

IN THE TRADITIONAL RIGHTS COURT
REPUBLIC OF THE MARSHALL ISLANDS

CIVIL ACTION NO. 1982-10

NEIAN KELEMEN)
Plaintiff)
-VS-)
ATADRIK MWEJENWA)
Defendant)

OPINION AND ANSWER OF THE TRADITIONAL
RIGHTS COURT

Persuant to Rule 13 of the Traditional Rights Court, this court had had a joint hearing with the High Court on February 26, 1986 at the Majuro courthouse. The main reason for the hearing was for the panel of the Traditional Rights Court to give an opinion or answer to the question of, WHO IS THE RIGHTFUL PERSON TO HOLD THE INTEREST RIGHT OF ALAP ON AND TO WONEO WETO IN ARNO ATOLL?

CONTENTS OF HEARINGS

The hearing was made in two parts. On February 26, 1986, the plaintiff presented his case. Plaintiff and his witnesses testified that Alap Mannana and Iroiylaplap Leben designated the interest rights in question to plaintiff Neian and that right after the death of Alap Mannana, plaintiff had held the alap interest right as a result of the Kalotlot she had made for Mannana.

Later, on May 2, 1986 the courts heard the other part of the hearing and heard testimonies from defendant and his witnesses.

CUSTOMS AND CERTIFIED FACTS

UKOT BOKA EO, Plaintiff was very sick and Kobaidrik, the husband of Alap Lata treated her with local medicine on Woneo Weto, Lata helped Kobaidrik take care (Kauk) of the plaintiff, the plaintiff then paid back rewards to Kobaidrik and Lata, the rewards include cigarettes, the plaintiff then stayed with Lata and Mannana and look after them and made a Kalotlot with both of them, she did not see the defendant Atadrik, plaintiff had made what is called "UKOT BOKA EO".

2. MEJED KABILEK KIJ, Lata is the older sister of Mannana, she had seen the fine works done by the plaintiff all around, she then told the plaintiff, "Stay and live with Mannana".

3. EONODRE JOKLA EO, After Lata died, plaintiff stayed with Mannana and worked for him, he had no natural children, no nephews or neices, defendant Atadrik is his nephew only through adoption made by his sister, Lata, Alap Mannana was the last person in the line of his bwij, his words and arrangements or orders were like the strong wind coming from the north (Jokla), he had the power or right to designate his interest rights to any person whom he sees that (Mejed Kabilek Kij) they deserve to inherit them, plaintiff had fished or worked hard for the interest rights alap Mannana had held.

IMON AJE, before alap Mannana died, he had made his decision, he gave both the interest rights of Alap and Dri Jerbal on and to Woneo Weto to the plaintiff. Iroiylaplap Leben, who was the iroiylaplap at that time confirmed the decision or the giving of the rights.

IMON KALOTLOT, plaintiff Neian Kalem is from Nandrik Atoll, she has no relationship to alap Mannana, when Mannana was getting old and was becoming weak, plaintiff helped him by making copra and bought foods for him, carried him where he needed to go, cleaned him and his sleeping mattresses, when Mannana died, plaintiff prepared the dead body for burial, plaintiff did not see the defendant during those times, plaintiff had stayed close to alap Mannana, she was like what is called, "Iju-Bon Iju-Rane" staying very close to alap Mannana all the times, and the term apply here is, "ELOT LOK WOT MAD EO IAR RUBRUBE IM BOK NA JITNON, EJAB BUNIT ENIO, EJAB BUNIT RAKIO, AK ELOTLOK WOT NA IJE ILOBEREN PEIO, MOTLOK IN WAS ENAJ BAR BEI TOK AK MOTLOK IN ARMIJ MOTLOK IN DREO, JU IJENE IM KEMOT, KWON JANIT BOK NE IJEN". And lastly, "AMEN AKA EO" beginning of a new inheritance.

KANIN LUJIEN, Lata, who is the older sister of Mannana, took defendant Atadrik when he was only a child and had adopted him as a natural son, when a bwij land come to and end, the adoptive child, who had become like a natural child is entitled to inherit all the interest rights on the land, but in Ninnin Land the inheritor is called Bwibwin Lo Koreak.

OPINIONS

This case is very important for the future of the people of the Marshall Islands because the defendant is contesting the rights which were inherited by the plaintiff and this is so because the defendant is relying on the fact that the present iroiylaplap takes sides with him and also on the fact that he has the right under the adoption called Kanin Lujien.

What is contesting the arrangement of the present iroiylaplap is the arrangement made by alap Mannana and the iroiylaplap at that time in which they had agreed and offered the rights of alap and dri jermal on and to Woneo Weto, Arno Atoll to plaintiff, even though this Aje or offer was made orally (Marshallese custom) and not in writing (white man custom) these rights automatically went to plaintiff after she had all by herself made the Kalotlot with alap Mannana, there is no question about it according to the customary law of Imon Kalotlot.

What contesting the rights under Kanin Lujien are the rights which come under the following, UKOT BOKA EO, MEJED KABILOK KIJ, EONODRE JOKLA EO and AMEN AKA EO.

However, the panel of the Traditional Rights Court must take into consideration the term which is called "Lia".

In the testimonies, there was nothing which says "Lata cut off the adoptive right from defendant Atadrik, except this, "Stay and give Mannana a company", nothing which says, "Mannana cut off the right of the Kanin Lujien" except this, "designated the rights of the bwij to plaintiff", nothing which says "Lata and Mannana had notified the defendant to come back to the land and look after them".

However, for the Kanin Lujien to seek the inheritance rights, the defendant should have called one of his very close relative to carry out all the responsibilities and to live with Lata and Mannana during the days they were very sick. The term which apply here is called, EOEU NON ILJU IM JEKLAJ EO AM.

There was nothing in the discussion of this case which prevented defendant

Atadrik Mwejenwa from working for the plaintiff Neian Kalemén on this weto in question and think about her as his real true sister.

THEREFORE,

THE ANSWER

Plaintiff Neian Kalemén is the rightful person to hold the alap interest right on and to Woneo Weto, Arno Atoll.

Dated; June 20, 1986.

/s/ Judge Bollong Joklur- Iroj Member

/s/ Judge Ellan Jorkan- Alap Member

/s/ Judge Berson Joseph- Dri Jerbal Member