

**IN THE TRADITIONAL RIGHTS COURT
REPUBLIC OF THE MARSHALL ISLANDS**

Julie Lokboj and Elsie Lokkon,)
)
 Plaintiff,)
)
 vs)
)
 Lane Rowa and Irumne Bondrik,)
)
 Defendants.)
 _____)

Civil Action No. 2003-214

OPINION IN ANSWER

FILED

APR 14 2005


ASST. CLERK OF COURTS
REPUBLIC OF MARSHALL ISLANDS

High Court Civil Action No.2003-214 was initially heard before the High Court on January 23rd, 2004, at 2:45 in the afternoon. However, due to some problem with council and parties, this matter was continued to Monday, February 9th, 2004.

The members of the Traditional Rights Court panel have reviewed all the testimonies given by the witnesses for both parties, as recorded in the Transcript of the Proceedings before Associate Justice Richard G. Hickson.

This Court (TRC) find and recognized this case to be a very good and interesting one. It is good because it is the first one that has ever presented to this Court, the question of whether or not a female can hold title. It is interesting in that it involves the gift from Our Creator that we call **kobo**. When we say **jined-ilo-kobo**, what are we talking about? We are talking about the warmth that the chicks feel every time their mother hen gathers them within her wings and hugs them close to her bosom to keep them warm and safe. It is the same warmth that children feel when their mother hugs them to her breast. They feel such a warmth-of-love from their mother that knows no bound. We can say that our mothers are also our mothers in our **jeban bwij** (head

lineage). That is the custom.

This case, High Court Civil Action No.2003-214 was referred to the Traditional Rights Court for resolution under the custom, and on March 8th through the 11th, 2005, it was heard jointly with High Court in the Uliga Courthouse, Majuro Atoll, Republic of the Marshall Islands. The members of the panel were Acting Chief Judge Berson Joseph, Pro Temp Associate Judge Botlang Loeak and Pro Temp Associate Judge Alee Term.

This case was referred to this court of custom to thoroughly review and resolve, solely on the basis of the custom and the arrangements made since the beginning of time to the present day by our forefathers and iroijs, the dispute between the parties of who is the right and proper person to hold the alab and dri-jerbal titles on the following wetos: Muinluial, Monjelar, Lodrenaj, Taukan, Aronuij, Lau, Akadriken, Kamarre, Oble, and Nukne in Kwajalein Atoll, Republic of the Marshall Islands.

The main issue in this case is that of the females and their right to hold the alab and dri-jerbal title. This Court of custom is going to give an opinion on this issue that is based solely on the custom. This Court recognizes very much the importance of the custom and its role in determining what is fair and just to the parties without any surprise and without any bias.

I. THE CUSTOM OF THE MARSHALLESE PEOPLE:

1. **Manmaronron**: This term applies to a bwij, and it is the females in bwij who approves it. A male on his own cannot claim it and say he is the manmaronron if he doesn't have his older sisters approval. It is very obvious that this is the case here in this present dispute. According to our custom, no iroij has the right to appoint someone to be a manmaronron for someone else. This is also true

for our mothers and fathers. This is at the sole discretion of a male's older sister. As examples, Nelu Watak is not the marmaronron for Leroij Neimata Kabua and Bwillej Jibaj is not the manmaronron for Likwor Litokwa. The important question here is, who appointed Lane Rowa to be the manmaronron for Julie Lokboj? Lane Rowa can only, without a doubt, be the manmaronron for his biological older sister, Mrs. Anjo Joel. Other examples of the custom of manmaronron are the deceased Irojilaplap Kabua Kabua and Hamilton Bani. Kabua Kabua was a manmaronron under the approval from his older sister. Hamilton Bani became an alab in exactly the same way. His older sisters recognized him and allowed him to be the alab.

2. Menmenbwij (genealogy chart): The genealogy chart dictates the right and proper person to hold both the alab and dri-jerbal right on a piece of land or weto, and the custom dictates that the rights pass down horizontally. The genealogy chart shows us the correct devolution of each of the rights on our lands, such as Plaintiff's Exhibit No. A does. Plaintiff's Exhibit No. A is the genealogy chart for the four (4) lineages involved in this case. (Please see).

II. THE DISPUTE:

1. **Question No. 1 as presented**: As between Julie Lokboj and Lane Rowa, who is the proper person to hold the alab right on these wetos, Akadrikien, Kamarre, Lau, Lodrenaj, Muinluial, Tuakan, and Monjelar in Roi-Namur, and Nukne Island in Kwajalein Atoll, and why?

Opinion in Answer to Question No. 1 as Presented: Julie Lokboj.

Brief Summary of Reasoning on which the Opinion is Based: This Court recognizes Julie Lokboj without any bias because she is from the oldest of the four (4) lineages, as shown in Plaintiff's Exhibit No. A. She is the right and proper person to succeed Isael Lokkon, the last alab on the lands in dispute here. There is nothing under our custom preventing a female from becoming an alab or dri-jerbal on their own lands. When Iroj Lojelan Kabua made his Kalimur of December 19, 1979, he gave the alab right on Aronuij Weto and Oble Island to Kinbar Anej, a female. [Please see Defendant's Exhibit D-1.

Our custom is good. It tells us that regardless of whether an alab is still in good mental health or has become senile, the alab has absolutely no right at all to appoint who the successor in interest will be without the knowledge and understanding of the members of the older lineages. Therefore, the arrangement by Isael Lokkon that he made by himself to appoint Lane Rowa as his successor wasn't proper under our custom. Accordingly, this Court of custom does not recognize the right given to Lane Rowa because it's not proper.

This Court of custom also heard the testimony and stories told by Mrs. Anjo Joel. They were such well-told and interesting stories, however, this Court also recognized that they're all hearsay.

This Court also recognized that Lane Rowa doesn't really know or understand about lineages for if he did then he would really know how to respect his older sister who is really the jeban bwij (lineage head) for their

lineages.

2. **Question No. 2 as Presented:** Who is the proper person as between Julie Lokboj and Irumne Bondrik to hold the alab right on Aronuij Weto in Roi-Namur and Oble Island, Kwajalein Atoll?

Opinion in Answer to Question No. 2 as Presented: Irumne Bondrik.

Brief Summary of Reasoning on which the Opinion is Based: If it's true that Irumne Bondrik is really related to Kinbar Anej, and we have to believe this based on Defendant Irumne Bondrik's genealogy chart, then accordingly, without bias, argument, and to prevent further disputes, now and in the future, one and all concerned, we must all take this opportunity to realize that the lands mentioned in Iroj Lojelan Kabua's kalimur are owned by Irumne Bondrik but only as to the alab right. As to the dri-jerbal right, that is held by Elsie Lokkon. [Please see Defendant's Exhibit No. D-1]

3. **Question No. 3 as presented:** As between these two persons, Elsie Lokkon and Lane Rowa, who is the proper person to hold the dri-jerbal right on the islands and wetos in dispute in this case?

Opinion in Answer to Question No. 3: Elsie Lokkon.

Brief Summary of Reasoning on which the Opinion is Based: Based solely on our custom and traditional practices since the beginning of time to this day, and in accordance with Plaintiff's Exhibit No. 4, this Court recognized that it is only right and proper that Elsie Lokkon carry the title of the-jerbal on all these lands. Elsie Lokkon had lived and resided on these lands for more than

ten (10) years and knows these lands very well. The defendants were asked but they only had general knowledge as to where Aronuij and Oble are located.

Elsie Lokkon, on the other hand, knows these lands well and knows that the family cemetery is located on Oble Island.

III. NAMES AND ADDRESSES OF PLAINTIFF'S WITNESSES:

1. Irumne Bondrik, Ebeye Island, Kwajalein Atoll
2. Lane Rowa, Ebeye Island, Kwajalein Atoll
3. Julie Lokboj, USA
4. Elsie Lokkon, Santo Island, Kwajalein Atoll
5. Sato Maie, Ebeye Island, Kwajalein
6. Iroij Michael Kabua, Ebeye Island, Kwajalein Atoll

IV. NAMES AND ADDRESSES OF DEFENDANT'S WITNESSES:

1. Elsie Lokkon, Santo Island, Kwajalein Atoll
2. Julie Lokboj, USA
3. Anjo Joel, Ebeye Island, Kwajalein Atoll
4. Ato Langkio, Ebeye Island, Kwajalein Atoll
5. Iroij Michael Kabua, Ebeye Island, Kwajalein Atoll

V. EXHIBITS ADMITTED INTO EVIDENCE:

1. Plaintiff's Nos. 1 to 21
2. Defendant's Exhibit Nos. D-1 to D-8

OTHER FACTORS TAKEN INTO CONSIDERATION WHICH THE PANEL BELIEVES

ARE ALSO IMPORTANT:

1. An iroij should treat his subjects who come before him equally, and should follow the proper practice under custom. Our custom is good and easy to follow.
2. If this panel of the TRC has the authority, then Finance is to stop giving the money to Lane Rowa. It should be given to his sister, Julie Lokboj, from whom he can ask for some. There is the saying, ask and you will receive.
3. At the present day we are all living under a good Constitution. The Constitution states that there are only three land rights on a piece of land, the iroij, alab and dri-jerbal. One of them alone cannot cutoff people from the land or place people on the land just on a whim. A person can only be cutoff if there is a major reason of violating the custom.

THEREFORE, pursuant to Marshallese custom and based on its findings in this case, this Court enters the following opinions:

1. Julie Lokboj is the alab for Akadriken, Kamarre, Lau, Lodrenaj, Muinluial, Tuakan and Mojelar in Roi-Namur, and Nukne Island, Kwajalein Atoll.
2. Irumne Bondrik is the alab for Aronuij Weto, Roi-Namur, and Oble Island, Kwajalein Atoll.
3. Elsie Lokkon is the dri-jerbal for all of these lands, Akadriken, Kamarre, Lau, Lodrenaj, Muinluial, Tuakan and Monjelar in Roi-Namur, and Nukne Island, Kwajalein Atoll. In addition, she is also the dri-jerbal for Aronuij Weto, Roi-Namur, and Oble Island, Kwajalein Atoll.

4. Lane Rowa is neither the alab nor the dri-jerbal for any of the above listed lands. He is in the alab line of succession and will one day hold the title. He has to wait for his turn.

Entered this 14 day of April, 2005.



BERSON JOSEPH
Acting Chief Judge, TRC
Republic of the Marshall Islands



BOTLANG LOEAK
Associate Judge Pro Temp, TRC
Republic of the Marshall Islands



ALEE TERM
Associate Judge, Pro Temp, TRC
Republic of the Marshall Islands