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# CONSTITUTION OF THE MARSHALL ISLANDS

## PREAMBLE

WE, THE PEOPLE OF THE MARSHALL ISLANDS, trusting God, the Giver of our life, liberty, identity and our inherent rights, do hereby exercise these rights and establish for ourselves and generations to come this Constitution, setting forth the legitimate legal framework for the governance of the Marshall Islands.

We have reason to be proud of our forefathers who boldly ventured across the unknown waters of the vast Pacific Ocean many centuries ago, ably responding to the constant challenges of maintaining a bare existence on these tiny islands, in their noble quest to build their own distinctive society.

This society has survived, and has withstood the test of time, the impact of other cultures, the devastation of war, and the high price paid for the purposes of international peace and security. All we have and are today as a people, we have received as a sacred heritage which we pledge ourselves to safeguard and maintain, valuing nothing more dearly than our rightful home on these islands.

With this Constitution, we affirm our desire and right to live in peace and harmony, subscribing to the principles of democracy, sharing the aspirations of all other peoples for a free and peaceful world, and striving to do all we can to assist in achieving this goal.

We extend to other peoples what we profoundly seek from them: peace, friendship, mutual understanding, and respect for our individual idealism and our common humanity.

**ARTICLE I**

**SUPREMACY OF THE CONSTITUTION**

**Section 1. This Constitution to be Supreme Law.**

(1) This Constitution shall be the supreme law of the Marshall Islands: and all judges and other public officers shall be bound thereby.

(2) No legislative or executive instrument and no decision of any court or other government agency made on or after the effective date of this Constitution shall have the force of law in the Marshall Islands unless it has been made pursuant to this Constitution

**Section 2. Inconsistency with this Constitution.**

(1) Any existing law and any law made on or after the effective date of this Constitution, which is inconsistent with this Constitution, shall, to the extent of the inconsistency, be void.

(2) Any other action taken by any person or body on or after the effective date of this Constitution, which is inconsistent with this Constitution, shall, to the extent of the inconsistency, be unlawful.

**Section 3. Interpretation and Application of this Constitution.**

(1) In interpreting and applying this Constitution, a court shall look to the decisions of the courts of other countries having constitutions similar, in the relevant respect, to the Constitution of the Marshall Islands, but shall not be bound thereby; and, in following any such decision, a court shall adapt it to the needs of the Marshall Islands, taking into account this Constitution as a whole and the circumstances in the Marshall Islands from time to time.

(2) In all cases, the provisions of this Constitution shall be construed to achieve the aims of fair and democratic government, in the light of reason and experience.

#### **Section 4. Enforcement of this Constitution.**

Subject to this Constitution's express limitations on the judicial power,

(a) the Attorney-General acting in the name of the people of the Marshall Islands, and all persons directly affected by an alleged violation of this Constitution, whether private individuals or public officials, shall have standing to complain of such violation in a case or controversy that is the subject of an appropriate judicial proceeding;

(b) any court of general jurisdiction, resolving a case or controversy implicating a provision of this Constitution, shall have power to make all orders necessary and appropriate to secure full compliance with the provision and full enjoyment of its benefits;

(c) the Government of the Marshall Islands and any local government shall not be immune from suit in respect of their own actions or those of their agents; but no property or other assets of the Government of the Marshall Islands or of any local

government shall be seized or attached to satisfy any judgment.

## ARTICLE II

### BILL OF RIGHTS

#### **Section 1. Freedom of Thought, Speech, Press, Religion, Assembly, Association, and Petition.**

(1) Every person has the right to freedom of thought, conscience, and belief; to freedom of speech and of the press; to the free exercise of religion; to freedom of peaceful assembly and association; and to petition the government for a redress of grievances.

(2) Nothing in this Section shall be construed to invalidate reasonable restrictions imposed by law on the time, place, or manner of conduct, provided:

(a) the restrictions are necessary to preserve public peace, order, health, or security or the rights or freedoms of others;

(b) there exist no less restrictive means of doing so; and

(c) the restrictions do not penalize conduct on the basis of disagreement with the ideas or beliefs expressed.

(3) Nothing in this Section shall be construed to prevent government from extending financial aid to religiously supported institutions insofar as they furnish educational, medical or other services at no profit, provided such aid does not discriminate among religious groups or beliefs on the basis of a governmental preference for some religions over others, and provided such aid goes no further than:

(a) reimbursing users of educational, medical, or other non-profit services for fees charged to such users; or

(b) reimbursing such institutions for costs incurred in providing such services, but only with funds channeled through an organization open to all religious institutions that provide the services in question.