

CONSTITUTION OF THE STATE OF NGATPANG

CONSTITUTION
OF
THE STATE
OF

Ngatpang

1982

THE STATE OF NGATPANG
Babeldaob, The Republic of Palau

NGATPANG CONSTITUTIONAL CONVENTION
(Matechimis)
STATE OF NGATPANG
Babeldaob, Republic of Palau
March 29 to December 27. 1981

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Preamble

We, the people of the State of Ngatpang,
as the inheritors of the cultural heritage,
traditions and resources of this State,
hereby recognize and accept
our sacred duty
to defend, maintain and foster
our traditional system of government,
our land and resources,
and our traditions and culture
for our own benefit
as well as for the benefit and security
of our future generations.

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ARTICLE I

TERRITORY OF NGATPANG

Section 1. Subject to the traditional boundaries which may be recognized by the State of Ngatpang and its neighboring states, namely, Ngaremlengui to the North, Melekeok to the Northeast, Ngchesar to the East, Airai to the Southeast, Aimeliik to the South, and the territorial waters of the Republic of Palau to the West, the territory of the State of Ngatpang shall consist of all lands and water within its geographical boundaries as defined and delineated in the Charter of the Municipality of Ngatpang dated January 7, 1959. The territory shall include all the marine areas situated within twelve (12) nautical miles seaward from the traditional baseline of the State of Ngatpang, subject to such limitations as may be imposed by the Constitution of the Republic of Palau.

Section 2. The precise boundaries of the territory of the State of Ngatpang shall be established by the State Government of Ngatpang.

ARTICLE II

PEOPLE OF NGATPANG

Section 1. The people of the State of Ngatpang shall be those domiciliaries and residents of the State as determined by traditional methods except for purposes of national elections and referenda.

Section 2. The State of Ngatpang shall by law prescribe voting qualifications of the people of the State of Ngatpang for purposes of state elections and referenda.

ARTICLE III

BILL OF RIGHTS

The people of the State of Ngatpang shall be entitled to the same rights and privileges and shall enjoy the same individual freedoms as every other citizen of the Republic of Palau as provided by the constitution of the Republic of Palau.

ARTICLE IV

STATE GOVERNMENT

Section 1. All powers of the State Government of Ngatpang shall be vested in the traditional council of chiefs in the State of Ngatpang known as "NGAIMIS" which is composed

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of ten (10) ranking chiefs whose traditional titles appear below in the order of their traditional ranks:

1. Rebelkuul
2. Rekemesik
3. Secheuas
4. Rubeang
5. Rechiuang
6. Ucheldikes
7. Rideb
8. Bedul
9. Madrasikos
10. Madrainglai (Madraketom)

Section 2. The preeminent four (4) "corner clans" or "SAUS", in the traditional order, are Delangebiang, Ingelai, Snges, and Eteet. The four (4) top ranking traditional chiefs, namely, Rebelkuul, Rekemesik, Secheus, and Rubeang, are heads of their SAUS, respectively. Pursuant to tradition, the other six (6) chiefs are incorporated into the four (4) SAUS.

Section 3. The NGAIMIS shall be the sole judge of the selection and qualifications of succeeding members, provided that the members have been duly chosen by the appropriate clans pursuant to the traditional customs of the State of Ngatpang. In the event a member of the NGAIMIS is rendered unable to perform his duties and responsibilities, in his own judgment or in the judgment of his clan, a representative shall be chosen to act in his stead pursuant to the traditional concept of MOROLEL.

Section 4. It shall be the primary duty and responsibility of any official or employee of the Government of the State of Ngatpang to work actively for the benefit of the people of the State of Ngatpang, and to this end to take such actions as may be necessary to regulate the use and proper utilization of the natural resources of Ngatpang and to provide for the maintenance of peace, morals, health and general welfare of the people of Ngatpang.

Section 5. Each bona fide member of the NGAIMIS must establish and maintain his residence within the State of Ngatpang.

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ARTICLE V

LEGISLATIVE

Section 1. Pursuant to custom, REBELKUUL is the Head of the State of Ngatpang and the presiding officer of the NGAIMIS.

Section 2. The NGAIMIS or Ngatpang State Council shall exercise all legislative powers, responsibilities and duties within the State of Ngatpang which are reserved by the Constitution of the Republic of Palau for the states or which may be delegated to the states by national law.

Section 3. All acts of the NGAIMIS shall be made in the traditional manner of consensus among the members of the NGAIMIS. In the event the members of the NGAIMIS cannot reach a consensus, then acts of NGAIMIS shall be made, as a matter of last resort, by unanimous vote of the top four (4) ranking members of the NGAIMIS representing the SAUS of the State of Ngatpang which shall include the six (6) other chiefs as provided in Article IV, Section 2.

Section 4. The NGAIMIS may by resolution appoint any person from the State of Ngatpang to serve in its legislative committees.

ARTICLE VI

EXECUTIVE

Section 1. Pursuant to custom, REKEMESIK is the Governor, the official representative of the State of Ngatpang, and the presiding officer of the Board of Executive which shall consist of the preeminent four (4) ranking members of the NGAIMIS.

Section 2. All laws, resolutions and other decisions of the NGAIMIS shall be reported to the Governor and the board of Executives for enforcement [sic], execution or implementation.

Section 3. There shall be an Executive Officer to be elected in a state government election for a term of three (3) years as provided by law. Each of the four (4) SAUS may nominate its candidate for Executive Officer whose name shall appear in a ballot along with the names of the other candidates so nominated. The nominees shall be selected from among the members of the four (4) SAUS of Ngatpang and none of the nominees may be a member of the NGAIMIS. The Executive Officer shall manage, operate and supervise the day-to-day administrative functions and affairs of the State Government of Ngatpang as may be assigned to him by the Board of Executives, and he shall carry out his duties and responsibilities under the immediate supervision of the Governor.

ARTICLE VII

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ARBITRATION

Section 1. Any dispute arising within the State of Ngatpang or arising between the people of the State of Ngatpang may be referred by mutual consent of the parties to the NGAIMIS for arbitration, resolution and settlement.

Section 2. The NGAIMIS may employ both traditional and modern methods of arbitration for the resolution and settlement of disputes. Arbitration decisions of the NGAIMIS shall be made by unanimous vote of the Board of Executives and a majority of the NGAIMIS. Decisions shall have only persuasive authority initially but shall become final and binding as a judgment of a court of law unless any party thereto initiates proceedings in a national court within thirty (30) days from the date of its issuance.

ARTICLE VIII

FINANCE

Section 1. There shall be a state treasury into which all revenues derived from taxes or other sources shall be deposited. Funds may only be withdrawn from the state treasury pursuant to law.

Section 2. Subject to laws enacted by the Olbiil Era Kelulau, the NGAIMIS shall have the authority to impose and collect taxes which shall be uniformly applied throughout the state, provided no tax may be imposed upon land.

Section 3. Subject to laws enacted by the Olbiil Era Kelulau, the Government of the State of Ngatpang shall have the power to borrow money to finance public programs or to settle public debt.

Section 4. The Government of the State of Ngatpang shall have the power to make investments.

Section 5. The Government of the State of Ngatpang Shall have exclusive authority to license the proper utilization of natural resources within the State of Ngatpang. Any person or legal entity doing business within the State of Ngatpang must be licensed to do business within the state by the State government.

ARTICLE IX

AMENDMENTS

This Constitution may be amended every four (4) years by a Proposal adopted by eight (8) of the members of the NGAIMIS including all members of the Board of Executive and ratified

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by a majority of the votes cast in a state referendum.

ARTICLE X

SUPREMACY

Any law enacted by, or any act of the State Government of Ngatpang, or any agreement to which the State of Ngatpang is a party shall not conflict with this Constitution and shall be invalid to the extent of such conflict.

ARTICLE XI

RATIFICATION

Section 1. Subject to laws enacted by the Olbiil Era Kelulau and the approval of the NGAIMIS, this Constitution shall be ratified by the delegates to the Ngatpang State Constitutional Convention and the existing Municipal Council in consultation with all the clans and people of the State of Ngatpang.

Section 2. The effective date of this Constitution shall be determined by resolution of the existing Municipal Council of the State of Ngatpang which has been duly determined to be January 25th' 1982.

IN WITNESS WHEREOF, we, the undersigned delegates to the Constitutional Convention of the State of Ngatpang, duly assembled at Bai ra Brekong, State of Ngatpang, Republic of Palau, have hereunto subscribed our names this 27th day of December, 1981.

--- DELANGEBIANG CLAN ---

Hosei Iechad, Delegate

Masa-Aki Emesiochl, Delegate

Misako Merep, Delegate

--- INGLAI CLAN ---

Gilbert U. Demel, Delegate
Vice President

Surangel Whipps, Delegate

Bechekldil Lukes Iechad, Delegate

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--- SNGES CLAN ---

Felix Maidesil, Delegate

Okada Techitong, Delegate

Ileberang Ngirngotel, Delegate

--- ETEET CLAN ---

Hiromi Nabeyama, Delegate

Anthonio Ngirngetrang, Delegate

Miyoko Rimirch, Delegate

--- NGATPANG-AT-LARGE ---

Demei O. Otobed, Delegate
President

Roman Bedor, Delegate

Tosie B. Keldermans, Delegate

ATTEST

Ngitong Ngiraibuuch, Magistrate
State of Ngatpang