

Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

**CUSTOMARY LAW (SUCCESSION OF
CUSTOMARY TITLE, RIGHT, AND
INTEREST) ACT 2023.**

Introduced by:

SENATOR MICHAEL KABUA

Approved:

SPEAKER KENNETH A. KEDI

SIGNATURE

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**NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS
44TH CONSTITUTION REGULAR SESSION, 2023**

Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

**CUSTOMARY LAW (SUCCESSION OF CUSTOMARY
TITLE, RIGHT, AND INTEREST) ACT 2023.**

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1 NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS
2 44TH CONSTITUTION REGULAR SESSION, 2023

3 Republic of the Marshall Islands
4 *Jepilpilin Ke Ejukaan*

**CUSTOMARY LAW (SUCCESSION OF CUSTOMARY
TITLE, RIGHT, AND INTEREST) ACT 2023.**

5 **A BILL FOR AN ACT** To declare as a matter of customary law the generally
6 established principle of customary succession of title, right and interest, in and to
7 land, inherited from birth, and transferred through the matrilineal and, in certain
8 instances, patrilineal descent; to provide for the written consent and authority of the
9 Iroijlaplap in any land title transferral, and; to provide for matters connected
10 therewith or incidental thereto.

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

12 **§101. Short title.**

13 This Act may be cited as the Customary Law (Succession of Customary
14 Title, Right, and Interest) Act 2023.

15 **§102. Declaration of customary law.**

16 Sections 3, 4, and 5 of this Act are declarations of the customary law made
17 pursuant to Article X, Section 2 of the Constitution of the Republic of the
18 Marshall Islands.

19 **§103. Succession of Customary Title, Right and Interest.**

20 (1) Customary title, right and interest to land are passed down
21 horizontally by matrilineal descent through the female members of
22 the bwij, starting from the eldest to the youngest.

- 1 (2) The bwij shall become extinct (“lōt”) when there are no more female
2 members to continue the lineage, and, the title, right and interest to
3 the land will pass through the male members of the bwij. The
4 offspring of the male members of the bwij, in this instance, are
5 otherwise characterized to by the term, “Jiblok.”
- 6 (3) The first female born of a male member of the original bwij shall be
7 the progenitor of a new bwij, an occasion referred to as “toor in
8 bōtōktōk”, who shall pass down the title, right and interest to land
9 through her female offspring.
- 10 (4) Any female offspring of the eldest daughter, or of the younger
11 siblings of the eldest daughter, of a male member of the original bwij
12 shall be characterized as “Jibtok.” These female offspring shall inherit
13 the title, right and interest to the land from their mother, to pass
14 down and continue the new matrilineal descent, and their male
15 descendants shall become the reigning titleholders on a particular
16 land.
- 17 (5) In the event of incapacity of a titleholder, the title shall be exercised
18 by the immediate successor to the title, or by another person
19 designated by the titleholder, with written notice to the bwij and, if
20 the title is a Kajur title, with the written consent of the Iroiylaplap.
- 21 (6) The chosen designee of the titleholder may only act for and on behalf
22 of the titleholder during the lifetime of the titleholder. Upon the
23 demise of the titleholder, the title shall revert back to and continue
24 with the immediate successor to the titleholder, in accordance with
25 customary law and traditional practice.

26 **§104. Iroiylaplap Authority in Approving or Revoking Any Title**
27 **Transferral.**

28 Notwithstanding the provisions of §439 of 24 MIRC Ch. 4, the following
29 subsections shall govern any power of attorney issued by a Titleholder, with
30 regard to his title, right and interest:

- 31 (1) No legal or statutory power of attorney or customary authorization
32 for a Titleholder shall be valid except for one given by the Titleholder
33 to his immediate successor to the title, or another person designated
34 by the Titleholder, and, if the title is a Kajur title, approved in writing

- 1 by the Iroijlaplap, if applicable, in accordance with the principle of
2 “iroij im jelā”.
- 3 (2) Any transferral or gifting of title, right and interest to lands by a
4 Titleholder through the customary land awards of Katlep, Kitre or
5 Kallimur shall be effective only upon written notice to the bwij and, if
6 the title is a Kajur title, with the written consent of the Iroijlaplap, if
7 applicable.
- 8 (3) Any written approval by the Iroijlaplap of any legal or statutory
9 power of attorney or customary authorization given by a Titleholder
10 to his immediate successor, or another person designated by the
11 Titleholder, may be revoked by the Iroijlaplap for cause. Said
12 revocation shall be in writing. The effect of such revocation by the
13 Iroijlaplap shall render said instrument null and void.
- 14 (4) The principle of “iroij im jela” shall mean that a decision of the
15 Iroijlaplap is entitled to the greatest weight in evidence and is
16 presumed to be reasonable, proper, and in accordance with
17 customary law and traditional practice, unless it is established by
18 clear and convincing evidence that it is not. The principle of “iroij
19 imjela” shall be applied consistently in all cases where succession to
20 the title, right and interest in and to land is in question or disputed.

21 **§106. Effective Date.**

22 This Act shall take effect on the date of certification in accordance with the
23 relevant provisions of the Constitution of the Republic of the Marshall
24 Islands and the Rules of Procedure of the Nitijela.

1 **NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS**
2 **44TH CONSTITUTION REGULAR SESSION, 2023**

**CUSTOMARY LAW (SUCCESSION OF CUSTOMARY
TITLE, RIGHT, AND INTEREST) ACT 2023.**

3 **BILL SUMMARY**

4 This Bill proposes to declare as a matter of customary law the generally established
5 principle of customary succession of title, right and interest, in and to land, inherited
6 from birth, and transferred through the matrilineal and, in certain instances,
7 patrilineal descent; to provide for the written consent and authority of the Iroijlaplap
8 in any land title transferal, and; to provide for matters connected therewith or
9 incidental thereto.

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NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS
44TH CONSTITUTION REGULAR SESSION, 2023

CUSTOMARY LAW (SUCCESSION OF CUSTOMARY
TITLE, RIGHT, AND INTEREST) ACT 2023.

SIGNATURES

DATE: _____ INTRODUCED BY _____
Print Name *Signature*

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DATE: 2/14/23 INTRODUCED BY Michael Kzbur [Signature]
Print Name *Signature*

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DATE: 2/11/23 INTRODUCED BY HEROHI YAMAMURA [Signature]
Print Name *Signature*

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Print Name *Signature*

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Print Name *Signature*