

P.R. 2016-08

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:

Section 1. **Short Title**

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

Section 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 *Bwij* or *Bōtōktōk*, or between *Bwij* or *Bōtōktōk*, in the Republic shall, first and foremost, be resolved within the *Mojen*, *Mōñā* or *Bed*, by the Irojlaplap, Irojjerik – where applicable, Alap and Senior Dri Jerbal.

Provided however, where any:

(a) Disputes regarding the Irojjerik title, right and interest, discussions shall be held between the Irojlaplap, Alap and Senior Dri Jerbal;

(b) Disputes regarding the Alap title, right and interest, discussion shall be held between the Irojlaplap, Irojjerik – where applicable, and Senior Dri Jerbal;

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1 (c) Disputes regarding the Senior Dri Jerbal title, right and interest, discussion shall be
2 held between the Iroijlaplap, Iroijerik – where applicable and Alap, and;

3 (d) Disputes regarding the Iroijlaplap title, right and interest, discussion shall be held
4 between the Iroijerik – where applicable, Alap and Senior Dri Jerbal.

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6 (2) The final determination from the *Mojen*, *Mōñā* or *Bed* regarding disputes between
7 the titleholders pursuant to subsections (a), (b) and (c) above, shall be decided by the
8 Iroijlaplap, and appealable to the Traditional Rights Court, only upon clear and
9 convincing evidence that it was reached erroneously.

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11 (3) The final determination from the *Mojen*, *Mōñā* or *Bed* regarding the Iroijlaplap title,
12 right and interest shall be decided by the Iroijerik – where applicable, Alap and Senior Dri
13 Jerbal, collectively. This Decision is appealable to the Traditional Rights Court

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16 Section 3. **Effective Date**

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

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22 **CERTIFICATE**

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24 **I hereby certify:**

- 25 1. That Nitijela Bill No. 15 was passed by the Nitijela of the Republic of the
26 Marshall Islands on the 30th day of March, 2016; and

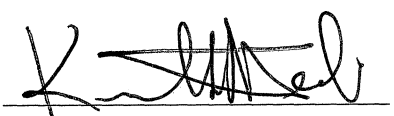
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2. That I am satisfied that Nitijela Bill No. 15 was passed in accordance with the relevant provisions of the Constitution of the Republic of the Marshall Islands and the Rules of Procedures of the Nitijela.

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

Attest:



Hon. Kenneth A. Kedi
Speaker
Nitijela of the Marshall Islands



Lena E. Tiobech
Acting Clerk
Nitijela of the Marshall Islands