

CONSTITUTION OF THE STATE OF NGCHESAR

CONSTITUTION
OF THE
STATE
OF

Ngchesar

NGCHESAR CONSTITUTIONAL CONVENTION

August 8, - September 13, 1981

Ngchesar State

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Preamble

WE THE PEOPLE OF THE STATE OF NGCHESAR, WITH THE GRACE OF GOD ARE UNITED TODAY AND FOR ALL TIMES, UNITED WE HAVE PREPARED THIS CONSTITUTION WHICH SHALL GUIDE US SO THAT LASTING PEACE MAY REIGN AMONG THE HAMLETS OF THE STATE OF NGCHESAR.

GUIDED BY OUR ANCIENT CUSTOMS AND TRADITIONS, WE HAVE PREPARED THIS CONSTITUTION FOR THE STATE OF NGCHESAR. WE LOOK TOWARD THE FUTURE AS WE ADOPT THIS SUPREME LAW FOR THE STATE OF NGCHESAR.

WE MAKE IT KNOWN TO ALL THE PEOPLE OF PALAU AND THOSE FROM OUTSIDE OF PALAU THAT WE, THE PEOPLE OF NGCHESAR DESIRE PEACE FOR ALL AND THAT WE SEEK FROM ALL MUTUAL COOPERATION IN PUBLIC AND PRIVATE ENDEAVORS.

WE ASK ALMIGHTY GOD AND THE SPIRITS OF OUR ANCESTORS TO BLESS THIS CONSTITUTION; WE ACCEPT IT, AND WE EXPECT IT TO BE JUST AND FAIR FOR ALL THE PEOPLE OF THE STATE OF NGCHESAR NOW AND FOREVER.

ARTICLE I

TERRITORY

Section 1. The State of Ngchesar is bounded on the North by the State of Melekeok, on the South by the State of Airai, on the East as provided for in the Constitution of the Republic of Palau, and on the West by the State of Ngeremelengui and Ngatpang.

Section 2. A more specific boundary of the State of Ngchesar is provided in the Charter for the Municipality of Ngchesar, issued on January 7, 1959 and the map of Ngchesar State boundary. Exact boundaries for the State of Ngchesar and its hamlets shall be established by law.

Section 3. The hamlets of Ngchesar are Ngerewikl, Ngeraus, Ngchesar, Ngerkesou, Ngerngesang, and Ngersuul. The hamlets of Ngchesar may be increased or decreased.

ARTICLE II

SUPREMACY

Section 1. Subject to the Constitution and laws of the Republic of Palau, this Constitution is the supreme law in the State of Ngchesar.

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Section 2. This Constitution is in Palauan and English. In case of conflict, the Palauan version shall prevail.

ARTICLE III

CITIZEN OF NGCHESAR AND FUNDAMENTAL RIGHTS

Section 1. A person is a citizen of Ngchesar as provided by the Constitution and laws of the Republic of Palau, the laws of the State of Ngchesar, and customs and traditions of the State of Ngchesar.

Section 2. The fundamental rights of persons within the State of Ngchesar are provided for in Article IV of the Constitution of the Republic of Palau.

Section 3. A citizen of Ngchesar according to Section of this article may vote in all elections for the State of Ngchesar as provided for by law.

ARTICLE IV

TRADITIONAL RIGHTS

Section 1. Traditional rights applicable in the State of Ngchesar are as provided for in Article V of the Constitution of the Republic of Palau.

ARTICLE V

GOVERNMENT OF NGCHESAR

Relationship between the State of Ngchesar and the National Government.

Section 1. The Government of the State of Ngchesar shall have those powers specified by the Constitution of the Republic of Palau and those that may be delegated by the National Government.

Head of State

Section 2. Ngirakebou who is the Chief of Ngchesar Hamlet is the Head of State of Ngchesar, deriving his powers and responsibilities from Article V, Section 1 of the Constitution of the Republic of Palau and the customs and traditions of Ngchesar State.

The duties and responsibilities of the Ngchesar Head of State shall include but not be limited to the following:

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(a) Duties and responsibilities derived from customs and traditions of the State of Ngchesar.

(b) Duties and responsibilities provided for in Article VIII, Section 6 of the Constitution of the Republic of Palau;

(c) Power to approve or disapprove a bill enacted by the Council calling for an increase or a decrease in the number of hamlets of the State of Ngchesar.

Responsibilities of Hamlet Chiefs

Section 3. Each hamlet chief and the organization of chiefs sitting in the Ngchesar State council shall execute all policies and decisions of the Council which require implementation through customs and traditions.

Authority of the Council for the State of Ngchesar

Section 4. All governmental responsibilities, including legislative and executive functions shall be vested in the Ngchesar State Council.

Members of the Ngchesar State Council

Section 5. There shall be seventeen (17) members in the Ngchesar State Council.

(a) The composition of the Ngchesar State Council shall be as follows:

Ngirakebou who is from the first clan in Ngchesar Hamlet and who is the Head of State of the State of Ngchesar, Rechesengel from the Ngara-Oldiang organization, Rechetuker from the Ngara-Tmachel organization; five (5) hamlets chiefs, each drawn from the first clan of the five hamlets of the State of Ngchesar as follows:

Techetbos from Ngerewikl, Desengang from Ngeraus, Ngiracheruang from Ngerkesou, Ngirchoiremech from Ngerngesang, Obak-remechuu from Ngersuul; and nine (9) elected members selected by the electors of the State of Ngchesar.

(b) An elected member shall serve for a term of four years and shall not be less than twenty-five (25) years of age.

(c) Any citizen of the State of Ngchesar may become a candidate for a seat in the Council as provided by law.

Governor

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Section 6. The Council shall by a majority of its members select from among its elected members a Governor of the State of Ngchesar who shall serve for a term of four years. A Governor shall not serve for more than two consecutive terms. The Governor shall be responsible for all administrative matters of the Ngchesar State Government. He shall execute all laws, policies, and decisions enacted or approved by the Council. The Governor shall affix his signature to all decisions of the Council which shall certify that such decisions were authentic actions of the Council. The Governor shall have no veto power over bills enacted by the Council or laws enacted or repealed by citizen initiative.

The Governor shall execute all governmental duties and functions as provided by law.

Legislative Functions

Section 7. Subject to the Constitution and laws of the Republic of Palau and this Constitution, the Council for the State of Ngchesar shall have power over all matters of state legislation.

The Council may enact no law except by bill. If a majority of the members present and voting approve a measure, it shall be deemed a state law and entitled: "State of Ngchesar Public Law No. " beginning with (1) and proceeding numerically.

Ngchesar State citizens may enact or repeal Ngchesar State laws except appropriations, by initiative. The petition must be signed by at least 35% of the voters and shall take effect if approved at the next general election by at least 50% of those voting on the petition. A law enacted or repealed by initiative may be subsequently amended, repealed or reenacted only by another initiative pursuant to the provisions of this section.

Compensation for Members and Employees of the Government

Section 8. The members of the Ngchesar State Council may be compensated when attending meetings of the Council or when performing other governmental duties and responsibilities. A member of the council may serve in the Governor's administration and he shall not lose his seat in the Council for such services.

No member or employee of the Government shall receive double compensation. Compensation for employees of the Ngchesar State Government shall be determined by law.

Rules of Procedures for the Ngchesar State Council

Section 9. The members of the Ngchesar State Council shall establish rules of procedures to govern the Council's deliberations.

The Council shall meet annually on the first Tuesday after the first Monday in January at

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the Seat of Government in the State of Ngchesar. There shall be three regular sessions of the Council each year as determined by law. The council may hold any number of special sessions during the year subject to the call of the Governor or a petition signed by the majority of the members of the Council.

The members of the Council shall be privileged, in all cases except treason, felony, or breach of peace, from arrest during their attendance at the sessions of the Council and in going to and from the sessions. No member of the Council shall be held to answer in any other place for a statement delivered in the council.

The Council shall not raise the compensation of its members during its term in office, provided that the Council in office may determine the compensation for members of the new Council.

Removal, Recall, and Vacancies

Section 10. A member of the Council may be removed from office for cause by the affirmative vote of three fourth of the members of the Council. If thirty-five percent (35%) of the registered voters submit a petition to recall a member of the Council, the Council shall immediately commence the preparation of a referendum on the question. If more than fifty percent (50%) of the votes cast in the referendum vote for the removal of the member in question such a member is immediately removed from office.

When the seat of an elected member of the Council shall become vacant, the Council shall appoint the person who received the most votes among the unsuccessful candidates in the last general election to fill the vacant seat. If there were no candidates left or there was a tie among the unsuccessful candidates who received the most votes in the last general election, the vacant set in the Council shall be filled as shall be provided by law.

A vacant seat among the members of the Council who were selected to the Council through customs and traditions shall be filled in accordance with customs and traditions of the State of Ngchesar.

ARTICLE VI

TREASURY

Section 1. There shall be established a treasury for the State of Ngchesar. All revenues derived from tax and other sources shall be deposited in the State Treasury.

Section 2. No funds shall be withdrawn from the State Treasury except by law.

Section 3. The State Government shall prepare an annual budget in accordance with

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requirements pursuant to Article 12, Section 3 (b) of the Constitution of the Republic of Palau.

ARTICLE VII

JUDICIARY

Section 1. A court or a system of courts for the State of Ngchesar may be established as provided by law, in conjunction with the national unified judiciary.

ARTICLE VIII

AMENDMENT

Section 1. This Constitution may be amended ten years after its effective date. The Council shall submit to the voters, in the first general election after January 1, 1992 the question: "Shall a Ngchesar State Convention be called to revise or amend this constitution"?. If at least 50% of those voting answer the question affirmatively, a Constitutional Convention shall be convened within six (6) months, in a manner prescribed by law.

Section 2. This Constitution may be amended at any time, if thirty-five percent (35%) of the registered voters sign and submit a petition for such an amendment. The Government shall conduct a referendum on the question.

Section 3. This Constitution shall be deemed amended if more than fifty percent (50%) of those who cast their ballots approve the proposed amendment.

ARTICLE IX

TRANSITION

Section 1. This Constitution shall become effective on January 1 1982.

Section 2. All existing law; agreements to which the Municipal Government of Ngchesar is a party, obligation; and judgements [sic], in force and effect in the State of Ngchesar 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 term.

IN WITNESS WHEREOF, we the Delegates of this Convention assembled at the Ngchesar Government Building in Ngchesar Hamlet on this 13th day of September in the year of our Lord One Thousand Nine Hundred Eighty One, have hereunto subscribed our names.

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/s/Ngirakebou
Ngirakebou
Merreder era Beluu er Ngchesar

/s/Uludong Mereb
Techetbos, Uludong Mereb

/s/Besong
Desengang, Besong Lkesel

/s/Ngotel Merwai
Ngiracheruang, Ngotel Merwai

/s/Kotaro Kubarii
Ngirchoiremech, Kotaro
Kubarii

/s/Hideo Adelbai
Hideo Adelbai

/s/Obakremechuu
Obakremechuu. Paulus Obakrairur

/s/Bonafacio Basilius
Bonafacio Basilius

Saburo N. Anastacio

/s/Orukei Bukringang
Orukei Bukringang

/s/Saito Baudong
Saito Baudong

/s/Yoich Kohama
Yoich Kohama

/s/Hiroko Hideo
Hiroko Hideo

/s/Yuzi Mesubed
Yuzi Mesubed

/s/Rechesengel
Rechesengel, Advisor

/s/Saburo Ngiramengior
Saburo Ngiramengior

Cerified by: /s/Yosie Obeketang
Yosie Obeketang
Convention Secretary

/s/Hermana Ramarui
Hermana Ramarui
Journal Clerk

/s/Elena Ngotel
Elena Ngotel
Secretary

/s/Alfonsa Ngiramengior
Alfonsa Ngiramengior
Secretary