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REPUBLIC OF THE MARSHALL ISLANDS

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

JEDRIK LEJENA,)
)
PLAINTIFF,)
)
VS.)
)
BETRY LANGIJOTA,)
)
DEFENDANT.)
_____)

CIVIL ACTION NO. 2007-057

OPINION AND ANSWER

MEMBERS OF THE TRC PANEL:

WALTER K. ELBON, PRESIDING CHIEF JUDGE

NIXON DAVID, ASSOCIATE JUDGE

GRACE LEBAN, ASSOCIATE JUDGE

DATE OF HEARING: APRIL 28 & MAY 5, 2015

PLACE OF HEARING: MAJURO COURTHOUSE

QUESTION REFERRED TO THE TRADITIONAL RIGHTS COURT IN THIS CASE: WHO IS THE PROPER PERSON BETWEEN JEDRIK LEJENA AND BETRY LANGIJOTA TO HOLD THE ALAB TITLE ON ERU ISLAND, KWAJALEIN ATOLL?

ANSWER TO QUESTION: BETRY LANGIJOTA.

ISSUES PRESENTED IN THIS CASE:

Under Marshallese custom, is it proper for Irojlaplap Anjua Loeak to give the children of Ane of their right to be Alabs on Eru Islands, Kwajalein Atoll?

According to Marshallese custom, it is clear that there are circumstances where the custom norms and traditional inheritance of land titles can be changed. With reasonable cause, the Irojlaplap has the right and authority to remove or dispose of anyone that challenges him on his lands. It is evident in this matter that there were attempts to prevent Anjua Loeak from inheriting the Irojlaplap title. According to testimonies by witnesses in this case, it is clear in their testimonies that the Irojlaplap has the right to remove anyone that's against him. In this case, it is apparent from the evidence presented that Tojiro

Lomae, the elder brother of Jedrik Lejjena, went against Anjua Loeak with respect to the Irojlaplap title. This is obvious in his participation in Civil Action Case No. 53-77, and also as indicated on Defendant Exhibit D-1, Transcript of Trial, Page 27-28.

Is it fair and proper for the failures of Tojiro Lomae to affect his younger sister, Jedik Lomae, so that like her elder brother she is cut off her land rights?

Tojiro Lomae, as the eldest son of Ane, had the right to speak on behalf of his mother, Alab Ane, and his younger sister, Jedrik Lomae, as *a maan-maronron*. During the trial there was never any mention of Ane or Jedrik ever giving advice or consulting with Tojiro Lomae to cease from contesting Anjua Loeak. Traditionally, if two men go against each other in a battle, it is the women who can prevent their rivalry and bring peace between them as the saying goes, '*kora lejmaanjuri*, or women the peacemaker. The saying goes that, '*limaroro bikbikir kolo eo*' is when the women stand in support of the men during battles. Today the Iroj and their people no longer go to war in the fields or on the land, however, they go to court and challenge each other there. After considering all the evidence presented during trial, the TRC panel concludes and agrees with the testimonies of witnesses that challenging each other in court could be considered going to war on land.

Tojiro Lomae did not have ample time to apologize to Anjua Loeak because he died before the court reached a judgment.

From the information, testimonies, and evidence presented, it is clear to the TRC Panel, who heard the case, that Tojiro Lomae, who was next in line to the Alab title after his mother, Ane, contested Anjua Loeak of the Irojlaplap title. Furthermore, there was nothing in the testimonies or in the evidence showing that Jedrik Lejjena and her family ever approached Anjua Loeak to ask for forgiveness. However, even if they had decided to ask to be pardoned, but it would be up to Irojlaplap Anjua Loeak to forgive since this incident that took place is viewed as '*Bwilok*', under the custom and according to the affidavit of Irojlaplap Anjua Loeak, dated April 13 2007.

Therefore, the decision of the TRC Panel is that Betry Langijota is the rightful title holder of the Alap rights on Eru Island, Kwajalein Atoll.

NAME(S) OF WITNESSES FOR PLAINTIFF: There was no witness for the Plaintiff.

NAME(S) OF WITNESSES FOR DEFENDANT:

1. Iroj Christopher J. Loeak
2. Betry Langijota
3. Dison Dick
4. Belmar Graham

IMPORTANT ITEMS, TANGIBLE, AND DOCUMENTARY EVIDENCE RECEIVED:

1. D-1, Transcript of Trial on Civil Action No. 53-77
2. D-2, Transcript of Proceeding, Civil Action No. 2007-057
3. D-3, Transcript of Proceeding, Civil Action No. 2007-057
4. D-4, Customary Titles And Inheritance Rights by Amata Kabua

OTHER MATTERS THE COURT PANEL DEEMS IMPORTANT TO MAKE KNOWN:

The TRC Panel which heard the case agrees that it is part of the Marshallese Custom that if there are matters that may endanger, or are not proper and challenge the Irojlaplap title, then the Irojlaplap has the ultimate power to indicate that there is 'Bwilok, or break down', and the Irojlaplap has the ultimate power to make changes he sees fit on land titles on his lands. The Court Panel agrees with the Amata Kabua on Customary Titles and Inheritance Rights as presented as Exhibit D-4, pages 14, sections 1, 2, and 3, which lists the offenses of punishments of custom that the Irojlaplap can give to those that challenge his title on his land during war, or in this case in court.

Date: _____

_____/S/ /S/

Walter K. Elbon
Presiding Chief Judge of the Panel, Traditional Rights Court

_____/S/ /S/

Nixon David
Judge of the Panel, Traditional Rights Court

_____/S/ /S/

Grace Leban
Judge of the Panel, Traditional Rights Court
Traditional Rights Court