

CONSTITUTION OF THE STATE OF ANGAUR

CONSTITUTION  
OF THE  
STATE  
OF

**Angaur**

ANGAUR, REPUBLIC OF PALAU

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# CONSTITUTION OF THE STATE OF ANGAUR

## ANGAUR STATE CONSTITUTION

### **Preamble**

RECOGNIZING the omnipresence of the Almighty God, and imploring His benevolent guidance and kind protection; and

AFFIRMING our firm resolve to live in peace with our fellowmen and in harmony with our natural environment; and

CONFIRMING our determination to preserve and to safeguard our island ways of life founded upon our cultural and traditional heritage; and

RESOLVING to use our best efforts and to apply our resources toward the physical and economic growth of the State of Angaur, and to promote and to enhance the social well-being of its residents,

WE, THE PEOPLE OF THE STATE OF ANGAUR, do hereby establish this Constitution of the State of Angaur for ourselves and for our future generations under the democratic system forever.

# CONSTITUTION OF THE STATE OF ANGAUR

## ARTICLE I

### TERRITORY

Section 1. Angaur State shall have jurisdiction and sovereignty over its territory which consists of the entire Island of Angaur and extends to air and marine spaces within a circumference every point which is twelve (12) nautical miles from land; except as provided and more precisely described as follows: the northern boundary is a straight line which begins at and includes Lukes running easterly to a point twelve (12) nautical miles between Angaur State and Peleliu State; thence southeasterly following the contour of traditional baselines to twelve (12) nautical miles from Ngeriois, thence southwesterly around the southern tip of Medalarang to twelve (12) nautical miles from Bkul point; thence northwesterly following the contour of traditional baselines to a point twelve (12) nautical miles between Angaur State and Peleliu State; and thence in a straight line easterly to the point of origin at and including Lukes.

Section 2. The Angaur State Government is authorized to settle boundary line with Peleliu State Government in the event of dispute arising after the effective date of this Constitution; Provided, However, that a purported settlement that gives away Lukes in its entirety shall be null and void.

Section 3. The traditional fishing rights, including mineral and ownership rights thereof, of Angaur State over Lukes and the Olimtemutel Riou Er Ngeaur shall not be impaired.

## ARTICLE II

### SUPREMACY AND SOVEREIGNTY

Section 1. This Constitution, in harmony with the Constitution of the Republic of Palau, is the supreme law of the land of the State of Angaur.

## ARTICLE III

### CITIZENSHIP

Section 1. A citizen of the Republic of Palau and who has at least one parent of recognized Angaur ancestry is a citizen of the State of Angaur, or

Section 2. A person born of parents, one or both of whom are citizens of the State of Angaur, is a citizen of the State of Angaur by birth and shall remain a citizen of the State of Angaur so long as that person is not or does not become a citizen of another state of the Republic of Palau, or

Section 3. A person who has lost his citizenship of the State of Angaur by having become a citizen of another state of the Republic of Palau may regain his citizenship of the State of Angaur pursuant to law. The Olbiil Era Ngeaur shall, by law, provide for procedures to implement this Section.

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## ARTICLE IV

### DECLARATION OF RIGHTS

Section 1. The fundamental and traditional rights are as prescribed under Articles IV and V respectively, of the Constitution of the Republic of Palau.

Section 2. The Olbiil Era Ngeaur may, by law, regulate the exercise of the fundamental rights within the State of Angaur.

## ARTICLE V

### STATE GOVERNMENT RESPONSIBILITIES

Section 1. The Angaur state Government shall take positive action to:

- (a) protect and maintain the safety and security of persons and property;
- (b) promote the public health and social welfare of its citizens;
- (c) encourage and promote education, economic, physical and social developments; and
- (d) preserve and protect a healthy and beautiful environment within its land and sea jurisdiction.

Section 2. Subject to traditional rights and ownership, the Angaur State Government shall have the power to regulate exploration, exploitation, protection and ownership, including investment relating thereto, of all natural resources within its land, marine and air space jurisdiction.

## ARTICLE VI

### SUFFRAGE AND ELECTIONS

Section 1. Every citizen of the Republic of Palau and a citizen of the State of Angaur eighteen (18) years of age or older may vote in national and state elections of the Angaur State; Provided, however, that no citizen who is in prison serving a sentence for a felony, or has been adjudged by a competent court to be mentally incompetent, may vote.

Section 2. All national or state elections, including referenda or plebiscites, conducted in the State of Angaur, shall be by secret ballot.

Section 3. Only citizens of the Republic of Palau who are also citizens of the State of Angaur pursuant to Article III of this Constitution, and who meet the residency requirements of the State of Angaur pursuant to law, may vote in state elections.

Section 4. The Olbiil Era Ngeaur may, by law, prescribe a minimum period of residency for state elections and provide for voter registration of the State of Angaur.

## ARTICLE VII

# CONSTITUTION OF THE STATE OF ANGAUR

## DISTRIBUTION OF POWERS

Section 1. Branches of the Government: The powers of the State of Angaur are vested in three (3) distinct branches: namely, the legislative, executive, and the judicial branches. No official or a collection of officials in one branch shall exercise powers expressly granted by this Constitution to the other branches.

## ARTICLE VIII

### LEGISLATIVE BRANCH

Section 1. Legislative Power: The legislative power of the State of Angaur shall be vested in the legislative branch of the government of Angaur, which shall be called the "Olbiil Era Ngeaur".

Section 2. Membership of Olbiil Era Ngeaur: The Olbiil Era Ngeaur shall consist of the four (4) high chiefs of the State of Angaur according to their respective traditional ranks and five (5) other members who shall be elected at-large by the eligible and legally registered voters of the State of Angaur.

Section 3. Qualifications of Members: A person running for membership of Olbiil Era Ngeaur shall be at least twenty-five (25) years of age; a citizen; a resident and a registered voter of the State of Angaur three (3) years immediately prior to his election; Provided that he is not serving a court sentence for felony or has not been determined by the court to be mentally incompetent. Each member of the Olbiil Era Ngeaur shall physically reside within the State of Angaur while in office.

Section 4. Election and Term of Office: Each member of the Olbiil Era Ngeaur elected during a state wide general election shall serve a term of two (2) years commencing on the first day of January following the general election.

Section 5. Legislative Sessions: The regular sessions shall be held twice per annum on the second Tuesday of February, and on the second Tuesday of July respectively for not more than twenty-five (25) session days each. Special sessions may be called by the Governor or by a two-third (2/3) vote of the membership of the Olbiil Era Ngeaur; Provided that each special session shall not exceed ten (10) session days each and not more than three (3) times a year. The Olbiil Era Ngeaur shall maintain a daily journal of its proceedings during sessions and at other times when it deems necessary. The sessions of the Olbiil Era Ngeaur and of a committee of the whole shall be open to the public.

Section 6. The Organizations: A new Olbiil Era Ngeaur, when convening during its first regular session, shall: (1) be the sole judge of the election and qualifications of its members; (2) elect presiding officer by a majority vote of its members, and such other officers and employ such staff as it deems necessary; (3) adopt its rules and procedures not inconsistent with this Constitution and the laws of the State of Angaur.

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Section 7. Quorum and Attendance: A two-third (2/3) of the total membership shall constitute a quorum to transact business. A smaller number present may compel the attendance of absent members and the Olbiil Era Ngeaur shall provide penalties for an absent member who purposely fails to attend the session.

Section 8. Privileges and Immunities: No member of the Olbiil Era Ngeaur shall be held to answer in any other place for any speech or debate made during legislative sessions. The members of the Olbiil Era Ngeaur shall be immuned [sic] from arrest in all cases, except the breach of peace, felony or treason, while going to, attending, and returning from legislative sessions.

Section 9. Discipline or Expulsion: The Olbiil Era Ngeaur may discipline or expel any of its members for a good cause, upon a three-fourth (3/4) vote of all members.

Section 10. Bills: The Olbiil Era Ngeaur shall enact no law except by bill. Every bill shall have but one particular subject expressed in its title. Any part of a law, being revised or amended, shall be printed at full length and distributed. No law or part thereof shall be revised or amended by mere reference to its title. No bill shall become law unless it has been passed by a two-third (2/3) vote of all members, on two separate readings, with each reading held on separate days. A vetoed bill or an item of an appropriation bill vetoed or reduced by the Governor may be reconsidered by the Olbiil Era Ngeaur within thirty (30) calendar days of its return, and shall become law as originally enacted upon approval of not less than two-thirds (2/3) of the members of the Olbiil Era Ngeaur. The enacting clause of every bill introduced shall be as follows: "Be it enacted by the Olbiil Era Ngeaur".

Section 11. Special Laws Prohibited: The Olbiil Era Ngeaur may not enact any special legislation.

Section 12. Compensations: The members of the first Olbiil Era Ngeaur shall receive an annual monetary compensation the amount of which shall be set by an ordinance adopted by the Angaur Municipal Council. Thereafter, each Olbiil Era Ngeaur may, by law, prescribe monetary compensation of the members of the succeeding Olbiil Era Ngeaur; Provided that no outgoing Olbiil Era Ngeaur shall decrease monetary compensation of the incoming legislators. No sitting Olbiil Era Ngeaur shall increase the compensation of its own elected members.

Section 13. Oath of Office: This shall be the oath of Office: "I do solemnly [sic] swear to support, uphold and defend the Constitution of the State of Angaur and the Constitution of the Republic of Palau and will, to the best of my ability, perform the duties of my office so help me God."

## ARTICLE IX

### THE EXECUTIVE BRANCH

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Section 1. Executive Power: The executive power of the State of Angaur shall be vested in the chief executive who shall be called the Governor.

Section 2. Qualifications: A person running for the Office of the Governor shall be (1) at least thirty (30) years of age or older at the time of his election, and, (2) A citizen of the State of Angaur.

Section 3. Election and Term of Office: The Governor shall be elected by qualified voters of the State of Angaur during a state wide general election. The Governor shall hold his office for a term of two (2) years commencing on the first day of January following the general election. The Governor shall physically reside in the State of Angaur while in office.

Section 4. Succession to Office: In case of vacancy, the Office of the Governor shall be filled either by the second highest vote getter at the last state wide general election, or by appointment of the Olbiil Era Ngeaur if such person is unable to serve, Provided, however, that if such vacancy occurs more than one hundred eighty (180) days prior to the expiration of the vacant seat, the Olbiil Era Ngeaur shall, by law, provide for a special election of the Governor. Any person filling such vacancy shall serve only the unexpired term.

Section 5. Appointment of Officers: The Governor shall, by executive order, provide for the organization of the executive branch. He shall have the power to appoint heads of the department with the advice and consent of the Olbiil Era Ngeaur by a two-third (2/3) vote.

Section 6. Governor's Message: The Governor shall present a state of territory message to the Olbiil Era Ngeaur during each regular session. The Governor shall submit the state annual budget to the Olbiil Era Ngeaur during its July regular session.

Section 7. Veto Power: Every bill enacted by the Olbiil Era Ngeaur shall be presented to the Governor for his consideration and action. If he approves the bill it shall become law. If the Governor vetoes the bill it shall be returned to the Olbiil Era Ngeaur within ten (10) days (except Saturdays, Sundays, and legal holidays) with the statement or reasons for the veto. Any bill which is not returned within ten (10) days (except Saturdays, Sundays, and legal holidays) after its receipt, shall become law in like manner as if he had signed it. The Governor may reduce or veto an item in an appropriation bill, and sign the remainder of the bill into law; Provided he shall return the item, reduced or vetoed, to the Olbiil Era Ngeaur within ten (10) days (except Saturdays, Sundays, and legal holidays) together with the reasons for his actions.

Section 8. Compensation: The first Governor of the State of Angaur shall receive annual monetary compensation, the amount of which shall be set by an ordinance by the Angaur Municipal Council. Thereafter, the Olbiil Era Ngeaur may, by law, prescribe monetary compensations of the succeeding governors; Provided, however, that no governor shall receive compensation less than the amount received by the one immediately preceding him, except as a result of a general salary adjustment affecting government employees.

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## ARTICLE X

### STATE JUDICIARY

Section 1. The judicial power of the State of Angaur shall be as prescribed under Article X of the National Constitution of the Republic of Palau and laws enacted thereunder; Provided that the State of Angaur shall reserve the right for the creation of its judicial system at the time which the state shall determine as appropriate. No member of the Olbiil Era Ngeaur shall hold any judicial seat or be allowed to act as a judge of any state court while serving in the Olbiil Era Ngeaur.

## ARTICLE XI

### BUDGET AND FINANCE

Section 1. There shall be an Angaur State Treasury into which all revenues derived from taxes and other sources except Angaur Trust Funds shall be deposited. No funds shall be withdrawn from the Treasury except by law.

Section 2. The Governor of the State of Angaur, with the assistance of the National Government of the Republic of Palau, shall submit his annual budget to the Olbiil Era Ngeaur for review and approval. The Olbiil Era Ngeaur may amend or modify the annual budget as submitted by the Governor of the State of Angaur. Except appropriation bills recommended by the Governor for immediate passage or to cover the operational expenses of the Angaur State Government, no appropriation bill may be enacted by the Olbiil Era Ngeaur until the bill appropriating money for the annual budget has been enacted. No less than twenty-five percent (25%) of the state annual budget shall be appropriated for state capital improvement projects, community programs and the development of resources.

Section 3. The Angaur State Government shall have the power to make investments pursuant to law.

Section 4. The Angaur State Government shall be entitled to all other revenues derived from natural resources subject to Section 6 of Article XII of the Constitution of the Republic of Palau.

Section 5. The Angaur State Government shall have the power to expend funds for the purpose of promoting economic and physical development of Angaur State with approval by the Olbiil Era Ngeaur.

Section 6. No officer or employee of the Angaur State Government shall obligate or expend money for any purpose in excess of the amount of funds for which they were appropriated.

## ARTICLE XII



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## GENERAL PROVISIONS

### (A): Official Languages.

Section 1. The traditional Palauan language, particularly the dialect spoken by the people of Angaur State, shall be the language of the State of Angaur. Palauan, English and Japanese shall be the official languages.

Section 2. The Palauan and English versions of this Constitution shall be equally authoritative; but in case of conflicts in interpretation or meaning of certain of its provisions, the English version shall prevail.

### (B): Eminent Domain and Land Ownership.

Section 1. No real property shall be taken by Angaur State Government for public purpose without just compensation or equitable exchange with another real property or other equitable arrangement. The Olbiil Era Ngeaur shall, in compliance with applicable laws, provide by law, the procedure for the exercise of eminent domain power; Provided, however, that this power shall be used sparingly and only as a last resort after all good faith attempts, through consultation and negotiations with the particular clan or clans or private landowner whose land is being taken for public use, have been frustrated. No taro patches or cemetery [sic] within the State of Angaur shall be taken by the National Government of the Republic of Palau or by the Angaur State Government through the exercise [sic] of the eminent domain power.

Section 2. Angaur State is not for sale and shall not and cannot be bought or exchanged forever.

Section 3. Only citizens of the State of Angaur may own title to real property located within the territorial jurisdiction of the State of Angaur; Provided, however, that any real property used as collateral for loans shall, in case of default in payments, be first offered for sale to a citizen of the State of Angaur or to the Angaur State Government if there is no eligible buyer of Angaur sixty (60) calendar days prior to any foreclosure or public sale on said mortgaged real property takes place.

### (C) Secession

Section 1. No village nor any one of the four traditional hamlets of Angaur State or any part or parts thereof shall secede from the entirety of the State of Angaur.

### (D) Annexation

Section 1. The Angaur State Government shall have the power to annex, add or admit as new part of the State of Angaur that which was traditionally and historically a part of Angaur State upon approval of the Olbiil Era Ngeaur with the concurrence of simple majority of the

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traditional clan chiefs of Angaur State.

Section 2. This power shall be exercised in accordance with Section 5 of Article XIII of the Constitution of the Republic of Palau.

### (E) Harmful Substances

Section 1. In the event an agreement relating to harmful substances is approved in a nationwide referendum pursuant to Section 3, Article II and/or Section 6, Article XIII of the Constitution of the Republic of Palau, said approved agreement shall have no application in the State of Angaur unless it is also approved by a three-fourths (3/4) of the votes cast by the registered voters of the State of Angaur.

Section 2. The Olbiil Era Ngeaur shall, by law, provide for a state wide referendum relating to harmful substances agreement in the event a separate referendum shall be necessary.

## ARTICLE XIII

### AMENDMENT

Section 1. Any amendment to this Constitution may be proposed either by popular initiative or by the Olbiil Era Ngeaur as follows:

- (a) by a petition signed by not less than twenty-five percent (25%) of the registered voters of the State of Angaur. or
- (b) by a resolution duly adopted by not less than three-fourths (3/4) voters [sic] of the members of the Olbiil Era Ngeaur.

Section 2. Any proposed amendment to this Constitution shall become effective if approved in a state wide referendum by three-fourths (3/4) majority of the votes cast on that amendment once every four (4) years from the effective date of this Constitution.

## ARTICLE XIV

### TRANSITION

Section 1. All ordinances or other municipal laws in force in the State of Angaur which are not repugnant to this Constitution shall remain in force unless they otherwise expire by their own terms or repealed by the Olbiil Era Ngeaur.

IN WITNESS WHEREOF, we, the Delegates to the ANGAUR CONSTITUTIONAL DRAFTING COMMISSION, assembled at the Angaur Municipal Building of the State of Angaur this 8th day of October, in the year of Our Lord One Thousand Nine Hundred and Eighty-Two (1982), have hereunto subscribed our names and affixed our signatures.

CONSTITUTION OF THE STATE OF ANGAUR

/s/Andres Ucherbelau  
Andres Ucherbelau, President

/s/Balerio U. Pedro  
Balerio U. Pedro, Vice President

/s/Augusto Naruo  
Augusto Naruo, Floor Leader

/s/Masao Gulibert  
Ucherbelau Masao Gulibert, Del.

/s/Naoru Ramon  
Ucherremasech Naoru Ramon, Del.

/s/Tomei Oscar  
Ucherkemul Tomei Oscar, Del.

/s/Orrenges Thomas  
Renguul Orrenges Thomas, Del.

/s/Matias T. Akitaya  
Matias T. Akitaya, Delegate

/s/Joseph Antipas  
Joseph Antipas, Delegate

/s/Emiko Salii Kaiich  
Emiko Salii Kaiich, Delegate

/s/Selina Ramon  
Selina Ramon, Delegate

\_\_\_\_\_  
Victorio Ucherbelau, Delegate

/s/Elias K. Takeshi  
Elias K. Takeshi, Delegate

/s/Norbert Blau  
Norbert Blau, Delegate

/s/Mario Gulibert  
Mario Gulibert, Delegate

Attested to by: /s/Nicholas T. Takami  
Nicholas T. Takami  
Commission Secretary

Verified by: /s/Carlos Hiroshi Salii  
Carlos Hiroshi Salii  
Legislative Counsel