CONSTITUTIONAL CONVENTION
(AMENDMENT) (4) ACT 2016

Introduced by:

__________________________________________
SENATOR MICHAEL KABUA

Approved:

__________________________________________
PRINTED NAME   SIGNATURE
CONSTITUTIONAL CONVENTION (AMENDMENT) (4) ACT 2016

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

Republic of the Marshall Islands
Jepilpin 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 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.
NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS
37TH CONSTITUTIONAL REGULAR SESSION, 2016

CONSTITUTIONAL CONVENTION (AMENDMENT) (4)
ACT 2016

SIGNATURES

DATE: ________  INTRODUCED BY _______________________
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       Print Name                Signature

DATE: ________  INTRODUCED BY _______________________
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Constitutional Convention (Amendment) (4) Act 2016

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

CONSTITUTIONAL CONVENTION (AMENDMENT) (4)
ACT 2016

BILL SUMMARY

This Bill proposes to amend the Constitutional Convention Act 2015, in order to include a new proposal under Article X of the Constitution of the Republic of the Marshall Islands in order to provide a traditional dispute resolution of land tenure system in the Republic of the Marshall Islands.