

CONSTITUTION OF THE STATE OF NGIWAL

CONSTITUTION
OF THE
STATE
OF

Ngiwal

NGIWAL CONSTITUTIONAL CONVENTION
FEBRUARY 15 - APRIL 11, 1983
STATE OF NGIWAL, REPUBLIC OF PALAU

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Preamble

TRUSTING IN THE ALMIGHTY AND MERCIFULLY [sic] GOD,
WE THE PEOPLE OF NGIWAL
LIVING IN PEACE AND HARMONY
AND EXERCISING OUR INHERENT SOVEREIGNTY,
DO HEREBY ESTABLISH THIS CONSTITUTION
THROUGH OUR COOPERATION AND EFFORT
IN ACCORDANCE WITH OUR TRADITIONAL WAY OF LIFE
AND THE LAWS OF NGIWAL
HANDLED DOWN TO US SINCE TIME IMMEMORIAL:
WITH THIS CONSTITUTION,
WE, THE PEOPLE OF NGIWAL,
EXPRESS OUR DESIRE TO LIVE IN PEACE
AND TO CONTINUE TO CHERISH PEACE FOR ALL OUR PEOPLE:
AND WE REAFFIRM OUR TRUST IN THE MERCY OF GOD
AND OF THE SPIRITUAL BENEFACTORS OF THE STATE
IN THE HOPE THAT THIS CONSTITUTION
MAY BECOME THE SACRED DOCUMENT
UNDER WHICH THE PEOPLE OF NGIWAL
WILL BE EQUALLY GOVERNED.

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ARTICLE

TERRITORY

- Section 1 The Ngiwal State shall have exclusive ownership, jurisdiction and sovereignty overall living and non-living resources on and within its land, islands, seabeds, subsoils, water columns insular shelves, and air space from the land to twelve (12) nautical miles seaward from the traditional baseline, subject to the Constitution of the Republic of Palau.
- Section 2 The geographical boundary of the Ngiwal State as described in Ngiwal Municipal Charter dated November 6 1958 is hereby adopted as the geographical boundary of Ngiwal State including the area from the land to twelve (12) nautical miles seaward from the traditional baseline.
- Section 3 There are four (4) hamlets (beluu) within the State of Ngiwal and they are:
- (a) Ngellau,
 - (b) Ngercheluuk,
 - (c) Ngerngai, and
 - (d) Ngermechau

The boundaries of such hamlets (beluu) are those recognized by the customs and traditions of the people of Ngiwal. Ngiwal State may add and subdivide its territory upon the recommendation of the traditional leadership of the affected hamlet(s) (beluu).

ARTICLE II

SUPREMACY AND SOVEREIGNTY

- Section 1 This Constitution is the supreme law of the State of Ngiwal.
- Section 2 Any law, act of the Government, or agreement to which Ngiwal State is a party shall not conflict with this Constitution. In case of conflict this Constitution prevails.
- Section 3 Major Governmental powers may be delegated by law.

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ARTICLE III

CHAD ER A NGIWAL

Section 1 A person is CHAD ER A NGIWAL by customs and traditions.

ARTICLE IV

FUNDAMENTAL and TRADITIONAL RIGHTS

Section 1 This Constitution guarantees to all chad era Ngiwal State the same fundamental and traditional rights as set forth in the Constitution of the Republic of Palau.

Section 2 Each hamlet is traditionally governed by its chiefs.

(a) Each Counsel of Chiefs of Ngellau, Ngercheluuk, Ngersngai, and Ngermechau is composed of ten (10) traditionally recognized Rubak.

(b) The Rubak of the Council of Chiefs shall be appointed by Ruurot in accordance with customs and traditions of the respective clans.

ARTICLE V

SUFFRAGE

Section 1 Voting requirements and election procedures in Ngiwal State shall be established by the Kelulul a Kiuluul in accordance with the Constitution of the Republic of Palau.

ARTICLE VI

RESPONSIBILITY OF NGIWAL STATE

Section 1 The Government of Ngiwal State shall take positive action to conserve State resources, to promote the State economy and well being, and to maintain justice for the people of Ngiwal.

ARTICLE VII

EXECUTIVE

Section 1 The executive authority of the Ngiwal State shall be vested in a Governor. The Governor shall be elected in a state wide election for a term of four (4) years. A

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person may not serve as governor for more than two (2) consecutive terms.

Section 2 The Governor shall have all the inherent powers and duties of a state executive which shall include the following:

- (a) To administer and execute laws;
- (b) To approve or disapprove laws passed by the Kelulul a Kiuluul;
- (c) To negotiate and enter into agreements to which Ngiwal State is a party;
- (d) To appoint State government representatives and officers;
- (e) To appoint judges, subject to law and with the Consent of the Kelulul a Kiuluul;
- (f) To represent Ngiwal State in all legal actions;
- (g) To propose the Ngiwal State budget on an annual basis;
- (h) To request pardons, paroles, and the commutation of sentences from the President of the Republic of Palau;
- (i) To expend public funds pursuant to appropriations and to collect taxes;
- (j) To introduce measures in the Kelulul a Kiuluul; and
- (k) To make an annual report to the Kelulul a Kiuluul as to the progress of his administration.

Section 3 To be eligible to hold office of the Governor, a person must meet the following conditions:

- (a) Chad era Ngiwal
- (b) Not less than thirty (30) years of age upon assuming the office;
- (c) A registered voter of the Ngiwal State for not less than a year immediately preceding the election;
- (d) Not been convicted of a felony; and
- (e) Not been declared insane by a court of law.

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- Section 4 Whenever lives, property, or the security of a significant number of people within the State of Ngiwal are threatened, the Governor may declare a state of emergency and temporarily assume such legislative powers as may be necessary to afford immediate and specific relief to the lives or property so threatened. The Governor, then, shall call a meeting of the Kelulul a Kiuluul to seek approval of a simple majority of the members of the Kelulul a Kiuluul. This power to declare a state of emergency shall not be exercised for more than five (5) consecutive days without the expressed and continuing consent of the Kelulul a Kiuluul.
- Section 5 In the temporary absence of the Governor, he shall designate the Speaker of the Kelulul a Kiuluul as acting Governor. If a vacancy occurs due to death, resignation or disability, a state-wide election for the office of the Governor for the term remaining shall be held within thirty (30) days of such vacancy, and if less than one hundred eighty (180) days remain, the order of succession to the Governor shall be as follows: The Speaker, the Vice Speaker, and the Floor Leader of the Kelulul a Kiuluul.
- Section 6 The Governor may be recalled by a petition signed by not less than twenty-five percent (25%) of the registered voters and not less than two-third (2/3) votes of the registered voters of the State in a state-wide referendum to be held within forty-five (45) days from the date of the submission of such petition as shall be established by law in the first Kelulul a Kiuluul. The Governor may be impeached and removed from office for treason, bribery, or other serious crimes, by not less than two-third (2/3) of the members of the Kelulul a Kiuluul.
- Section 7 The Governor, during his term of office, shall physically reside in the State of Ngiwal.

ARTICLE VIII

KELULUL A KIULUUL

- Section 1 The legislative powers of the Ngiwal State shall be vested in a unicameral Kelulul a Kiuluul.
- Section 2 The Kelulul a Kiuluul shall consist of seventeen (17) members as follows:
- (a) Two (2) highest ranking chiefs from Ngellau; Four (4) highest ranking chiefs from Ngercheluuk; Two (2) highest ranking chiefs from Ngersngai; and Two (2) highest ranking chiefs from Ngermechau;
 - (b) Seven (7) chad era Ngiwal, who shall be elected at large for a term of two (2)

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years.

Section 3 The Kelulul a Kiuluul shall have all the inherent powers and responsibilities of a
the state legislature which shall include the following:

- (a) To promote the general well-being of the people of Ngiwal;
- (b) To enact laws necessary to specify state responsibilities;
- (c) To provide for the control and protection of state resources;
- (d) To levy taxes, duties and excises in accordance with established law;
- (e) To borrow money on the credit of Ngiwal State Government;
- (f) To regulate commerce within Ngiwal State;
- (g) To approve contracts or agreements in which Ngiwal State is a party;
- (h) To approve the appropriation of funds;
- (i) To confirm the appointments of the Governor of Ngiwal State in accordance with law;
- (j) To provide for the control and preservation of property which has historical significance;
- (k) To regulate the ownership, exploration and exploitation of natural resources subject to the provisions of this Constitution and traditional customs;
- (l) to confirm or disapprove a state of emergency; and
- (m) To provide for the general welfare, peace and security of the people of Ngiwal State.

Section 4 To be eligible to hold office in the Kelulul a Kiuluul, person must meet the
 following conditions:

- (a) Chad era Ngiwal;
- (b) A registered voter of Ngiwal State;
- (c) Not be less than twenty four (24) years of age upon assuming the office with

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the exception of the Traditional chiefs;

(d) Not been convicted of felony; and

(e) Not been declared insane by a court of law.

Section 5 The Kelulul a Kiuluul, by majority of its members, may compel the attendance of its absent members, and in same manner, may compel the attendance and testimony of witnesses before the Kelulul a Kiuluul or its Committees. The Kelulul a Kiuluul may, by a vote of two-third (2/3) of its members remove a member for cause. The public may initiate a recall of an elected member of the Kelulul a Kiuluul by submitting a petition to the Kelulul a Kiuluul signed by not less than twenty-five percent (25%) of the registered voters. The Kelulul a Kiuluul shall provide for a referendum on the petition within forty-five (45) days from the date of the submission of such petition. If more than fifty percent (50%) of the registered voters approve, such member shall be removed.

Section 6 A vacancy in the Kelulul a Kiuluul of a traditional Rubak shall be filled by an acting Rubak or the person who will next bear the same title. The Kldorolel of such filled Rubak shall make the appointment. A vacancy of an elected member shall be within thirty (30) days of the vacancy for the unexpired term by a special election to be held in accordance with law. If less than one hundred twenty (120) days remain in the unexpired term, the person who received the most votes among the unsuccessful candidates in the last state-wide election shall fill the vacant seat. If there were no candidates or there was a tie among the unsuccessful candidates in the last state-wide election, the vacant seat shall be filled as shall be established by law.

Section 7 A bill adopted by the Kelulul a Kiuluul 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 Kelulul a Kiuluul within fifteen (15) calendar days 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 reduced or vetoed to the Kelulul a Kiuluul within fifteen (15) calendar days together with the reasons for his action or he may refer a bill to the Kelulul a Kiuluul with recommendations for amendment. The Kelulul a Kiuluul shall call a meeting to reconsider a vetoed or returned bill and if after such reconsideration, two-thirds (2/3) of the members agree to pass the bill, it shall be sent to the Governor within fifteen (15) calendar days, by which time it shall likewise be reconsidered, and if not approved, it shall be returned to the Kelulul a Kiuluul, within fifteen (15) calendar days. The Kelulul a Kiuluul, after reconsideration for a second time, may pass the bill which shall become law by a three-fourths (3/4) vote of members. A bill not signed, vetoed, or referred within fifteen (15) calendar

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- days of presentation to the Governor shall become law.
- Section 8 shall The Kelulul a Kiuluul may enact no law except by bill. The Kelulul a Kiuluul establish a procedure for the enactment of bills into law. No bill may become law unless it has been adopted by a majority of the members of the Kelulul a Kiuluul present on two separate [sic] readings on two (2) separate [sic] days. No bill may become law unless it contains the following enactment clause: THE PEOPLE OF NGIWAL REPRESENTED IN THE KELULUL A KIULUUL DO ENACT AS FOLLOWS:
- Section 9 conduct The Kelulul a Kiuluul shall elect its presiding officers by a majority of the members. A simple majority of the members shall constitute a quorum to official business.
- Section 10 next state The salary and compensation of the members of executive and the Kelulul a Kiuluul shall be established by law. Any law enacted by the Kelulul a Kiuluul providing for an increase in salary and compensations for the Governor or members of the Kelulul a Kiuluul shall become effective only after the general election.
- Section 11 its The Kelulul a Kiuluul shall be the sole judge of the election and qualification of members .
- Section 12 a Each member of the Kelulul a Kiuluul is privileged from arrest in all cases, except treason, felony or breach of peace during their attendance at the session of the Kelulul a Kiuluul and in going to and from the session. No member of the Kelulul a Kiuluul shall be held answerable for any statement made in the Kelulul a Kiuluul.
- Section 13 The Kelulul a Kiuluul shall convene its meeting at least four (4) times a year. The first session of the Kelulul a Kiuluul shall convene on the first Tuesday after the effective date of this Constitution. The Kelulul a Kiuluul may be convened at any time by the presiding officers or at the written request of majority of the members of the Kelulul a Kiuluul, or by the Governor [sic].
- Section 14 In the temporary absence of the Speaker, the order of succession to the Speaker and/or the Acting Governor shall be as follows: Vice Speaker, the Floor Leader, and the Chairman of the Standing Committees who shall be selected by the members of the Kelulul a Kiuluul. An Acting Governor shall not have voting privileges in the Kelulul a Kiuluul while acting in that capacity.

ARTICLE IX

JUDICIARY

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- Section 1 The judicial system of the Ngiwal State may be provided by law.
- Section 2 A person who commits a crime recognized by traditional laws may be judged and punished accordingly to the extend [sic] that it does not conflict with this Constitution or the Constitution of the Republic of Palau.

ARTICLE X

STATE TREASURY

- Section 1 All State revenues shall be deposited in the State Treasury.
- Section 2 The State funds must be audited at the end of each fiscal year.

ARTICLE XI

GENERAL PROVISIONS

- Section 1 Palauan and English shall be the official languages of Ngiwal State.
- Section 2 The Palauan and English versions of this Constitution shall be equally authoritative. In case of conflict the English version, except the Palauan words used in the English version of this Constitution, shall prevail, provided that the traditional interpretation in this Constitution shall not be altered.
- Section 3 The State Government shall have the power to take private property for public use upon payment of just compensation which shall not be less than the appraisal to be prepared by the Kelulul a Kiuluul. No property shall be taken by the State Government without prior consultation with the owner of the land. This power shall be used sparingly and only as a final resort after all means of good faith negotiations with the land owner have been exhausted.

ARTICLE XII

AMENDMENTS

- Section 1 An amendment to this Constitution may be proposed by any one of the following methods:
- (a) Every tenth (10th) year from the effective date of this Constitution, the State may submit to the voters during the election of the Kelulul a Kiuluul members, the question: "Do you want to amend the Constitution?" If a simple majority of the votes cast is in the affirmative, the Kelulul a kiuluul shall convene a

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Constitutional proposed Convention within six (6) months of such affirmation by law. The amendment shall be put on the ballot in the next general election:

(b) By petition, submitted to the Kelulul a Kiuluul signed by not less than twenty-five percent (25%) of the registered voters of Ngiwal State. The proposed amendment to this Constitution shall be put on the ballot in the next general election; or

(c) By Resolution adopted by not less than two-thirds (2/3) of the members of the Kelulul a Kiuluul. The proposed amendment to this Constitution shall be put on the ballot in the next general election.

Section 2 Ngiwal A proposed amendment to this Constitution shall become part of this Constitution when approved and ratified by a simple majority of the registered voters of State.

ARTICLE XIII

TRANSITION

Section 1 Municipal The effective date of this Constitution shall be provided by Ngiwal State Ordinance.

Section 2 the All existing laws in force and effect in the Ngiwal State immediately preceding effective date of this Constitution shall, subject to the provisions of this Constitution, remain in force and effect until repealed, revoked, amended or until such laws shall expire by their own terms.

CERTIFICATION

DELEGATES TO NGIWAL CONSTITUTIONAL CONVENTION

IN WITNESS WHEREOF, We the delegates to this first Ngiwal State Constitutional Convention, before the people of Ngiwal in the State of Ngiwal, this 11th day of April in the year of our Lord One thousand nine hundred eighty three, have adopted this draft constitution and HEREUNTO subscribed our names and pledge to support it;

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TRADITIONAL DELEGATES

NGERCHELUUK

UONG
Timarong Adalbert

NGIRAIBAI
Tulop David

SECHARKEBUR
Ngirarikel Gideon

/s/ Makilong M. Teliu
MISECH
Makilong M. Teliu

NGELLAU

IROMEL
Ito Udui

/s/ Becheserrak Tmilchol
OBAK
Becheserrak Tmilchol

NGERMECHAU

/s/ Masao Ueda
NGIRNGESECHEI
Masao Ueda

/s/ Idechong Wasai
NGIRNGETKEBUI
Idechong Wasai

/s/ Hilaria I. Lakobong
ELECHUUS
Hilaria I. Lakobong

IBLUUK
Ngirmang

NGERSNGAI

/s/ Tiobch Idip
RIUMD
Tiobch Idip

/s/ Inacio Sadang
SIKESOL
Inacio Sadang

Delegates/State Council

/s/ August Ngirameketii
August Ngirameketii
(Ngirasoud)

Feliciano E. Udui

/s/ Gabino Llecholch
Gabino Llecholch

/s/ Katosang Rimirch
Katosang Rimirch
(Magistrate)

/s/ Ngebitl Irebai
Ngebitl Irebai

Riuch Mereb

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/s/ Gabino Llecholch
Gabino Llecholch

Riuch Mereb

/s/ Gabriel Renguul
Gabriel Renguul

/s/ Truman Ngirmang
Truman Ngirmang

Appointed Delegates

Delegates appointed by the Magistrate to represent Ngiwal people on Guam, Saipan, and others outside of Palau.

/s/ Ellis Teliu
Ellis Teliu

/s/ Shiochi Ueda
Shiochi Ueda
(President, GUAM PCA)

Elected Delegates

Elia L. B. Tulop

/s/ Emiliano N. Llecholch
Emiliano Nano Llecholck

/s/ Juan F. Polloi
Juan F. Polloi
(President/ConCon)

/s/ Noah Idechong
Noah Idechong

/s/ Lorenza Olkeriil
Lorenza Olkeriil

/s/ Rosemary Mersai
Rosemary Mersai
(Vice President/ConCon)

/s/ Masasinge S. Arurang
Masasinge S. Arurang
(Floor Leader/ConCon)

/s/ Vincent Ito
Vincent Ito

/s/ Yosiharu Ueda
Yosiharu Ueda

Attest:

/s/ Ismael Renguul
Ismael Renguul
Convention Secretary