

**NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS  
46TH CONSTITUTION REGULAR SESSION, 2025**



Republic of the Marshall Islands  
*Jepilpilin Ke Ejukaan*

**OMBUDSMAN'S OFFICE ACT 2025**

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**OMBUDSMAN'S OFFICE ACT 2025**

**AN ACT** to give effect to Article VII, Section 12 of the Constitution by establishing the Office of the Ombudsman as an independent authority with investigatory and prosecutorial powers to expose and address corruption, abuse of office, and unethical conduct by public officials and to provide for its structure, duties, and operations.

**BE IT ENACTED BY THE NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS**

**§101. Short title.**

This Act may be cited as the Ombudsman's Office Act 2025.

**§102. Constitutional Basis**

This Act gives effect to Article VII, Section 12 of the Constitution of the Republic of the Marshall Islands, which establishes the Office of the Ombudsman as an independent authority empowered to investigate and prosecute illegal or unethical conduct by elected or high public officials. The Ombudsman shall:

- (a) be independent of any other authority;
- (b) not be subject to direction or control by any person or authority in the performance of duties; and
- (c) perform all functions and exercise powers in accordance with the Constitution and this Act.

**103. Definitions.**

In this Chapter, Unless the context otherwise requires:

- (1) "Minister" means the Minister of Justice, Immigration and Labor.

#### **§104. Establishment and Independence**

- (1) There is hereby established an independent office to be known as the Office of the Ombudsman.
- (2) The Speaker shall nominate, and with the approval of the Nitijela, signified by resolution, the President shall appoint an Ombudsman and may only be removed by resolution of the Nitijela for cause.
- (3) The Ombudsman shall not be a member of the Nitijela or the Public Service and shall not hold any other public office.
- (4) The Ombudsman shall act independently and shall not be subject to the direction or control of any person or authority in the performance of official duties.
- (5) The Office shall be administratively attached to the Ministry of Justice solely for budgeting and logistical purposes, and such attachment shall not affect the independence of the Ombudsman.

#### **§105. Composition of Office**

- (1) The Office of the Ombudsman shall consist of:
  - (a) the Ombudsman;
  - (b) such Deputy Ombudsman(s);
  - (c) prosecutors, investigators, legal counsel, and other professional or technical personnel as the Ombudsman may, in consultation with the Public Service Commission, determine to be necessary for the effective operation of the Office.
- (2) In the absence or incapacity of the Ombudsman, the Deputy Ombudsman shall serve as Acting Ombudsman without the need for formal appointment.

#### **§106. Functions**

The functions of the Office of the Ombudsman shall include:

- (1) receiving and investigating complaints of misconduct, abuse of office, corruption, maladministration, or unethical conduct by elected or high public officials;
- (2) receiving any referral matters from the Auditor-General pursuant to Section 920 and Section 921 of the Auditor-General (Definition of Duties, Functions, and Powers) Act 1986, Public Safety, local government police, or the Government Ethics Board, and initiating and conducting criminal prosecutions where evidence of an offense is found.
- (3) recommending administrative or disciplinary action to relevant authorities or agencies;
- (4) promoting transparency, accountability, and ethical standards in public service;
- (5) providing guidance to institutions to improve compliance with standards of good governance; and
- (6) exercising any other functions authorized by law or necessary to give effect to the Constitution.

#### **§107. Establishment of Divisions**

- (1) The Ombudsman may establish such internal divisions as necessary to efficiently carry out the functions of the Office, including but not limited to:
  - (a) an Investigation Division,
  - (b) a Criminal Division, and
- (2) The Criminal Division may include duly authorized prosecutors. The Investigation Division shall include trained investigators. All staff shall operate under the oversight of the Ombudsman.

#### **§108. Appointment of Special Investigators and Prosecutors**

- (1) The Ombudsman may appoint a qualified person, including an attorney, to act as a Special Investigator and/or Prosecutor in any case requiring special expertise or where impartiality demands it.
- (2) Where there exists a conflict of interest or the appearance thereof, the Special Investigators and/or Prosecutors shall operate independently

from the Office and shall not receive further direction from it after appointment.

### **§109. Powers of Investigation and Summons**

- (1) In the performance of duties under this Chapter pursuant to Article VII, Section 12(9), the Ombudsman or a designated officer may issue summons to individuals or entities to appear, testify, and/or produce documents, records, data, or other material relevant to an investigation.
- (2) The Ombudsman may apply to the Courts for an order to compel compliance with any summons. Noncompliance shall be punishable as contempt of court.
- (3) The Ombudsman may conduct site inspections, interview officials, and obtain sworn testimony when necessary to establish the facts of a complaint or investigation.

### **§110. Reports, Prosecutions, and Public Disclosure**

- (1) As the prosecuting authority under Article VII, Section 12 of the Constitution, the Ombudsman shall have the authority to initiate and conduct criminal prosecutions resulting from investigations undertaken by the Office.
- (2) Upon completing an investigation, the Ombudsman may:
  - (a) initiate prosecution;
  - (b) refer matters for disciplinary action; or
  - (c) recommend policy or legal reform.
- (3) If a matter lies outside the Office's jurisdiction, the Ombudsman may forward appropriate recommendations to the relevant agency or authority.
- (4) The Ombudsman shall submit a written report once every year to the Nitijela, detailing:
  - (a) complaints received and processed;
  - (b) investigations completed;
  - (c) prosecutions initiated and their status;
  - (d) recommendations issued and their implementation status; and

- (e) any significant findings or systemic governance concerns.
- (5) Where it is in the public interest and does not compromise ongoing proceedings, the Ombudsman may publicly disclose reports, findings, or recommendations.

### **§111. Representation and Cooperation**

- (1) All ministries, departments, statutory bodies, and government-owned entities shall cooperate fully with the Office of the Ombudsman.
- (2) In the event of obstruction or refusal to cooperate, the Ombudsman may notify the Nitijela and recommend appropriate corrective measures or sanctions.

### **§112. Annual Reports**

The Ombudsman shall prepare and submit an annual report to the Nitijela at the end of each financial year. The report shall include a comprehensive account of the Office's activities, outcomes, challenges, and strategic priorities for the following year.

### **§113. Regulations.**

The Minister, in consultation with the Ombudsman, may make regulations, rules or other instruments necessary to give full effect to this Chapter and its administration pursuant to the Marshall Islands Administrative Procedure Act 1979.

### **§114. Transitional Provisions.**

**Upon the Order issued by the President, the Attorney-General shall continue to exercise prosecutorial authority over all matters within the Ombudsman's constitutional mandate, and any such proceedings commenced before that shall remain valid and be concluded accordingly.**

### **§115. Consequential Amendment.**

*1. Sections 920 and 921 of the Auditor-General (Definition of Duties, Functions and Powers) Act 1986 is hereby amended to read as follows:*

**§920. Referral: criminal action.**

In carrying out his duties, the Auditor-General shall report to the Attorney-General and the Ombudsman whenever Auditor-General has reasonable grounds to believe that there has been any violation of the criminal law. The Attorney-General and Ombudsman may institute further proceedings.

**§921. Referral: civil action.**

In any case where the Auditor-General has discovered fraudulent acts and believes that civil recovery proceedings may be appropriate, he shall refer the matter to the Attorney-General and the Ombudsman who may institute any proceedings that he deems appropriate.

*2. Section 1707 of the Ethics in Government Board is hereby amended to replace Attorney-General with Ombudsman as a member of the Board to read as follows:*

**§1707. Government Ethics Board.**

- (1) There is hereby created a Government Ethics Board to oversee general compliance with this Chapter, consisting of three (3) members which shall include the Ombudsman, the Auditor General and the Chief Secretary or his or her respective designee.

**§116. Effective Date**

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

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**CERTIFICATE**

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**I hereby certify:**

1. That Nitijela Bill No: 72ND1 was passed by the Nitijela of the Republic of the Marshall Islands on the 3<sup>rd</sup> day of October 2025; and
2. That I am satisfied that Nitijela Bill No: 72ND1 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 15<sup>th</sup> day of October 2025.

  
10/15/2025  
 \_\_\_\_\_  
**Hon. Isaac Zackhras**  
 Vice Speaker  
 Nitijela of the Marshall Islands

Attest:

  
10/15/25  
 \_\_\_\_\_  
**Carl Alik**  
 Acting Clerk  
 Nitijela of the Marshall Islands