

CONSTITUTION OF THE STATE OF NGARAARD

CONSTITUTION  
OF THE  
STATE  
OF

**Ngaraard**

NGARAARD CONSTITUTIONAL CONVENTION  
SEPTEMBER 13, 1981  
ULIMANG, NGARAARD

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# CONSTITUTION OF THE STATE OF NGARAARD

## Preamble

We the people of the State of Ngaraard,  
believing in the Almighty God  
as the source of life, liberty, peace, and public good,  
and exercising the right derived therefrom,  
hereby establish this Constitution  
to promote greater self-government  
and to foster greater unity  
among the people in all parts of the State of Ngaraard.

With this constitution,  
we affirm our common wish to live together  
in peace and harmony,  
to preserve our heritage,  
and to promote our general welfare.

# CONSTITUTION OF THE STATE OF NGARAARD

## ARTICLE I

### TERRITORIAL JURISDICTION

The State of Ngaraard is bounded on the South and Southwest by Ngiwal, Melekeok and Ngaremlengui, on the West by Ngardmau and the Ocean, on the North by Ngarchelong, and on the East by the Ocean.

## ARTICLE II

### CITIZENSHIP

Citizenship of Ngaraard has its initiation in a clan, which is the basic unit in the ancient political establishments of Ngaraard. Therefore, in order for a person to be a citizen of this state at least one of the following must be fulfilled:

- A. At least one of the parents is an Ochell or an Ulechell in one of a recognized clan of Ngaraard.
- B. Of recognizable traditional and ancestral heredity, and of residency that subjects a personality to constant participation in the local community affairs, and as shall be further prescribed by law.

## ARTICLE III

### SUPREMACY

This Constitution shall be the supreme law of the state of Ngaraard.

## ARTICLE IV

### LEGISLATIVE

Section 1. The legislative power of the State of Ngaraard shall be vested in the Olbetibel Era Ngaraard. The Olbetibel shall consist of two bodies, the Assembly and the House of Chiefs. The Assembly shall be composed of ten (10) members popularly elected, two (2) from each of the five (5) counties of Ngaraard for a term of four (4) years. The House of Chiefs shall be composed of five (5) chiefs, each of whom shall be the highest ranking chief in the traditional Klobak of each of the five (5) counties and shall serve at the pleasure of the respective Klobak represented.

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Section 2. The Assembly of the Olbetibel Era Ngaraard shall be the sole judge of the qualifications of its members.

Section 3. The legislative powers vested in the Olbetibel shall include, but not be limited to, the following:

- A. To levy or impose taxes and to appropriate public funds;
- B. To borrow money on the public credit;
- C. To regulate trade and commerce within the State;
- D. To provide for the general well-being of the people;
- E. To approve, by at least a majority vote of each house any agreement to which the state is a party;
- F. To provide for establishment and delegation of the major governmental responsibilities;
- G. To set salaries and compensation of all employees and officers of the State;
- H. To provide for protection and control of state resources;
- I. To approve acts of the Secretary of State exercising emergency powers beyond five (5) consecutive calendar days;
- J. To provide for the control and preservation of the properties of historical significance.

Section 4. The Assembly shall appoint the Secretary of State and Assistant Secretary of State for a term of four (4) years, by votes of not less than  $\frac{2}{3}$  of its members, subject to advice and consent of the House of Chiefs. The Secretary of State or the Assistant Secretary of State may be removed from office for cause by a vote of not less than  $\frac{2}{3}$  of each house.

Section 5. Each house of Olbetibel era Ngaraard, by a majority vote of its members may compel the attendance of its members and in the same manner, compel the attendance and testimony of witnesses and the production of books and papers before each respective house or its committee. The Assembly may, by a vote of  $\frac{2}{3}$  of its members, discipline or remove any member. Each member of the Olbetibel is privileged from arrest during his attendance at the olbeeibel and while going to and from session except for treason, felony or breach of the peace. No member of the Olbetibel shall be held to answer for any statement in the Olbetibel.

Section 6. To be eligible as a candidate for membership in the Assembly, a person must

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not be less than 25 years of age; not have been convicted of a felony or under probation; be a citizen of the state of Ngaraard as provided in this Constitution.

Section 7. No law may be enacted except by legislation and no legislation may be passed except by bill. The enacting clause of a bill is "BE IT ENACTED BY THE OLBETIBLE ERA NGARAARD". To become a law a bill must pass two readings, each of separate days. Second and final reading of a bill must be by a vote of at least seven (7) of the members of the Assembly. Upon the passage by the Assembly, the bill shall be transmitted to the House of Chiefs for its approval or disapproval. An affirmative vote of at least three (3) members of the House of Chiefs constitutes approval. If the House of Chiefs fails to act on the measure within fifteen (15) days of receipt, such measure shall be deemed to have been approved.

Section 8. The Olbetibel shall convene its first regular session on the second Tuesday in January following each general election for members of the Assembly. The Olbetibel may meet regularly for four (4) years, as may be provided by law. the Olbetibel may be convened at any time in special session at the call of the Presiding Officer of the Assembly, or at the request of the majority of members or at the request of the Secretary of State.

Section 9. The Assembly shall elect by majority votes from among its members a Speaker, who shall be the Presiding Officer and other officers of the Assembly.

Section 10. Upon taking office, all members of the Assembly shall be required to live in the State of Ngaraard.

Section 11. No person may serve in both the Assembly and the House of Chiefs simultaneously nor may any member of the Olbetibel serve as an officer or employee of the Executive or Judicial branches of the Government of the State of Ngaraard.

Section 12. Members of the Olbetibel shall be entitled to compensation as provided by law.

Section 13. (a) Any vacancy in the Assembly shall be filled by a special election held pursuant to law; provided however, that if less than one hundred and eighty (180) days remain in the term, the vacancy shall remain until the next general election.

(b) Any vacancy in the House of Chiefs shall be filled in accordance with traditional laws of the respective Klobak represented.

Section 14. A member of the Assembly may be removed by a majority vote of the eligible voters voting in a special election held for that purpose, as provided by law. A special election shall be held only upon presentation t the Speaker of the Assembly of a petition signed by not less than twenty-five (25) percent of the eligible voters of the county represented.

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## ARTICLE V

### EXECUTIVE

Section 1. The chief executive of the Ngaraard State Government shall be the Secretary of State.

Section 2. The executive powers of the Ngaraard State Government shall be vested in the Secretary of State, as follows:

- A. To faithfully execute and implement the provisions of this Constitution and all applicable laws;
- B. To negotiate and enter into agreements to which the State is a party, subject to approval by the Olbetibel;
- C. To appoint representatives of the state;
- D. To appoint judges pursuant to law subject to the advice and consent of the Olbetibel;
- E. To grant pardons, parole or commutation of sentence, pursuant to law;
- F. To expend public funds pursuant to appropriation and to collect taxes; and to cause appropriate accounting thereof;
- G. To represent the State in all legal actions;
- H. To propose the state budget as required by law.

Section 3. A person is eligible to become Secretary of State if he is a citizen of Ngaraard State and is 25 years of age or older. Upon assuming office, and during the entire term, the Secretary and the Assistant Secretary of State shall be required to live in the State of Ngaraard. The Olbetibel may prescribe additional requirements.

Section 4. After the installation of the Secretary of State, an Assistant Secretary of State shall be appointed in the same manner as the Secretary of State, have the same qualifications, and serve for the same term of Office until their successors are appointed and qualified.

Section 5. If the office of the Secretary of State shall become vacant or the Secretary of State is unable to perform his duties, the Assistant Secretary of State shall act in his stead until a Secretary of State is appointed and qualified. The assembly shall establish by law the order of succession in the event both officers become vacant at the same time.

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Section 6. Salaries of the Secretary of State and Assistant Secretary of State shall be established by law.

Section 7. Whenever lives, properties, or the security of a significant number of people within the State are threatened, the Secretary of State may declare a state of emergency and temporarily assume all power necessary to afford such relief as appropriate. This emergency power shall not be exercised for a period of more than five consecutive days without the approval of the Olbetibel.

### ARTICLE VI

#### JUDICIARY

The judicial power of the State of Ngaraard shall be exercised in conjunction with the Unified judicial system of the national government of the Republic of Palau. The judicial system of the state of Ngaraard shall be established in accordance with and pursuant to all, applicable laws and regulations of the Republic of Palau and the State of Ngaraard. Until the establishment of a judicial system for the State of Ngaraard, jurisdiction of all civil and criminal cases arising in Ngaraard shall be with the courts of the Republic of Palau.

### ARTICLE VII

#### FUNDAMENTAL AND TRADITIONAL RIGHTS

This Constitution guarantees to all citizens of the State of Ngaraard the same fundamental and traditional rights as set forth in Article IV and V of the Constitution of the Republic of Palau respectively.

### ARTICLE VIII

#### POLITICAL SUBDIVISION

There are five (5) counties in the State of Ngaraard. They are Choll (eim el Choll), Ngebuked (Rudimech), Ulimang (Ngeringall), Chelab (Tmeloched), and Ngkeklau (Ngotel). The boundaries of the several counties are those recognized by the customs and traditions of the people of Ngaraard. Any dispute as to the boundary of any counties shall be resolved by the traditional chiefs of each county. Unless otherwise provided by this Constitution or by law, each of the counties shall be governed according to the traditions and customs of each such county. No further political subdivision of any county shall occur unless provided for by laws enacted pursuant to this Constitution.

### ARTICLE IX

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## FINANCE AND TAXATION

Section 1. There is established a Ngaraard State Treasury, into which all public funds raised or received by the state government shall be deposited. No funds in the Ngaraard State Treasury shall be withdrawn except by law.

Section 2. The Secretary of State of Ngaraard shall submit an annual budget to the Olbetibel at a time prescribed by statute. Except appropriation bills recommended by the Secretary of State for immediate passage, or to cover the operational expenses of the Olbetibel, no appropriation [sic] bill may be enacted until a bill appropriating money for the budget has been enacted. The budget shall contain a complete plan of proposed expenditures, anticipated revenues and other money available to the state government for the next fiscal year, together with additional information that the Olbetibel may require. The Olbetibel may alter the budget in any respect. The Secretary of State shall annually, and as often as may be required, submit to the national government requests or applications of the state of Ngaraard for financial, technical, and other assistance.

Section 3. Subject to the constitution and laws of the national government, each county of the State of Ngaraard shall be entitled to the revenues from the exploration and exploitation of all living and non-living natural resources within its boundaries. The Olbetibel may by law regulate such distribution of such revenues.

Section 4. Any citizen of Ngaraard State who fails to pay taxes as required by state law enacted pursuant to this constitutional provision may lose privileges to vote in any general or special election for any state office and right to hold public office as a citizen of Ngaraard State. The procedures for revocation of voting privileges and right to hold public office for failure to pay Ngaraard State taxes shall be established by state law.

## ARTICLE X

### GENERAL PROVISION

Section 1. The capital of the State of Ngaraard shall be established by law.

Section 2. The state government shall take every step reasonable and necessary to provide for public education, health care, and well-being of all of the people in the State of Ngaraard.

Section 3. No private property shall be taken for public purpose without just compensation. The Olbetibel by statute shall provide for the exercise of the power of eminent domain by the State government, but shall reserve the right to annul the action of the state government by resolution adopted within sixty (60) days after the state government has so acted to condemn.

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Section 4. Any person, who holds public office, whether elected, appointed or designated in the name or in regard to the people of Ngaraard, shall exercise such office in the highest standards of diligence and honor with respect to, and in harmony with, the people of Ngaraard.

Section 5. No official of the State of Ngaraard whether elected, appointed or designated, shall hold more than one public office of trust or profit.

Section 6. No county or any part of the State of Ngaraard shall secede from the State of Ngaraard. An area which was historically or geographically part of Ngaraard may be added as part of the state of Ngaraard upon the approval of the Olbetibel.

### ARTICLE XI

#### RATIFICATION

Section 1. This Constitution shall become effective only if approved by a majority of the total votes cast in the five (5) counties of Ngaraard voting in a referendum conducted pursuant to law. The referendum shall be held on a date to be set by the Ngaraard Municipal Council.

Section 2. Only those persons eligible to vote under the laws of the State of Ngaraard at the time of the referendum shall be eligible to vote in the referendum.

### ARTICLE XII

#### AMENDMENT

Section 1. Any amendment to the Constitution of the State of Ngaraard may be proposed by popular initiative or by the Olbetibel, as follows:

- A. By a petition signed by not less than twenty-five percent of the registered voters; or
- B. By resolution adopted by not less than three-fourths of the members of each house of the Olbetibel.

Section 2. Any proposed amendment to this Constitution shall become effective if approved in a state-wide referendum by a majority of the votes cast on that amendment.

### ARTICLE XIII

#### TRANSITION

Section 1. This Constitution of the State of Ngaraard shall take effect on January 12, 1982, unless otherwise provided herein.

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Section 2. The first election pursuant to the terms of this Constitution shall take place on November 30, 1981. The officials elected shall be installed on January 12, 1982.

Section 3. Any existing law in force and effect in the State of Ngaraard immediately preceding the effective date of this Constitution shall, subject to the provisions of this Constitution, remain in force and effect until repealed, revoked, amended or until it expires by its own terms. All rights, interests, obligations, and liabilities arising under the existing laws of the State of Ngaraard shall remain in force and effect and shall be recognized, exercised, and enforced accordingly, subject to the provisions of this Constitution and any existing applicable national laws.

Section 4. Individuals, corporations, or other entities qualified to do business in the State of Ngaraard on the effective date of this Constitution shall maintain their legal existence and shall be allowed to continue to do business unless otherwise provided by law. Business and professional licenses in the State of Ngaraard on the effective date of this Constitution shall continue in effect unless otherwise prescribed by law or until they expire by their own terms.

Section 5. The existing Charter for the Municipal Government of Ngaraard shall remain in force and effect until this Constitution of the State of Ngaraard shall have taken effect.

Section 6. Upon the effective date of this Constitution, the employees of the Municipal Government of Ngaraard shall become the employees of the state government of Ngaraard, unless otherwise provided by law.

IN WITNESS WHEREOF, We the delegates to this Convention assembled at Ulimang, Ngaraard this 13th day of September in the year of our Lord One Thousand Nine Hundred and Eighty One, have hereunto subscribed our names,

CHOLL

/s/CHIEF NGIRAMEKETII

/s/FRANK N. MALSOL

/s/PETER E. SADANG

CHELAB

/S/CHIEF NGIRAROIS

/S/NGIRUTANG OIT

/S/LAURENTINO ULECHONG

NGEBUKED

/S/CHIEF MADRENGEBUKED

/S/ISECHAL ELEWEL

/S/TARO MATSUDA

ULIMANG

/S/CHIEF BECHES

/S/ROBERT TOCHI

/S/ISAAC SOALADAOB

NGKEKLAU

/S/CHIEF RECHEBAL

/S/JOHN O. NGIRAKED

/S/ISAIAS  
NGIRAILEMESANG

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ATTEST /S/David Ngirmidol  
CONVENTION SECRETARY