International Journal of Politics and Good Governance
Volume VI, No. 6.2 Quarter II 2015
ISSN: 0976 – 1195

CONSTITUTIONAL AMENDMENT IN PALAU: DEMOCRACY AND FEDERALISM AT COLLISION COURSE

Dag Ancker
Professor Emeritus (Political Science), Åbo Akademi University, Åbo, Finland

ABSTRACT

Independent in 1994, the Pacific multi-island state Palau (Belau) has a population of some 20000 people and is one of the smallest nations in the world. Smallness notwithstanding, Palau manages a federal system of government, and proposals for constitutional amendment become effective when approved in referendum by a majority of the votes cast on that amendment and in not less than three fourths of the sixteen states that make up the nation. Given considerable size differences between states, the State of Koror housing close to 70 per cent of the population, this formula creates a tension between the principles of federalism and democracy. As evident from calculations, it is within the realm of the method used possible for a tiny minority to block the will of an even overwhelming majority - amendment may, in extreme cases, be denied although overall supported by more than 90 percent of the electorate. Several measures to make the amendment method more balanced and less controversial are discussed and a reworked version of the formula that is presently in use is recommended, the implication of which is that constitutional changes require a majority of votes in the State of Koror and in a majority of the remaining states.

Introduction

The tiny multi-island state Palau (Belau) is located in the Western Pacific Ocean and consists of some 250 small and very small islands which form the western chain of the Caroline Islands. Independent in 1994 Palau was earlier since 1947 part of the US-governed Trust Territory of the Pacific Islands. According to the Constitution (article XIV), constitutional amendments may in Palau be proposed by a Constitutional Convention, by a popular initiative signed by not less than 25 percent of the registered voters, or by the Parliament (*Olbiil Era*

Kelulau) given that a resolution to that effect is adopted by not less than three fourths of the members of each parliamentary House. Once proposed, amendments become effective when approved in referendum by a majority of the votes cast on that amendment and in not less than three fourths of the 16 states that make up the nation. In other words, while amendments may be proposed by a variety of methods, the final say is always a direct democracy thing. The mechanism for activating the Constitutional Convention path is the following. At least once every fifteen years, the *Olbiil Era Kelulau* may submit to the voters the question: "Shall there be a Convention to revise or amend the Constitution?" If a majority of the votes cast upon the question is in the affirmative, a Constitutional Convention shall be convened within six months.

The above question was put to the voters at a referendum in November 2004 in connection with the general elections that year. Besides the question of summoning a Constitutional Convention, the voters were asked questions on the payment of members of the National Congress, on the creation of a unicameral Congress, on defining term limits for Congress members, on introducing a joint election of the President and Vice President, and on allowing dual citizenship (Palauan constitutional referendum, 2004). While the proposal of summoning a Constitutional Convention was approved by a distinct majority of voters (58 per cent), of the remaining five proposals for constitutional amendments all but one were approved by a majority of the public vote and also met the quorum of 12 out of 16 states. The one exception was the proposal of creating a unicameral parliament. The dual citizenship proposal was accepted in all 16 states, the compensation proposal was accepted in all states but one, the joint election proposal was passed in 14 and the term limit proposal in 13 states. The unicameral parliament proposal, however, while overall accepted by a distinct majority of voters (56 per cent), was accepted by the voters in 11 only of the 16 states and was therefore rejected (Palauan constitutional referendum, 2004).

This study offers a critical examination of the amendment method that is described above. The theoretical point of departure is a paper by Peter Suber, published several years ago in *University of Michigan Journal of Law Reform* (Suber, 1987a). In his paper and in a following web-published summarizing version (Suber, 1987b), Suber analyzes the many problems that come to the fore in attempts to amend the rigid US constitution and he dwells at length on the particular complications that follow from the federal structure of the constitution. As is well known, to amend the American constitution one needs the assent of two thirds of each House

of Congress and three fourths of the states (e.g. Strong, 1958, pp. 157-160). Suber notes that this amendment threshold is "particularly high" which makes any revision "very difficult" (1987b, p. 1), and he makes a point of the fact that the three fourths requirement does not dictate the size of the body that may amend the constitution, only its distribution. Suber exemplifies by stating that if a majority of Americans is squeezed into fewer than three fourths of the states, it will be powerless to amend the constitution. In contrast, he goes on, if a tiny majority of Americans is spread throughout more than three fourths of the states it will be able to adopt an amendment against the will of the remaining supermajority (1987b, pp. 1-2). And Suber adds another example, imaginary and unrealistic, but certainly illustrative of the mechanisms at play:

Suppose that three fourths of the population of the United States migrated to California, which then renamed itself "New California". Using the present methods of constitutional amendment, the other forty-nine states could adopt an amendment over New California's dissent, and could block or veto an amendment over New California's assent. New California's citizens could support their state's assent or dissent unanimously and intensely without increasing its voice in the slightest. New California would be just as powerless in the amending process and could just as easily be outvoted and vetoed if it contained 99.99% of the total population. The reason is simply that [article V] asks for the assent of three-fourths of the states without regard to population. [Article V] requires the assent of a supermajority of states not that of a supermajority of people (Suber, 1987b, p. 2).

Suber concludes that the American method of constitutional amendment is compatible with federalism rather than democracy and that the method, when and if the majority of the population is concentrated into a few states, in fact serves federalism at the expense of democracy. This is, in his own words, because "a large state population is counted only once in a vote on an amendment proposal, and thus counts as much as the population of a much smaller state" (Suber, 1987b, p. 3). Of course, this way of counting is pretty much what is meant by federalism: regions are given the possibility to exert influence precisely because they are regions and may as such have distinct needs and interests. Still, the point that Suber wants to make is well taken: there is in the American context an emphasis on federalism which is strong enough to suppress and humble democracy - in other words, the marriage between federalism and democracy is an unbalanced and unhappy one. Suber's effort to unmask and analyze this clash and tension between democracy and federalism is thought-

provoking and highly interesting and has certainly inspired this effort to apply a similar frame of reference to a much smaller and different setting.

Too Much Federalism, Too Little Democracy

To repeat, the focus of the subsequent analysis is on a tension and non-conformity in Palau between the principles of federalism and democracy. The main argument of the study is that the amendment method comes out too strongly in favor of federalism in the sense that the method leaves ample room for veto players, i.e. actors with an ability to decline a change from the status quo (Tsebelis, 2002). In fact, the very existence of federalism in diminutive Palau is a rather strange political-system feature: while federalism is usually a method for managing consequences of big size, Palau is anything but big. True, there are in the world besides Palau a few other federal microstates like The Federated States of Micronesia and St Kitts-Nevis (Anckar, 2003), but the case of Palau has its own peculiarities. Several of the 16 states in Palau are very small with populations of a few hundred people or even less; still, each state has its own constitution, an elected Governor, an elected legislative body and their own local government. A travel handbook once described the Palauan government system in the words: "it would be hard to find another nation where so few are governed by so many" (Bendure & Friary, 1992, p. 166). Indeed, this is the case, as evident from Table 1, which reports the size and populations of the Palau states. Data are from a census in the year 2005, the outcome of which is Wikipedia-reported (the source is identified in the Table). Twelve states have populations of less than 500 people, ten have less than 400 people, seven have less than 300 people, four have less than 200 people, in one case the population even falls short of 100 people. Still, the population is quite unevenly distributed on states, as close to four fifths of the total population (77 percent) live in the two most populous states, namely Airai and Koror, the remaining one fifth of the population residing in the other fourteen states. This imbalance in population, it is argued here, is at heart of the collision between democracy and federalism that is the object of analysis. In terms of physical size, five states have areas of 10 square kilometers or less, nine states have areas of less than 30 square kilometers, only two states have areas that exceed 50 square kilometers. These two states, by the way, are not the same in which resides the lion's share of the population.

Table 1. States in Palau, Size and population

State:	Size, square kilometer:	Population:
Aimeliik	52	270
Airai	44	2723
Angaur	8	320
Hatohobei	3	44
Kayangel	3	188
Koror	18	12676
Melekeok	28	391
Ngaraard	36	581
Ngarchelong	10	488
Ngardmau	47	166
Ngaremlengui	65	317
Ngatpang	47	464
Ngchesar	41	254
Ngiwal	26	223
Peleliu	13	702
Sonsoral	3	100

Source: http://sv.wikipedia.org/wiki/Palaus_delstater

Two factors, however, both of which link to the history and traditions of Palau, may explain why independent Palau decided to maintain in her constitution the principle of federalism (Anckar, 2003, pp. 118-119). First, being a former part of the US Trust Territory of the Pacific Islands, Palau has in her efforts at constitution-making found it only natural to be inspired by the American model. This means that Palau is federal because the country has aped the American constitution, Palau federalism therefore being an outcome of diffusion. Importantly, Palau decided, like another part of the former Trust Territory, namely the Federated States of Micronesia (e.g. Burdick, 1988) to apply in the rules for constitutional amendment the same federal mechanism that was laid down in the American constitution.

Second, the division of Palau in 16 states is historically rooted. Under the Trust Territory administration municipalities tended to correspond to traditional political units (Larmour, 1985, p. 334); this is the case also in Palau, where the present state system has evolved from the municipality system under the Trust Territory, which in turn built on loosely tied village clusters which existed during earlier times in Palau (Maiava, 1994, p. 12). It is a relevant observation that during those earlier times "a Belauan's duty and loyalty was tied primarily to family and clan" (Quimby, 1988, p. 130), and that Palauan nationalism is still today "characterized by a strongly-felt desire to preserve and maintain culture and tradition amidst the rapid changes taking place in the islands" (Quimby, 1988, p. 132). Also relevant is that the history of the Palau Constitution certainly bears witness to the honoring of custom and tradition, as earlier constitutions even provided for a separate House of Chiefs while the present Constitution accommodates a Council of Chiefs as well as acknowledges in several other ways the legality and legitimacy of procedures that link to clan, village and custom heritages (Anckar & Anckar, 2000, pp. 147-148). The implication is, in terms of preservation, that federalism ties Palau Modern to Palau Ancient. The ties to times passed no doubt represent a valuable heritage and perhaps a source of national pride and unity, but they also, as evident from analyses to follow here, constitute obstacles to the management of a clash between federalism and democracy.

Table 2. Votes in Palau States for and against an amendment proposal. Two imaginary configurations.

State:	Column 1:	Column 2:
Aimeliik	270 – 0	270 – 0
Airai	2723 – 0	2723 – 0
Angaur	320 – 0	320 – 0
Hatohobei	0 – 44	20 – 24
Kayangel	0 – 188	92 – 96
Koror	12676 – 0	12676 – 0
Melekeok	391 – 0	391 – 0

Ngaraard	581 – 0	581 – 0
Ngarchelong	488 – 0	488 – 0
Ngardmau	0 – 166	82 – 84
Ngaremlengui	317 – 0	317 – 0
Ngatpang	464 – 0	464 – 0
Ngchesar	254 – 0	254 – 0
Ngiwal	0 – 223	110 – 113
Peleliu	702 – 0	702 – 0
Sonsoral	0 – 100	48– 52
Total	19186 – 721	19538 – 369
Total, percentage	96 – 4	98 – 2
Amendment?	No	No

Table 2 again lists the states, and now reports for each state the votes in two imaginary simulations, the aim of which is to illustrate, admittedly in a dramatic and exaggerated fashion, the mechanism that may produce differing and awkward outcomes in terms of the democracy-federalism relationship. The two columns in the Table both portray the capacity of a tiny minority to block the will of an even overwhelming majority; in consequence, then, federalism gets in a dubious fashion the upper hand of democracy. It is of course highly unlikely for the outcomes to appear as such in the empirical world. The number of votes in each state is given on the basis of the above populations in each state (Table 1), and these population figures are accordingly some ten years old and therefore to some extent inaccurate, albeit the proportions between states may be assumed to have remained much the same. Furthermore, for reasons of voting age and for other reasons that pertain to voter activity and similar factors, the population figures do not automatically transform into voter figures: all people cannot and will not appear as voters. Also, what is used in the first column and in parts of the second column is the idea of a perfect fit between voters and states, as all voters in a given state are assumed to behave in a similar fashion. Making use of a similar assumption in a different context, Suber argues that its extremity notwithstanding, perfect correspondence is still a useful idea (Suber, 1987b, p. 5). It certainly is. It clarifies and elucidates mechanisms,

and in so doing it performs as an eye-opener in efforts to understand frameworks and proceed against unsatisfactory conditions.

To repeat, the first column in Table 2 shows how within the Palauan amendment framework quite small minorities may block the efforts of very large majorities. Suppose that a proposal for a constitutional amendment has been put forward; suppose also that a popular vote on the issue in question produces the outcomes in the different states that are given in this first column. A quick glance at the figures would indicate that the proposal is much supported and is carried easily; however, this is not the case. Rather, the electors in the small states of Hatohobei, Kayangel, Ngardmau, Ngiwal and Sonsoral produce by opposing an amendment which is accepted by all other electors in the country an outcome that is devastating to democracy. Namely, the outcome is that a group of people that comprises 721 persons has the power to turn down a declaration of will by a total of 19.186 individuals. In terms of percentages of the total population: 96 are in favor, 4 are against. And the minority wins! And, of course, this playing with imaginary figures can be taken to even larger extremes, as illustrated in column 2, Table 2. The overall reject votes in Hatohobei, Kayangel, Ngardmau, Ngiwal and Sonsoral may namely be envisaged as internally divided, small majorities opposing and large minorities supporting amendment, and the resulting outcomes being, for instance, 20-24 in Hatohobei, 92-96 in Kayangel, 82-84 in Ngardmau, 110-113 in Ngiwal, and 48-52 in Sonsoral (cf Anckar, 2013, pp. 26-27). The result of this exercise is that amendment is denied, although overall supported by 19.538 votes as against 369. In terms now of percentage: 98 are in favor, 2 are against. And the minority wins! Surely, these imaginary calculations strongly suggest that there is something very wrong with the Palau formula.

Astonishing as the above figures may seem, they are not unique. Suber's analysis of census figures in the US suggest that the minority that can veto an amendment in US by refusing to ratify it has always been small; furthermore, it has become clearly smaller over time. In 1790 the population of the least populous one-fourth of the states represented 13 per cent of the national population; in 1980 the percentage was a mere 4 per cent of the national population (Suber, 1987b, pp. 1-2). This second figure is in fact very close to the corresponding figure for Palau that has been reported here; US and Palau, very different in terms of size and size-related frameworks are surprisingly alike when it comes to the function of amendment thresholds. The reason for the decline of the relative size in US of the least populous states,

according to Suber, is because due to migration and expansion, the units of the US federation became more and more imbalanced in population (Suber, 1987b, p. 3). In Palau, a related but still different mechanism is at work, a mechanism that surely has to do with migration but finds its expression in an island-specific context.

"Nuku'alofa is Tonga's big smoke", it is said in a travel kit (Swaney, 1994, p. 97). Focusing Tonga, the statement illustrates how in archipelagos the more remote islands, which have few resources, suffer a decline of population as their inhabitants seek lifestyle opportunities elsewhere, this usually meaning that the migrant ends up in the capital city or capital island. Further examples are given, for instance, in the empirically rich exposition of island life in Stephen Royle's *A Geography of Islands* – Royle shows how in Kiribati South Tarawa has become "an overcrowded island under pressure", which in 1963 housed 14 per cent, in 1973 housed 29 per cent and in 1995 housed 37 per cent of the total population (Royle, 2001, p. 98), and how Majuro, capital of the Marshall Islands, in 1958 housed 24 per cent, in 1980 housed 38 per cent, and in 1998 housed 48 per cent of the total population (Royle, 2001, pp. 100-102). This same concentration is certainly visible also in Palau but is there of a more permanent origin. The population in Koror with only 4 per cent of total land area was in 1990 no less than 69 per cent of total (Maiava, 1994, p. 10); the proportion has remained much the same and has rather increased as of today. In other words, the dominance of Koror creates and has created a close to dramatic imbalance in terms of population distribution, an imbalance that overshadows as well as distorts any debate of how to manage cleavages and divisive issues in Palauan politics. The next and final section of this presentation addresses the question how to approach by different methods this imbalance.

Reflections on Remedies

Several measures to make the amendment method in Palau more balanced and less controversial may be considered. Admittedly, some may appear extreme to an extent which makes them less useful in the eyes of many. This is probably true of a recommendation, quite simply, that amendments must be endorsed by a three-fourths majority of the voters in a nation-wide referendum, no further restrictions in terms of the number of states applying. As any observation of the federal principle is lacking from this formula, the task of reconciling democracy and federalism would be resolved, then, once and for all in favor of democracy.

Arguing that the federalist type of minority amendment "should be feared as a present and inadvertent vesting of supreme power in a shrinking and unrepresentative minority of Americans", Suber, in his discussion of the US Constitution, puts forward exactly this recommendation, and argues that the referendum method of ratification is a compelling solution to the problem at hand. Without undue complexity, and in one stroke, Suber writes, the method eliminates both the federalist and republican risks to the democratic process, as it surpasses state boundaries that dilute the strength of most citizens' voices (Suber, 1987b, section V). The same argumentation is certainly valid also in the case of Palau. Although historically and culturally rooted, the federal division is still, given the small-sized and reasonably unitary geography of Palau and given also the huge concentration of people to Koror, rather artificial in nature and may at no great loss be disregarded in matters of constitutional alteration. It is the conviction of this author that the non-federal national referendum is not only the simplest but also the most transparent and legitimate method for pursuing constitutional amendment.

Representing a reverse approach, a second method is in disregard not of federalism but instead of democracy. This is the method of imitating even more fully the procedure in the United States, where, as noted, proposals for amendment has to be agreed to by three fourths of the states. Importantly, the requirement is for an agreement by three fourths of the State legislatures and not, like in Palau, for an agreement by a majority of voters in at least three fourths of the states. In other words, the recommendation is for a preference for representative over direct democracy - the direct democracy method now in use in Palau should preferably when determining state outcomes be replaced by a representative democracy method. This would not, of course, alter the federal impact as such, as a given and unaltered number of states would henceforth be given the mandate of obstruction and of acting as veto players. But the very technique for determining such a mandate is now changed in a manner which from a psychological and experience point of view puts states rather than voters on an equal footing and therefore is adapted to withhold and cover up voter dissatisfaction. In short: by this method a large state population counts as much or as little as the population of a smaller and even much smaller state; to the extent that this disproportion causes alarm and misgivings, such consequences are perhaps neutralized by the veto powers being vested in institutions rather than voters. Also, as veto player powers are now exercised by elected representatives rather than incentive and not so well informed voters, to the extent that representatives really

take a more circumspect and comprehensive approach to political life, a more balanced and responsible veto politics could perhaps be expected.

One further option is to rethink the federal outlook of Palau and, consequently, to come up with suggestions for a new division of the country into states. This method would preserve the federal idea as such but would imply a different operationalization of the idea, an excursion into geography that alters borders and by so doing smoothens out size differences. However, not all states are equal candidates for a reshaping of the federal geography. Peleliu, Sansoral and especially diminutive Hatohobei, the southernmost of Palau's states, are for reasons of geographical location and isolation less inviting objects for attempts at federal restructuring and amalgamation; the same is for a similar reason certainly true of Angaur, an oceanic island several miles to the south. A more natural candidate for incurring administrative reform is Babelthuap Island which is the main island of Palau and makes up 70 per cent of the entire country and has about 30 per cent of the population; Babelthuap in fact encompasses 10 of the 16 states. Fine tunings of administrative divisions within the Babelthuap area are however of little help here, as the main problem, again, is with the State of Koror which is located southwest of Babelthuap Island and consists of several islands, the most prominent being Koror Island, in which Koror, the town, is located. The town is the nation's former capital and by far largest town, a commercial and tourist centre with a population of more than 11.000. It follows that efforts at interfering with Koror in terms of geography space are artificial and futile; also, such efforts are constitutionally complicated already in consequence of the fact that the Koror State Constitution provides (section 1) that "The territory of the State of Koror shall consist of all islands and waters, which, according to the traditional law, are part of Koror".

Still other suggestions for amending the clause on amendment should preferably build on the explicit premise that democracy and federalism must co-exist, although, as evident from the illustrations that have been given here, it is a necessary implication of any suggestion that the impact of federalism must be reduced to the advantage of democracy. Clearly, one alternative is to reduce the number of states that are required for the passing of amendment proposals. In theory at least, this would imply an increase of the terrain in terms of veto votes that must be covered by the players, and would help to bring forth somewhat more reasonable implications of the federal principle. One method would be to prescribe that amendments must be approved by voters in not less than two-thirds of the States - a roughly similar prescription is

valid, for instance, in Nigeria, where various election outcomes must be confirmed by resolution of the Houses of Assembly of not less than two-thirds of the States (Bendel, 1999, pp. 699-702). An alternate option is to lower the rigidity threshold one further step to comprise a majority of voters in not less than three fifths of the states. The implication in Palau of the first alternative is that the number of consenting states is reduced from 12 to 11 out of 16; in the second alternative, the corresponding number is lowered further to comprise 10 states out of 16.

Even more radical, the simple method of requiring for the endorsement of proposals a bare majority of states could also be considered – this method is applied, for instance, in India, the constitution of which states (art. 368) that amendments that seek to make any change in specified articles and provisions "shall also require to be ratified by the Legislatures of not less than one-half of the States" (Grote, 2013, p. 35). However, the number of states is considerable larger in gigantic India than in diminutive Palau, and the simple majority method remains in any case an insufficient remedy as it does not address the all-encompassing problem of Koror domination. In fact, the position of Koror constitutes the main argument against threshold lowering amendment processes, as the Koror dominance simply renders futile any attempts in this direction. For instance, further calculations based on Table 1 indicate that a reduction of the number of consenting states from 12 to 11 only marginally impacts the magnitude of the democratic deficit. The outcome is now that 721 voters are able to block the will of 19.186 voters; this victorious minority now comprises a tiny 3,6 per cent of the population. If the number of required consenting states is lowered further to 10, the outcome is that a minority of 975 people may block an amendment proposal that is backed by 18.932 people; the size of the victorious minority now increases to 4,9 per cent only of the population. And, finally, if the number of consenting states is set at a simple majority, the outcome is that a minority of 1.562 people may block a proposal that is backed by 18.345 people. The size of the victorious minority increases marginally to 7,8 percent of the population.

The remedy that will be tried out here combines in one formula measures for increasing the democracy component while retaining important features of the federal component. The method is in fact a reworked version of the formula that is presently in use. The overshadowing problem is, as has been seen, that a small group of electors are in a position of blocking large groups of electors; the solution to this problem is to increase the number of people needed for a blocking to take effect, and to decrease the number of electors that are affected by attempts at blocking. The ensuing suggestion is that a constitutional change requires a majority of voters in the state of Koror and in a majority of the remaining states, these remaining states, then, being 15 and the prescribed majority being at least eight states, extreme veto powers being now, in consequence, given to the eight smallest states. It would appear that this suggestion carries two advantages:

First, the problem with the over-sized State of Koror is resolved once and for all by simply isolating Koror to be in a category of its own. Of course, Koror is given considerable veto powers, as no future constitutional change can be effected which does not enjoy the support of a majority of voters in that state. However, even if opposed by all voters in all other states the Koror population, as evident from Table 1, still makes up a distinct majority that includes close to two thirds of the total population; democracy, therefore, is well served by this formula. On the other hand, the requirement in the formula for a majority of consenting states makes it impossible for Koror to make independent and sovereign use of its electoral size for seeing through attempts at constitutional change. Second, the increase in the prescribed number of veto players from five states to eight retains the federal principle but increases somewhat the space that must be covered by veto-players. This is evident from Table 3 which again reports the imaginary outcome in terms of votes of a controversial constitutional issue. The illustration is based on the assumption that Koror, which is not included in the Table, supports the proposed amendment; given this assumption, the remaining requirement is that a majority of the other states concur, this meaning that any group of eight states are in a veto position. The assumption that guides the Table is that these eight states are the least populous, and the resulting implication is once again that democracy is over-flanked by federalism, as a group of voters that now comprise slightly less than one quarter of the total are still in a veto position. However, the proportions that are now involved appear more balanced and sound: the collision between democracy and federalism is less conspicuous and dramatic.

Table 3. Imaginary votes in Palau States (Koror not included) for and against an amendment proposal. Veto power of the eight smallest states.

State:	For	Against
Aimeliik		270
Airai	2723	
Angaur	320	
Hatohobei		44
Kayangel		188
Melekeok	391	
Ngaraard	581	
Ngarchelong	488	
Ngardmau		166
Ngaremlengui		317
Ngatpang	464	
Ngchesar		254
Ngiwal		223
Peleliu	702	
Sonsoral		100
Total:	5669	1562
Per cent:	78	22
Amendment?	No	

Of course, the above constellations are highly unlikely to emerge in the empirical world. Up to now, the calculations that have been inserted in this presentation have been based on the assumption of a perfect correspondence between voters and states; while illuminating in terms of mechanisms and theoretical consequences, this assumption does not convey a trustworthy presentation of what would happen, would the suggestion that has been made here really be implemented. To compensate to some extent for this shortcoming, Table 4, now again including the Koror case, represents a step towards a more realistic calculation as it is based on assumed 60-40 percentage distributions (60 percent for; 40 percent against) and reversed

40-60 percentage distributions (40 percent for; 60 percent against). Two premises underlie this calculation. The first is that a Koror majority is at hand (60-40); the second is, however, that a majority of the remaining 15 states cannot be secured, the majorities of the voters in the eight least populous states voting for rejection (40-60). A much different pattern now emerges. It is still the case that a minority of electors may reject a proposal and thereby block a majority; however, the size of this reluctant minority has increased to a considerable extent and the advantage of federalism over democracy does no longer blaze into the eyes of observers.

Table 4. Imaginary votes in Palau States for and against an amendment proposal.

State:	For	Against
Aimeliik	108	162
Airai	1632	1091
Angaur	192	128
Hatohobei	20	24
Kayangel	74	114
Koror	7608	5068
Melekeok	234	157
Ngaraard	348	233
Ngarchelong	294	194
Ngardmau	64	102
Ngaremlengui	125	192
Ngatpang	276	188
Ngchesar	104	150
Ngiwal	91	132
Peleliu	420	282
Sonsoral	40	60
Total:	11630	8277
Per cent:	59	41
Amendment ?		No

REFERENCES

Anckar, D. (2003). Lilliput Federalism: Profiles and Varieties. *Regional and Federal Studies*, 13 (3), 107-124.

Anckar, D. (2013). Författningars rigiditet och hållbarhet: sju forskningsbeting. Occasional Papers Series, Department of Political Science, Åbo Akademi University, Nr 31.

Anckar, D. & Anckar, C. (2000). Constitution and Institutions in the Republic of Belau. In S. S. Nagel (ed.) *Handbook of Global Legal Policy* (pp. 133-150). New York: Marcel Dekker, Inc.

Bendel, P. (1999). Nigeria. In D. Nohlen, M. Krennerich & B. Thibaut (eds.) *Elections in Africa. A Data Handbook* (pp. 697-726). Oxford: Oxford University Press.

Bendure, G. & Friary, N. (1992). *Micronesia. A Travel Survival Kit*. Hawthorn, Australia: Lonely Planet Publications.

Burdick, A. B. (1988). The Constitution of the Federated States of Micronesia. In Y. H. Ghai (ed.) *Law, Politics and Government in the Pacific Island States* (pp. 253-283). Suva: Institute of Pacific Studies, University of the South Pacific.

Constitution of the Republic of Palau. In G. H. Flanz (ed.) *Constitutions of the Countries of the World*, Binder XIV, Release 96-7. Dobbs Ferry, New York: Oceana Publications.

Grote, R. (2013). The Republic of India. Introductory Note. In G. H. Flanz (ed.), *Constitutions of the Countries of the World*, Binder VIII, Release 2013-1. Dobbs Ferry, New York: Oceana Publications.

Koror State Constitution. Retrieved from http://www.kororstategov.com/constitution.html

Larmour, P. (1985). The Federated States of Micronesia, Palau, Marshall Islands and the Commonwealth of the Northern Marianas. In P. Larmour & R. Qalo (eds.) *Decentralisation in the South Pacific* (pp. 331-352). Suva: Institute of Pacific Studies, University of the South Pacific.

Maiava, J. (1994). *Republic of Palau. National Environmental Management Strategy*. Apia: South Pacific Regional Environment Programme.

Palauan Constitutional Referendum, 2004. Retrieved from http://en.wikipedia.org/wiki/Palauan constitutional referendum, 2004.

Palaus delstater. Retrieved from http://sv.wikipedia.org/wiki/Palaus_delstater

Quimby, F. (1988). The Yin and Yang of Belau. In *Micronesian Politics* (pp. 109-144). Suva: Institute of Pacific Studies, University of the South Pacific.

Royle, S. A. (2001). *A Geography of Islands. Small Island Insularity*. London and New York: Routledge.

Strong, C. F. (1958). *Modern Political Institutions*. London: Sidgwick & Jackson.

Suber, P. (1987a). Population Changes and Constitutional Amendments: Federalism Versus Democracy. *University of Michigan Journal of Law Reform*, 20 (2), 409-490.

Suber, P. (1987b). Population Changes and Constitutional Amendments: Federalism Versus Democracy. Retrieved from http://legacy.earlham.edu/-peters/writing/accsay.htm

Swaney, D. (1994). *Tonga*. Hawthorn, Australia: Lonely Planet.

Tsebelis, G. (2002). *Veto Players: How Political Institutions Work.* Princeton: Princeton University Press.