

FILED

JAN 15 2019

CLERK OF COURTS  
REPUBLIC OF THE MARSHALL ISLANDS

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

SUSAN JEPPA JEKKAR	)	CIVIL ACTION NO. 2017-064
	)	
Plaintiff,	)	
v.	)	
	)	<b>OPINION IN ANSWER</b>
WANMIJ JEPPA, et al.	)	
	)	
Defendant.	)	
_____	)	

**MEMBERS OF THE PANEL:** Walter K. Elbon, Presiding Chief Judge  
Nixon David, Associate Judge  
Grace Leban, Associate Judge

**HEARING DATE(S):** August 15, 2018 & September 12, 2018

**PLACE OF HEARING:** Majuro Courthouse

**THE PARTIES' CONTENTIONS:**

Plaintiff argues that, under Marshallese custom, she is the proper person to hold and exercise the Irojedrik right, as the eldest amongst members of the bwij/family. She claims that she is the eldest and therefore the rightful and appropriate person to hold and exercise the right of Irojedrik on Biken Island.

Defendant agrees that plaintiff should have been the one to hold and exercise the Irojedrik right. However, she did not pursue and abandoned her claim for the title in High Court Civil Action No. 2008-238, the case against Betwel Jeur.

**THE QUESTIONS REFERRED BY THE HIGH COURT:**

1. As between older sister Susan Jeppa Jekkar and younger sister Wanmij Jeppa, who is the proper person to currently hold and exercise the Iroijedrik right and title on Biken Island, Aur Atoll?
2. Is Wanmij Jeppa the current and proper Iroijedrik of Biken Island (as opposed to Susan Jeppa Jekkar) because Susan Jeppa Jekkar did not proceed with High Court Case No. 2008-238, but Wanmij Jeppa did proceed with High Court Case No. 2008-238 and was recognized as the Iroijedrik for Biken Island as opposed to Tarbina Clarence?

**ANSWERS TO THE QUESTIONS ARE AS FOLLOWS:**

1. Susan Jekkar Jeppa
2. It is wrong and improper for Wanmij Jeppa to hold and exercise the Iroijedrik Right at present time

**FACTUAL FINDINGS UPON WHICH THE OPINION IN ANSWER IS BASED:**

At trial the panel heard from the witnesses who testified. They were also presented with documentary evidence submitted by the parties, which were accepted and admitted into evidence. The panel is in agreement with the statement made by both parties that, according to Marshallese custom, whoever is older will be first to hold and exercise a land right. This custom sometimes changes. It may change if there are arrangements made and agreed to by all members of a bwij/family or in circumstances where a bwilok is involved. That is not the situation in this case because Susan Jeppa Jekkar did not agree with Wanmij Jappa proceeding with High Court Case No. 2008-238.

In 1999 there was a Land Lease Agreement for Biken Island between the Government and the land owners of Biken Island. Mr. Betwel Jeur was the recipient of the Iroijedrik share of the lease payments for Biken Island. That same year (1999) Judia Jeppa, the elder sister of

Susan Jeppa and Wanmij Jeppa, filed a case on behalf of the family against Betwel Jeur, High Court Civil Action No. 1999-264. In 2007 the parties agreed to dismiss the case, CA 1999-264 (without prejudice) and the lease payment then went to Judia Jeppa. However, in the following year, 2008, the payment was again made to Betwel Jeur. As a result, Judia Jeppa filed her second case against Mr. Jeur, High Court Civil Action No. 2008-238. Susan Jeppa Jekkar was in the United States for medical reasons while Wanmij and Judia were in Majuro. In 2010, Judia Jeppa passed away. Following her death, Wanmij Jeppa went on to make arrangements with Micronesian Legal Services Corporation in 2010 to substitute Judia Jeppa in CA 2008-238, without first informing Susan Jeppa. In 2012, when Susan Jeppa returned to Majuro, Wanmij Jeppa then informed her that she was proceeding with the case (2008-238) and that she had substituted Judia Jeppa. Susan Jeppa Jekkar told Wanmij and her lawyer from MLSC not to go forward with the case (2008-238) because the Biken Iroijs recognized her. These events that occurred indicate that it was Susan Jeppa Jekkar's desire to discontinue High Court Case 2008-238 because she was working on a settlement with the Iroiylaplaps of Biken Island. This is evident because she had told Wanmij Jeppa not to advance the case and to dismiss it. Wanmij proceeded with High Court CA 2008-238 having substituted Judia Jeppa.

The TRC panel that heard the case and reviewed the evidence, found that it was improper for Wanmij to have gone forward with the case (HC CA 2008-238). Wanmij Jeppa stated that she does recognize that under Marshallese custom it is Susan Jeppa Jekkar who should hold and exercise the Iroiiedrik right on Biken Island at present. Susan Jeppa Jekkar is not named in Civil Action Case No. 2008-238. Susan Jeppa Jekkar only left or abandoned her claim and involvement in Civil Action 2008-238, initiated by Judia Jeppa and Wanmij Jeppa, but did not give up (abandon) her claim to the (Iroiiedrik) right/title. Iroiylaplap Boklon Zackios stated that

he recognized Susan Jeppa Jekkar as the rightful and proper person to hold and exercise the Irojiedrik right on Biken Island at present. (Plaintiff Exhibit P-7). Susan Jeppa Jekkar was also recognized as the Irojiedrik for Biken Island by the Irojilaplap of Biken Island, Laelong Lelwoj. (Plaintiff Exhibit P-2). The panel recognizes that Susan Jeppa Jekkar is the current and proper person to hold and exercise the Irojiedrik right on Biken Island.

**PLAINTIFF'S WITNESSES:**

1. Boklong Zackious
2. Broski Edmond
3. Susan Jeppa Jekkar

**DEFENDANT'S WITNESS:**

1. Wanmij Jeppa

**EXHIBITS & TANGIBLE EVIDENCE:**

**Plaintiff's Exhibits:**

- |                           |  |
|---------------------------|--|
| 1. Plaintiff Exhibit P-7  | Boklon Zackious' letter to AG          |
| 2. Plaintiff Exhibit P-10 | Susan Jeppa Jekkar's Birth Certificate |
| 3. Plaintiff Exhibit P-11 | Wanmij Jeppa's Birth Certificate       |
| 4. Plaintiff Exhibit -1   | Civil Action 1994-264                  |
| 5. Plaintiff Exhibit -2   | Certification of Traditional Successor |

**Defendant's Exhibits:**

No Exhibits

**OTHER MATTERS THE PANEL BELIEVES SHOULD BE MENTIONED:**

In High Court Civil Action 2008-238, the question that was referred to the TRC to answer was "As between Wanmij Jeppa and Tarbina Clarence, who is the proper person to hold and exercise the Irojiedrik right/title on Biken Island, Aur Atoll?"

The TRC Panel that heard the case provided an answer based on the question that was referred to them. Susan Jeppa Jekkar was not named and was not a party to Civil Action 2008-238. There was no reference or mention of her.

Dated: 12/17/18

/s/ Walter K. Elbon  
Presiding Judge of the panel

/s/ Nixon David  
Associate Judge, TRC

/s/ Grace Leban  
Associate Judge, TRC