TITLE 39 - CUSTOMS AND TRADITIONS
CHAPTER 9 - CUSTOMARY LAW (SUCCESSION OF CUSTOMAY, TITLE, RIGHT, AND INTEREST) (RALIK CHAIN) ACT 2023

Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

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

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AN ACT to declare as a matter of customary law the generally established principle of customary succession of title, right and interest, in and to land, inherited from birth, and transferred through the matrilineal and, in certain instances, patrilineal descent; to enumerate the classification of customary land rights and holdings, to provide for the written consent and authority of the Iroijlaplap in any land title transferral, and; to provide for matters connected therewith or incidental thereto.

Commencement:	*April 10, 2023*
Source:	*P.L. 2023-67*

§901. Short title.

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

§902. Interpretation.

In this Chapter, unless the context otherwise requires:

(a) "Jiblok", means "botoktok" which signifies that they are the male off-springs descendants through the bloodline;

§903. Application of customary law.

This Chapter shall apply only to Ralik Chain Atolls excluding Enewetak and Ujelang Atoll.

§904. Declaration of customary law.

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

§905. Succession of Customary Title, Right and Interest.

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

(2) The bwij shall become extinct ("lōt") when there are no more female members to continue the lineage, and, the title, right and interest to the land will pass through the male members of the bwij. The offspring of the male members of the bwij, in this instance, are otherwise characterized to by the term, *"Jiblok."*

(3) The first female born of a male member of the original bwij shall be the progenitor of a new bwij, an occasion referred to as *"toor in bōtōktōk"*, who shall pass down the title, right and interest to land through her female offspring.

(4) Any female offspring of the eldest daughter, or of the younger siblings of the eldest daughter, of a male member of the original bwij shall be characterized as *"Jibtok."* These female offspring shall inherit the title, right and interest to the land from their mother, to pass down and continue the new matrilineal descent, and their male descendants shall become the reigning titleholders on a particular land.

(5) In the event of incapacity of a titleholder, the title shall be exercised by the immediate successor to the title, or by another person designated by the titleholder, with written notice to the bwij and, if the title is a *Kajur* title, with the written consent of the Iroijlaplap.

(6) The chosen designee of the titleholder may only act for and on behalf of the titleholder during the lifetime of the titleholder. Upon the demise of the titleholder, the title shall revert back to and continue

with the immediate successor to the titleholder, in accordance with customary law and traditional practice.

§906. Classification of Customary Land Rights, Titles and Land Holdings

Rights to own, work and benefit from the fruits of any land is inherited by a person who is born of a native-born Marshallese mother who has a *Jowi*. Marshallese society is matrilineal, and, a person inherits customary titles and rights to land and also inherits his or her *Bwij* by matrilineal descent. A person may also inherit customary rights to land through his or her patrilineage, but strictly if a person's father has a *Jowi.*

(a) Land is primarily owned by the *Bwij*, unless it is owned fee simple, was awarded or gifted to an individual whose rights to the land, over time, may be bequeathed to his or her offsprings or, to another of his or her own choosing, or is owned by the Iroijlaplap or Alap;

(b) In *Bwij* lands, there are mainly three (3) classes of land title holders: Iroijlaplap, Alap and Ri Jerbal;

(c) Except for the case of Enewetak and Ujelang Atoll, a purchased land is owned by its purchaser and his or her descendants, who are referred to as owners, except where the purchase of land rights, titles and interests relates only to certain rights where the Iroijlaplap remains. An individual who has received his or her land through customary land awards, gifts or bequests shall remain under the authority of the Iroijlaplap of his or her land;

(d) *Mo or Kotra* land is the personal land owned by the Iroijlaplap. These identified lands may be passed down by the Iroijlaplap to his successor or shall remain in his bed, *mona* or *Mojen*. Care and maintenance of this class of land is undertaken by a caretaker, who is handpicked by the Iroijlaplap. Such caretaker is called a *Ri alal*, and;

(e) *Mo* or *Kotra* land is also known as *Juur Lopiden Ne* land. In usage, land referred to in this context and called *Juur Lopiden Neen* Alap are the personal land owned only by the Alap and his or her descendants, with the consent of the Iroijlaplap, who the Alap shall remain under obligations to him.

§907. Iroijlaplap Authority in Approving or Revoking Any Title Transferral.

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

(a) No legal or statutory power of attorney or customary authorization for a Titleholder shall be valid except for one given by the Titleholder to his immediate successor to the title, or another person designated by the Titleholder, and, if the title is a *Kajur* title, approved in writing by the Iroijlaplap, if applicable, in accordance with the principle of *"iroij im jelā"*.

(b) Any transferral or gifting of title, right and interest to lands by a Titleholder through the customary land awards of *Katlep, Kitre* or *Kallimur* shall be effective only upon written notice to the bwij and, if the title is a *Kajur* title, with the written consent of the Iroijlaplap, if applicable.

(c) Any written approval by the Iroijlaplap of any legal or statutory power of attorney or customary authorization given by a Titleholder to his immediate successor, or another person designated by the Titleholder, may be revoked by the Iroijlaplap for cause. Said revocation shall be in writing. The effect of such revocation by the Iroijlaplap shall render said instrument null and void.

(d) The principle of *"iroij im jela"* shall mean that a decision of the Iroijlaplap is entitled to the greatest weight in evidence and is presumed to be reasonable, proper, and in accordance with customary law and traditional practice, unless it is established by clear and convincing evidence that it is not. The principle of *"iroij imjela"* shall be applied consistently in all cases where succession to the title, right and interest in and to land is in question or disputed.

§908. Effective Date.

This Act 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 Procedure of the Nitijela.