

Marshall Islands - Legislation

Commencement: April 7, 1989

REPUBLIC OF THE MARSHALL ISLANDS

REVISED CODE 1988

TITLE 39. CUSTOMS AND TRADITIONS

CHAPTER 5.

CUSTOMARY LAW COMMISSION

ARRANGEMENT OF SECTIONS

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An Act to appoint a Commission to examine the customary law and traditional practices of the Marshall Islands and codify the law for clarity and future preservation.

Commencement: April 7, 1989

Source: P.L. 1989-44

§ 1. Short title.

This Act may be cited as the "Customary Law Commission Act 1989". [*P.L. 1989-44, § 1.*]

§ 2. 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, there is hereby established a Commission called the Customary Law Commission.

(2) The Commission shall consist of three (3) members appointed by the President for a term of two (2) years initially. 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.

(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. 1989-44, § 2.*]

§ 3. Functions of the Commission.

The functions of the Commission shall be:

- (a) to examine all necessary books, records and all other documents relating to customary law and traditional practice of the Marshall all 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. [P.L. 1989-44, § 3.]

§ 4. Duties of the Commission.

(1) It shall be the duty of the Commissioner 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.

(2) The Commissioner shall, upon the completion of its task, submit to the President a certified copy of the proposed Code containing the laws codified under this Act. [P.L. 1989-4, §4]

§ 5. Publication of the Code.

(1) The President may publish the said Code for the benefit of the public and shall, present to the Nitijela, as soon as practical, 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. 1989-44 § 5]

§ 6. The Staff.

The Commissioner may, in consultation with the President, employ one or more persons to serve as its staff.

[P.L. 1989-44. § 6]

§ 7. Compensation.

The members of the Commission and staff shall be entitled to compensation as may be determined by the court. [P.L. 1989-44, § 7]

§ 8. Appropriation.

(1) The expenses that may incurred for the payment of compensation and for other purposes related to this Act shall be in charge on and paid out of the General Fund.

(2) It shall be the duty of the Cabinet to allocate and appropriate all monies required under this Act fro the proper functioning of the Commission. [P.L. 1989-44, § 8]
