

## **PREAMBLE**

WE, THE PEOPLE OF THE STATE OF KAYANGEL, IN RELIANCE UPON THE CONSTITUTION OF THE REPUBLIC OF PALAU AND OUR INHERENT AND TRADITIONAL SOVEREIGNTY, DO HEREBY DECLARE TO THE PEOPLE OF PALAU THAT WE ALONE HAVE SUPREME AUTHORITY OVER OUR ISLAND HOMELAND AND OUR BIRTH RIGHT. WE HEREBY CONFIRM THE TRADITIONAL DESIGNS TO PROTECT AND FOSTER OUR CULTURAL IDENTITY, HERITAGE AND THE NATURAL BOUNTY OF OUR CHERISHED ISLAND HOME. BY THIS CONSTITUTION, WE REAFFIRM OUR DEDICATION TO PEACE, FREEDOM AND JUSTICE FOR ALL OUR PEOPLE. WE ESTABLISH AND PROCLAIM THIS CONSTITUTION IN FULL RELIANCE UPON OUR TRADITIONAL RIGHT TO GOVERN IN THESE ISLANDS AND TO FURTHER CONTINUE OUR VOYAGE INTO THE FUTURE BY THE GRACE OF THE ONLY BENEFICENT CREATOR IN HEAVEN.

## ARTICLE I

### State of Kayangel

- Section 1.- The State of Kayangel shall have supreme authority over its islands, the adjacent territorial waters and air space over its land and sea. The territorial jurisdiction of the State of Kayangel shall extend twelve (12) nautical miles seaward from the traditional baseline, including the adjacent seabeds, subsoil, water column, insular shelf and all air space over its Land and sea.
- Section 2.- The territorial Jurisdiction of the State of Kayangel includes the entire reef of Ngkesol beginning from a point of twelve (12) nautical miles north-north west from the midpoint of the channel separating Ngkesol (North rest Reef), and Ngerael Reef, also known as north entrance, thence south-south east to the midpoint of the channel separating Ngkesol reef and Ngerael and Ngebard Reef to the midpoint of the east entrance between South of Ngkesol reef and Bkulatketau, and continues to twelve (12) miles measured from all points of Kayangel Atoll, thence continues northwest twelve (12) nautical miles measured from traditional base line of Ngeruangel Reef, thence continues on a point of twelve (12) nautical miles around Ngeruangel Reef to the point of Origin.

## ARTICLE II

### SUPREMACY

Section 1. This Constitution is the supreme law of the State of Kayangel .

## ARTICLE III

### INDIVIDUAL RIGHTS

Section 1. All rights and freedoms of individuals shall be as set forth in the Constitution of the Republic of Palau.

## ARTICLE IV

### PEOPLE OF KAYANGEL

Section 1. Determination of a person of Kayangel shall be made on the basis of consanguinity, tradition, statute or residency (delengchokl) in the State of Kayangel.

## ARTICLE V

### SUFFRAGE

Section 1. Any person who is qualified to vote in a national election and is a person of Kayangel may vote in the State of Kayangel pursuant to law.

## ARTICLE VI

### TRADITIONAL LEADERS AND FUNCTIONS

Section 1. Chief Rdechor shall continue to be the head of the State of Kayangel. He shall continue to carry out his functions as prescribed by the custom and tradition of the State of Kayangel. In the event of the abrogation of this Constitution, Chief Rdechor shall continue to be the head of the state.

Section 2. The traditional Council of Chiefs of the State of Kayangel shall continue to exercise authority over the State of Kayangel pursuant to the custom and tradition of the State of Kayangel.

Section 3. The hierarchy and functions of the traditional leaders shall continue pursuant to custom and tradition.

Section 4 Chief Rdechor and Chief Obakrusong have supreme authority over Dims and Dilong districts comprising the State of Kayangel

Section 5. In the event a chief is unable to carry out his functions, a representative shall be appointed to act in his place and stead pursuant to custom and tradition.

Section 6. Following the death of a chief and until his successor is selected and installed pursuant to custom and tradition, his counterpart female title bearer may appoint a person to temporarily carry out the constitutional functions of the chief.

Section 7. Chiefs in the service of the Government of the State of Kayangel shall be compensated pursuant to law.

## ARTICLE VII

### GOVERNOR

Section 1. A Governor for the State of Kayangel shall be elected at large and shall be responsible to implement all governmental functions.

Section 2. A person of the State of Kayangel at least thirty (30) years of age may be elected Governor.

Section 3. A candidate for Governor receiving a majority of the votes cast shall be Governor pursuant to law. In the event no candidate receives a majority of the votes cast, there shall be a run off election between the candidates receiving the first and second highest number

of votes cast in the preceding election pursuant to law.

Section 4. A person elected Governor of Kayangel State must reside in the State of Kayangel for the duration of his two-year term of office.

Section 5. The powers and responsibilities of the Governor include, but not be limited to, the following:

- a) To introduce legislative measures in the Kayangel State Legislature.
- b) To execute and implement national and Kayangel State laws.
- c) To collect fair and equitable taxes.
- d) To appoint assistants as may be necessary to carry out his responsibilities.
- e) To prepare and submit an annual state budget for the State of Kayangel for submission to the Kayangel State Legislature.
- f) To represent the State of Kayangel in any negotiations with any other government, representative thereof, or any person or legal entity with the advice of his advisors.
- g) To call special sessions of the Kayangel State Legislature with the consent of his advisors.

Section 6. In the event the Office of the Governor becomes vacant, a new Governor shall be elected pursuant to law.

Section 7. Whenever the Governor of the State of Kayangel signs a bill, he shall forthwith transmit said bill to his advisors. No bill shall become law without the approval of Chief Rdechor and Chief Obakrusong.

Section 8. The Governor may declare a state of emergency to last not more than seven (7) consecutive days pursuant to law.

## ARTICLE VIII

### IMPEACHMENT

Section 1. The Governor may be impeached for any action taken in violation of law of the State of Kayangel or for a conviction of a felony or any major crime.

Section 2. The Governor may be removed from office by a referendum in which sixty-five percent (65%) of the votes cast are in favor of his removal. This referendum shall be held pursuant to law if not less than twenty-five percent (25%) of the registered voters of the

State of Kayangel subscribe a petition calling for such a referendum, which petition is either initiated by Chief Rdechor and Chief Obakrusong or by the public at large and which is ratified by not less than seventy-five percent (75%) of the members of the Kayangel State Legislature.

## ARTICLE IX

### EMINENT DOMAIN

The Government of the State of Kayangel may condemn private property or land for a recognized public purpose for the State of Kayangel, provided that just compensation shall be paid therefor to the owner thereof and legitimate justification for the condemnation is given to the public.

## ARTICLE X

### LEGISLATURE

Section 1. Legislative authority for the State of Kayangel is vested in the Kayangel State Legislature.

Section 2. There shall be twelve (12) members of the Kayangel State Legislature to be popularly elected at large. To qualify as a candidate for the Legislature, a person must be:

- a) A registered voter of the State of Kayangel.
- b) A person of the State of Kayangel pursuant to the provisions of this Constitution.
- c) At least eighteen (18) years of age.
- d) A resident or had been a resident in the State of Kayangel