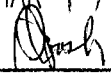


IN THE TRADITIONAL RIGHTS COURT  
REPUBLIC OF THE MARSHALL ISLANDS

MAR 17 2006



ASST. CLERK OF COURTS  
REPUBLIC OF MARSHALL ISLANDS

Jarling Thomas et al, )  
)  
Plaintiff, )  
)  
vs. )  
)  
Abiut Samson et al, )  
)  
Defendant, )  
)  
vs. )  
)  
Helena Alik et al, )  
)  
Intervenor. )  
\_\_\_\_\_ )

High Court Civil Action No. 2000-184

**OPINION IN ANSWER**

High Court Civil Action No. 2000-184 began its hearing before the High Court and the Traditional Rights Court at the Courthouse in Uliga, Majuro Atoll, Republic of the Marshall Islands on January 6 and ended January 16, 2006. The members of the Court of Custom panel were the Honorable Berson Joseph, Chief Judge, Honorable Botlang Loeak, Associate Judge, Honorable Abji Jally, Associate Judge Pro Temp, Traditional Rights Court, Republic of the Marshall Islands. The Honorable Carl B. Ingram, Chief Justice of the High Court, Republic of the Marshall Islands, presided over the proceedings.

This case was very interesting in that it involved three parties disputing over who the proper person is to hold the alab and dri jermal titles on Lorilejman Weto. This case was referred to the Traditional Rights Court to hear and examine all the evidence submitted by all the parties. This case was also quite difficult and complicated for the reason that it involved three parties.

THE CUSTOM:

1. Junmeto: The sailors or persons sailing the iroij's canoes
2. Kodaelem: Reward (or gift of land) to the person who bails water from the iroij's sailing canoes.
3. Drijoto: Anchorman on the iroij's canoes
4. Katleb: The act of taking away or removing one bwij from the land or weto by an iroij and resettle it by another.

RESOLUTION OF THE CASE:

A. a) Who is proper to hold the alab and senior dri jermal rights, titles and interests on Lorilejman Weto, Arrak Village, Majuro Atoll, Republic of the Marshall Islands?

b) Opinion in Answer to the Question: Jarling Thomas

c) Brief Statement of Reasoning on which the Opinion in Answer to the Question is based: The history of Lorilejman Weto tells us that the people who used to own weto were the bwij of Neiar. They have a genealogy chart, Intervenor's Exhibit I-2, which in itself shows that they had stayed and lived on Lorilejman Weto. However, none of their witnesses really knew for sure when they had moved from the land and why they had moved. Presently none of Neiar's bwij stays and lives on Lorilejman Weto, but to this day they have not stopped claiming that they are the proper persons to have both the alab and dri jermal titles. They claim that they had received this weto as reward for bravery, *MARAJINKOT*. They, however, could not tell this Court of Custom who the iroij was that had made the *Morojinkot*. If it is true that a *Morojinkot* went to the intervenor's predecessors, then the others would have known about it as well.

Irojlablab Amata Kabua knew the history of Lorilejman Weto. He understood what his predecessors had confirmed, and he himself knew not to cause any change because he understood real well because the weto in question here was part of his domain here in Majuro. Furthermore, as the iroij for his lands he knew right from the start that Lorilejman Weto had already received a “Land Determination of Ownership,” established on April 8, 1958. [Please refer to Plaintiff’s Exhibit No. 4].

The intervenors, as a matter of fact, have a genealogy chart and other documents that they have presented as evidence. These documents are all fine and proper and in accordance with their bwijis, so much so that this Court of Custom recognizes the signature of Irojlablab Amata Kabua on all the documents. For us, we understand why Irojlablab Amata Kabua had put his signature on these documents. It is because they were correct and proper. In fact, their right and entitlement to inherit the alab and dri jerbai rights on Lorilejman Weto were still good up until the time the Land Determination was established. There is not a shred of doubt in this Court of Custom’s mind that all of the intervenors were the people of this weto from long before, but this Court does not know how and the way a change occur and be the way it is today. Only the irojjs who own this land understand. But now this is the most important question. Where were the intervenors when the four meetings were held concerning Lorilejman Weto, the ones from which the alab and dri jerbai rights for this weto were determined? There were irojjs as well as alabs who were present at these meetings. Please refer to Plaintiff’s Exhibit No. 4.

If an iroij selects a group of men to man his canoes, then there are certain types of “*jolet(inheritance)*” that he bestows on them such as *Kodaelim, Junmeto and drijoto.*

The iroij gives each of them their inheritance for their loyalty and based on what their individual parts are on his canoe. Happy is the person who receives one of these kinds of inheritance.

Abiut Samson, the defendant in this case, claims that Irojlablab Lainglin had made a *Katleb* of Lorilejman Weto to Bokmej and Samson. That is his belief because the two had sailed the Kamonono, Lainglin's tibnol(oceangoing canoe). We know very well that a *Katleb* is not given to be shared between two persons. It is given to only one person and only applies to acts performed on dry land. It is a reward given for acts performed before your iroij that he finds favor with and reward you with a *Katleb* anywhere he wishes. But if Samson and Bokmej had worked for Lainglin and sailed on his canoe, he would have given them inheritances that were different from each other. He may have given Samson a *Kodaelim* and Bokmej a *Drijoto* or a *Junmeto*. It is solely in his discretion.

According to the plaintiff's genealogy chart, Plaintiff's Exhibit No. 2, these two old men, Samson and Bokmej, were both alabs in their own rights on their own land. Samson was alab for Arenan and his other wetos exclusive of Lorilejman Weto. Can we answer this question, if it is true that the *Katleb* went to both of them, then how come Samson never had the alab and dri jermal right on Lorilejman Weto but rather both rights went to Bokmej? We also see proof of this in the fact that after Bokmej died Laukdrik succeeded him as the alab and dri jermal on the weto. It is also true based on the custom that Samson should have been the one to succeed Bokmej as the alab on Lorilejmaj Weto, so why didn't he? Plaintiff's Exhibit No. 4 really explains it.

Leroij Atama Zedkaia has a land committee and she is the current iroij for Lorilejman Weto. Today her three member committee has made its determination as shown on Plaintiff's Exhibit No. 9B. It is the letter from the leroij's land committee to Riley Alberttar, the former Chief Judge of the Traditional Rights Court dated August 03, 2001. In reading the letter we come across the language that says, "previously made arrangements may be broken and do away with." Pursuant to custom we should never disregard these arrangements but better to follow them and do as it is.

The term, *Katleb*, is the act by an irojlablab giving the rights on a piece of land to a bwij and planting them on the land. A *Katleb*, according to our knowledge and understanding of the term, doesn't goes to two persons but only one. Example: If you plant two coconut trees in the same hole, they will not grow up straight and proper but will grow up bending every which way and will not both bear the same healthy coconuts. One will bear sweet coconuts while the other will not. But if two men are planted on the same piece of land, then of the two whose children are going to be alab first, or will their children be able to live together, cooperate, respect and love each other? Also, if it's true that the *Katleb* went to both of them, then why did the alab and dri jermal rights not go to Samson but only went to Bokmej? Once again this is proven by the fact that after the death of Bokmej the rights went to Laukdrik and not Samson. Please examine the Plaintiff's Exhibit No. 4 thoroughly one more time which explains this fact by itself and not by this Court.

This Court of Custom has conducted a lengthy and thorough examination of the evidence presented by all the parties without any bias to anyone. Mrs. Helena Alik, the intervenor in this case, submitted seven pieces of exhibits. There is no question about it

that all of the exhibits are good and proper. They would have continued to be so to this day if there had not been a change, the change that is shown and clear in the Land Determination for Majuro Atoll. Irojlablab Amata Kabua had signed all the exhibits while knowing and understanding that he could not change the arrangements made by the irojls before him. Irojlablab Amata Kabua also had his own land committee which also consist of three members, and while knowing what had gone before and what was to come in the future and even though he knew and understood the duties of an irojlablab towards his subjects, he had proceeded to assign his committee to go ahead and decide who among the three parties was proper to be his alab on Lorilejman Weto. [Please refer to Plaintiff's Exhibit No. 3, the decision by Irojlablab Amata Kabua's land committee.]

B. NAMES AND ADDRESSES OF PLAINTIFF'S WITNESSES:

1. Mrs. Jarling Thomas - Lorilejman Weto, Arrak Village, Majuro Atoll
2. Tawoj Kiotak - Ron Onebban Weto, Arrak Village, Majuro Atoll
3. Leban Thomas - Lorilejman Weto, Arrak Village, Majuro Atoll

C. NAMES AND ADDRESSES OF DEFENDANT'S WITNESSES:

1. Abiut Samson - Arenan Weto, Laura Village, Majuro Atoll
2. Leroij Atama Zedkaia - Laura Village, Majuro Atoll

D. EXHIBITS ADMITTED INTO EVIDENCE:

1. Plaintiff's Exhibit Nos. 1-11
2. Defendant's Exhibit Nos. None
3. Intervenor's Exhibit Nos. 1-7

E. OTHER MATTERS CONSIDERED BY THE PANEL TO BE ALSO VERY IMPORTANT TO THIS CASE:

1) Plaintiff's Exhibit No. 3. This exhibit was made and became effective on April 1, 1996.

2) Pursuant to Marshallese custom two bwijis can never hold the same title on the same piece of land at the same period of time.

3) Protect the custom and "never move or disturb" the *drekein jenme*.

NOW THEREFORE, pursuant to the custom of these islands and based on the evidence in this case, this Court once again gives its opinion as follows: Jarling Thomas is the right and proper person today to hold both the alab and dri jermal rights on Lorilejman Weto, Arrak Village, Majuro Atoll, Republic of the Marshall Islands

Entered this 17<sup>th</sup> day of March, 2006.



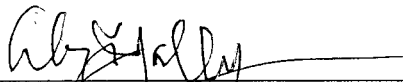
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BERSON JOSEPH  
Chief Judge, Traditional Rights Court  
Republic of the Marshall Islands



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BOTLANG LOEAK  
Associate Judge, Traditional Rights Court  
Republic of the Marshall Islands



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ABJI JALLY  
Associate Judge Pro Temp, Traditional Rights Court  
Republic of the Marshall Islands