

CONSTITUTION
OF
HATOHOBEL STATE

HATOHOBEL CONSTITUTIONAL CONVENTION

July 27 – November 13, 1983

Eang, Koror

THE CONSTITUTION
OF THE HATOHOBELI STATE

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PREAMBLE

WE, THE PEOPLE OF HATOHOBEL STATE, MINDFUL OF OUR INHERENT RIGHTS AND SOVEREIGNTY, DECLARE THIS CONSTITUTION OF HATOHOBEL STATE OUR SUPREME LAW UNDER THE CONSTITUTION OF THE REPUBLIC AND UNDER THE ALMIGHTY GOD OUR LORD. WITH THIS CONSTITUTION, WE DECLARE OUR INTENT TO LIVE IN HARMONY WITH ALL MEN: TO RECOGNIZE AND PROMOTE OUR CULTURE AND TRADITIONS HANDED DOWN TO US FROM ROMOHPARUH: AND TO DEDICATE OURSELVES AND OUR RESOURCES FOR THE BENEFIT OF THOSE WHO HAD GONE BEFORE, OF THOSE WHO ARE LIVING TODAY, AND OF THOSE WHO WILL COME IN THE FUTURE.

IN OUR RESOLVE AND VENTURE INTO THE FUTURE, WE PLEDGE OUR COOPERATION WITH OTHER SISTER STATES, OUR DEDICATION TO COMMON GOOD, AND OUR RELIANCE ON OURSELVES AND ON THE PROVIDENCE OF ALMIGHTY GOD.

ARTICLE I

TERRITORY

Section 1. Name and Boundaries of the State. The name of the state is Hatohobei, traditionally and historically composed of the islands of Hatohobei, Hotsarihie, and Pieraurou. The boundaries of the state are as follows: Beginning at a point twelve (12) nautical miles from the north traditional baseline of the island of Hatohobei, running easterly passing the island of Hotsarihie at twelve (12) nautical miles from its northern traditional baseline and joining the twelve (12) nautical miles from the north and around the east, thence south following the contour of traditional baseline of Pieraurou, and continuing on westerly passing the twelve (12) nautical miles from south traditional baseline of Hotsarihie, thence continuing in the same westerly direction to a point twelve (12) nautical miles from south traditional baseline of Hatohobei and thence following every point twelve (12) nautical miles from the traditional baseline to the point of origin. Specific location of the islands are as follow: Hatohobei is at 03 degrees, 00 minutes North Latitude and 131 degrees, 11 minutes East Longitude; Hotsarihie is at 02 degrees, 58 minutes North Latitude, and 131 degrees, 48 minutes East Longitude; and Pieraurou is at 02 degrees, 47 minutes North Latitude and 132 degrees, 32 minutes East Longitude.

Section 2. Jurisdiction Over Boundaries. The state shall have jurisdiction over its territory which includes the islands of Hatohobei, Hotsarihie, and Pieraurou and extends to include, but is not limited to, all reefs, insular shelves, seabeds, subsoil, water columns, and all living and non-living resources, and air space over land and water included within the state territorial boundaries, as specified under Section 1 of this article.

Section 3. The Hatohobei State Legislature shall have the power to negotiate any boundary disputes arising after the effective date of this Constitution.

Section 4. Right of Innocent Passage. Nothing in this Constitution shall be construed to prevent the right of innocent passage or freedom of the high seas as is recognized internationally.

ARTICLE II

SUPREMACY AND SOVEREIGNTY

Section 1. Supremacy and Sovereignty. This Constitution of Hatohobei State, in harmony with the Constitution of the Republic of Palau, is the Supreme law of the state.

Section 2. Laws Conflicting With Constitution. No law, treaty, or act of the state government shall be valid, if the content, effect, or force thereof shall conflict with this Constitution. Any agreement or law entered into by the state which may be in conflict with this Constitution in whole or in part, is void to the extent of such conflict.

ARTICLE III

PERSON OF HATOHOBEL

Section 1. Definition of the Term Person as Used. The term "Person" as used in this Constitution shall mean a citizen of Palau who is:

(a) a member of any one of the clans of Hatohobei State as accorded by traditions and customs; or

(b) born of or adopted to parents, one or both of whom is a descendant and a person of Hatohobei; or

c) in marital bond with a person of Hatohobei and meets other requirements as may be set forth under Section 2 of this Article.

Section 2. Legislature to Adopt Laws. The State Legislature of Hatohobei may adopt uniform laws which shall, in conjunction with the traditions and customs of the state, implement the provisions of this article.

Section 3. Right and Enjoyment of Persons. Every person of Hatohobei shall have equal rights to enter and reside within the territory of Hatohobei and to enjoy such other rights and privileges as may be provided by customs and traditions and as may be provided by law.

ARTICLE IV

DECLARATION OF RIGHTS

Section 1. The Fundamental and Traditional rights are as set forth in Article IV and V respectively of the Constitution of the Republic of Palau.

ARTICLE V

SUFFRAGE AND ELECTION

Section 1. Secret Ballot. All State elections, referenda, and plebiscites shall be by secret ballot pursuant to law.

Section 2. Eligibility. To be eligible to vote, a person must:

- (a) be a citizen of the Republic of Palau;
- (b) be a person of Hatohobei;
- (c) be at least eighteen (18) years of age at time of election;
- (d) have actually resided in the state for six (6) months;

- (e) be registered as provided by law;
- (f) not be serving a sentence for a crime or felony; and
- (g) not be determined by the court to be mentally incompetent.

ARTICLE VI

RESPONSIBILITIES OF STATE GOVERNMENT

Section 1. Responsibilities of Government. The Hatohobei State Government shall take affirmative actions to:

- (a) protect, promote, and maintain the social welfare, public health, safety, and security of the people of the state;
- (b) encourage and promote education, economic, physical and social enhancement of the people of the state;
- (c) preserve and promote a health and beautiful environment of the state.

ARTICLE VII

EXECUTIVE

Section 1. Executive Power. The executive power of the state government is vested in the Governor and Lieutenant Governor, elected for a term of four (4) years and not more than two consecutive terms. The persons receiving the highest number of votes for the respective offices shall be deemed elected. In the event that two or more persons receive an equal number of votes for the same office, a run-off election shall be held within thirty (30) days thereafter. The Governor or the Lieutenant Governor during their term of office shall reside alternately or together where the seat of the state government is located.

Section 2. Qualifications. To be eligible to the office of the Governor and the Lieutenant Governor, a person must:

- (a) be a citizen of the Republic of Palau;
- (b) be a person of Hatohobei;
- (c) be a registered voter of the state;
- (d) be at least be twenty-five (25) years of age at the time of the election;
- (e) have resided within the state for not less than six (6) months;
- (f) meet such other qualifications as may be provided by law; and
- (g) not be serving a court sentence for a crime or a felony; and
- (h) not be determined by the court to be mentally incompetent.

Section 3. Power and Duties. The power and duties of the Governor shall include, but not be limited to, the following:

- (a) to perform such duties and functions as are permitted by this Constitution, the Constitution of the Republic, and public laws;
- (b) to approve or veto bills from the Hatohobei State Legislature;
- (c) to introduce legislative measures to the Hatohobei State Legislature;
- (d) to prepare and submit the state annual budget to the Hatohobei State Legislature;
- (e) to represent the state in all negotiations to which the state is a party;
- (f) to call special sessions of the Hatohobei State Legislature;
- (g) to obligate funds pursuant to law;
- (h) to implement and enforce the provisions of this Constitution, the laws of the state, the Constitution, and laws of the Republic; and
- (i) to appoint his staff;

(j) to establish state branch office where and when necessary pursuant to law.

Section 4. Impeachment. The Governor or the Lieutenant Governor may be impeached for the crime of treason, felony, or other serious crimes by:

(a) a resolution of the Legislature, supported by a vote of three-fourths (3/4) of the members and with the approval of a majority of votes cast during the referendum; or

(b) a popular initiative signed by not less than thirty-five percent (35%) of the registered voters of the state and approved by not less than seventy-five percent (75%) of the votes cast during the referendum.

Section 5. Succession to Office of the Governor. If a vacancy occurs in the Office of the Governor due to death, resignation, impeachment or inability to carry out the duties of the office and there are one-hundred and eighty (180) days or more remaining in the term, a special election shall be held to choose a governor. If a vacancy occurs within one-hundred and eighty (180) days before the expiration of the term, then the order of succession to the Office of the governor shall be:

- (a) Lieutenant Governor;
- (b) Speaker of the Hatohobei State Legislature; and
- (c) Vice Speaker of the Hatohobei State Legislature; and
- (d) Floor Leader of Hatohobei State Legislature.

Section 6. Vacancy of Lieutenant Governor. If vacancy occurs in the Office of the Lieutenant Governor and there are one-hundred eighty (180) days or more remaining in his term, there shall be a special election to fill the vacancy.

Section 7. Compensation. The Governor and Lieutenant Governor of Hatohobei

shall receive annual compensation at the rate and in such manner as provided by law.

ARTICLE VIII

LEGISLATURE

Section 1. Legislative Power and Term of Office. The Legislative power of the state government is vested in the Hatothobei State Legislature, composed of nine (9) members, elected at-large for a term of four (4) years.

Section 2. Qualifications. To qualify as a member of the Hatothobei State Legislature, a person must:

- (a) be a citizen of the Republic of Palau;
- (b) be a person of Hatothobei State;
- (c) be at least twenty-one (21) years of age at the time of the election;
- (d) be a registered voters of the state for at least six (6) months prior to his election;
- (e) not be serving a court sentence for a crime or a felony; and
- (f) not be determined by the court to be mentally incompetent.

Section 3. Powers of Hatothobei State Legislature. The power of the Hatothobei State Legislature shall include, but not be limited to, the following:

- (a) to enact legislation;
- (b) to levy taxes, duties, and excises appropriation to the state;
- (c) to borrow money on the credit of the state for public projects or to settle public obligations;
- (d) to impeach the Governor or Lieutenant Governor by three-fourths (3/4) vote of its membership pursuant to this Constitution;

(e) to promote the general welfare of the people; and

(f) to exercise such other duties and functions permitted by this Constitution and the Constitution and laws of the Republic of Palau.

Section 4. Legislative Sessions. The regular sessions of the Hatohobei State Legislature shall be held twice annually on the second Tuesday of February and September for not more than twenty-five (25) session days each. A special session may be called by the Governor or by Lieutenant Governor in his absence; or by a three-fourths (3/4) of the membership of the Legislature, with the expressed purpose for which it was convened. A special session called by the Governor or Lieutenant Governor may act on subjects other than those specified in his calling the special session.

Section 5. Quorum and Organization. Three-fourths (3/4) of the membership of the Hatohobei State Legislature shall constitute a quorum to do business. The members of the Legislature shall choose their officials, determine their rules of procedures, and judge the election and qualifications of the members. In the event that members in attendance fail to achieve a quorum the members in attendance may compel the attendance of absent members in such a manner and under such penalties as the Hatohobei State Legislature may provide. Any member unexcused shall be entitled to no compensation until such time as his presence is registered in the Hatohobei State Legislature.

Section 6. Privilege From Arrest. Except in cases for treason, felony, or breach of the peace, all members of the Hatohobei State Legislature shall be privileged from arrest in all cases during the session of the Hatohobei State Legislature, and in going to and returning from the same. No member shall be liable to any civil process during the session of the Hatohobei State Legislature, nor,

shall a member be questioned in any other place for words uttered in debate in the Hatohobei State Legislature.

Section 7. Expulsion of Members. A member of the Hatohobei State Legislature may be expelled for good cause shown, with the concurrence of all members present and voting, excluding of members subject to such expulsion.

Section 8. Recall of Members. Any member of the Hatohobei State Legislature may be removed from office by recall initiated by the public, provided however that petition for removal must be signed by no less than twenty-five percent (25%) of the registered votes and approved by three-fourths (3/4) of votes cast in a special recall election which shall be held no later than sixty calendar days after the filing of the recall petition.

Section 9. Manner of Passing Bills. No law shall be passed except by a bill, and no bill shall pass its final adoption until the same shall have been printed and distributed to the members. No bill shall become a law unless the bill shall have been read on three (3) separate days prior to its final adoption by the three-fourths (3/4) of the members present and voting; provided however, that in case of urgency, the member of the Hotohobei State Legislature upon the concurrence of two-thirds (2/3) of its members may dispense with this provision of three (3) separate readings. No bill may become a law unless it contains the following enacting clause: "BE IT ENACTED BY THE HATOHOBEL STATE LEGISLATURE."

A bill passed by the Hatohobei State Legislature shall become law upon its approval by the Governor or Lieutenant Governor in his absence. A bill vetoed by the Governor or Lieutenant Governor in whole or in part, shall be returned to the Hatohobei State Legislature with reasons for his actions within fifteen (15) days

of its receipt. A bill held by the Governor in excess of fifteen (15) days without his action shall automatically become law.

A bill vetoed by the Governor or Lieutenant Governor may still become law by an overriding vote of all members of the Hatohobei State Legislature.

Section 10. Bill to be Considered by Traditional Leaders. A bill passed by the Hatohobei State Legislature which shall have impact upon the traditions and customs of Hatohobei shall not be acted upon by the Governor or Lieutenant Governor without the advise and consent of the Traditional Leaders Council. The actions of the Traditional Leaders Council upon any bill or legislative measure cannot be overridden, changed, or amended by anyone other than the Traditional Leaders Council.

Section 11. Secret Sessions and Special Laws Prohibited. The sessions of the Hatohobei State Legislature and of the committee of the whole shall be transacted openly and not in secret. The Hatohobei State Legislature shall not pass local or special laws in the manner of ex post facto legislation.

Section 12. Compensation of Members. Each member of the Hatohobei State Legislature shall receive compensation only for session days attended and for other legitimate services. The Legislature shall prescribe by law the rate and manner by which the members may be compensated. Such determination shall not apply to the members of Legislature making the determination.

ARTICLE IX

TRADITIONAL LEADERS COUNCIL

Section 1. Traditional Leaders Council. There is a Traditional Leaders

Council composed of Romohparuh, Heimong, and Heimah; and no one may become a member of the Traditional Leaders Council unless appointed and accepted pursuant to customs and traditions. The head of the state shall be in accordance with customs and traditions.

Section 2. Duties. It shall be the duty of the Council to safeguard and promote the traditional ways of life of the people of Hatohobei and to advise the Governor and the Lieutenant Governor and the Hatohobei State Legislature on matters relating to and affecting customs and traditions. Nothing in this Constitution shall be construed so as to arrange, modify, or change the respective ranks, titles, or roles as set in accordance with the traditions and customs of the state of Hatohobei.

Section 3. Compensation of Members. The members of the Traditional Leaders Council shall receive compensation pursuant to law.

ARTICLE X

JUDICIARY

Section 1. The Judicial Power. The judicial power of the Hatohobei State shall follow the provisions of Article X of the Constitution of the Republic of Palau until such time that the state judicial system is created. However, the Traditional Leaders Council of the state shall retain the right to hear and decide on matters affecting the communities pursuant to customs and traditions, provided however, that such action of the Council shall not be in conflict with this Constitution, the Constitution of the Republic of Palau, and all public laws.

ARTICLE XI

FINANCE AND REVENUE

Section 1. State Treasury. There shall be a Hatohobei State Treasury into which shall be deposited revenues derived from taxes and other sources appropriate to the state. No funds shall be withdrawn from the treasury except by law.

Section 2. Subsidiary Accounts. Notwithstanding the provision of Section 1 of this Article, an entity created by the State may establish and maintain its own separate account, books, and records of its financial transaction; and have full charge of its financial affairs, provided however that its records shall be subject to public auditors as provided by law.

Section 3. Annual State Budget. The Governor shall propose and submit the state annual budget to the Legislature for review and action before the commencement of each fiscal year. No appropriation of public funds shall be enacted by the State Legislature prior to the enactment of the state annual budget.

Section 4. Making Profit From Public Money Prohibited. Making personal profit, directly or indirectly out of public money, or using the same for any purpose not authorized by law, shall be deemed a felony; and such an act shall be punished as provided by law.

Section 5. Legislature to Pass Necessary Laws. The Legislature shall pass all laws necessary to carry out the provisions of this article.

ARTICLE XII

GENERAL PROVISION

Section 1. Language. The Hatohobei traditional language shall be the official language of the state.

Section 2. Conflict in Language. The Hatohobei and English version of this Constitution shall be equally authoritative, but in case of conflict, the English version shall prevail.

Section 3. Popular Initiative. The popular right of initiative shall be as provided for in Article XII, Section 3 of the National Constitution of the Republic of Palau.

Section 4. Historical and Geographical Jurisdiction. Hatohobei State shall have the right to claim and own areas which were traditionally and historically parts of Hatohobei.

Section 5. Property use Right. Subject to the traditions and customs of the State, any private land or other property which is necessary for public use, shall not be acquired by the government. Use right may be negotiated and no property may be used without first having paid to the owner of such property just compensation or other equitable arrangement.

Section 6. Negotiation on Existing Uses. The new state government shall conduct renegotiation with the owners for lands or properties currently used by the government, as may be permitted by law.

Section 7. Secession. No village or island of the state shall secede from the Hatohobei State.

Section 8. Harmful Substances. No harmful substances such as nuclear, chemical, gas, or biological weapons intended for warfare, including nuclear powered plants, nuclear powered engines or vessels, shall be transported, used, tested, stored for any period of time, or disposed of within the territorial jurisdiction

of the state. In the event that an agreement is approved in a Nation-wide referendum pursuant to Section 3, Article II and or Section 6, Article XIII of the Constitution of the Republic of Palau, such an agreement shall have no application in Hatohobei State, unless it is also approved by three-fourths (3/4) of the votes cast by the registered voters of the Hatohobei State.

ARTICLE XIII

AMENDMENTS

Section 1. There shall be no amendment to this Constitution for the first four (4) years after the effective date.

Section 2. Proposed Amendments. Amendments may be proposed either by a popular initiative or by the State Legislature, as provided herein:

(a) by initiative or a petition signed by not less than twenty-five percent (25%) of the registered voters of the state; or

(b) by resolution adopted by not less than three-fourths (3/4) of the members of the State Legislature; or

(c) by a question submitted by the Legislature every four (4) years to the voters as to: "Shall there be a convention to amend the State Constitution?" and the majority of the votes cast upon the question is in the affirmative. A Constitutional Convention shall be convened within three (3) months thereafter in a manner provided by law.

ARTICLE XIV

TRANSITION

Section 1. Laws Continue in Forces. All municipal laws, acts or agreement

which are not in conflict with this constitution shall continue in force until they are amended, repealed or expire by their own terms.

Section 2. When Constitution Takes Effect. This Constitution of Hatohobei shall take effect upon its approval by the majority of the vote cast in a state-wide referendum to be held at a date, time and place as determined by the Municipal Council. The new constitutional government shall be installed as soon as practicable but not later than December 31, 1984.

Section 3. Compensation. The first Governor and Lieutenant Governor, the first Traditional Leaders Council and the members of the first Legislature shall receive their annual compensation at the rate and in such manner as determined by ordinance enacted by the Municipal Council.

IN WITNESS WHEREOF, we, the delegates to this Convention assembled in Eang Abai on this 13th day of November in the year of our Lord one thousand nine hundred eighty three (1983), hereunto subscribed our names:

Marino Fitihang
Delegate Marino Fitihang

Marcelina Sackarias
Delegate Marcelina Sackarias

Sebastian Marino
Heimong
Delegate Sebastian Marino
President

Nemecio Andrew
Romohparuh
Delegate Nemecio Andrew
Vice-President

Steven Patris
Delegate Steven Patris
Floor Leader

Andrew Nicholas
Delegate Andrew Nicholas
Member

Isauro Andrew
Delegate Isauro Andrew
Member

Lawrence Simeon
Delegate Lawrence Simeon
Member

Marcello Hangaripai
Delegate Marcello Hangaripai
Member

Pablo Kyoshi
Delegate Pablo Kyoshi
Member

Sabino Sackarias
Delegate Sabino Sackarias
Member

Attested by: Patrick Nestor
Patrick Nestor
Secretary of Convention