

CONSTITUTION OF THE STATE OF NGEREMLENGUI

UCHETEMEL A LLACH

E RA

BELUU ER A NGEREMLENGUI

**Ongdibel er a Uchetemel a Llach er a Beluu er a Ngeremlengui
20 ongelolm el buil - 30 ongeai el buil, 1983
Ngeremlengui, Republic of Palau**

CONSTITUTION OF THE STATE OF NGEREMLENGUI

PREAMBLE

IN RELIANCE OF OUR INHERENT IDENTITY, WE THE PEOPLE OF NGEREMLENGUI DO HEREBY REAFFIRM AND HONOR OUR IMMEMORIAL RIGHTS AND TRADITIONAL HERITAGE, AFFIRM OUR RESPECT FOR THE NEW FORM OF GOVERNMENT WITH FULL RELIANCE OF FREEDOM AND EQUALITY FOR ALL MANKIND. THEREFORE, WE, THE PEOPLE OF NGEREMLENGUI WITH DUE RESPECT ESTABLISH AND CONFIRM THIS CONSTITUTION TO GUIDE AND PRESERVE THE TRADITIONAL AND THE DEMOCRATIC FORMS OF OUR GOVERNMENT. WE HOPE TO LIVE IN PEACE AND HARMONY IN ACCORDANCE WITH THIS CONSTITUTION WITH FULL RELIANCE OF OUR OWN EFFORTS AND FREEDOM, AND THE DIVINE GUIDANCE OF ALMIGHTY GOD NOW AND FOREVER.

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ARTICLE I Territorial Jurisdiction

The State of Ngeremlengui shall have jurisdiction and sovereignty over its territory consisting of all lands, waters, airspace over land and water, seabeds and reefs to 12 nautical miles outside the reefs in its boundaries. The boundaries of Ngeremlengui commences at the north with Ngardmau at 12 nautical miles westward outside the reef of Medal A Chei at Chetmadei, thence straight northeast to Ulebuu El Yii, and thence following the Ngermasech River to Mekaud and continues east bound to Ngerchelchuuus and swings toward northeast to Ngkesiu and continues to border with Ngaraard at Ngelsum, and thence southward and continues to border with Ngiwal at Mount Ngel, then continues to Tbardrael to border with Melekeok at Kltalbtaches and then swings toward southeast to Omsuulkebeas and continues to Ulong, thences to Olouch and swings southeast and continues to Omtochel to border with Ngchesar at Ngerkeblol, then continues southwest bound to Olkael and continues to Esisekl, continuing to Suskemedukl and continuing further to border with Ngatpang at Ngchelbakl, thence forward toward northwest and continues to Ollumel Era Rechieb continuing further to the hill at Ileakl and continues on to Ngkebeduul, and thence forward following the river out to Ngerkall then follows the passageway southwest ward to Nerbatmerang, thence forward along the coast of Malk westward and going between Omeduaol and Telubeswaes stretching out to the passage of Termiid and then swings southwest to the channel of Uchulraksid then straight westward to Miich then swings north and continues to the end of Okeam reef, thence out west bound to 12 nautical miles and then swings north and continues northward at 12 nautical miles distance outside the reef to the point of origin.

ARTICLE II Sovereignty and Supremacy

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

Section 2. Any law, act of government, or agreement to which the government of Ngeremlengui State is a party, shall not conflict with this Constitution and shall be invalid to the extent of such conflict.

Section 3. Any provision of this Constitution which conflicts with the National Constitution and laws of the Republic of Palau, shall be invalid to the extent of such conflict.

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ARTICLE III

Resident of Ngeremlengui

A resident of Ngeremlengui is a citizen of Palau and a resident of Ngeremlengui in accordance with traditional or statutory laws.

ARTICLE IV

Fundamental Rights

The residents of Ngeremlengui State shall enjoy the same fundamental rights expressed in the Constitution of the Republic of Palau.

ARTICLE V

Traditional Rights

Section 1. The government shall take no action to prohibit or revoke the role or function of a traditional leader as recognized by custom and tradition, nor shall it prevent a traditional leader from being recognized, honored, or given formal or functional roles at any level of government.

Section 2. Statutes and traditional law shall be equally authoritative. In case of conflict between a statute and a traditional law, the statute shall prevail only to the extent it is not in conflict with the underlying principles of the traditional law.

ARTICLE VI

Responsibilities of the State Government

Ngeremlengui State government shall take positive action to attain these state objectives and implement these state policies: Conservation of a beautiful, healthful and resourceful natural environment; promotion of Ngeremlengui State economy; protection of the safety and security of persons and property; promotion of the health and social welfare of the residents of Ngeremlengui.

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ARTICLE VII

Suffrage

Section 1. A resident of Ngeremlengui of at least eighteen (18) years of age shall be eligible to vote in any Ngeremlengui State election. No Legislation shall be enacted to deprive a person of the right to vote.

Section 2. A Palauan citizen who is not a resident of Ngeremlengui but who has resided in Ngeremlengui for at least six (6) months preceeding an election, may be eligible to vote in accordance with law.

Section 3. The Olbiil Er a Ngeremlengui shall prescribe rules and methods for voters registration.

Section 4. A resident who is in prison, serving a sentence for a felony, or a resident who is mentally incompetent as determined by a court may not vote. Voting shall be by secret ballot.

ARTICLE VIII

Powers and Responsibilities of the Rubekul Ngeremlengui

Section 1. The Rubekul Ngeremlengui are: (a) the four (4) Uong, the highest ranking chiefs in Ngeremlengui; and (b) the four (4) hamlets chiefs of Ngeremlengui.

Section 2. The Rubekul Ngeremlengui shall be the sole judge of the qualifications of its members in accordance with traditional laws; in case of a dispute for a chief seat, the seat shall remain vacant until settled in accordance with traditional or statutory laws.

Section 3. The powers and responsibilities of the Rubekul Ngeremlengui are set forth in accordance with traditions and shall include the following:

- (a) to provide general leadership in the State in accordance with traditions;
- (b) to provide advice and consent on bills dealing with traditional matters or subjects dealing with the use of land and territorial waters for state projects, before approval by the Governor;
- (c) to approve petitions for recall of the Governor and members of the Olbiil Era Ngeremlengui that are signed by at least twenty-five percent (25%) of the registered

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voters and contains grounds for the recall;

(d) to appoint a Governor from a list of two (2) nominees submitted by the Olbiil Era Ngeremlengui in the event the Office of the Governor becomes vacant with less than one hundred eighty (180) days of the term still remaining;

(e) to settle disputes among individual residents, when requested; and

(f) to exercise other duties and responsibilities prescribed by the national government or the state government as may be determined by law.

Section 4. The compensation of the Rubekul Ngeremlengui shall be established by law.

ARTICLE IX

Executive

Section 1. The Governor shall be the chief executive of the State of Ngeremlengui.

Section 2. Any resident of Ngeremlengui who is not less than thirty (30) years of age, who has not been convicted of a felony or under probation by a court at the time of election, and who has not been determined mentally incompetent by a court shall be eligible for the Office of the Governor.

Section 3. The Governor shall be elected in a state-wide election for a term of four (4) years. The Governor shall permanently reside in Ngeremlengui.

Section 4. The Governor shall have all the inherent powers and duties of a state chief executive which shall include the following.

(a) to enforce the laws of the state;

(b) to appoint state officers with the advice and consent of the Olbiil Era Ngeremlengui;

(c) to spend money and collect taxes pursuant to law;

(d) to represent Ngeremlengui State Government in all legal matters;

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(e) to propose the State annual budget;

(f) to represent the State government in negotiations with the national government, with other states in the Republic of Palau, and with other states in the Republic of Palau, and with other organizations with the advice and consent of the Olbiil Era Ngeremlengui;

(g) to approve or disapprove bills passed pursuant to this Constitution; and

(h) may introduce legislation in the Olbiil Era Ngeremlengui.

Section 5. The Compensation of the Governor and state officers shall be established by law.

Section 6. The Governor may be impeached from office for treason, bribery, or other serious crimes by a vote of not less than three-fourths (3/4) of the members of the Olbiil Era Ngeremlengui with the advice and consent of the Rubekul Ngeremlengui.

Section 7. The Governor may be removed from office by a recall by a recall. A recall may be initiated by a petition signed by at least twenty-five percent (25%) of the registered voters. The petition shall be presented to the Rubekul Ngeremlengui for approval, and if the Rubekul Ngeremlengui so approve, a state-wide recall referendum shall be held within thirty (30) days. The Governor shall be removed from office only with the approval of a majority of the persons voting in the referendum. No recall shall be permitted against a Governor during the first two (2) years of his first term in office.

Section 8. In the event the Office of the Governor becomes vacant and more than one hundred and eighty (180) days remain in the term, a special state election for the Office of the Governor for the remainder of the term shall be held within forty-five (45) days of such vacancy.

ARTICLE X Olbiil Era Ngeremlengui

Section 1. The legislative power of the State of Ngeremlengui is vested in the Olbiil Era Ngeremlengui which shall consist of one house.

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Section 2. The members of the Olbiil Era Ngeremlengui shall be popularly elected for a term of four (4) years as follows:

- (a) one member to be elected from each of the respective hamlets of Ngeremlengui; and
- (b) six (6) members to be popularly elected at large;

Section 3. A person may become a candidate for election to the Olbiil Era Ngeremlengui if the person:

- (a) is a resident of Ngeremlengui;
- (b) is at least twenty-one (21) years of age;
- (c) has not been convicted of a felony, or is not under probation imposed by a court at the time of the election; and
- (d) has not been determined by a court to be mentally incompetent.

Section 4. The Olbiil Era Ngeremlengui shall have all the inherent legislative powers and duties, which shall include the following:

- (a) to enact tax laws;
- (b) to borrow money on the credit of the State government to finance public projects or to settle public debt, in accordance with law;
- (c) to ratify agreements between the state government and the national government, the state government and the several states and the state government and other organizations, by a vote of a majority of the members of the Olbiil Era Ngeremlengui;
- (d) to approve gubernatorial appointments to major governmental positions by a vote of not less than two-thirds (2/3) of the members of the Olbiil Era Ngeremlengui;

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(e) to remove the Governor by a vote of not less than three-fourths (3/4) of the members of the Olbiil Era Ngeremlengui with the advice and consent of the Rubekul Ngeremlengui;

(f) to provide for the general welfare, peace and security; and

(g) to enact any law which shall promote the general welfare of the public.

Section 5. A vacancy in the Olbiil Era Ngeremlengui shall be filled for the remainder of the term by a special election to be held within thirty (30) days of such vacancy. If less than one hundred eighty (180) days remain in the term, the Rubekul Ngeremlengui shall appoint a member to fill a vacancy.

Section 6. The compensation of the members of the Olbiil Era Ngeremlengui shall be established by law. The members of the Olbiil Era Ngeremlengui shall not increase their compensation during their term of office.

Section 7. The Olbiill Era Ngeremlengui shall be the sole judge of the election and qualifications of its members, may discipline a member, and, by a vote of not less than two-thirds (2/3) of is members may suspend or expel a member for good cause.

Section 8. The Olbiil Era Ngeremlengui shall meet at least four (4) times a year in accordance with law. A special session may be convened at any time by the presiding officer of the Olbiil Era Ngeremlengui; or at the request of the majority of the members, or by the Governor.

Section 9. No member of the Olbiil Era Ngeremlengui shall be held to answer in any other place for any speech or debate in the Olbiil Era Ngeremlengui. The members of the Olbiil Era Ngeremlengui shall be priviledged, in all cases except treason, felony, or breach of peace from arrest during their attendance at the sessions of the Olbiil Era Ngeremlengui and in going to and from the sessions.

Section 10. The Olbiil Era Ngeremlengui shall promulgate its own rules and procedures not inconsistent with this Constitution, and may compel the attendance of absent members. A majority of the members of the Olbiil Era Ngeremlengui shall constitute a quorum to do business, and may compel the attendance and testimony of witnesses before the Olbiil Era

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Ngeremlengui or its committee.

Section 11. The Olbiil Era Ngeremlengui shall elect a Presiding Officer and such other officers by a majority of the members. The Olbiil Era Ngeremlengui may employ such staff as it deems necessary and appropriate.

Section 12. The Olbiil Era Ngeremlengui may enact no law except by bill. No bill may become law unless it has been adopted by a majority of the members of the Olbiil Era Ngeremlengui that are present. The procedures and the number of readings by which a bill becomes law shall be established by law.

Section 13. A bill adopted by the Olbiil Era Ngeremlengui shall be presented to the Governor and shall become law when signed by the Governor. If the Governor vetoes a bill, it shall be returned to the Olbiil Era Ngeremlengui within fifteen (15) calendar days from the date of receipt with a statement of reasons for the veto. The Governor may reduce or veto an item in an appropriation bill and sign the remainder of the bill, returning the item vetoed or reduced to the Olbiil Era Ngeremlengui within fifteen (15) calendar days from the date of receipt with a statement of reasons; or refer a bill to the Olbiil Era Ngeremlengui with recommended actions for amendment. A bill not signed, vetoed, or referred within fifteen (15) calendar days of presentation to the Governor shall become law. A bill or item of a bill vetoed or reduced by the Governor may be considered by the Olbiil Era Ngeremlengui within thirty (30) calendar days of its return and shall become law as originally adopted upon approval of not less than two-thirds (2/3) of the members of the Olbiil Era Ngeremlengui.

Section 14. The Olbiil Era Ngeremlengui shall have the authority to release funds appropriated but impounded by the Governor.

Section 15. A members of the Olbiil Era Ngeremlengui may be removed from office by recall. A recall may he initiated by a petition which shall name the member sought to be recalled, state the grounds for recall, and be signed not less than twenty-five percent (25%) of the number of persons who voted in the most recent election for that particular seat in the Olbiil Era Ngeremlengui, and shall be presented to the Rubekul Ngeremlengui for approval. If the Rubekul Ngeremlengui so approve, a state-wide recall referendum shall be held within thirty (30) days. A member shall be removed from office only with the approval of a majority of the persons voting in the referendum. No recall shall be permitted against a member during the first two (2) years of

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his first term in office.

ARTICLE XI

Finance

Section 1. There shall be a Ngeremlengui State Treasury. All revenues derived from taxes, traditions or other sources shall be deposited in the State Treasury. No funds shall be withdrawn from the State Treasury except by law.

Section 2. The State government shall have the power to make investment pursuant to law.

ARTICLE XII

General Provisions

Section 1. This Constitution of the State of Ngeremlengui is written in Palauan and translated in English. The Palauan and English versions shall be equally authoritative; in case of conflict, the Palauan version shall prevail.

Section 2. Ngeremlengui residents may enact or repeal state laws, except appropriations, by initiative. An initiative petition shall contain the text of the proposed law or of the law sought to be repealed and be signed by twenty-five percent (25%) of the registered voters. An initiative petition shall take effect if approved at the next state general election by a majority of the persons voting on the initiative. A law enacted by initiative or a repeal of a law by initiative may not be vetoed by the Governor. A law enacted or repealed by initiative may be subsequently amended, repealed or re-enacted only by another initiative pursuant to the provisions of this section.

Section 3. The State of Ngeremlengui shall have the following hamlets: Imeong, Ngermetengel, Ngchemsed, Ngerutechei and Ngereklngong. No hamlet may secede from Ngeremlengui State.

Section 4. A hamlet established in the state through a new settlement may have a representative in the Olbiil Era Ngeremlengui. The Olbiil Era Ngeremlengui and the Rubekul Ngeremlengui shall prescribe the appropriate number of people in such hamlet to qualify it to

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have a representative in the Olbiil Era Ngeremlengui.

Section 5. An area, reef, and inner reef which was historically or traditionally a part of Ngeremlengui may be reclaimed as part of Ngeremlengui pursuant to traditional or statutory law.

Section 6. Harmful substances such as nuclear, chemical, gas or biological weapons intended for use in warfare, nuclear power plants, and waste materials therefrom, shall not be used, tested, stored or disposed of within the territorial jurisdiction of Ngeremlengui without the express approval of not less than three-fourths (3/4) of the votes cast in the referendum submitted on this specific question.

Section 7. All traditional diplomatic ties between Ngeremlengui State and the several states in the Republic of Palau may be honored by the State of Ngeremlengui.

ARTICLE XIII

Amendments

Section 1. An amendment to this Constitution may be proposed by a Constitutional Convention, or by popular initiative, as provided herein:

(a) at least once every fifteen (15) years, the Olbiil Era Ngeremlengui shall submit to the voters the question: "Shall there be a Convention to revise or amend the Constitution?" If a majority of the votes cast upon the question is in the affirmative, a Constitutional Convention shall be convened within six (6) months thereafter, in a manner prescribed by law; or

(b) by a petition signed by not less than twenty-five percent (25%) of the registered voters. The petition shall state the sections to be revised or amended and shall be presented to the Governor for inclusion in the election ballot.

Section 2. A proposed amendment to this Constitution shall become effective when approved in the next state general election by a vote of not less than sixty percent (60%) of the votes cast on that amendment.

ARTICLE XIV

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Transition

Section 1. This Constitution shall take effect on January 6, 1984.

Section 2. All existing law in force and effect in Ngeremlengui immediately preceding the effective date of this Constitution shall remain in force and effect until repealed, revoked, amended or until it expires by its own terms. All rights, interest, obligations, judgments, and liabilities arising under the existing law shall remain in force and effect.

IN WITNESS WHEREOF, we the Delegates to this Convention assembled at the Bai Era Ngeremlengui in the Republic of Palau this 29th day of August in the year one thousand nine hundred and eighty three, have hereunto subscribed our names;

/s/ Ngirturong Laurence
Ngirturong Laurence

/s/ Ngiradilubech Thomas
Ngiradilubech Thomas

/s/ Ngiraklang Malsol
Ngiraklang Malsol

/s/ Beches Maidesil
Beches Maidesil

/s/ Ngirutelchii Ngirngesechei
Ngirutelchii Ngirngesechei

/s/ Uchelrutechei Kingya
Uchelrutechei Kingya

/s/ Ngirasibong Fritz
Ngirasibong Fritz

/s/ Adelbeluu Delbirt
Adelbeluu Delbirt

DELEGATES

/s/ Masami Elbelau
Masami Elbelau

/s/ Masuo Kyota
Masuo Kyota

/s/ Shiro Kyota
Shiro Kyota

/s/ Adelina Isechal
Adelina Isechal

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/s/ Alonzo Tellei
Alonzo Tellei

/s/ Ayano Baules
Ayano Baules

/s/ Baurino Oingerang
Baurino Oingerang

/s/ Francis Toribiong
Francis Toribiong

/s/ Herbert Fritz
Herbert Fritz

/s/ Hersey Kyota
Hersey Kyota

/s/ John Sugiyama
John Sugiyama

/s/ Madlutk Ibutirang
Madlutk Ibutirang

/s/ Melemalt Remasch
Melemalt Remasch

/s/ Moses Mekoll
Moses Mekoll

/s/ Ngirabersoech Ngirengkoi
Ngirabersoech Ngirengkoi

/s/ Ngirngotel Idesmang
Ngirngotel Idesmang

/s/ Tommy Remengesau, Jr.
Tommy Remengesau, Jr.

OMELISIICH: /s/ Barmelio Ibutirang
Barmelio Ibutirang
Convention Secretary