

**TITLE 39 – CUSTOMS AND TRADITIONS
CHAPTER 6 - CUSTOMARY LAW (DECLARATION)**



Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

CUSTOMARY LAW (DECLARATION) ACT 1990

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CUSTOMARY LAW (DECLARATION) ACT 1990

AN ACT to declare the Customary Law with respect to the resolution of disputes among Iroijlablab title claimants pursuant to Article X, Section 2 of the Constitution of the Republic of the Marshall Islands; and to confirm and provide for the settlement, under the Customary Law, of the case of “In the Matter of the Iroij Lablab Title of Kabua Lablab”, Civil Action No. 1984-98 and Civil Action No. 1984-102 (consolidated).

<i>Commencement:</i>	<i>September 7, 1990</i>
<i>Source:</i>	<i>P.L. 1990-89</i>
<i>Amended By:</i>	<i>P.L. 1991-142</i>

§601. Short title.

This Chapter may be cited as the “Customary Law (Declaration) Act 1990.”
[P.L. 1990-89, §1.]

§602. Declaration of the Customary Law.

Pursuant to Article X, Section 2 of the Constitution of the Republic of the Marshall Islands, it is hereby declared as a matter of customary law that in cases involving title disputes between Iroijlablab title claimants, the Alabs of the directly affected lands shall have the ability and obligation to determine the rightful holder of the Iroijlablab title. [P.L. 1990-89, §2.]

§603. Settlement of “In the Matter of Iroij Lablab Title of Kabua Lablab” under the Customary Law.

Pursuant to Article X, Section 2 of the Constitution of the Republic of the Marshall Islands, and notwithstanding any other law, written document or oral communication to the contrary, it is hereby declared that the document entitled “A Meeting of the Lineage Heads (Alab) and the Chiefs (Iroij) of Kwajalein Atoll”, dated June 1, 1990, signed by the four Iroijs of Kwajalein Atoll and 32 Alabs of Kwajalein Atoll and as set forth in Schedule 1 of this Chapter, with respect to the case captioned “In the Matter of the Iroij Lablab Title of Kabua Lablab”, Civil Action No. 1984-98 and Civil Action No. 1984-102 (consolidated) is, under the customary law and otherwise, deemed to be valid and binding on all of the parties as an agreement terminating the referenced lawsuit. [P.L. 1990-49, §3.]

§604. Joint Report.

- (1) As required by Article X, Section 2(3) of the Constitution, it is hereby declared that before the Bill for this Act proceeded further than first reading, a report on the matters dealt with in this Act by a joint committee of the Council of Iroij and the Nitijela was presented to and considered by the Nitijela, and has been published..
- (2) The Nitijela members of the joint committee required under Subsection (1) of this Section shall be the members of the appropriate Standing Committee of the Nitijela to which the Bill for this Act has been referred. [P.L. 1990-89, §4.]

§605. Prior Judgments.

The declaration of customary law made under Section 602 of this Chapter shall not affect any final judgment on the merits concerning Irojlablab title disputes rendered by a court of competent jurisdiction before the effective date of this Chapter, nor shall it affect the doctrines of res judicata and estoppel. [P.L. 1991-142, §2(2).]

§606. Severability.

In the event that any of the provisions of this Chapter are found to be invalid, or if the application of any provision of this Chapter to any person or circumstance is found to be invalid, such invalidity shall not affect any

other provision or application which can be given effect without the invalid provision or application. [P.L. 1990-89, §5.]