

NGARDMAU STATE CONSTITUTION

PREAMBLE

In exercising our inherent sovereignty and traditional rights, guided by the Constitution of the Republic of Palau, We, THE PEOPLE of the State of Ngardmau, do hereby establish this Constitution to renew and preserve our traditional heritage. With respect and peace for all people of Palau, we confirm this established Constitution, and sacrifice ourselves and our lives toward the betterment of our home state with reliance on our own efforts and the divine guidance of Almighty God.

ARTICLE I BOUNDARIES OF THE STATE OF NGARDMAU

The Boundary of the State of Ngardmau shall follow the traditional boundary marks established through justice and peace among its bordering states, commencing at the marked-rock (delsachel el chiloil) at KLAI REMASCH, thence straight to the mouth of Ngermasech river, following the river to MEKAUD, from there continuing along the larger river to the intersection, thence upward to mount NGEDESAKER, then on to KLTAL BTACHES and on to NGELSUM; thence from NGELSUM straight to UCHUL A ISAU and straight forward to UCHUL A DOKOU out to infringing reef and on to ONGIKIUL, following the channel around the infringing reef of OISEBUIIS, straight outward to the channel of NGEMECHII, thence to the point of origin, including twelve (12) miles of sea outside the reef pursuant to Article I, Section 2 of the Constitution of the Republic of Palau.

ARTICLE II RESIDENT OF NGARDMAU

A person recognized as resident of the State of Ngardmau shall be determined by tradition and law. Residency and registration of the people of the State of Ngardmau shall be as prescribed by tradition and law.

ARTICLE III SOVEREIGNTY AND SUPREMACY

Section 1. This Constitution is the Supreme Law in the State of Ngardmau, subject however, to the Constitution of the Republic of Palau.

Section 2. No law, Act or Agreement to which the government of the State of Ngardmau is a party shall conflict with this Constitution. If any such law shall so conflict with this Constitution, it shall be invalid in accordance with law.

ARTICLE IV
RESPONSIBILITIES OF THE GOVERNMENT OF THE STATE OF NGARDMAU

The government of the State of Ngardmau shall be responsible to take positive action to attain these goals and implement these policies: Conservation of a beautiful, healthful and resourceful natural environment of the State of Ngardmau; promotion of the State of Ngardmau economy; protection of the safety and security of the persons and property; promotion of the health and social welfare of the people of the State of Ngardmau; operation of Educational institutions and health care; and the creation of such things which may be beneficial for the social welfare of the people living in the State of Ngardmau.

ARTICLE V
FUNDAMENTAL AND TRADITIONAL RIGHTS

This Constitution hereby guarantees to all the people of the State of Ngardmau identical rights and freedoms as set forth in the Constitution of the Republic of Palau.

ARTICLE VI
EXECUTIVE

Section 1. The Governor who is the head of the government of the State of Ngardmau, shall be a member elected from the Kelulul Ngardmau for a four (4) year term. No person may serve as Governor for more than two (2) consecutive terms.

Notes

The following was handwritten in the booklet of the Ngardmau State Constitution at the Law Library:
“Amended, so now the Governor is elected by the people.”

Section 2. The Governor shall have all inherent powers and duties of a Chief Executive including, but not limited to, the following:

- (a) to enforce and execute the laws of the State of Ngardmau;
- (b) to execute agreements with other states in the Republic of Palau with the approval of the Kelulul Ngardmau;
- (c) to execute, with the assistance of the National Government of the Republic of Palau, agreements with other nations with the advice and consent of the Kelulul Ngardmau;
- (d) to spend public funds and to collect taxes pursuant to law;
- (e) to introduce legislative measures in the Kelulul Ngardmau;
- (f) to prepare an annual written report on the progress of his administration along with concise financial report on the use of public funds to be submitted to the Kelulul Ngardmau and the public;
- (g) to appoint officers of the government of the State of Ngardmau with the advice and consent of the Kelulul Ngardmau; and

- (h) to prepare an annual budget for consideration and enactment by the Kelulul Ngardmau.

Section 3. The Governor may be impeached from office by a vote of not less than two-thirds (2/3) of the members of the Kelulul Ngardmau for treason, bribery or person enrichment.

Section 4. If the Office of the Governor becomes vacant due to death, resignation, or impeachment and more than one (1) year remains in the term of the Governor, the person receiving the most votes in the most recent election among those who were not elected members of the Kelulul Ngardmau, shall become a member of the Kelulul Ngardmau. If that person cannot become a member, the process shall continue until the next member is determined, at which time the next Governor shall be elected. If less than one (1) year remains in the term of the Governor, the members of the Kelulul Ngardmau shall elect on interim Governor from among themselves and the vacant seat in the Kelulul Ngardmau shall remain vacant until the next election. The selection of the Governor shall be made within thirty (30) days after the vacancy.

ARTICLE VII LEGISLATIVE

Section 1. All legislative powers of the State of Ngardmau shall be vested in the Kelulul Ngardmau which shall consist of one (1) house with nine (9) members. Ten (10) members shall be elected to the Kelulul Ngardmau, one (1) of whom shall be elected from among themselves as Governor. Members of the Kelulul Ngardmau shall be elected at large in the State of Ngardmau Election for a four (4) year terms.

Notes

The following was handwritten in the booklet of the Ngardmau State Constitution at the Law Library:
“Amended, so now the nine Legislators are elected separately.”

Section 2. A person who is eligible to become a member of the Kelulul Ngardmau shall:

- (a) be a resident of the State of Ngardmau;
- (b) not be less than thirty (30) years of age;
- (c) not have been convicted of a felony as determined by the Court;
- (d) not have been determined by the court to be mentally incompetent; and
- (e) have resided in the State of Ngardmau for not less than five (5) years before assuming office.

Section 3. The Kelulul Ngardmau shall be the sole and final judge of its members. The compensation of the members of the Kelulul Ngardmau, Governor and all employees of the Government of the State of Ngardmau shall be determined by law.

Section 4. The Kelulul Ngardmau shall promulgate its own rules and procedures, with the approval of the majority of its members.

Section 5. The Kelulul Ngardmau shall convene its regular sessions in accordance with its own rules and procedures.

Section 6. A bill shall begin with the following enactment clause: “THE PEOPLE OF THE STATE OF NGARDMAU THROUGH THEIR REPRESENTATIVES DO ENACT AS FOLLOWS:”. A bill shall be adopted in the Kelulul Ngardmau pursuant to its rules and procedures; provided, however, that bills relating to agreements between the State of Ngardmau and other states in Palau, or agreements between with foreign nations, or relating to traditions shall require approval of the Council of Chiefs in the State of Ngardmau.

Section 7. A bill adopted by the Kelulul Ngardmau shall be transmitted to the Governor and shall become law when approved by the Governor. If the Governor disapproves a bill, or the Council of Chiefs disapproves a bill requiring their approval, such bill shall be returned to the Kelulul Ngardmau with a statement of reasons for disapproval within fifteen (15) calendar days. Thereafter, a conference committee shall be established consisting of representatives of the Governor, Council of Chiefs and Kelulul Ngardmau to consider the reasons for the return of a bill, and if resolved , the bill shall become law. The Kelulul Ngardmau shall enact a law dealing with the procedures for approval of returned bills.

ARTICLE VIII COUNCIL OF CHIEFS OF THE STATE OF NGARDMAU

Section 1. The powers, responsibilities and noble characteristics of the Council of Chiefs of the State of Ngardmau are clearly set forth pursuant to traditional practices of the Council of Chiefs in relation with the leadership of the State of Ngardmau.

Section 2. There shall be appropriated from the Treasury of the State of Ngardmau a budget for the Council of Chiefs of the State of Ngardmau for their duties, responsibilities and positions pursuant to traditions.

ARTICLE IX JUDICIARY

Judicial responsibilities are reserved to the Government of the Republic of Palau, however the Council of Chiefs of the State of Ngardmau may try cases involving violations of traditional laws and impose penalties pursuant to traditions.

ARTICLE X TREASURY OF THE STATE OF NGARDMAU

There shall be one (1) treasury of the State of Ngardmau. All revenues derived from taxes or other sources shall be deposited in this treasury. No funds shall be withdrawn from the

treasury except by law. The Kelulul Ngardmau shall enact a law governing procedures for the deposit and withdrawal of public funds, and provide for a state borrowing Act.

ARTICLE XI SUFFRAGE

The Kelulul Ngardmau shall enact a law governing election in the State of Ngardmau. Voting shall be by secret ballot.

ARTICLE XII GENERAL PROVISIONS

Section 1. Residents of the State of Ngardmau shall have the power to recall a member of the Kelulul Ngardmau by a petition. The petition shall name the member sought to be recalled, state the grounds for recall, and shall be signed by not less than twenty-five percent (25%) of the persons who voted in the most recent election in the State of Ngardmau for the members of the Kalulul Ngardmau. A special election for a recall petition shall be held within sixty (60) calendar days after the filing of the recall petition in the Kelulul Ngardmau. If a majority of the votes cast in the special election approve the recall petition, the member of the Kelulul Ngardmau named in the recall petition shall be removed from his office after the election. The Kelulul Ngardmau shall enact a law governing procedures and initiation of a recall petition.

Section 2. The Kelulul Ngardmau may adopt the general provisions set forth in Article XIII of the Constitution of the Republic of Palau and implement them for the general welfare of the State of Ngardmau.

Section 3. Any matter of the State of Ngardmau which requires action and is not clearly addressed in this Constitution, may be addressed and acted upon pursuant to law enacted by the Kalulul Ngardmau, provided, however, that such law shall not conflict with any provision of this Constitution.

ARTICLE XIII AMENDMENTS

Section 1. Any provision of this Constitution of the State of Ngardmau may be amended at any time by a proposed amendment which may be initiated pursuant to one of the following:

- (a) by a petition signed by twenty-five percent (25%) of the eligible voters; or
- (b) by a resolution adopted by not less than seven (7) members of the Kelulul Ngardmau.

Section 2. Any proposed amendment to this Constitution shall, within ninety (90) calendar days, be voted on in a State of Ngardmau referendum held for that purpose, and shall become integral part of this Constitution with full force and effect if approved by a majority of the votes cast.

ARTICLE XIV EFFECTIVE DATE

This Constitution of the State of Ngardmau shall take effect on the first day of October in the year of our Lord, 1984.

ACKNOWLEDGMENT

NOW, THEREFORE, We the members of Ngardmau State Constitutional Convention assembled today, April 14, 1984, do hereby affix our names, herein below signifying the completion of the drafting of the Constitution of the State of Ngardmau, hereto established in accordance with harmony and our belief that all persons of the State of Ngardmau are equal under this Constitution. Thus, by our signatures we acknowledge the virtuous and unified effort in its composition in which we all have no personal interests or selfishness; thus, it is our ambition to unite together with all the people of the State of Ngardmau and adopt this as the Constitution of our State, so may God bless this Constitution and the people of the State of Ngardmau, now and forever.

_____/s/
Delegate Jonas W. Olkeriil
President

_____/s/
Delegate Ananias Ngiraiwet
Floor Leader

_____/s/
Delegate Kuroy Anurang
Chairman, General Provisions

_____/s/
Delegate Lucio Ngiraiwet
Vice Chairman, Gen. Provisions

_____/s/
Delegate Mary Leonor Ramaruii
Vice Chairman, Special Committee

_____/s/
Delegate J. Schwartz Tudong
Vice President

_____/s/
Delegate Sadang N. Silmai
Chairman, Governmental Structure

_____/s/
Delegate Ngiratmab Beouch
Chairman, Special Committee on
Governmental Structure

_____/s/
Delegate Harence Recheungel
Vice Chairman, Governmental Structure

_____/s/
Delegate Ngirchokebai Ubedei
Member, Governmental Structure

