TITLE 39 – CUSTOMS AND TRADITIONS
CHAPTER 1 - CUSTOMARY LAW AND LANGUAGE COMMISSION

Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

CUSTOMARY LAW AND LANGUAGE COMMISSION ACT 2004

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CUSTOMARY LAW AND LANGUAGE COMMISSION ACT 2004

AN ACT to create a single entity to be known as the Customary Law and Language Commission, and to repeal the "Republic of the Marshall Islands Language Commission Act 1983 and the "Customary Law Commission Act 1989".

Commencement:	*May, 2005*
Source:	*P.L. 2005-34*

§101. Short Title.

This Chapter may be cited as the Customary Law and Language Commission Act, 2004. **[P.L. 2005-34, §1.]**

§102. Establishment of the Commission.

(1) In keeping with the responsibility of the Nitijela, under Article X, Section 2, of the Constitution of the Republic of the Marshall Islands, to declare by Act the customary law of the land, and to encourage the preservation, development and use of the Marshallese language, there is hereby established a Customary Law and Language Commission.

(2) The Commission shall consist of three (3) members appointed by the President for a term of two years (2) years. Their term may be extended for any other period as determined by the President.

(3) As far as practicable the persons appointed to the Commission shall be persons with wide experience and knowledge in customary law and traditional practice of the land, and in the Marshallese language.

(4) The members of the Commission may be removed at any time with or without cause.

(5) The Attorney-General and the Legislative Counsel shall act as legal advisors to the Commission and shall assist the Commission in the drafting and codification of the law. **[P.L. 2005-34, §2.]**

§103. Functions and Duties of the Commission vis a viz; its duty to codify the customary law.

(1) The functions of the Commission in relation to its duty to codify the customary law of the Marshall Islands shall include the responsibility:

(a) to examine all necessary books, records and all other documents relating to customary law and traditional practice of the Marshall Islands.

(b) to examine witnesses and all other persons who are familiar or conversant with the customary law or traditional practice of the land: and

(c) to collect all such material that are relevant to the customary law and traditional practice of the land

(2) It shall also be the duty of the Commission to reduce to writing all material collected by it in relation to its functions, and codify the law in order to enable the country to have a unified customary law.

(3) The Commission shall, upon the completion of its task, submit to the President a certified copy of the proposed customary law Code containing the laws codified under this Chapter. **[P.L. 2005-34, §3.]**

§104. Publication of the Customary Law Code.

(1) The President may publish the said Code for the benefit of the public and shall, present it to the Nitijela, as soon as practicable, for due consideration.

(2) The Code shall have no effect in law unless the Nitijela declares it by Act as the Customary Law in the Marshall Islands, in accordance

with Article X, Section 2 of the Constitution of the Republic of the Marshall Islands. **[P.L. 2005-34, §4.]**

§105. Functions and Duties of the Commission vis a viz; its duty to promote and preserve the Marshallese Language.

(1) The functions and duties of the Commission in relation to the promotion and preservation of the Marshallese language shall include the duty:

(a) to investigate methods of preserving, developing and encouraging the use of the Marshallese language, and to report on such matters to the Cabinet and to the Nitijela through the Minister;

(b) to recommend action to be taken by the Government of the Marshall Islands or by any other person, organization or authority for the preservation, development and use of the Marshallese language;

(c) to devise and, so far as it can, implement an educational program on the Marshallese language, and on the need for, and the methods of, its preservation, development and use;

(d) to sponsor and approve standards for uniform spelling of Marshallese words and phrases;

(e) to prepare and publish, or to assist in the preparation and publication of, dictionaries and other works on the Marshallese language;

(f) with the approval of a joint committee of the Nitijela and the Council of Iroij, to adopt and publish lists of new words, phrases and grammatical forms that appear to it to be required or desirable for the development and use of the Marshallese language; and

(g) any other functions that are necessary or desirable for achieving the purposes of this Chapter.

(2) The Commission may cooperate with, and seek assistance from, universities any other amounts received for the of the Commission or of this and other institutions and persons interested in the functions of the Commission and the achievement of the purposes of this Chapter.

(3) The Commission, with the approval of the Cabinet, may solicit and accept grants, donations and other aid from any source for the purposed of this Chapter.

(4) Grants, donations or aid made or given subject to conditions, or for certain purposes, may be spent or used only in accordance with those conditions or for those purposes. **[P.L. 2005-34, §5.]**

§106. Procedure.

The Commission may determine its own procedure in carrying out its duties and responsibilities. **[P.L. 2005-34, §6.]**

§107. Special Considerations.

In the execution of its duties under this Chapter, the Commission shall at all times:

(a) consult with the general public and traditional leaders of the Marshall Islands; and

(b) give due consideration and recognition to the inherent variations in the Marshallese language and custom in the Railik and Ratak groups. **[P.L. 2005-34, §7.]**

§108. Staff, etc.

(1) There shall be a Secretary to the Commission, and such other staff members as the Commission may employ in order to perform its functions.

(2) The Secretary and staff of the Commission shall be employees of the Public Service.

(3) In addition to the above, the Commission may engage the services of specialists and consultants in the course of its work. **[P.L. 2005-34, §8.]**

§109. Finance.

(1) A Fund is hereby established for the specific purposes of this Commission.

(2) The Fund is a [special revenue] fund within the National Treasury and under the control and supervision of the Ministry of Finance,

which shall provide for its administration in accordance with the Financial Management Act of 1990, as amended, 11 MIRC 1.

(3) There shall be paid into the Fund:

(a) any grants, donations or aid in cash made or given for the purposes of this Chapter; and

(b) any amount appropriated by the Nitijela for the purposes of the Commission and of this Act.

(4) Money may be paid out of the Fund only:

(a) for the purposes of the Commission and of this Chapter; and

(b) with the authority of the Secretary of Finance, who, pursuant to the procedures prescribed by the Financial Management Act, 11 MIRC 1, shall first satisfy himself that the payment is in accordance with this Chapter.

(5) The Secretary of Finance shall maintain proper accounts and records of the Fund, and the accounts to be laid before the Nitijela by the Minister of Finance under Article VIII, Section 5(4) of the Constitution of the Marshall Islands shall include accounts relating to the Fund. **[P.L. 2005-34, §9.]**

§110. Reports.

The Commission shall, at least once in each year, at such time as is fixed by the President, submit to the President, for presentation to the Nitijela, a progress report on the work of the Commission. **[P.L. 2005-34, §10.]**

§111. Assistance and cooperation.

It is the national duty of the Government of the Marshall Islands (in particular the Ministry of Education), of the news media, of local governments, of private and public organizations and authorities, and of the people generally to cooperate with and assist the Commission in its work. **[P.L. 2005-34, §11.]**

§112. Compensation.

Cabinet shall determine the compensation for the members and staff of the Commission. **[P.L. 2005-34, §12.]**

§113. Ministerial Responsibility.

The President may exercise ministerial responsibility for the Commission, or assign such responsibility to a member of the Cabinet. **[P.L. 2005-34, §13.]**

§114. Repeal.

The "Republic of the Marshall Islands Language Commission Act 1983, and the "Customary Law Commission Act 1989" are hereby repealed in their entirety. **[P.L. 2005-34, §14.]**

§115. Effective Date.

This Chapter shall take effect on the date of certification in accordance with the relevant provisions of the Constitution of the Republic of the Marshall Islands and the Rules of Procedures of the Nitijela. **[P.L. 2005-34, §15.]**