

IN THE TRADITIONAL RIGHTS COURT
REPUBLIC OF THE MARSHALL ISLANDS

Kotta Lokar,)	CIVIL ACTION NO. 1997-124
)	
Plaintiff)	
)	
vs)	SUMMARY OF CASE
)	
Lanbo Kemoot,)	
)	
<u>Defendant</u>)	

APPEARANCES:

For the Plaintiff: Hemos Jack, Trial Assistant

For the Defendant: Dennis Reeder, Attorney

SUMMARY

High Court Civil action No. 1997-124 came on for hearing before the Traditional Rights Court from May 25-28, 1998, at the Courthouse in Uliga, Majuro Atoll, Marshall Islands. Members of the Panel wee Beia Lalej, Chief Judge, Berson Joseph, Associate Judge and Riley Alberetter, Associate Judge.

ACTION TAKEN:

1. (a) QUESTION NO. 1: Who, according to the Marshallese custom, should exercise the Iroij edrik rights on the wetos once belonged to Neiar Moses, the Plaintiff, Kotta Lokar or the Defendant, Lanbo Kemoot?

(b) ANSWER REACHED BY THE COURT: The proper person to succeed Neiar Moses today according to the Marshallese custom is Lanbo.

(c) SUMMARY INFORMATION AS TO WHY LANBO AND NOT KOTTA:

Because the genealogy shows that Lanbo's generation is older than that of Kotta. This is the custom called "JIDRAK IN BWIJ".

There are two concepts which Kotta tries to convince us to follow. The first one is succession of inheritance on a land or kabijuknen. He contends that the oldest female of the senior bwij will exercise the right. Upon her death the right would go down to her children. If her children are all deceased, the right would then go to the children of her children, and upon their death, the right would be inherited by the children of her children's children and continues in that order. If we are to follow Kotta's claim, that would mean we are departing from the custom about which we learned from our ancestors. If what Kotta says is true, then why after Lanbo Tobinwa died the iroij right went to Tarbit Murjel, her younger sister and not to Toklan, her daughter?

The second one is that Taidrik exercised the iroij right because Neika gave it to him for reason of kalaplap. There was no evidence or testimony to prove Kotta's claim. The evidence showed that Taidrik exercised the iroij right according to the Marshallese custom. The question as to who had the seniority between Neika and Taidrik is not new as it was previously answered during the Trust Territory administration in High Court Civil Action No. 69. It is clear from the genealogy that Taidrik is one generation older than that of Neika. According to the Marshallese custom Neika would have been considered Taidrik's niece. Now, is it allowed under the custom for a lijemmanod (niece) to precede the laulleb (uncle) without a bwilok (break) or any arrangement between the iorij and his/her people? Neiar Moses succeeded Taidrik in accordance

with the Marshallese custom and not by the right Neika gave as Kotta claims.

NAMES OF THE WITNESSES FOR THE DEFENDANT AND THEIR ADDRESSES:

1. Kotta Lokar
Utidrikan, Majuro Atoll
2. Kanki Amlej (Expert)
Uluga, Majuro Atoll
3. Crimson Hoseia
Ajeltake, Majuro Atoll
4. Ermine Narahun
Rita, Majuro Atoll
5. Eonmwij Ledror
Ajeltake, Majuro Atoll
6. Telbwij Toring
Laura, Majuro Atoll

THE NAMES OF THE WITNESSES FOR THE PLAINTIFF AND THEIR ADDRESSES:

1. Harry Ueno
Lauro, Majuro Atoll
2. Yoseph Mella
Laura, Majuro Atoll
3. Jeltan Lanki
Utidrikan, Majuro Atoll

3. EVIDENCE OR DOCUMENTS INTRODUCED AND ADMITTED:

1. Genealogy of Jebdrik Koble Aremen

2. List of leased wetos
3. Document signed by the alaps in recognition of Kotta Lokkar
4. Reduction of Exhibit A
5. Milne Brothers' lease
6. Maibo Chong Gum Lease

4. EVIDENCE OR DOCUMENT INTRODUCED AND ADMITTED:

1. Judgment of the Trust Territory High Court C.A. No. 60
2. Ownership of Land Majuro Atoll 15 August 1959 Publication

5. OTHER ISSUES THAT THE PANEL BELIEVE ARE REQUIRED OR MUST BE CLARIFIED:


1. The genealogy clearly shows that there were only two sisters alive. Their names were Lanbo Tobinwa, the older sister, and Tarbit Murjel, the younger sister. Considering the inheritance patterns of land rights, normally under the custom if Lanbo Tobinwa died then her rights would not have gone to her children, but would go to her younger sister, Tarbit Murjel because her generation was older than the generation of the children. This means that rights go from one generation to another generation, or from left to right if we are to look at the genealogy.

2. Jede in bwij has to be understood that it has no basis on the custom and should not be referred to.

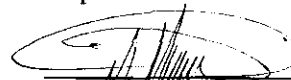
3. After the death of Neiar Moses, Kotta called for a meeting of the alaps, as a result of which Kotta was elected as successor to Neiar Moses. The question now is, if he were the proper person to succeed Neiar Moses, then why an election was needed? Under the Marshallese custom people do not elect their iroij, alab or recipient of other land rights because it is already set by the

customary inheritance pattern. The Court in considering the complaint in this case, concludes that the custom recognizes Lanbo and her younger sisters and brother as successors to Neiar Moses to inherit her rights.

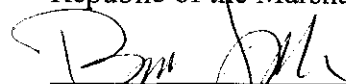
Dated: June 25, 1998




BEIA LALEJ, Chief Judge
Traditional Rights Court
Republic of the Marshall Islands



RILEY ALBERTTER, Associate Judge
Traditional Rights Court
Republic of the Marshall Islands



BERSON JOSEPH, ASSOCIATE JUDGE
Traditional Rights Court
Republic of the Marshall Islands


FILED
JUN 25 1998
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CHIEF CLERK OF COURTS
REPUBLIC OF MARSHALL ISLANDS