



Republic of the Marshall Islands  
*Jepilpilin Ke Ejukaan*

# CONSTITUTIONAL CONVENTION (AMENDMENT) (4) ACT 2016

Introduced by:

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**SENATOR MICHAEL KABUA**

Approved:

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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  
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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

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

3 Provided however, where any:

- 4 (a) Disputes regarding the Iroiĵerik title, right and interest,  
 5 discussions shall be held between the Iroiĵlaplap, Alap  
 6 and Senior Driĵerbal;
- 7 (b) Disputes regarding the Alap title, right and interest,  
 8 discussion shall be held between the Iroiĵlaplap,  
 9 Iroiĵerik – where applicable, and Senior Driĵerbal;
- 10 (c) Disputes regarding the Senior Driĵerbal title, right and  
 11 interest, discussion shall be held between the  
 12 Iroiĵlaplap, Iroiĵerik – where applicable and Alap, and;
- 13 (d) Disputes regarding the Iroiĵlaplap title, right and  
 14 interest, discussion shall be held between the Iroiĵerik –  
 15 where applicable, Alap and Senior Driĵerbal.

16 (2) The final determination from the Mojen, Mōñāor Bed  
 17 regarding disputes between the titleholders pursuant to  
 18 subsections (a), (b) and (c) above, shall be decided by the  
 19 Iroiĵlaplap, and appealable to the Traditional Rights Court,  
 20 only upon clear and convincing evidence that it was reached  
 21 erroneously.

22 (3) The final determination from the Mojen, Mōñāor Bed  
 23 regarding the Iroiĵlaplap title, right and interest shall be  
 24 decided by the Iroiĵerik – where applicable, Alap and Senior  
 25 Driĵerbal, collectively. This Decision is appealable to the  
 26 Traditional Rights Court

27 **§3. Effective Date**

28 This Act shall take effect on the date of certification in accordance with  
 29 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**

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**DATE:** \_\_\_\_\_ **INTRODUCED BY** \_\_\_\_\_  
*Print Name* *Signature*

**DATE:** \_\_\_\_\_ **INTRODUCED BY** \_\_\_\_\_  
*Print Name* *Signature*

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*Print Name* *Signature*



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37TH CONSTITUTIONAL REGULAR SESSION, 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.