quarter before decisions are to be deliberated by the World Parliament, since the Integrative Complex will need to integrate reports and proposals as necessary for the budgets of the World Parliament.

Cuba Board Members shall forward copy of all budgets and reports to the government of Cuba and to the Province of Guantanamo. Municipal Council Members of the Board from Guantanamo (North city) shall forward copy of all budgets and reports to city of Guantanamo.

15.09. The Board in its decisions shall adhere to the internationally recognized standards for the safe operation of harbors, including the rules of the International Maritime Organization, insofar as these international standards are consistent with the *Earth Constitution* and world legislation.

15.10. The Board shall plan & budget for a mayoral office with staff, and determine further regulations for Guantanamo Bay, in conformance with the *Earth Constitution*, all world legislation, including environmentally protective standards at least as rigorous as the Ramsar Wetlands Convention.

15.11. For a reasonable indeterminate interim period, before the Guantanamo Bay Municipal Council is formed by universal election by residents within Guantanamo Bay, the Commanding Officer of Guantanamo Base may serve on an provisional Council and Board, during service showing compliance to this Act, or the first

compliant Commanding Officer of Guantanamo Bay, if any original Commanding Officer or Officers do not comply with this Act. The Commanding Officer must personally ratify the *Earth Constitution* to so serve. A Commanding Officer compliant with this Act may appoint 9 interim Council Members, who must also ratify the *Earth Constitution* to serve. The Council will decide if to appoint an interim Mayor before the election, otherwise the Commanding Officer will serve to Chair the Guantanamo Bay Council Meetings, but not necessarily the Guantanamo Bay Board Meetings. Compliant Members of the Council may later run for election to the Council, when the elections are established.

15.12. Initial Board Meetings shall begin as soon as possible after the adoption of this Act. The Board may meet immediately in a Guantanamo Bay perimeter area. When initial compliances can be established for holding Board Meetings within the perimeter, the Board may meet anywhere within the municipal limits of Guantanamo Bay.

16. Transportation

16.1. Los Canos airport is under the administration of the Transportation Ministry. The Provisional World Parliament directs the transportation ministry not to interfere with the civil development and use of the airport by Cuban nationals who conform to world laws and international civil aviation standards.

16.2. The Guantanamo Bay harbor itself is under the administration of the Transportation Ministry.

[Ed. note: Underlined provisions are amendment from 10th session of provisional World Parliament, June 2007. See bottom of this html page for summary of PWP10 amendments to WLA#36.]

Harbor Master - Guantanamo Bay has a Harbor Master The Board shall elect the Harbor Master from the Civil Service lists of Merchant Marine personnel qualified to serve as Harbor Masters. The Harbor Master shall retain this position during good service and good health as determined by the Board; The Board may remove the Harbor Master by a two thirds absolute majority vote. If there is an existing civilian Harbor Master for Guantanamo Bay, and this individual personally ratifies the *Earth Constitution* and agrees to uphold the *Earth Constitution* and world legislation, and this person otherwise meets the professional qualifications as Harbor Master, and expresses an intention to serve, then the provisional World Parliament recommends this Harbor Master to serve as the first Harbor Master of free Guantanamo Bay. The Board shall elect three or four Assistant Harbor Masters, each of whom shall have the qualifications of Harbor Master. The Assistant Harbor Masters shall report to the Harbor Master. The Harbor Master shall determine the schedule of duty of the Assistant Harbor Masters. The Harbor Master and all Assistant Harbor Masters must

be residents of Guantanamo Bay from the respective dates of assuming official duties. The Harbor Master and Assistant Harbor Masters must be personal ratifiers of the *Earth Constitution* and promise to uphold world legislation with a solemn undertaking.

All marine vessels coming and going from Guantanamo Bay or passing through Guantanamo Bay shall comply with the direction of the Harbor Master and Assistant Harbor Masters. Vessels shall comply with generally-recognized international rules for harbor operation, provided these are not in conflict with the Earth Federation and world legislation.

Within 3 months of assuming office, the Harbor Master with the Assistant Harbor Masters shall draft a proposed schedule of penalties for civil and criminal violations of harbor rules, to include rules for land areas that also would need to be under supervision of the Harbor Master, such as dry docks and warehouses on or adjacent the harbor. The Harbor Master shall submit this proposal to the Presidium and to the Commission for Legislative Review. Proposals will again be reconsidered and resubmitted on no less than an annual basis until the second operative stage of Earth Federation is declared. The Harbor Master team shall write the proposal to reflect world legislation, the *Earth Constitution* and recommended practices of the International Maritime Organization and other relevant international law. In the proposal, the team shall note and specify any conflict among these documents. Until the Board has appointed a Harbor Master team, the compliant Commanding Officer of Guantanamo Bay shall serve if qualified, and otherwise appoint an interim Harbor Master team, to function until the Board appointed Harbor Master team takes office.

17. Colors. As Guantanamo Bay is now declared a World Federal Zone, and now under the legal jurisdiction of neither the United States nor Cuba, this Act recommends implementing new innovations for visual point to point communications. In keeping with the guarantee of freedom of expression, world citizens may fly Cuban and United States national flags, or any other national, international or world flags in any part of Guantanamo Bay, as well as in any part of the waters up to or upon the larger Earth Federation waters commencing 20 kilometers offshore. However, the People of Earth appreciate consideration and etiquette. Within Guantanamo Bay, if a flagstaff is of a height that permits a world flag to fly at the head, it is appropriate and courteous to place an Earth flag (of which there are dozens of suitable designs) at the head, with any national or subjurisdictional flag beneath. For instance, the Board of Guantanamo Bay may elect a municipal flag design for display at municipal headquarters or at a public municipal library. This is permissible. It is appropriate and courteous to fly an Earth Flag at the head of the flagpole, and the City of Guantanamo Bay flag just beneath.

18. Entry into force and Amnesty Fuzzy Windows

This Act enters into force immediately.

This Act establishes Amnesty Windows. The full amnesty window opens upon declaration of this Act by the provisional World Parliament. The full amnesty closure date is conditional. If the next session of the provisional World Parliament meets within the next 18 months, the Parliament will reconsider the Window and make a decision whether to immediately close the full amnesty window, or to close it at an intermediate future date, or to set a new reconsideration date.

At the next session of the provisional World Parliament, the Parliament may decide to extend full amnesty. However, it may decide to shift immediately to partial amnesty, to shift to partial amnesty at a specified future date, or to entirely close all amnesty options, including partial amnesty.

At closure of the full amnesty, or before that time, the provisional World Parliament may set dates for partial amnesty.

If the provisional World Parliament does not meet within the next 18 months, the full amnesty window will provisionally close and a partial amnesty window will open.

Partial amnesty includes a considerable reduction in benefits (loss of guaranteed payment of nationally contracted retirement benefits, but medical/dental benefits not affected), but may still have reduced criminal penalties for persons who begin observation of the Earth Federation and give allegiance to the People of Earth.

However, for persons who have waited for the partial amnesty window, each violator is subject to civil action in the Bench for Civil Cases, not just alleged torturers, so waiting might accrue severe civil liabilities. Agencies of the Earth Federation may establish lower income caps for Officers and Servicemembers waiting for the partial amnesty period before showing compliance.

19. Establishing compliance –

The 10th session of provisional World Parliament recognizes apparent lack of progress since the 9th session, at base commander level down, and lack of inspection.

Compliance with the world law can be demanded on the grounds that the world law
*Requires universal suffrage, and that the United States Government has also ratified the agreement to guarantee universal suffrage (UDHR 21.3);

*Requires representative government on a global level representing the People of Earth;

* Requires representative government on a global level representing the Nations of Earth;

*Requires representative government on a global basis representing educated competence;

*Requires direct democracy, and not mere representative government;

*Requires the multicameral correction of laws that have been established only by the

majority of nations, by legislative amendment to those laws to make them compliant with the overall will of the People;

*In this case, the world law through other chambers has corrected all of the original and valid reasons that the United States and many other nations did not accede to the original Assembly of States Parties versions of the World Court statutes;

*The new statutes are valid, legitimate law and can only be stricken by the universal suffrage demanded by the new statutes.

Establishment of compliance has at least two aspects:

19.1. Avoiding charges of violation of world legislation that might emerge from observation by Earth Federation officers, by civilian witnesses, or even by other officers or servicemembers. Evidence may accrue from land telescopes or by satellite observation. Whatever anyone does leaves traces that can be later recorded by some forensic technology. If you are personally charged by multiple witnesses and there is physical evidence against you as well, this will tend to make you liable for criminal charges. If you are charged, you do not automatically lose compliance status.

However, if you are charged, apprehended, brought to court and convicted, then compliance status is lost. Loss of benefits are retroactive to the time of commission of the violation.

19.2. The second aspect of compliance is divestiture or repudiation of complicity.

This Act assumes that the officers and servicemembers do not want to be convicted as accomplice to any felony activity. The entire Guantanamo Base is a systematic set of violations of well-established world law. For compliance, action on the part of officers and service members to show the world their respective repudiation of the violations will have to clear the record. Repudiation can be established by numerous actions, the more of which exist the stronger the repudiation appears:

19.2.1. Personal ratification of the *Earth Constitution*, or the *Earth Constitution* summary by written signature, or statement in the presence of witnesses or electronic recording devices;

19.2.2. Expression of intention to observe world legislation, in signed writing, by electronic signatures, or by statements in the presence of witnesses or electronic recording devices;

19.2.3. Active involvement to begin the clean dismantlement process of the weapons of mass destruction, with witnesses or recording by electronic recording devices;

19.2.4. In the case of having commanding officers who are violating the law, polite verbal redirection to the delinquent commanding officer, non-compliance with the orders of the delinquent commanding officer, or, if determined necessary, successful relief and arrest of the delinquent commanding officer, with an honest attempt to observe habeas corpus rights for the commanding officer, together with early remand to appropriate world federal law enforcement officers, and getting this activity observed by witnesses or electronically recorded.;

19.2.5. Coordinating or otherwise participating in law observance teams, promotions, education of others regarding the world law, by discussion, by printing and distribution of Earth Federation legal documents, and getting this activity observed by witnesses or electronically recorded;

19.2.6. Actively recruiting others to participate and personally ratify and sign the *Earth Constitution* or an authentic summary thereof, and getting this activity observed by witnesses or electronically recorded.;

19.2.7. Actively recruiting for the electoral process of Guantanamo Bay, and getting this activity observed by witnesses or electronically recorded.

19.2.8. Establishing and extending relations with world citizens of any nationality outside of Guantanamo Bay to show solidarity with the law-abiding citizens of the world. These relations may develop on a face-to-face basis in Guantanamo. They may develop with or in any international Earth Camps and global perimeter de-mining activities in the perimeter of Guantanamo Bay, or they may develop via paper correspondence, electronic correspondence or otherwise via the Internet.

20. Exterior Relations

In conformance with Article 16B of the *Earth Constitution*, the Earth Federation through the Presidium and standing provisional Executive Cabinet shall establish relations with countries that are not yet part of the Earth Federation. To meet this requirement, the Presidium or the provisional standing Executive Cabinet of the provisional World Parliament, together with the City of Guantanamo Bay shall arrange and permit the establishment of embassies and consular offices in Guantanamo Bay. The City of Guantanamo Bay shall provide, free of charge, a reasonable amount of space to each national government for ambassadorial and consular functions. The amount of space permitted per country is not necessarily equal in size. During daylight hours and fair weather, embassies and consulates may fly colors, but need not fly an Earth Flag. Upon preliminary or final ratification of the *Earth Constitution*, the countries may retain the assigned space, free of charge, in perpetuity, for offices of their respective world federal senate Members, and for cultural promotion centers for the respective country. Before the Presidium is able to establish relations and national embassies and consulates in Guantanamo Bay, this Act calls and welcomes citizen ambassadors to come to Guantanamo Bay to visit or reside, and to help establish peaceful relations on Earth and in Guantanamo Bay. Visitors or residents are especially encouraged to begin visit or work from the perimeter of Guantanamo Bay. Visitors and residents are encouraged to apply for World Financial Administration accounts with respective offices in Guantanamo Bay. Visitors and residents shall respect the ecology of Guantanamo Bay and observe world legislation and Guantanamo Bay municipal codes. The Governing Board of Guantanamo Bay shall conform to the *Earth Constitution* to determine immigration policies of Guantanamo Bay.

21. Final Provisions - The World Financial Administration shall establish salaral accounts for members of the Board, of the Council, and of the Harbor Master Team, to begin accrual from adoption of this Act. The World Financial Administration shall observe the federally mandated income limits. The World Financial Administration shall comply with the civil service salary scales when these are created and approved by the World Parliament. With the citizens of Earth, the Earth Federation, together with the People of Earth assume further credit for all costs and undertake responsibility for the general administration, clean-up, development and protection of the harbor and lands at Guantanamo Bay.

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Provisional World Parliament Appeal to Officers and Servicemembers within
Guantanamo Bay

The World Parliament understands that numerous factors affect each officer and servicemember on the Guantanamo Base. We understand that very complicated problems drew the officers and servicemembers to the Guantanamo Base, and that complex conditions continue to pressure you in your day-to-day life on the Base. However, this amnesty offer is not to excuse misbehavior and is not to be considered lightly. The illegal activities at Guantanamo Base must end, and the People of Earth are calling for your protection of the Earth. This is a demand for humane action, directing the officers and service members to make amends and atone. As clearly illegal activity has been taking place at Guantanamo Base, and as this is now a public space, the question of unauthorized surveillance contrary to the *Earth Constitution* Article 12 does not arise.

The whole world is watching. Earth Federation officers are observing. Upstanding world citizens are taking note, including patriotic Americans who wish to see relations between Earth and the United States normalize, as well as relations between Cuba and the United States. Work with the Earth and you work in your own best interests. But if you fight against the Earth, we will accumulate evidence against you and we will bring you to Court. Whether you regret your action or not, the experience will not be fun, and many loved ones will be hurt by the shame of the affair.

But here we circle Guantanamo Bay with flags of all countries, including the United States flag, and the flag of Free Earth.

We urge you to join us. We urge you to protect Earth. We offer you an unprecedented opportunity. Because if you are to truly fight for freedom, you must make Guantanamo Bay free. The People of Earth are no fools. We see that the Guantanamo Bay has not been free, and that the action of the past has not brought freedom to the Bay, but only misery, tears, boredom, shame and embarrassment. Your timely legal world revolution now can change that. Your part to make Guantanamo free by

implementing this Act will set you in history as true freedom lovers, and you will find true glory and respect from all the people of the world. So we of the provisional World Parliament pray for you and wish you the best of luck, and hope that your actions are guided by the good providence to bring new great freedom the likes of which can only be birthing now with our liberation together of Guantanamo Bay!

Note regarding absence of compensation to United States:

The Earth Federation is compensating Cuba for its territory.

The Earth Federation is compensating the officers and service members for the dangerous hard work they are facing.

One might ask why the Earth Federation does not offer to compensate the United States for the value of the vessels being mundialized or for the value of the lease. The Earth Federation considers the military vessels and national lease as negative values. Conversion is costly.

In other circumstances the Earth Federation might charge to receive these vessels from you, as sometimes junk operators will charge for their removal work. Be happy and hope that we do not levy larger fines for having brought these dangerous objects into being on Earth and into Guantanamo Bay!

Amendments from 10th session of provisional World Parliament meeting at Kara, Togo, West Africa, June 2007:

To create land access between both East and West Shores of Guantanamo Bay, extend Earth Federation eminent domain to include 5-kilometer perimeter of the entire Guantanamo Bay, including upper bay. Designate boundaries to run North-South and East-West. Simplify Guantanamo Bay boundaries with standard geographical coordinates as follows:

North Boundary is at 20*06' North latitude.

West Boundary is at 75*17' West longitude.

East boundary is at 75* 02' West longitude.

South boundary is at 19*42' North latitude.

South boundary is at sea, together with the general world jurisdiction of the Caribbean Sea.

Extension includes municipalities of Mato Abajo, Paraguay, Arroyo Hondo, and Las Lajas. Aerodromo Los Canos is included in the extension.

Recognize prisoners kept at Guantanamo Base as kidnap victims. Require release. Require restitution and support.

Revoke conditional amnesties for base commander and persons above level of base commander at Guantanamo Base. Allow conditional amnesty for new base commander assigned in conformance with WLA#36. Recognize apparent lack of progress at base commander level down, and lack of inspection.

Governing Board members come also from locally included municipalities.

Los Canos airport is under the administration of the Transportation Ministry. The Provisional World Parliament directs the transportation ministry to not interfere with the civil development and use of the airport by Cuban nationals who conform to world laws and international civil aviation standards.

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Guantanamo Bay Act was adopted April 2006, as World Legislative Act #36 by the ninth session of the provisional World Parliament, meeting in Tripoli in conformance with Article 19 of the *Constitution for the Federation of Earth*. The Act was amended at the tenth session of provisional World Parliament, meeting June 2007 at Kara, Togo, West Africa.

Attested : Eugenia Almand, JD, Secretary
Provisional World Parliament