

CONSTITUTION OF THE STATE OF PELELIU

CONSTITUTION
OF THE
STATE
OF
Peleliu

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PELELIU CONSTITUTIONAL CONVENTION
AUGUST 9 - SEPTEMBER 11, 1982
STATE OF PELELIU, REPUBLIC OF PALAU

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CONSTITUTION OF THE STATE OF PELELIU

Preamble

WE, THE PEOPLE OF PELELIU
exercising our inherent sovereignty under God,
and the Constitution of the Republic of Palau,
do hereby establish
this Constitution of the State of Peleliu
to set the framework of our State Government,
based on the spirit and wisdom of our traditions,
and on the riches and potentials of today;
and to set the course for our future,
relying on the mutual respect and cooperation
of our people, and on our belief in God.
WITH THIS CONSTITUTION,
we reaffirm our unity as one sovereign state,
and rededicate ourselves in peace and harmony
to preserve and enrich our heritage,
and to secure the well-being of all with our efforts,
and under the guidance of
the Divine Providence.

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ARTICLE I

TERRITORY

Section 1. The State of Peleliu shall have jurisdiction and sovereignty over its territory, which consists of all of the islands, territorial waters and internal waters traditionally belonging to the State of Peleliu and acknowledged by the people of Peleliu to be the territory of the State. More specifically, the State of Peleliu is bound to the north and north-east by the State of Koror, the boundary line starting from Bad er a Chedmesnges at Ngerumekaol reef to the north and runs south-easterly into Toachel el Iou between Ngeanges and Ngchelobel out to Bkul a Kabes at Chudel reef; to the north-east along the east to the south-east and around to the south bound by the sea out to twelve (12) nautical miles from the traditional baseline; to the south-west bound by the State of Angaur along the line running from the point on the twelve (12) miles limit running north-westerly through Lukes between Peleliu and Angaur, thence west of Peleliu out to the sea; to the west and north-west bound by the sea out to twelve (12) nautical miles from traditional baseline connecting the point of origin at Bad er a Chedmesnges. Thus understood the territorial jurisdiction for the State of Peleliu, unless limited by future interstate agreements in accordance with traditions or statutes.

ARTICLE II

SUPREMACY

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

ARTICLE III

PEOPLE OF PELELIU

Section 1. A person who is a citizen of the Republic of Palau and fulfills at least one of the following is a person of the State of Peleliu:

- a. A lineal descendant of a person with blood lineage to any recognized clan in the state;
- b. Who through customs and traditions becomes a member of any recognized clan in the state.

ARTICLE IV

FUNDAMENTAL AND TRADITIONAL RIGHTS

Section 1. The fundamental rights applicable in the state are as provided for in Article IV

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of the Constitution of the Republic of Palau.

Section 2. Traditional rights applicable in the state are as provided for in Article V of the Constitution of the Republic of Palau.

ARTICLE V

CONSERVATION AND DEVELOPMENT OF RESOURCES

Section 1. It shall be the responsibility of the State Government to take positive action to conserve and develop its natural beauty and its objects and places of historic and cultural interest; promote the state economy; protect the safety and security of persons and property; and promote health and social welfare, and for these purposes private property shall be subject to reasonable regulation.

Section 2. To the extent the National Government is unable to provide a satisfactory system of public education for the people of the state, the State Government shall provide for the maintenance and support of a system of free and compulsory public elementary schools which shall be open to all children in the state.

Section 3. The State Government may establish, organize and support such public secondary schools and other public educational institutions, including institutions of higher learning, as it may deem necessary and desirable.

Section 4. The ownership, exploration and exploitation of all natural resources within the marine space of the state that are not subject to traditional rights and ownership may be regulated by law.

Section 5. No foreign fishing vessel or exploration or research vessel shall take natural resources of the state except as may be permitted by the appropriate persons who exercise traditional rights and ownership thereto and in accordance with law.

ARTICLE VI

SUFFRAGE AND ELECTIONS

Section 1. Any person who is a citizen of the Republic of Palau, a person of the State of Peleliu, eighteen (18) years of age or older, and a resident and registered to vote in accordance with law, may vote in any state election.

Section 2. No person who has been adjudged insane by a court or convicted of a felony shall be qualified to vote except upon his final discharge or earlier as may be provided by law.

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Section 3. There shall be a State Election Board which functions may not be inconsistent with the National Election Commission. Duties and responsibilities thereof may be provided by law.

Section 4. The State Government shall prescribe further qualifications and the methods of voting, provide for voter registration, and prescribe a minimum period of residence, where not otherwise provided by this constitution.

Section 5. A plurality of votes cast at an election by the people shall constitute a choice, where not otherwise provided by this Constitution.

Section 6. A run-off election shall be ordered by the State Election Board if two or more candidates have the highest and equal number of votes, except in cases specially provided for by this Constitution.

ARTICLE VII

EXECUTIVE

Section 1. The Governor shall be the chief executive of the Peleliu State Government.

Section 2. A person shall be eligible for the office of Governor if he:

- a. Is a citizen of Palau and a person of Peleliu;
- b. Is at least thirty-five (35) years of age;
- c. Has not been convicted of a felony, nor is under probation by a court at the time of election, provided that conviction of a felony shall be no bar if the person has been pardoned; and
- d. Is not employed by the State Government or the National Government.

Section 3. The Governor shall be elected in a state-wide election for a term of three (3) years. A person may not serve as Governor for more than three (3) consecutive terms.

Section 4. The cabinet shall consist of the heads of the major executive offices created by law. No head of a major executive office may serve in the State Legislature at the same time.

Section 5. The Governor may have all the inherent powers and duties of a state chief executive, including, but not limited to the following:

- a. To enforce the laws of the state;

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- b. To appoint cabinet members with the advice and consent of the State Legislature;
- c. To spend money pursuant to appropriation laws and to collect taxes;
- d. To represent the State Government in all legal actions:
- e. To propose an annual budget for the State Government and present it for consideration and approval by the State Legislature;
- f. To enforce the laws of the Republic of Palau which are applicable to the state;
- g. To approve or veto bills passed by the State Legislature;
- h. To represent the State Government in all negotiations with other states of the Republic of Palau, the National Government, and other nations and international bodies. Any agreement made with other nations and international bodies shall not become effective without the advice and consent of the State Legislature;
- i. To exercise emergency powers, not inconsistent with the Constitution of the Republic of Palau, as provided for by law; and
- j. To introduce legislative measures in the State Legislature.

Section 6. The compensation of the Governor shall be established by law.

Section 7. The Governor may be impeached and removed from office for treason, bribery, or other serious crime by a vote of not less than two-thirds (2/3) of the members of the State Legislature. The Governor may be removed from office by a recall. A recall is initiated by a resolution adopted by not less than three-fourths (3/4) of the members of the State Legislature. Upon adoption of a certified resolution, the Speaker of the Legislature shall establish a special election commission to supervise a state-wide recall referendum to be held not less than thirty (30) days nor more than sixty (60) days after receipt of such resolution. If a majority of the votes cast approves of the recall, the Governor is immediately removed from office.

Section 8. The Governor shall physically reside in the state during his term of office.

Section 9. The Speaker of the Legislature shall succeed to the office of the Governor if it becomes vacant; PROVIDED, that if more than one hundred eighty (180) days remain in the unexpired term of the Governor, the Speaker, within thirty (30) days shall call a special election to fill the vacancy. Subsequent order of succession to the governorship shall be provided by law.

ARTICLE VIII

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LEGISLATURE

Section 1. The legislative power of Peleliu shall be vested in the Peleliu State Legislature consisting of one house composed of fifteen (15) members: five (5) members shall be the hamlet chiefs; five (5) shall be popularly elected at large; and five (5) elected, one by each hamlet to represent each of the five (5) hamlets, for a term of three (3) years.

Section 2. A person may become a candidate for election to the State Legislature if the person:

- a. Is a citizen of Palau and a person of Peleliu;
- b. Is at least twenty-five (25) years of age; and
- c. Has not been convicted of a felony, nor is under probation imposed by a court at the time of the election; conviction of a felony shall be no bar provided that the person has been pardoned.

Section 3. No chief serving as a member of the State Legislature shall run for any state elective office.

Section 4. The State Legislature shall be the sole judge of the qualifications of its members. Any member may be disciplined by a majority vote, or expelled by a vote of not less than two-thirds (2/3) of the members for cause as prescribed by law.

Section 5. The people may recall an elected member of the State Legislature from office. A recall is initiated by a petition which shall name the member sought to be recalled, state the ground for recall, and be signed by not less than thirty percent (30%) of the registered voters who voted in the most recent election for the elected members of the State Legislature. Within sixty (60) days of the filing of the petition, the Governor shall provide for a recall election to be held pursuant to law. If a majority of the votes cast approves of the recall, the elected member is immediately removed from office.

Section 6. The presiding officer of the State Legislature shall be selected from among the elected members and elected by a majority of the members of the State Legislature and shall be called Speaker.

Section 7. The first session of the State Legislature shall convene on the second Tuesday of January following the election. The State Legislature shall meet regularly thereafter. Special sessions may be called by the Governor or the Speaker of the Legislature or upon request by a majority of its members.

Section 8. The State Legislature shall promulgate its own rules and procedures not

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inconsistent with this Constitution and the laws of the Republic of Palau, and may compel the attendance of absent members. A majority of the members shall constitute a quorum to do business.

Section 9. A vacancy of the elected members in the State Legislature shall be filled either by appointment or a special election. If the vacancy occurs among elected members and is more than one hundred eighty (180) days before the expiration of his term, a special election shall be held; if less than one hundred eighty (180) days remain, the Governor shall appoint a temporary member with the advice and consent of the State Legislature.

Section 10. In the event that the seat of the chief in the State Legislature becomes vacant, the next ranking chief of the hamlet shall assume the vacant legislative seat until a new hamlet chief is appointed according to custom. If the seat of the next ranking chief is also vacant, the subsequent ranking chief shall assume the seat until a higher ranking chief is appointed.

Section 11. The State Legislature shall have, but not be limited to, the following powers:

- a. To levy taxes, duties and excises in accordance with established [sic] law;
- b. To borrow money on the credit of the State Government to finance public projects or redeem public debts as provided by law;
- c. To impeach and remove the Governor by a vote of not less than two-thirds (2/3) of its membership;
- d. To provide advice and consent for cabinet members;
- e. To enact laws which shall be necessary and proper in exercising the foregoing powers, any other powers delegated by the National Government, and all other inherent powers vested by this Constitution.

Section 12. The State Legislature shall enact no laws except by bill. A bill must be adopted by a majority of the members present on two (2) separate readings, each reading to be held on a separate day, except during Special Session when only one reading shall be required, and it must be sent to the Governor for his approval prior to its becoming law. a bill shall contain the following enacting clause: "THE PEOPLE OF THE STATE OF PELELIU REPRESENTED IN THE STATE LEGISLATURE DO ENACT AS FOLLOWS:".

Section 13. Upon receiving a bill the Governor shall review it for approval or veto. If he vetoes the bill, he shall return the bill to the State Legislature with a statement of reasons for the veto. If he approves the bill, it shall become a public law. If the Governor holds a bill in excess of twenty (20) days without action, or ten (10) days if the State Legislature is in session, it shall automatically become a public law.

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Section 14. A bill vetoed by the Governor may be considered by the State Legislature within thirty-five (35) calendar days of its return and shall become law as originally adopted upon approval of not less than two-thirds (2/3) of the members of the State Legislature.

Section 15. The State Legislature shall not increase the compensation of its members during their term of office.

Section 16. Compensation for the members of the State Legislature may be established by law.

Section 17. The members of the State Legislature shall not be held to answer for any statement delivered in a session of the State Legislature, and shall not be subject to arrest while going to and from the sessions, except for the following crimes:

- a. Breach of peace;
- b. Felony; or
- c. Bribery or Treason.

ARTICLE IX

JUDICIARY

Section 1. The judicial power of the state shall be vested in the national unified judiciary pursuant to Article X of the Constitution of the Republic of Palau. The State Legislature may establish a Court of Traditions and Customs which may hear and decide cases involving the traditions and customs of the state.

ARTICLE X

FINANCE

Section 1. There is a State Treasury for the state into which all revenues derived from taxes or other sources shall be deposited. No funds shall be withdrawn from the State Treasury except by law.

Section 2. The Governor shall submit an annual unified state budget to the State Legislature for consideration and approval. The State Legislature may amend or modify the annual budget as submitted by the Governor. Except for appropriation bills recommended by the Governor for immediate passage or to cover the operational expenses of the State Legislature, no appropriation bill may be enacted by the State Legislature until a bill authorizing and appropriating money for the budget has been enacted.

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Section 3. Subject to the approval of the Olbiil Era Kelulau, the State Legislature shall have the power to borrow money to finance public programs or to settle public debt. No debt shall be contracted by or on behalf of the state unless such debt is authorized by law for projects or objects distinctly specified therein.

Section 4. No person shall obligate or expend funds subject to appropriation for any purpose in advance of an appropriation or in excess of the amount appropriated for that purposes.

Section 5. Except where a particular distribution is required by the terms of financial assistance made available to the State Government by an outside source, not more than seventy-five percent (75%) of the annual budget allocable to the state shall be expended for salaries of State Government officers and employees. Heads of each branch of the State Government may be authorized by law to transfer up to ten percent (10%) from one budget item to another as may be deemed necessary and appropriate.

ARTICLE XI

GENERAL PROVISIONS

Section 1. The provisional capital of the state shall be located in Klouklubed. The State Legislature shall determine the date to designate a place in Peleliu to be the permanent capital.

Section 2. The five (5) hamlets of the state known as Ngerdelolk, Ngesias, Ngerchol, Ngerkeukl, and Teliu shall bear the same names. The number of hamlets shall not be decreased.

Section 3. Except for appropriations, registered voters of the state may enact or repeal state laws by initiative. An initiative petition shall contain the text of the proposed law or of the law sought to be repealed and be signed by not less than thirty percent (30%) of the registered voters. An initiative petition shall take effect if approved at the next state general election by a majority of the persons voting on the initiative.

Section 4. The State Government shall have the power to take private property for public use upon payment of just compensation. No property shall be taken by the State Government without prior consultation with the Council of Chiefs of the hamlet in which the property is located. This power shall not be used for the benefit of a foreign entity, and shall be used sparingly and only as a final resort after all means of good faith negotiations with the landowner have been exhausted.

Section 5. Harmful substances, including nuclear chemical or biological weapons intended for use in warfare, atomic fuel intended for use in nuclear power plants, and waste materials therefrom shall not be used, tested, or stored or disposed of within the territorial jurisdiction of the state without the express approval of not less than three-fourths (3/4) of the votes cast in a referendum submitted on this specific question.

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Section 6. No permanent military bases or facilities shall be installed or erected, nor shall military training be allowed within the territorial jurisdiction of the state without the express approval of not less than three-fourths (3/4) of the votes cast in a referendum submitted on this specific question.

Section 7. The State Government shall provide for the establishment and administration of a civil service system for the state. Appointments to and promotions within the civil service system shall be based on merit and fitness demonstrated by examination or other means of testing competency.

Section 8. No tax shall be imposed on land.

Section 9. The Palauan and English version of this Constitution shall be equally authoritative, in case of conflict, the English version shall prevail.

Section 10. Nothing in this Constitution shall be construed to prohibit the State Government from cooperating with or seeking the assistance of the National Government, or other state governments or foreign governments in the performance of its functions and responsibilities.

ARTICLE XII

AMENDMENTS

Section 1. An amendment to this constitution may be proposed by popular initiative or by the State Legislature, as provided herein:

- a. By petition signed by not less than thirty percent (30%) of the registered voters; or
- b. By a resolution adopted by not less than three-fourths (3/4) of the members of the State Legislature.

Section 2. A proposed amendment to this Constitution shall become effective when approved in the next state general election by a majority of the votes cast on that amendment.

ARTICLE XIII

TRANSITION

Section 1. This Constitution shall become effective on January 1, 1983.

Section 2. The Governor shall organize a Direct Legislation Committee to conduct related research, educate the general public, determine whether certain relevant provisions of this

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Constitution may need amendment or revision, and learn of public support for the direct participation by the people of Peleliu in the enactment of state laws. The committee shall be constituted by the Governor to begin its work on January 1, 1986, shall complete its work, and report its findings and recommendations to the Governor on or before May 1, 1986 for public dissemination immediately thereafter.

Section 3. The Charter of Peleliu Municipality is hereby repealed in its entirety and all laws in effect in the state enacted prior to the effective date of this Constitution, and not inconsistent with this Constitution, shall remain in effect until repealed, amended or until they expire by their own terms.

IN WITNESS WHEREOF, We, the Delegates to this Convention assembled at the Peleliu State Building in the State of Peleliu the 11th day of September in the year of our Lord One Thousand Nine Hundred and Eighty Two, have hereunto subscribed our names,

NGERDELK

/s/Isao P. Singeo

Isao P. Singeo
Chief Obak

/s/Theodore Aitaro

Theodore Aitaro

/s/Lucky Lakobong

Lucky Lakobong

/s/Sing-Itz Singeo

Sing-Itz Singeo

NGERCHOL

Chief Obaklechol

/s/Ichiro Blesam

Ichiro Blesam

/s/Sadaria W. Fritz

Sadaria W. Fritz

NGESIAS

/s/Elbelau Nguis

Elbelau Nguis
Chief Uchelsias

/s/Jonathan Koshiba

Jonathan Koshiba

/s/Masao Kumangai

Masao Kumangai

/s/Temmy Schnull

Temmy Schnull

NGERKEUKL

/s/Yashinto Isechal

Yashinto Isechal
Chief Aderkeroi

/s/Mabel Iechol

Mabel Iechol

Itelbang Luii

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/s/Tosiwo Nakamura
Tosiwo Nakamura

TELIU

/s/Timarong Sisor
Timarong Sisor

REPRESENTATIVE OF PELELIU
PEOPLE IN GUAM

/s/Rekemel Keklau
RekeFel Keklau
Chief Renguul

Charles M. Matsutaro

/s/Herman Francisco
Herman Francis co

REPRESENTATIVE OF PELELIU
PEOPLE IN SAIPAN

/s/Francis E. Meyar
Francis E. Meyar

/s/Fumio NS Rengiil
Fumio NS Rengiil

/s/Taro Techeled
Taro Techeled

Attest: /s/Takeshi Kintol
Takeshi Kintol
Convention Secretary

CONSTITUTION OF THE STATE OF PELELIU

FIRST CONSTITUTIONAL CONVENTION
STATE OF PELELIU, REPUBLIC OF PALAU

AUGUST 1982

CONVENTION RESOLUTION NO. 11

A RESOLUTION

Relating to the traditional leaders of the State of Peleliu.

WHEREAS, in establishing the government for the new State of Peleliu, and making provision for the governing of the various hamlets, the question has arisen over whether this affects the traditional leaders of the State of Peleliu. It is not the intention of the Delegates to the Peleliu State Constitutional Convention to affect adversely any of the relationships which prevail between traditional leaders and the people of the State of Peleliu, nor to diminish in any way the full honor and respect to which they are entitled, NOW THEREFORE,

BE IT RESOLVED by the Peleliu State Constitutional Convention of 1982 that it is the consensus of the Convention that all due honor and respect continue to be accorded the traditional leaders of the State of Peleliu, and nothing in this Constitution of the State of Peleliu is intended in any way to detract from role and function of traditional leaders in the State of Peleliu or to deny them the full honor and respect which is rightfully theirs, and

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PELELIU STATE FIRST CONSTITUTIONAL CONVENTION RESOLUTION NO. 11

BE IT FURTHER RESOLVED that upon the signing of the Constitution, this Resolution be included with all duplications of the Constitution so that the intent of the Delegates may be evident to all who read the Constitution of the State of Peleliu.

Adopted: August 23, 1982

Certified by _____
Masao Kumangai, President
Constitutional Convention
State of Peleliu

Attest by _____
Takeshi Kintol
Convention Secretary