

C O N S T I T U T I O N

O F T H E

T H E S T A T E

O F

Koror

KOROR STATE CONSTITUTIONAL CONVENTION

January 28 - April 13, 1983

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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 Ngerekldau 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.

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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.

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 as any 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 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 Rubekulkdeu 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 the 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

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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 and resolutions;
- (2) It may approve or disapprove any bill or resolution transmitted to it by the Legislature for consideration. A bill must first be transmitted to the House of Traditional Leaders for consideration and action, and if approved, shall become law. A bill approved by the House of Traditional Leaders shall become law when signed by the Head of the House of Traditional Leaders. If the House of Traditional Leader [sic] disapproves a bill, it shall be returned to the Legislature within twenty (20) calendar days with a statement of reasons for the disapproval. A bill not signed, disapproved, or returned to the Legislature within twenty (20) calendar days of presentation to the House of Traditional Leaders shall become law. The House of Traditional Leaders may reduce or delete an item in an appropriation bill;
- (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 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 shall appoint a State Executive Administrator within forty-five (45) days of the general state election and may remove him from office for good cause; 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.

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

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 a State Executive Administrator and heads of established departments who shall be appointed by the State Executive Administrator with the consent of the House of Traditional Leaders.

Section 2. APPOINTMENT AND TERM OF OFFICE. The State Executive Administrator shall be appointed by the House of Traditional Leaders within forty-five (45) days of the general election. The term of office shall be three (3) years, subject to removal from office for good cause by the House of Traditional Leaders.

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

Section 4. RESPONSIBILITIES. The responsibilities of the State Executive Administrator 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;
- (3) Prepare the State budget, and submit it to the State Legislature for appropriate legislative enactment;
- (4) Upon consultation with the House of Traditional Leaders and Legislature, shall recruit, hire and supervise the supporting staff for the Administration, the House of Traditional Leaders and the Legislature; and
- (5) Additional responsibilities as may be established by law.

Section 5. VACANCY. In the event the office of the State Executive Administrator becomes permanently vacant due to

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removal from office, death, resignation or other causes, the House of Traditional Leaders shall appoint a successor within forty-five (45) days; in the event, however, that said office becomes vacant due to absence, unavailability or any other related circumstance, the House of Traditional Leaders shall appoint a person to act for the office during such vacancy.

Section 6. REMOVAL OF DEPARTMENT HEADS. The State Executive Administrator may remove State Department Heads for good cause.

Section 7. COMPENSATION. The State Executive Administrator 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 three (3) 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 a member of the Legislature.

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

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- (1) Levy and collect taxes and other 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; and
- (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.

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 (3rd) Friday of October after the general 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.

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 for 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 the 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

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remain 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 and the House of Traditional Leaders may amend or modify the annual budget as submitted by the State Executive Administrator each year.

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

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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 RELATIONSHIPS. The Government of the State of Koror recognizes, respects and shall continue to so recognize and respect the traditional and customary relationships between itself and other states of the Republic of Palau.

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.

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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.

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/s/ Ededui Omelaikl
Ededui Omelaikl
Adelbairkesouaol

Baules Sechelong
Techadribukel

/s/ Kikuo Remeskang
Kikuo Remeskang
Techadrechemai

/s/ Singeru Ngirchelui
Uchel Singeru Ngirchelui

/s/ Rdulaol Emiliano Ingereklii
Rdulaol Emiliano Ingereklii

/s/ Espangel Esebei Arbedul
Espangel Esebei Arbedul

DELEGATES AT -- LARGE

/s/ Alan Rechuldak Seid
Del. Alan Rechuldak Seid

/s/ Joel Toribiong
Del. Joel Toribiong

/s/ Jones Ngoriakl
Del. Jones Ngoriakl

/s/ Francisco J. Gibbons
Del. Francisco J. Gibbons

/s/ Joseph W. Adachi
Del. Joseph W. Adachi

/s/ Etibek Peter Sadang
Del. Etibek Peter Sadang

/s/ Sylvester F. Alonz Skasang
Del. Sylvester F. Alonz Skasang

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/s/ Tutoud Ngiralmu
Del. Tutoud Ngiralmu
Ngermid

/s/ Mario B. Elias
Del. Mario B. Elias
Ngerkesouaol

/s/ Ramon Rechebei
Del. Ramon Rechebei
Ngerchemai

/s/ Sebastian T. Andreas
Del. Sebastian T. Andreas
Iebukl

/s/ Grace Y. Sam
Del. Grace Y. Sam
Idid

/s/ Ignatio Morei
Del. Ignatio Morei
Ikela

/s/ Isabella Sumang
Del. Isabella Sumang
Dngeronger

/s/ Ebibalio H. Ngiraidong
Del. Ebibalio H. Ngiraidong
Meyuns

/s/ Viviana Ucherbelau
Del. Viviana Ucherbelau
Ngerbeched

/s/ Francisco Ngirailemesang
Del. Francisco
Ngirailemesang
Ngerkebesang

/s/ Elizabeth Kintoki
Del. Elizabeth Kintoki
Echang

ATTEST: /s/ Harry Rubasch Fritz
Harry Rubasch Fritz
Convention Secretary