

CONSTITUTION OF THE STATE OF NGARCHELONG

CONSTITUTION
OF THE
STATE
OF

Ngarchelong

OF THE
REPUBLIC OF PALAU
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Preamble

WE, THE PEOPLE of Ngarchelong State,
with the Grace of God
in order to assure
the liberty, health, safety, and welfare of the people;
to promote order and stability in our government;
to recognize and preserve our heritage and traditions;
and to recognize the rights and duties
of the people of Ngarchelong State
and our adherence to its customs,
do hereby ordain and establish
this Constitution for our State.

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ARTICLE I

SUPREMACY

SECTION 1. SUPREME LAW

Subject to the Constitution and the laws of the Republic of Palau, this Constitution shall be the Supreme Law of the State.

ARTICLE II

TERRITORY OF NGARCHELONG STATE

SECTION 1. TERRITORIAL JURISDICTION

(a) The Territory of Ngarchelong State begins with a marker at Uchul-a-Bdaches on the Choll side of Kliokl, thence, in a straight line due west, connecting with a marker on Riaol at Keiukl thence, in a continuous straight line, through Rsaol to Touchchelong located at Ngeraol, then again in a continuous straight line due west, to the point twelve (12) miles from the low water mark at low tide at the reef, then at twelve (12) miles from the lowest point during low tide follow the contour of the reef around Bkul-a-Cheias and in a continuous straight line pass through the center between Orak and Bkul-a-Tmolial due east to a point twelve (12) miles east, then follow the contour of the reef due south to a point twelve (12) miles from Ongesachel then in a straight line from that point continue west between Touachel-el-Biul and Touachel-el-Choll to a land marker on Riaol at Desbedall thence continue to the point of origin.

(b) The Ngarchelong State is composed of eight (~) municipalities, which are as follows:

- Iebukel
- Mengellakl
- Ngebei
- Ngeiungel
- Ngerbau
- Ngermetong
- Ngriil
- Ollei

(c) The boundaries of the municipalities are those recognized by the customs and traditions of Ngarchelong State.

SECTION 2. SECESSION

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No municipality, or part thereof, shall secede from the State of Ngarchelong.

ARTICLE III

CITIZENSHIP

SECTION 1. CITIZENSHIP

A person with blood lineage to any recognized clan in Ngarchelong State or who through custom becomes a member of any recognized clan of Ngarchelong State is a citizen of Ngarchelong State.

ARTICLE IV

BILL OF RIGHTS

SECTION 1. INHERENT AND INALIENABLE RIGHTS

The people of the State of Ngarchelong shall be entitled to the same rights and privileges and shall enjoy the same individual freedom as every other citizen of the Republic of Palau as provided for in the Constitution of the Republic of Palau.

ARTICLE V

SUFFRAGE AND ELECTION

SECTION 1. VOTING QUALIFICATIONS

A person who is eligible to vote in national elections and is a registered voter of Ngarchelong State may vote in state elections pursuant to law.

SECTION 2. ELECTIONS

All elections shall be by secret ballot.

ARTICLE VI

POWERS OF THE STATE

SECTION 1. SEPARATION OF POWERS

The legislative, executive, and judicial branches are separate. No branch shall exercise powers properly belonging to another.

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ARTICLE VII

THE LEGISLATURE

SECTION 1. POWERS AND STRUCTURE

The legislative power is vested in the State Assembly consisting of one house.

SECTION 2. LEGISLATIVE COMPOSITION

(a) Each municipality shall be represented by its chief and one elected representative who shall be elected by the voters of that municipality.

(b) The elected member shall serve a term of two years.

(c) To be eligible to serve as an elected member of the State Assembly, a person must be at least twenty-five (25) years of age.

(d) Vacancies in the seats of elected members shall be filled by a special election held pursuant to law but not less than thirty (30) days after the seat becomes vacant. If less than one hundred eighty (180) days of the term remains, the seat shall remain vacant until the next election.

SECTION 3. SESSIONS

(a) The Assembly shall convene on the second Friday of October and on the first Monday of April.

(b) The Governor or the majority of the Assembly members may convene the Assembly in a special session by a proclamation stating the purpose of the session- only business encompassed by such purpose shall be transacted.

SECTION 4. ORGANIZATION

(a) A majority of the members constitutes a quorum.

(b) The Assembly shall determine the rules of its proceedings, judge the qualifications of its members and choose its presiding officers including a Speaker who shall serve as the chief presiding officer of the Assembly. The Assembly may compel the attendance of absent members.

SECTION 5. PASSAGE OF BILLS

(a) No bill may become law unless it contains the following enacting clause: "Be it

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enacted by the People of the State of NRarchelon~, represented in the Assembly".

(b) All bills must be approved by two-thirds (2/3) of the members of the Assembly voting on three (3) separate days before being presented to the Governor for his approval.

SECTION 6. VETO PROCEDURE

(a) Every bill passed by the Assembly shall be presented to the Governor within fifteen (15) days after its passage. If the Governor approves the bill, he shall sign it and it becomes law.

(b) If the Governor does not approve the bill, he shall veto it by returning it with his objections to the Assembly. Any bill not so returned by the Governor within fifteen (15) days after it is presented to him becomes law.

(c) The Assembly shall reconsider the original bill and may, within thirty (30) days of its veto, repass it by a vote of two-thirds (2/3) of the members whereupon it becomes law.

(d) The Governor may reduce or disapprove any item in an appropriation bill presented to him and sign the remainder of the bill into law. The Governor shall return any reduced or disapproved item of an appropriation bill to the Assembly.

SECTION 7. COMPENSATION

Each member of the State Assembly shall be compensated pursuant to law, but increases in compensation shall not take effect during the term he is serving.

SECTION 8. LEGISLATIVE IMMUNITY

Except in cases of treason, felony or breach of the peace, a member is privileged from arrest during attendance at the session and in going to and returning from the same; and any speech or debate made in sessions shall not be questioned in any other place. These immunities shall apply to committee and legislative proceedings.

SECTION 9. POWERS AND DUTIES

The Assembly shall have the following powers and duties:

(a) To approve by a two-thirds (2/3) majority of its members any agreement to which the State is a party.

(b) To appropriate State funds.

(c) To levy and impose taxes.

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(d) To approve by a two-thirds (2/3) majority of its members any appointment of the Governor.

(e) To promote the general welfare of the citizens.

(f) To promote economic development.

(g) To enact any laws which shall be necessary and proper for exercising the foregoing powers and duties and all other powers of the government of Ngarchelong State.

ARTICLE VIII

THE EXECUTIVE

SECTION 1. OFFICERS

The Executive Branch shall consist of a Governor and such other officers, appointed or elected, as provided by law.

SECTION 2. TERMS - ELECTION

The Governor shall be elected in a statewide election for a term of four (4) years. Upon assuming office the Governor shall reside in the State throughout his entire term.

SECTION 3. ELIGIBILITY

A citizen or qualified resident of Ngarchelong State who is not less than thirty-five (35) years of age is eligible to become Governor.

SECTION 4. VACANCY

Whenever the seat of the Governor becomes vacant and one hundred eighty (180) days or more is left in the unexpired term, a statewide election to fill the vacancy shall be conducted pursuant to law. If less than one hundred eighty (180) days remain in the unexpired term, the eight (8) traditional chiefs shall appoint a citizen to fill the vacancy until the next election.

SECTION 5. EXECUTIVE POWERS

The Governor shall have the powers and duties of a state chief executive including but not limited to the following:

(a) To execute National and State laws.

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(b) To represent the State in all negotiations to which the State is a party.

(c) To spend money pursuant to law.

(d) To collect taxes.

(e) To introduce bills in the State Assembly.

(f) To appoint State public officers with the approval of the Assembly.

(g) To present the State's annual budget to the Assembly.

(h) To call a State of Emergency in the event of a civil rebellion or natural catastrophe that threatens the lives or properties of a great number of citizens and residents and shall temporarily assume such legislative functions as may be necessary to afford immediate and specific relief to those whose lives or properties are threatened. Such state of emergency shall not last for more than five (5) consecutive days without the approval of at least two-thirds (2/3) of the members of the State Assembly.

SECTION 6. COMPENSATION

The Officers of the Executive Branch shall be compensated pursuant to law.

ARTICLE IX

THE JUDICIARY

SECTION 1. COURTS

The judicial system shall be provided for within the Unified Court System of the Republic Palau.

ARTICLE X

POWER OF RECALL

SECTION 1. METHOD OF RECALL

(a) The citizens of the State may recall any elected official, after the first year of his term has been served.

(b) A recall is initiated by filing with the Governor and the Speaker of the State Assembly a petition which shall name the official sought to be recalled, state the grounds for recall, and be

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signed by thirty-five (35) percent of the voters registered to vote in the area represented by the official.

(c) Within sixty (60) days of the filing of the petition, the State Assembly shall provide for a recall election to be held pursuant to law. If more than fifty (50) percent of the votes cast approves of the recall, such official is immediately removed from office.

ARTICLE XI

CUSTOMS AND TRADITIONS

SECTION 1. THE EIGHT TRADITIONAL CHIEFS

(a) Uong-Er-Etei is the head of the eight (8) traditional chiefs of Ngarchelong State and shall hold the title of Head of State. His powers, duties, and responsibilities are derived from traditions and customs of Ngarchelong State.

(b) The eight (8) traditional chiefs, in alphabetical order, are:

-- Iechad Ra Butelbai	- Ngriil
-- Ngiraureked	- Ngebei
-- Obak Ra Iebukel	- Iebukel
-- Obak Rebau	- Ngerbau
-- Rimirch	- Ngeiungel
-- Riungel	- Ngermetong
-- Tet	- Ollei
-- Uong Er Etei	- Mengellakl

(c) In the event that the seat of any of the eight (8) traditional chiefs becomes vacant, it shall remain vacant until a new chief is appointed according to custom.

(d) During the time that the seat of the Head of State is vacant, the second ranking chief of the eight (8) traditional chiefs shall succeed to assume the responsibilities according to custom.

SECTION 2. ASSUMING THE RESPONSIBILITY OF THE CHIEF

In the event that the seat of a chief of any municipality becomes vacant due to death, disability, or sickness, the second ranking chief of that municipality shall succeed to assume the responsibilities of the absent chief until a new chief is appointed according to custom.

SECTION 3. COURT OF TRADITIONS AND CUSTOMS

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(a) There shall be established a Court of Traditions and Customs which may hear and decide cases involving traditions and customs of Ngarchelong State. The Court shall promulgate rules governing its proceedings and administration.

(b) The Court of Traditions and Customs shall be composed of the eight (8) traditional chiefs. Five (5) shall be required to hear and decide each case.

ARTICLE XII

FINANCE

SECTION 1. STATE TREASURY

(a) There shall be established a State Treasury into which all public funds, raised or received, including taxes, shall be deposited.

(b) No fund shall be withdrawn from the State Treasury except by law.

ARTICLE XIII

PUBLIC PROPERTY

SECTION 1. PUBLIC LANDS

(a) All public lands and properties are property of the State Government.

(b) Regulations concerning the use of public lands and properties, or parts thereof, shall be provided for by law.

ARTICLE XIV

TWO VERSIONS

SECTION 1. PREVAILING VERSION

This Constitution of Ngarchelong State shall be published in both English and Palauan, but in case of conflict the English version shall prevail.

ARTICLE XV

AMENDMENT

SECTION 1. AMENDMENT PROCEDURE

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(a) Amendments to this Constitution may be proposed at any time by a resolution adopted by at least three-fourths (3/4) of the State Assembly.

(b) Any proposed amendment ratified by at least three-fourths (3/4) of the voters voting on it during the next general state election shall become part of this Constitution.

ARTICLE XVI

TRANSITION

SECTION 1. EFFECTIVE DATE

(a) This Constitution shall become effective on the eighth day of October, in the year of our Lord one thousand nine hundred and eighty-two (October 8, 1982).

(b) All laws in effect in Ngarchelong State enacted prior to the effective date of this Constitution shall remain in effect until repealed, amended, or until they expire by their own terms.

ATTESTATION

Done in Ngarchelong State Convention at the Bai Mengellakl in the Municipality of Mengellakl, on the fourteenth day of April, in the year of our Lord one thousand nine hundred and eighty-two.

In witness whereof, we, the Delegates, have hereunto subscribed our names.

MENGELLAKL

/s/Merur Ongeranger

Uong Er Etei

Merur Ongeranger, Advisor

/s/Salvador Rebeluud

Salvador Rebeluud

/s/Victor Joseph

Victor Joseph

OLLEI

/s/Skang Olebukl

NGEBEI

/s/Ngirailab

Ngiraureked

Ngirailab Ngiratereked

/s/Paulus Swei

Paulus Swei

/s/Ibelas Elod

Ibelas Elod

IEBUKL

/s/Ngirakebou Mengloi

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Acting Tet Advisor
Skang Olebukl

Obak Ra Iebukel
Ngirakebou Mengloi

/s/Noriwo Ubedei
Noriwo Ubedei

/s/Ngirateraked Redechor
Ngirateraked Redechor

/s/Ewatel NgirchonRewikl
Ewatel Ngirchongewikl

/s/Masayuki T. Adelbai
Masayuki T. Adelbai

NGERMETONG

NGERBAU

/s/Itpik Malsol
Riungel
Itpik Malsol

/s/Bukurrow Ngeruangel
Obak Er Bau
Bukurrow Ngeruangel

/s/Shiro Bedul
Shiro Bedul

/s/Siliang Tem
Siliang Tem

/s/Evans Imetengel
Evans Imetengel

/s/Theodore T. Ngowakl
Theodore T. Ngowakl

NGEIUNGEL

NGRIIL

/s/Bismark Ngirateraked
Rimirch
Bismark Ngirateraked

/s/Rekeuis Imedob
Iechad Ra Butelbai
Rekeuis Imedob

/s/Yoshida Blesoch
Yoshida Blesoch

/s/Inabo Inabo
Inabo Inabo

/s/Tadao Ngotel
Tadao Ngotel

/s/Browny Salvador
Browny Salvador

Certified by: /s/Kodep Kloulechad
Kodep Kloulechad
Convention Secretary