

CONSTITUTION OF THE STATE OF KAYANGEL

CONSTITUTION
OF THE STATE OF

Kayangel

REPUBLIC OF PALAU
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KAYANGEL, REPUBLIC OF PALAU

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CONSTITUTION OF THE STATE OF KAYANGEL

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 CHERISED[sic] ISLAND HOME.
BY THIS CONSTITUTION,
WE REAFFIRM OUR DEDICATION
TO 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 BENEFICIENT CREATOR IN HEAVEN.

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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 seabed, subsoil, water column, insular shelf and all air space over its land and sea. The geographical boundary of the State of Kayangel originates at twelve (12) nautical miles to the north of NGERUANGEL Reef; thence continuing at a distance of twelve (12) nautical miles from the traditional baseline parallel to the reef to a point at the northeast; thence continuing south therefrom to a point twelve (12) nautical miles from the reef at the south known as NGKESOL (Mutelchur); thence to a reef known as UCHULABAD, which is to the northeast of NGERBAU; thence continuing to the northwest through a channel known as TOWACHEL era LUIII; thence northward to a channel known as TELBADEL era NGKESOL and NGERAEL; and thence to a point which is twelve (12) nautical miles on the western side of the reef and continuing therefrom in a northeast direction 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

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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 leader 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

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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 Rdechok 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.

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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 for at least two (2) years prior to the date of his election.

Section 3. The powers and function of the Kayangel State Legislature shall be the following:

- a) To amend or modify an annual state budget which shall be submitted by the Governor.
- b) To enact legislation governing the expenditure of public funds.
- c) To promote the general welfare of the people of Kayangel.
- d) To promote the economic development of the State of Kayangel.

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- e) To approve gubernatorial appointments by not less than a two-thirds (2/3) vote of its members.
- f) To approve any agreement between the State of Kayangel and any other government or representative thereof, or any other person or other legal entity by a vote of not less than three-fourths (3/4) of its members.
- g) To approve or disapprove the Governor's request for an extension of a state of emergency as provided for in Article VII, Section 7 herein above.
- h) To provide for the imposition and collection of taxes.
- i) To exercise such other authority and functions delegated by the Constitution or laws of the Republic of Palau.

Section 4. In the event a seat in the Kayangel State Legislature becomes vacant and more than One Hundred Eighty (180) days remain in the term for that seat, a special election shall be held to fill the vacancy. In the event less than One Hundred Eighty (180) days remain in the term for the vacant seat, that seat shall remain vacant until the next state general election of the Kayangel State Legislature.

Section 5. Members of the Kayangel State Legislature shall be compensated for their personal attendance in the legislative session. The rate of compensation of the members of the Legislature shall be established by law. Any increase in the amount of compensation made to the members of the Kayangel State Legislature shall not be effective during the term of office of the members making such

Section 6. The Kayangel State Legislature shall provide for their own rules of procedure not inconsistent with this Constitution or custom and tradition of the State of Kayangel.

Section 7. Legislative bills to be enacted into law shall bear the following form:

- a) It shall be in the form of a bill.
- b) It shall contain the following enacting clause "BE IT ENACTED BY THE REPRESENTATIVES OF THE STATE OF KAYANGEL AS FOLLOWS"
- c) It must pass two (2) readings on two (2) separate days.

Section 8. A bill passed by the Kayangel State Legislature shall be transmitted to the Governor and his advisors; namely, Chief Rdechor, Chief Obakrusong, Spis, Obak era Kelau, Adelbai era Rikel, Adelbai era Sebangiol, Adelbai er Rechebai, and Obak ra Kemsong. The advisors to the Governor may delete any portion of a bill if it is not acceptable. A bill not approved by both

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Chief Rdechor and Chief Obakrusong or either of them shall be returned to the Legislature within ten (10) days thereafter with an explanation for its disapproval. A bill returned to the Kayangel State Legislature may become law upon its passage by not less than 75% vote of its members.

Section 9. The term of office of the members of the Kayangel State Legislature shall be two (2) years.

Section 10. The Kayangel State Legislature shall function as a part-time body only as follows:

- a) It shall have only four (4) session each year.
- b) No session shall exceed thirty (30) days.
- c) The Speaker or not less than seventy-five percent (75%) of the members of the Kayangel State Legislature may convene a special session.

Section 11. A bill may be initiated by the subscription of not less than fifteen (15) persons of the State of Kayangel which shall then be transmitted and introduced in the Legislature through the sponsorship of any member of the Legislature.

ARTICLE XI

IMPEACHMENT

Section 1. A member of the Kayangel State Legislature may be removed from office by a referendum in which not less than 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 voters of the State of Kayangel subscribe a petition calling for such a referendum which is thereafter approved by not less than seventy-five percent (75%) of the members of the Legislature.

Section 2. No member of the Kayangel State Legislature shall be answerable for any statement made or word said during a session of the Kayangel State Legislature. During a session of the Legislature or while a member of the Legislature is enroute to or from a session, he shall not be subject to any misdemeanor or minor crime.

ARTICLE XII

RESOLUTION OF DISPUTES

Section 1. Resolution of any dispute within the State of Kayangel shall be resolved by the Courts pursuant to the Constitution of the Republic of Palau as provided in Article X thereof.

Section 2. Resolution of traditional disputes arising under the custom and tradition of the State of

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Kayangel shall be made by the council of Chiefs of the State of Kayangel, but any decision made by the Council of Chiefs of the State of Kayangel may be appealed to the appropriate Courts of the Republic of Palau.

ARTICLE XIII

TREASURY

Section 1. There shall be a treasury of the State of Kayangel into which all public funds of the State of Kayangel shall be deposited.

Section 2. Kayangel State public funds may only be expended pursuant to law.

Section 3. No debts may be incurred on behalf of the State of Kayangel except pursuant to law, and no person may expend or use any Kayangel State public funds until the appropriate breakdown of their use has been made.

Section 4. Any financial aid to the State of Kayangel which is granted upon conditions shall be expended according to the conditions under which the aid was granted.

ARTICLE XIV

STATE GOVERNMENT RESPONSIBILITIES

Section 1. The Government of the State of Kayangel shall be affirmatively responsible for the conservation of the naturally beautiful condition and natural resources of the State of Kayangel and its surrounding waters and shall preserve all objects of historical or cultural significance.

Section 2. The Government of the State of Kayangel shall be responsible for the economic development and the proper utilization of all the natural resources of the State of Kayangel within the land and sea for the public benefit.

Section 3. The Government of the State of Kayangel shall be responsible for the provision of medical and health services on the basis of equality to all the people of Kayangel.

ARTICLE XV

MISCELLANEOUS PROVISIONS

Section 1. Any public property of the State of Kayangel shall be considered the property of the Government of the State of Kayangel.

Section 2. This Constitution shall be written in English and Palauan. In case of conflict, the

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English version shall prevail.

Section 3. Any law or any instrument having legal effect enacted or executed prior to the ratification of this Constitution which is not in conflict with this Constitution shall continue to have full force and effect until it is amended, repealed or until it otherwise expires by its own terms.

ARTICLE XVI

AMENDMENT

Section 1. Any amendment to this Constitution may be proposed following two (2) years after the ratification hereof as follows:

a) A petition signed by not less than twenty-five percent (25%) of the registered voters of the State of Kayangel and approved by not less than seventy-five percent (75%) of the members of the Legislature shall be submitted to a referendum pursuant to law.

b) A resolution of the Legislature may propose an amendment to this Constitution by a vote of not less than seventy-five percent (75%) of the members of the Kayangel State Legislature which shall be submitted to a referendum pursuant to law.

Section 2. Upon ratification by not less than seventy-five percent (75%) of votes cast in a referendum, a proposed amendment shall become an integral part of this Constitution.

ARTICLE XVII

TRANSITION

Section 1. This Constitution of the State of Kayangel shall take effect on July 1, 1984.

CERTIFICATION

IN WITNESS WHEREOF WE, the members of the traditional Council of Chiefs and the delegates to the first Constitutional Convention of Kayangel State, before the people of Kayangel State, on this 13th day of September in the year of our Lord One Thousand Nine Hundred Eighty Three, have adopted this draft Constitution and hereunto subscribed our names and pledge to support it;

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TRADITIONAL DELEGATES

DIMS

/s/Ruluked Iechad

RDECHOR

Ruluked Iechad

/s/Otuu Beches

SPIS, Acting

Otuu Beches

/s/Johnson Bandarii

ADELBAI era RIKEL, Acting

Johnson Bandarii

/s/Masayuki Adelbai

ADELBAI era RECHEBAI

Masayuki Adelbai

DILONG

/s/Takawo Meresbang

OBAKRUSONG

Takawo Meresbang

/s/Bandarii Bechab

OBAK ra KELAU

Bandarii Bechab

/s/Rengiil Echelui

ADELBAI era SEBANGIOL

Rengiil Echelui

/s/Ermang Besebes

OBAK ra KEMESONG

Ermang Besebes

ELECTED & APPOINTED DELEGATES

/s/Antonio Iyechad

Antonio Iyechad

/s/Edwin T. Chiokai

Edwin T. Chiokai

/s/Hence Takawo

Hence Takawo

Floor Leader

/s/Juan F. Polloi

Juan F. Polloi

President

/s/Midas Ngiracheluoluo

Midas Ngiracheluoluo

/s/Ngiraked Bandary

Ngiraked Bandary

/s/Ongesii Beches

Ongesii Beches

/s/Otei Ngirasibong

Otei Ngirasibong

/s/Skiwo Meresbang

Skiwo Meresbang

/s/Sngebard Lluul

Sngebard Lluul

Vice President

/s/Susana Kemsong

Susana Kemsong

/s/Tadao Ruluked

Tadao Ruluked

ATTEST: /s/Mutsuo Delkuu

Mutsuo Delkuu

Magistrate