NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS 37TH CONSTITUTIONAL REGULAR SESSION, 2016

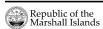


Republic of the Marshall Islands *Jepilpilin Ke Ejukaan*

CONSTITUTIONAL CONVENTION (AMENDMENT) (4) ACT 2016

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Republic of the Marshall Islands *Jepilpilin Ke Ejukaan*

CONSTITUTIONAL CONVENTION (AMENDMENT) (4) ACT 2016

AN ACT to amend the *Constitutional Convention Act* 2015, in order to include additional proposals for the amendment of the Constitution of the Republic of the Marshall Islands.

BE IT ENACTED BY THE NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS

§1. Short Title

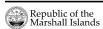
This Act may be cited as the Constitutional Convention (Amendment) (4) Act 2016.

§2. Amendments

(1) Schedule 1 of the Constitutional Convention Act, 2015 is amended by adding the new Proposal No. 19to be inserted after Proposal No. 18 to read as follows:

"Proposal No. 19. – Article X of the Constitution of the Republic: To amend Article X for inclusion of a new section to be inserted under Article X to provide for traditional dispute resolution of land tenure system in the Republic of the Marshall Islands.

(1) Any disputes regarding customary and traditional land tenure and traditional practices, and involving title, right and interest to land within a Bwijor Bōtōktōk, or between Bwijor Bōtōktōk, in the Republic shall, first and foremost, be resolved within the Mojen,



Mōñāor Bed, by the Iroijlaplap, Iroijerik – where applicable, Alap and Senior DriJerbal.

Provided however, where any:

- (a) Disputes regarding the Iroijerik title, right and interest, discussions shall be held between the Iroijlaplap, Alap and Senior DriJerbal;
- (b) Disputes regarding the Alap title, right and interest, discussion shall be held between the Iroijlaplap, Iroijerik where applicable, and Senior DriJerbal;
- (c) Disputes regarding the Senior DriJerbal title, right and interest, discussion shall be held between the Iroijlaplap, Iroijerik where applicable and Alap, and;
- (d) Disputes regarding the Iroijlaplap title, right and interest, discussion shall be held between the Iroijerik where applicable, Alap and Senior DriJerbal.
- (2) The final determination from the Mojen, Mōñāor Bed regarding disputes between the titleholders pursuant to subsections (a), (b) and (c) above, shall be decided by the Iroijlaplap, and appealable to the Traditional Rights Court, only upon clear and convincing evidence that it was reached erroneously.
- (3) The final determination from the Mojen, Mōñāor Bed regarding the Iroijlaplap title, right and interest shall be decided by the Iroijerik where applicable, Alap and Senior DriJerbal, collectively. This Decision is appealable to the Traditional Rights Court

§3. Effective Date

This Act shall take effect on the date of certification in accordance with Article IV, Section 21 of the Constitution.

CERTIFICATE

I hereby certify:

- 1. That Nitijela Bill No: 15 was passed by the Nitijela of the Republic of the Marshall Islands on the <u>30th</u> day of <u>March</u> 2016; and
- 2. That I am satisfied that Nitijela Bill No: 15 was passed in accordance with the relevant provisions of the Constitution of the Republic of the Marshall Islands and the Rules of Procedures of the Nitijela.

I hereby place my signature before the Clerk this <u>8th</u> day of <u>April</u> 2016.

Hon. Kenneth A. Kedi

Speaker

Nitijela of the Marshall Islands

Attest:

Lena Tiobech

Clerk

Nitijela of the Marshall Islands