



REPUBLIC OF THE MARSHALL ISLANDS
MARSHALL ISLANDS MARINE RESOURCES AUTHORITY
PO BOX 860 MAJURO, MARSHALL ISLANDS 96960

Policy: Leasing Policy and Procedure

Purpose

This policy outlines delegations of authority and guidelines regarding the leasing of real property by or from the Marshall Islands Marine Resources Authority ("MIMRA").

Policy

No lease or rental of real property, including any interest in land, buildings, office space, laboratory space, storage space, water, natural resources or mineral rights, may be entered into or will be binding upon MIMRA unless the provisions of this Policy and Procedure are satisfied. Any agreement which does not comply with the terms of this Policy and Procedure shall not be binding upon MIMRA unless ratified by the MIMRA Director or presented recommendations to and approved by MIMRA Board, depending on the total annual rent as described in this Policy.

Any request for leasing, or for the extension or renewal of a lease, of real property for MIMRA's purposes must be affirmed by the MIMRA Director, approved as to legal form by the MIMRA Legal Division or Attorney General's Office and the traditional landowners for that portion of land.

The Corporate Division ("the Office") of the Marshall Islands Marine Resources Authority ("MIMRA") is responsible for securing all leased real property for



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MIMRA (referred to as "bases"). The Office is also responsible for the payments made to proper persons and ensuring that there are no disputes with the lease agreements (referred to as "payments"). MIMRA will follow applicable RMI laws, rules, and regulations in all leasing activities and the MIMRA's procedures are structured to ensure compliance with these applicable laws, rules and regulations.

Procedures for Real Property Lease Agreements

1. Required Approvals

- Ilo lease agreement ko an Ratak-en, aikwuij wor signature an Iroiylaplap kab Iroiierik ilo jabdrewot pepa in kalimur, kajimwe, kab memo im moj an notarize mokta jen an itok nan obij e an MIMRA.

- Ilo Lease agreement ko an Ralik-en, aikwuij wor signature eo an Iroiylaplap ilo jabdrewot pepa in kalimur, kajimwe, kab memo. Aolep pep kein enaj aikwuij wor notary public en notarize mokta jen an itok nan obij e an MIMRA.

2. Time for Approval

To ensure adequate time for all necessary reviews and approvals, lease requests should be submitted to the Office 2 weeks in advance of the date the property is needed. Requests submitted less than two (2) weeks in advance will be processed as expeditiously as possible.



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3. Procedures

Fish Base Leases

1. All lease requests shall be forwarded to the Office using the approved forms located on the MIMRA website.
2. After review by the Office and formal approval from the MIMRA Chief Financial Officer and MIMRA Legal Division, the request will be sent to the Director for consideration.
3. Upon the recommendation of the MIMRA Director, and concurred by the MIMRA Board (if applicable), the lease request will be returned to the Office for processing.
4. The Office will submit the final lease to the landowners for review and signature. MIMRA Legal Division will review and approve as to legal form any proposed modifications to the standard lease provided by the Office.
5. The Office will then submit the lease to the MIMRA Director for signature.
6. All signatures need to have been notarized by a notary public in order to avoid any attempts at forgery or deceptive conduct.

4. Corporate Main Office Lease

1. All lease requests shall be forwarded to the Office using the approved forms located on the MIMRA website.
2. The Assistant Financial Officer will review the lease request to determine if all requirements have been satisfied. MIMRA legal division will review and approve as to legal form any proposed modifications to the standard lease agreement format.



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3. After review by the Assistant Financial Officer, the lease will be submitted to MIMRA's Chief Financial Officer and MIMRA Director for signatures.

5. Hatchery Leases

1. MIMRA owns 2 hatcheries for use in MIMRA research and related aquaculture activities. MIMRA's Ajeltake Hatchery has been designated as a national hatchery, open to the public for use.
2. Entities must submit all facility use requests to the Aquaculture Advisor. Once the Aquaculture advisor has reviewed the request, it must be sent to the MIMRA Director for approval.
3. Once the MIMRA Director has approved the request, the entity must sign a Facilities Use Agreement with specified terms and conditions dependent on what the request entails.
4. After the entity signs the Agreement, the Agreement will be submitted to the MIMRA Director and Aquaculture Advisor for final approval and signature.

6. Disputes

1. If a dispute arises concerning land ownership in one of the fish bases, MIMRA will only consider two things:
 - a. If there is proof of ownership by way of a Court Judgment/Decision of rightful land owner, MIMRA shall recognize said landowners that have rightful ownership over land under customary law and practices under Article X, Section 1 of the *Constitution of the Republic of the Marshall Islands*;
 - b. If there is no proof of ownership, MIMRA will not entertain any changes of title of ownership over a disputed land and



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will defer to those concerned amongst themselves until there is proof of ownership in accordance with customary law and practices of the RMI in accordance with Article X, Section 1 of the *Constitution of the Republic of the Marshall Islands*.

7. Conflict of Interest

- a. In the event that a MIMRA employee has vested interest in one of the MIMRA fish bases, he or she must raise his or her conflict to the Director and/or management and shall be recused from this process.
- b. In the event that a MIMRA employee does not disclose his or her conflict in one of the fish bases to the Director and/or management, he or she will be subject to disciplinary matters in which may trigger immediate suspension or termination from employment.
- c. In the event that a MIMRA employee from the legal division has a conflict of interest pertaining to a particular lease agreement and/or wetos, then he or she shall recuse him/herself from any undertakings and shall refer the matter to the RMI Attorney General's Office.

Approved by:

Hon. Sandy Alfred

Chairman of MIMRA Board