



Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

CONSTITUTIONAL CONVENTION (AMENDMENT) (4) ACT 2016

Introduced by:

SENATOR MICHAEL KABUA

Approved:

PRINTED NAME

SIGNATURE

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



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Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

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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**

A BILL FOR 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. 19 to 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 Bötöktök, or between Bwijor Bötöktök, in the Republic shall, first and foremost, be resolved within the

Mojen, Mōñāor Bed, by the Iroiĵlaplap, Iroiĵerik – where applicable, Alap and Senior Driĵerbal.

Provided however, where any:

- (a) Disputes regarding the Iroiĵerik title, right and interest, discussions shall be held between the Iroiĵlaplap, Alap and Senior Driĵerbal;
- (b) Disputes regarding the Alap title, right and interest, discussion shall be held between the Iroiĵlaplap, Iroiĵerik – where applicable, and Senior Driĵerbal;
- (c) Disputes regarding the Senior Driĵerbal title, right and interest, discussion shall be held between the Iroiĵlaplap, Iroiĵerik – where applicable and Alap, and;
- (d) Disputes regarding the Iroiĵlaplap title, right and interest, discussion shall be held between the Iroiĵerik – where applicable, Alap and Senior Driĵerbal.

(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 Iroiĵlaplap, 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 Iroiĵlaplap title, right and interest shall be decided by the Iroiĵerik – where applicable, Alap and Senior Driĵerbal, 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.

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

**CONSTITUTIONAL CONVENTION (AMENDMENT) (4)
ACT 2016**

SIGNATURES

DATE: _____ **INTRODUCED BY** _____
Print Name *Signature*

DATE: _____ **INTRODUCED BY** _____
Print Name *Signature*

DATE: _____ **INTRODUCED BY** _____
Print Name *Signature*

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NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS

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37TH CONSTITUTIONAL REGULAR SESSION, 2016

CONSTITUTIONAL CONVENTION (AMENDMENT) (4)

ACT 2016

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BILL SUMMARY

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This Bill proposes to amend the Constitutional Convention Act 2015, in order to

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include a new proposal under Article X of the Constitution of the Republic of the

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Marshall Islands in order to provide a traditional dispute resolution of land tenure

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system in the Republic of the Marshall Islands.