



# **CONSTITUTION OF THE STATE OF KOROR**

***As amended July 15, 1997***

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## **PREAMBLE**

We, the people of Koror, affirm our common wish to preserve our traditional heritage. We preserve our faith in a government of the people, by the people and for the people, conscious of our hearts desire to live in peace and harmony with all mankind, guided by the spirits of our ancestors, with dedication and determination hereby place ourselves, our lives, the lives of our future generations and prosperity under the protection of the good providence of the Lord, our God, and do hereby ordain and establish this constitution of the State of Koror.

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## **ARTICLE I TERRITORY OF THE STATE OF KOROR**

Section 1. TERRITORY. The territory of the State of Koror shall consist of all islands and waters which, according to the traditional law, are part of Koror.

Section 2. STATE BOUNDARY. The state boundary of Koror is as follows:

On the north from the point known as Rael Oidesngong to Ngerchebal in line with the Merach er Ngetkib, thence passing through Ngcheludl el Imeliik and Ngcheludl el Kldeu and then continuing on to Toachel Ngermechiuch Passage and continuing on the same passage through Toachel Mid, then on through Toi er a Chiul, then on to Ched er a Melob, and further to Uchelbeluu between Bab and Iou el Kiloll, then southward from Uchelbeluu until reaching Ngereklim, then westward to Oiyaol on Mesikm Passage, then to Bkul Chotuut on the southern reef on Ngemelis Island then northward to the point of origin. The territory of Koror State continues extending seaward to twelve (12) nautical miles from the appropriate baselines outside the reefs.

Section 3. INTRA STATE BOUNDARIES. The Ordomei and each Ngerekleu of the State of Koror shall maintain and preserve their traditionally recognized boundaries.

Section 4. OWNERSHIP OF RESOURCES. The State of Koror shall have exclusive ownership of all living and non-living resources of the seabed, subsoil, water column, insular shelves and air space from the land to twelve (12) nautical miles seaward from the traditional baseline as provided in the Constitution of the Republic of Palau.

## **ARTICLE II SUPREME LAW**

Section 1. SUPREME LAW. This Constitution is the Supreme Law of the State of Koror.

Section 2. CONFLICT. Any law or act of the Government of the State of Koror which conflicts with this Constitution shall be invalid to the extent of such conflict.

## **ARTICLE III CITIZENSHIP**

To be qualified as a citizen of the State of Koror, a person must be from Koror State pursuant to traditional law and a Palauan citizen.

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## **ARTICLE IV FUNDAMENTAL RIGHTS**

Section 1. FUNDAMENTAL RIGHTS. All persons in the State of Koror enjoy and are entitled to those traditional and fundamental rights as provided by the Constitution of the Republic of Palau.

Section 2. TRADITIONAL RIGHTS. Subject to this Constitution, the Government of the State of Koror shall take no action to prohibit, revoke, or take away a role or function of a traditional leader as recognized by custom and tradition, nor shall it prevent a traditional leader from being recognized, honored, and given formal or functional roles at level of government.

## **ARTICLE V SUFFRAGE**

A Palauan citizen from Koror who is at least eighteen years of age is eligible to vote in all elections of the State of Koror. The Legislature of the State of Koror shall prescribe by law the residency and registration requirements for voting in state elections. Voting shall be conducted by secret ballot.

## **ARTICLE VI LEADERSHIP OF THE STATE OF KOROR**

Section 1. MEMBERSHIP. The House of Traditional Leaders, consisting of the Ngarameketii and Rubekulkeldeu shall be the supreme authority of the State of Koror. The organization and function of the house of Traditional Leaders shall be in accordance with traditional law. The House of Kerengab shall be a separate house for women, headed by Bilung and Mirair. All matters concerning women shall be referred to the House of the Kerengab for appropriate consideration and action pursuant to traditional law. The House of the Kerengab shall not legislate or execute law except that it may in accordance with traditional law, assist the House of Traditional Leaders.

Section 2. POWERS AND RESPONSIBILITIES. The House of Traditional Leaders shall have the following powers and responsibilities:

- (1) It may submit to the Legislature proposed bills;
- (2) It may by simple majority within twenty (20) calendar days comment and refer back to the Legislature, veto, or direct the immediate effectiveness of any bill passed on to it by the Governor. It may also veto a line item in any appropriation bill. Any veto shall be deemed a call of the Legislature into Special Session to consider an override of such veto;
- (3) Pursuant to traditional law of the State of Koror, it shall represent the State in engaging in any dialogue with any entity, including but not limited to other States, the

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national government of the republic of Palau, or any foreign country;

(4) It shall approve, with the majority of the membership of the Legislature, any major agreement to which the Government of the State of Koror is a party;

(5) It may recruit, hire, and supervise its own staff which shall be paid in accordance with law; and

(6) It shall function in accordance with traditional law and practices as well as other duties and responsibilities as may be established by law.

Section 3. COMPENSATION. The members of the House of Traditional Leaders shall be compensated in accordance with law.

Section 4. MEETINGS. The House of Traditional Leaders may convene at any time at its own discretion, or at the request of the Governor, or to consider bills transmitted to it by the Governor.

### ARTICLE VII ADMINISTRATION

Section 1. MEMBERS OF THE ADMINISTRATION. The primary responsibility of the Administration of the Government of the State of Koror shall be vested in the Governor and heads of established departments who shall be appointed at-will by the Governor with the consent of the Legislature.

Section 2. ELECTION, QUALIFICATION AND TERM OF OFFICE. The Governor shall be elected at the next general state election. The term of office shall be four (4) years. The qualification for Governor shall be (1) a citizen of Koror State who is registered to vote in Koror State; (2) who is at least thirty (30) years of age; and (3) who has resided in Koror State for two (2) years preceding the election may qualify as a candidate to the office of the Governor. No Governor can serve more than three (3) consecutive terms.

Section 3. DEPARTMENTS. There shall be State Government Departments established pursuant to law.

Section 4. RESPONSIBILITIES. The responsibilities of the Governor shall include the following:

(1) Enforce and execute the laws of the Government of the State of Koror;

(2) Disburse funds pursuant to appropriation laws; levy and collect taxes and receive other sources of revenues pursuant to law;

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- (3) Prepare the State budget, and submit it to the State Legislature for appropriate legislative enactment;
- (4) Recruit, hire and supervise the, supporting staff for the Administration;
- (5) Shall approve within ten (10) calendar days and pass on to the House of Traditional Leaders or disapprove and refer back to the Legislature for reconsideration all bills transmitted after second reading; and
- (6) Additional responsibilities as may be established by law.

Section 5. VACANCY. In the event the office of the Governor becomes permanently vacant due to removal from office, death, resignation or other causes, with more than one hundred eighty (180) days remaining before the next general state election, a special election shall be called within thirty (30) days and held within sixty (60) days to fill the vacancy; in the event, however, that said office becomes permanently vacant within one hundred eighty (180) days from the next general state election the House of Traditional Leaders shall appoint a person to act for the office during such vacancy. Temporary absence or the unavailability to perform the duties of the office shall be filled in accordance with procedures established by law.

Section 6. RECALL. The electorate may recall the Governor pursuant to law. No Governor shall be recalled from office during the first year of the term of office.

Section 7. COMPENSATION. The Governor and State Department Heads shall be compensated in accordance with law.

### **ARTICLE VIII LEGISLATURE**

Section 1. LEGISLATIVE POWER. The legislative power shall be vested in the Legislature of the State of Koror.

Section 2. MEMBERSHIP. The membership of the Legislature shall consist of one (1) elected from each hamlet of the State of Koror and five (5) to be elected at large.

Section 3. TERM OF OFFICE. The term of office for the members of the Legislature of the State of Koror shall be four (4) years.

Section 4. QUALIFICATIONS. A citizen of Koror State who is registered to vote in Koror State, who is at least twenty-five (25) years of age, and who has resided in Koror State for two (2) years preceding the election may qualify to be member of the Legislature.

Section 5. COMPENSATION. Compensations of the members of the Legislature shall be determined by law. No increase in the compensation shall apply to the members of the

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Legislature during the term of enactment, nor may an increase in compensation be enacted within the period between the date of a regular general election and the date a new Legislature takes office.

Section 6. **POWERS AND RESPONSIBILITIES.** Subject to State law and the Constitution of the Republic of Palau, the Legislature of the State of Koror shall have the following powers and responsibilities:

- (1) Levy and collect taxes and forms of revenues;
- (2) Borrow money on the credit of the State of Koror to finance public programs, investments, or to pay public debts;
- (3) Ratify major State agreements or contracts by a majority vote of the membership;
- (4) Promote the general peace, well being, welfare and security of the people of the State of Koror;
- (5) Enact any law which may be necessary and proper for exercising the foregoing responsibilities and all other responsibilities vested in the Legislature by this Constitution or by the laws and Constitution of the Republic of Palau;
- (6) Recruit, hire, and supervise its own staff which shall be paid in accordance with law; and
- (7) Override by two-thirds (2/3) vote any bill vetoed by the House of Traditional Leaders within ten (10) calendar days from the veto date.

Section 7. **OFFICERS.** The Legislature shall elect a Speaker of the Legislature and its other officers by a majority vote of the membership.

Section 8. **SESSIONS.** The Legislature shall convene on the third (3<sup>rd</sup>) Friday of January after the general state election. Thereafter it shall meet pursuant to law. A legislative session may also be called by the House of Traditional Leaders or the Speaker of the Legislature, or at the written request of a majority of its membership.

Section 9. **LEGISLATIVE PROCEDURES.** The Legislature may enact no law except by bill. All bills shall have the following clause: "THE PEOPLE OF KOROR REPRESENTED IN THE LEGISLATURE OF THE STATE OF KOROR DO ENACT AS FOLLOWS." Each bill must pass two separate readings by a majority vote of the membership of the Legislature. After second reading the Legislature shall submit the bill to the Governor. A bill becomes law twenty (20) calendar days after transmittal by the Governor to the House of Traditional Leaders; unless prior thereto it shall have been referred back by the Governor or the House of Traditional Leaders; or unless made effective on such earlier date as directed by the House of Traditional



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Leaders. No bill shall be referred back and reconsidered more than once. On reconsideration after referral back, the Legislature may within ten (10) days to reject or accept all or part of the referred comments for incorporation into the bill which shall then be read the third time; if passed, it shall be transmitted to the Governor. Within ten (10) days the Governor may comment and shall pass on to the House of Traditional Leaders such reconsidered bill; thereafter, within twenty (20) days the House of Traditional Leaders may direct the immediate effectiveness of such bill or veto it. After a veto, the Legislature shall have ten (10) days to effect an override. A vetoed bill is immediately effective upon an override.

Section 10. **DISCIPLINE REMOVAL.** The Legislature may discipline its members for any wrongdoing or misconduct and may suspend a member for any wrongdoing or misconduct, and may expel a member by a vote of not less than two thirds (2/3) of the total membership, which expulsion shall be the cause of treason, bribery, or other serious crime.

Section 11. **RECALL.** The electorate may recall an elected member of the Legislature pursuant to law. No member shall be recalled from office during the first year of term of office.

Section 12. **VACANCY.** If a member's position becomes vacant due to recall, impeachment, death, resignation or disabilities, and more than one hundred eighty (180) days remaining in the term, an election for the period remaining shall be held within forty-five (45) days of such vacancy. If less than one hundred eighty (180) days remain. The seat shall remain vacant.

Section 13. **IMMUNITY OF LEGISLATORS.** No member of the Legislature shall be held to answer in any other place for any statement delivered during a legislative session. A member of the Legislature shall be privileged from arrest while going to and from a legislative session, except in cases of treason, felony, or breach of peace.

### **ARTICLE IX FINANCE**

Section 1. **STATE TREASURY.** There shall be a State Treasury of the State of Koror. All revenues derived from taxes and other sources shall be deposited in the State Treasury of the State of Koror.

Section 2. **EXPENDITURE.** No funds shall be withdrawn from the State Treasury of the State of Koror except by law.

Section 3. **AUDIT.** There shall be, at least once a year, an inspection and audit of the revenues and expenditures of the Government of the State of Koror as provided by the laws of the State of Koror and the Republic of Palau.

Section 4. **APPROPRIATION.** No appropriation bill may be enacted until a bill appropriating money for the State budget has been enacted. The Legislature may amend or

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modify the annual budget as submitted by the Governor.

Section 5. PUBLIC TAXATION. If the Government of the State of Koror contemplates enacting a law to increase or raise additional taxes for financing public projects, the Government of the State of Koror shall explain clearly to the people the purpose and the cost of such public project before the enactment of such law. Such law shall expire by its own terms after the completion or discontinuation of such project.

### **ARTICLE X GENERAL PROVISIONS**

Section 1. LANGUAGE. The Palauan and English versions of this Constitution shall be equally authoritative; in case of conflict the Palauan version shall prevail.

Section 2. EMINENT DOMAIN. No private property shall be taken for public use without proper consultation and payment of just compensation.

Section 3. PUBLIC WELFARE. The Government of the State of Koror shall take every step reasonable and necessary to promote the education, health care, and well being of all the people in the State of Koror.

Section 4. RETURN OF PUBLIC LANDS. The Government of the State of Koror shall provide for the return to the original owners or their heirs any land which became part of public lands as a result of acts by previous occupying powers or their nationals through force, coercion, fraud, or without just compensation or adequate consideration, in accordance with the laws and the Constitution of the Republic of Palau.

Section 5. LAND TAX. No tax shall be imposed on land.

Section 6. HEAD TAX. No head tax shall be imposed on people.

Section 7. TRADITIONAL AND CUSTOMARY RELATIONSHIP. The Government of the State of Koror recognize and respect the traditional and customary relationships between itself and other states of the Republic of Palau.

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## **ARTICLE XI AMENDMENT**

Section 1. PROPOSAL. Any amendment to this Constitution may be proposed by popular initiative or by the Legislature as herein provided:

- (1) By a petition filed by not less than twenty-five percent (25%) of the registered voters of the State of Koror; or
- (2) By a resolution adopted by not less than three-quarters (3/4) of the members of the Legislature of the State of Koror.

Section 2. RATIFICATION. Any proposed amendment to this constitution shall become effective when approved in a State-wide referendum by a majority of the votes cast on that amendment.

Section 3. AMENDMENT TO TRADITION. Custom and tradition may only be amended in accordance with the traditional law of the State of Koror.

## **ARTICLE XII TRANSITION**

Section 1. EFFECTIVE DATE. This Constitution shall take effect on October 21, 1983.

Section 2. CONTINUATION OF EXISTING LAWS. All existing laws in force and effect in Koror immediately preceding the effective date of this Constitution shall, subject to the provisions of this Constitution, remain in force and effect until repealed, revoked, amended or until expired according to its own terms.

Section 3. EFFECTIVE DATE OF AMENDMENT. There shall be a general state election held Tuesday, November 11, 1997, and thereafter every four years on the second Tuesday in November. Installation of elected officials shall be at noon on the second Tuesday of January immediately following. Present officials shall continue to serve until noon, January 13, 1998.

*NOTE: This amended Constitution was the result of the adoption by the Fifth Koror State Legislature of Resolution No. 5-18, adopted by not less than three-fourths (3/4) of the members of the Legislature on June 4, 1997, as required by Article XI, Section 2 of the Koror State Constitution. Resolution No. 5-18 provided for proposed amendments to the Koror State Constitution, and the proposed amendments were the subject of a referendum which was held on July 15, 1997, the referendum was duly conducted by the Republic of Palau National Election Commission. The proposed amendments were approved by a majority of the votes cast (as certified by the National Election Commission on July 24, 1999) pursuant to Article XI, Section 2 of the Constitution of the State of Koror.*