

MELEKEOK STATE CONSTITUTION

CONSTITUTION OF THE STATE OF

Melekeok

October 10, 1983

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PALAU NATIONAL CODE ANNOTATED

PREAMBLE

We, the People of Melekeok,
under the divine providence of
Almighty God
and the spirits of our ancestors,
do hereby ordain and establish
the government of our state
through the mechanism of this Constitution.

Relying on
our traditional system
for our identity,
sovereignty,
and justice,
we declare
and establish
this Constitution
for our state.

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ARTICLE I

TERRITORY OF MELEKEOK

Section 1. The territory of the State of Melekeok is as defined by the traditional system and remains until today.

Section 2. The power of governance of the High Chief Reklai in Palau under traditional system consists of Klai all the way to Medermel.

Section 3. The Government of the State of Melekeok has the inherent power to determine and set the state boundaries.

Section 4. The Government of the State of Melekeok has the inherent power to consolidate and incorporate any hamlets in its territory. Provided, however, no hamlets or villages within the territory of the State of Melekeok shall secede from the union.

ARTICLE II

SUPREMACY

Section 1. This Constitution is the Supreme Law of the State of Melekeok.

Section 2. Any law, ordinance, treaty or act of the Government of the State of Melekeok shall not conflict with this Constitution; if any between any act or treaty of the state shall conflict with this Constitution, it shall be invalid only to the extent of conflict.

ARTICLE III

CITIZEN OF MELEKEOK

To be qualified to be a citizen of the State of Melekeok, a person must qualify for one of the followings: Blood relation, traditional recognition, or citizenship by law.

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ARTICLE IV

FUNDAMENTAL RIGHTS

Every person in the State of Melekeok is entitled to those traditional and fundamental rights as provided by the Constitution of the Republic of Palau.

ARTICLE V

TRADITIONAL RIGHTS

Section 1. Traditional rights within the State of Melekeok shall be as authoritative as written rights. Every traditional chiefly title, position and right of an individual within the State of Melekeok shall continue its effect pursuant to traditional principles.

Section 2. In case of conflict between traditions of the State of Melekeok and written laws, written laws shall prevail provided the principles of traditional rights of the State of Melekeok shall not be impaired.

ARTICLE VI

POWERS AND RESPONSIBILITIES OF THE GOVERNMENT OF THE STATE OF MELEKEOK

Section 1. To the best of its ability the Government of the State of Melekeok shall maintain peace and security, deliver constant and best health care, preserve natural resources of the State of Melekeok, encourage and participate in the state economic development program, maintain cleanliness and natural beauty of the state, provide for education of the citizens, and shall be responsible for every act and program for the benefit of the community of the State of Melekeok.

Section 2. The powers and responsibilities of the Government of the State of Melekeok are as provided in the traditional system of the state, in the Constitution and laws of the Republic of Palau, and in this Constitution and laws of the State of Melekeok.

Section 3. The Government of the State of Melekeok has all the powers over state affairs, which powers are not denied the state by the Constitution and laws of the Republic of Palau.

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ARTICLE VII

SUFFRAGE

Section 1. A Palauan citizen from the State of Melekeok who is at least eighteen (18) years of age is eligible to vote in all elections of the State of Melekeok pursuant to law.

Section 2. The Government of the State of Melekeok shall prescribe by law the residency and registration requirements for voting in the State of Melekeok elections.

Section 3. Voting shall be conducted by secret ballot.

ARTICLE VIII

EXECUTIVE

Section 1. All administrative powers of the Government of the State of Melekeok in the effectiveness, implementation and execution of law of the Republic of Palau and the State of Melekeok shall be vested in the High Chief Reklai and the State Governor. The Governor shall be elected by the electors of the State of Melekeok, and shall serve for a term of four (4) years pursuant to law.

Section 2. The High Chief Reklai as the Head of the State and the Governor shall combine their efforts in effectuating implementation and execution of all laws of the public, including the proper administration of projects and programs of the Government of the State of Melekeok.

Section 3. The High Chief Reklai and the Governor shall be compensated in accordance with law.

Section 4. An act adopted by the State Legislature of Melekeok shall become law when signed by both the High Chief Reklai and the Governor.

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ARTICLE IX

LEGISLATURE

Section 1. All legislative powers and duties of the Government of the State of Melekeok shall be vested in the State Legislature of Melekeok, which Legislature shall be a unicameral assembly composed of sixteen (16) members whose membership shall be as follows:

(a) four (4) highest ranking clans' chiefs (saus) of the Ngara-Bai Melekeong, namely: the Reklai, Rechebong, Ruluked and Ngirkunguil

(b) six (6) hamlet chiefs of the Rubekul Telngal, namely: Ngetibuchel of Ngeburch, Orukei of Ngeruliang, Secharuleong of Ngermelech, Renguul of Ukaeb, Yobech of Ngerang, and Ngiraingas of Ngerubesang.

(c) five (5) legislators at large elected throughout the State of Melekeok, each for a term of four (4) years pursuant to law.

(d) one (1), the Governor.

Section 2. The State Legislature of Melekeok shall promulgate its own rules of procedure for the proper administration of its legislative duties and responsibilities in the enactment of bills into laws and in the implementation of legislative powers of the State of Melekeok. The rules of procedure of all legislative programs shall be written and adopted by a majority vote of the members of the Legislature.

Section 3. A majority of the members of the State Legislature of Melekeok present shall constitute a quorum to transact businesses.

Section 4. The State Legislature of Melekeok shall be the sole judge of the qualifications of its members pursuant to its own rules of procedure.

Section 5. A members [sic] of the State Legislature of Melekeok shall be privileged from arrest during legislative sessions and in going to and from a legislative session. No member of the State Legislature of Melekeok shall be held accountable or be fined for any statement delivered during a legislative session on a legislative subject.

Section 6. A person appointed by both the High Chief Reklai and the Governor or any of the two to a position in the Government of the State of Melekeok or any act, or treaty to which

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the Government of the State of Melekeok is a party, shall not be valid and binding unless approved by a majority of the members of the State Legislature of Melekeok.

Section 7. The members of the State Legislature of Melekeok shall be compensated in accordance with law. There raise of compensations for members of the State Legislature of Melekeok shall not take effect until after the immediate next general election for members of the new State Legislature.

ARTICLE X

FINANCE

Section 1. There shall be a State Treasury of the State of Melekeok into which all state revenues are deposited. Any revenues derived from taxes, from the national grants pursuant to law, or from other sources the state is entitled to, shall be deposited into the State Treasury of Melekeok.

Section 2. No funds from the State Treasury of Melekeok shall be withdrawn or obligated except by law.

Section 3. Any taxes in the State of Melekeok may be imposed and levied pursuant to law.

Section 4. The High Chief Reklai and the Governor shall propose and submit a state budget annually to the State Legislature of Melekeok for consideration by it.

ARTICLE XI

JUDICIARY

Section 1. Adjudication of all controvercies arising in the State of Melekeok shall be exercised in conjunction with the unified judicial system of the national government of the Republic of Palau pursuant to the Constitution and laws of the Republic of Palau.

Section 2. Upon enactment of a law by the national legislature to allow the State of Melekeok to create its own judicial system, the State Legislature shall enact a legislation to create its judicial system and delineate the duties and responsibilities thereof pursuant to law.

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ARTICLE XII

GENERAL PROVISIONS

Section 1. This Constitution of the State of Melekeok was written in Palauan language, and thereafter translated into English language. In case of conflict in translation, the Palauan version shall prevail.

Section 2. Citizens of the State of Melekeok by initiative may propose a legislation to be voted on in a referendum for adoption. If the proposed legislation receives a majority vote of the electorate in a referendum for that purpose, it becomes law. A law enacted by initiative shall not be amended or repealed by the State Legislature of Melekeok. Such a law may only be amended or repealed by initiative. The enactment of a proposal into law by initiative may be initiated and approved by at least one-fourth (1/4) of all registered voters of the State of Melekeok. If the enactment of a proposal into law was by initiative pursuant to this Section, the Government of the State of Melekeok must then bring the proposal to the next general election of the State of Melekeok immediately following the initiated proposal. Enactment of proposal into law does not apply to appropriation of public funds.

Section 3. The Government of the State of Melekeok shall have the power to take private property for appropriate public use of the State of Melekeok; provided however, the government shall pay just compensation to the owner of the property and explain to him the nature of the public needs before the actual taking of the property.

Section 4. Upon the election and certification of the First State Legislature of the State of Melekeok, it shall enact a law to prohibit sale and alienation of properties within the jurisdiction of the State of Melekeok to a person not citizen of the State of Melekeok.

ARTICLE XIII

AMENDMENTS TO THIS CONSTITUTION

Section 1. This Constitution may be amended at any time by a majority of the people voting on the amendment pursuant to law so approve. Any amendment to this Constitution may be proposed according to any one of the following manners:

(a) by petition of at least one-fourth (1/4) of all registered voters of the State of Melekeok; or

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(b) by a resolution adopted by at least three-fourth (3/4) of the membership of the State Legislature of Melekeok.

Section 2. Any proposed amendment to this Constitution shall be brought to a vote in a general election of the State of Melekeok and, upon approval in accordance with this Constitution and laws enacted for such purposes, shall become effective and shall be incorporated into this Constitution.

ARTICLE XIV

TRANSITION

This Constitution shall be approved upon its adoption by a majority vote of the electorate, and shall become effective pursuant to law of the State of Melekeok.

ARTICLE XV

APPROVAL AND EFFECTIVE DATE OF THIS CONSTITUTION

This Constitution shall be approved upon its adoption by a majority vote of the electorate, and shall become effective pursuant to law of the State of Melekeok.

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