

CHAPTER 6.**CUSTOMARY LAW (DECLARATION)**

ARRANGEMENT OF SECTIONS

Section**§601.** Short title.**§602.** Declaration of the Customary Law.**§603.** Settlement of “In the Matter of Irojilablab Title of Kabua Lablab” under the Customary Law.**§604.** Joint Report.**§605.** Prior Judgments.**§606.** Severability.**Schedule 1**

An Act to declare the Customary Law with respect to the resolution of disputes among Irojilablab 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 Irojilablab Title of Kabua Lablab”, Civil Action No. 1984-98 and Civil Action No. 1984-102 (consolidated).

Commencement:	September 7, 1990
Source:	P.L. 1990-89
	P.L. 1991-142

§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 Irojilablab title claimants, the Alabs of the directly affected lands shall have the ability and obligation to determine the rightful holder of the Irojilablab title. [P.L.1990-89, §2.]

§603. Settlement of “In the Matter of Irojilablab 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 (Irojil) of Kwajalein Atoll”, dated June 1, 1990, signed by the four Irojil 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 Iroj 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 Iroj 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.]

SCHEDULE I

Reference Section: 3,
Customary Law (Declaration) Act 1990

**A MEETING OF THE LINEAGE HEADS (ALAB) AND THE CHIEFS (IROIJ) OF
KWAJALEIN ATOLL**

JUNE 1, 1990

Senator Ataji Balos called the meeting to order at 5:45 p.m. and asked Assistant Pastor Marshall Langidrik to lead in prayer.

Speaking for the Kwajalein Atoll leaders, Senator Balos expressed appreciation to the lineage heads and especially to the chiefs for their willingness to take their valuable time to attend this meeting, one which is highly significant to the future of Kwajalein Atoll, and in particular to those who are under the jurisdiction of the chiefs.

Senator Balos stated that Civil Action 1984-98 and 1984-102 have greatly distressed the people of Kwajalein Atoll. It has become impossible for the chiefs to fulfill their traditional

responsibilities concerning the care of their people because their time and money are being consumed with matters related to this combined case. This has adversely affected progress at Kwajalein, and has also been a source of division between families.

Senator Balos said that in the past we have acknowledged four(4) chiefs at Kwajalein. He urged that we not allow those who come from other countries to alter our own cultural heritage. He discouraged the chiefs and lineage heads from allowing financial gain from the use of land to become a higher priority than the maintenance of our traditional values.

Our community has been in bad shape for many years. However, when the chiefs, lineage heads, leaders, and people of Kwajalein cooperated and worked together for a better community, there has been much improvement. These improvements that we now enjoy are a direct result of our working together. The aspirations and goals of the chiefs, the lineage heads, and the people of Kwajalein are that their life be increasingly stable and satisfying. These goals cannot be realized if major conflicts exist between our chiefs.

Therefore, on behalf of the people of Kwajalein, Senator Balos strongly urged the chiefs, and in particular Chief Kabua Kabua and Chief Imata Kabua, to discontinue pursuing their case in the courts, and to terminate it as soon as possible. By desisting from pursuing the case, peace and harmony will be restored between the chiefs and also among their people. Senator Balos then turned to Chief Kabua Kabua and asked that he speak briefly to the lineage heads of Kwajalein.

Chief Kabua Kabua: “Thanks be to God for this time that we are meeting together. I have no hesitation, and do concur with all that Senator Ataji has said. This will indeed promote peace and contentment among these descendants of my fellow chief. My desire is no different from the desire of the lineage heads and my people of Kwajalein. When I visited our southwestern atolls Ebon, Namdrik, and Jaluit the people there also expressed a similar desire that this case be brought to conclusion. Your recommendation is the same as that of the people in our neighbor atolls. Therefore I will abide by the recommendation of the lineage heads. I do want to conclude this litigation, and am ready to make an agreement to this end with the descendants of my fellow chief and our lineage heads.”

Senator Balos: “We are grateful to Chief Kabua Kabua for his words. It is because the people of Kwajalein greatly revere the chiefs and value our customs, that we have presumed to call you to this meeting in order to make this request of you. We are aware that it is not culturally appropriate for a chiefs people (subjects) to initiate such a meeting as this with their chiefs, but because of our love, we did this.”

Senator Balos then recognized chief Imata Kabua, and asked him to say a few words.

Chief Imata Kabua said that there was no reason for him to delineate the relationship of the chiefs to each other because all the lineage heads and people of Kwajalein understand it. He continued by saying that Ataji had already mentioned that from ancient times to the present there have been four (4) Kwajalein chiefs, and that Ataji was also correct in saying that this case was initiated in 1984 and that a great amount of money has been expended to pay the lawyers who are adjudicating this case. The amount of money from the estate of Jeimata that has been used to pay the expenses related to this case exceeds one (1) million dollars. Chief Imata Kabua said that he agrees with the concept expressed by Chief Kabua Kabua, and he stated that he wants to adhere to the desires of the lineage heads and the people of Kwajalein. He asked that a document be signed by the chiefs and their lineage heads as proof that they concur with each other, and are determined to endorse these ideas as they have been put forth namely that the case be closed.

Senator Balos thanked Chief Imata Kabua for his good words. He said that a document would be drawn up as soon as possible for the chiefs and lineage heads to sign. Senator Balos then recognized Chief Kotak Loeak, who spoke briefly.

Chief Kotak Loeak thanked Senator Ataji Balos for recognizing him and most of all for calling this meeting. He continued by praising the statements made by Chief Kabua Kabua and Chief Imata Kabua which revealed their desire to affect a reconciliation for all. He said. "The pursuit of this case has made it extremely difficult for us to work together in harmony. I want to say on my own behalf, and also on behalf of those represent, that we are in full accord with the wishes stated by Chief Kabua Kabua and Chief Imata Kabua."

Senator Balos thanked Chief Kotak Loeak for his excellent words. He than recognized Chiefess Likuor Loeak..

Chiefess Likuor: "My thoughts and sentiments have been expressed by my nephew. Chief Kotak. I am in full agreement with all that Chief Kabua Kabua and Chief Imata Kabua have expressed."

Senator Balos then recognized "Alab" Handel Dribo.

"Alab" Handel Dribo: "I will not add anything to what has been said about the case under discussion. Rather, on behalf of your people, I want to express our appreciation to you for accepting our summons to this meeting, and most of all for your willingness to reach an agreement. Thank you."

Senator Balos thanked "Alab" Handel Dribo for his words. He next called on "Alab" Atidrik Maie.

"Alab" Atidrik Maie: "Thank you all, especially our chiefs, for accepting our invitation. This confusing situation between our chiefs has made it very difficult for all their people (subjects) to remain loyal and to follow the stipulations required by our culture. Our motivation for action and our traditional authority come from our lands. When problems arise among our chiefs, it hampers our progress and hinders us from reaching our goals here in this atoll. Let us take care of each other, in accordance with our customs. I join Alab Handel Dribo in thanking our chiefs for heeding our invitation and for listening to our request."

Senator Balos thanked "Alab" Atidrik Maie for his words. He then recognized "Alab" Billy Piamon.

"Alab" Billy Piamon said. "I want to ask about the document that Chief Imata Kabua recommended. Who will draw it up, and when will it be ready for us to sign?"

Senator Balos next recognized Mayor Alvin Jacklick. Mayor Alvin Jacklick said, "Thank you Senator Balos, for recognizing me. I too wish to acknowledge our chiefs and their lineage heads. Our chiefs have already responded to our request, and "Alab" Handel Dribo and "Alab" Atidrik Maie have thanked them on behalf of us all. Therefore, I ask that we end our discussion of this matter, since it has already been ratified by our chiefs." Senator Balos asked if the lineage heads agreed to adjourn. The lineage heads unanimously agreed..

The meeting was ad adjourned at 7:45 p.m.

We, the chiefs and lineage heads present, affirm that all the (above) words and ideas were expressed during this meeting, and that Chief Kabua Kabua and Chief Imata Kabua have agreed in the presence of their lineage heads, to discontinue the pursuit of their case in court. Instead it is to be terminated here by their people (their subjects and supporters).

(The signatures of 4 Kwajalein chiefs and 32 lineage heads were attached to the Marshallese document at this place.)

The person who wrote these minutes:

Alvin Jacklick,
Mayor

Dynamic translation by Alice Buck, Consultant with United Bible Societies and the U.S. Department of Energy.

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