

TRADITIONAL RIGHTS COURT

REPUBLIC OF THE MARSHALL ISLANDS

MARSHALLS ENERGY COMPANY, INC.)	CIVIL ACTION 1998-194
)	CIVIL ACTION 1998-044
Plaintiffs,)	(Consolidated)
)	
vs.)	
)	
NEIMON ERBIN, ORDER LANI,)	
LUKE LANGTIR, BETTY TIBON,)	
)	
Defendants.)	
<hr/>		<u>OPINION IN ANSWER</u>
)	
LUKE LANGTIR & BETTY TIBON,)	
)	
Plaintiffs,)	
)	
vs.)	
)	
ORDAR LANI, TINA JORKAN &)	
PODRIK LOMAE,)	
)	
Defendants.)	
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The members of the Traditional Rights Court panel who heard these matters were Associate Judge Berson Joseph, Associate Judge Billiet Edmond, and Chief Judge Riley Albertter who presided over the proceedings. The hearing was held on May 16-18, 2001, and held in the Courthouse building in Uliga, Majuro, Marshall Islands.

1) THE QUESTIONS PRESENTED TO THE TRC FOR ITS OPINION ARE AS FOLLOWS:

A) What type of land is BETTO, is it Bwij land or Kabijuknen or Ninnin land? The answer is it is Bwij land or Kabijuknen.

i) To explain more, this land was owned by Libetto's bwij and is still owned today by this bwij.

B) How are rights inherited on a Bwij land? The answer is, through the mother.

i) To explain the answer more, inheritance of rights to Bwij land is through our mother since the mothers are regarded as the foundation of the custom.

C) How are rights to a Ninnin land inherited? The answer is, through the father.

i) To explain the answer, when a man adopts a child and bequeaths that child with a land then that land becomes a Ninnin land to the child.

D) Can a lease be valid if the holders of the rights did not sign it? The answer is, it is not valid.

i) To explain that answer, Article X, Section 1, Subsection 1 of the Constitution tells us that.

E) Who are the proper persons to hold the Alab and Dri-jerbal rights on Betto? The answer is, Neimon Erbin (Ertin) and Tina Jorkan.

i) Neimon Erbin (Ertin) because she's the child of a female and Tina Jorkan because she's the child of a male.

6) NAMES OF PLAINTIFFS' WITNESSES AND THEIR ADDRESSES:

a) Luke Langtir, Rita Village, Majuro Atoll

7) NAMES OF DEFENDANTS' WITNESSES AND THEIR ADDRESSES:

a) Langlin Alik, Laura Village, Majuro Atoll

b) Order Lani, Jaluit Atoll

8) EXHIBITS THAT WERE ADMITTED INTO EVIDENCE:

- i) Plaintiffs' Exhibit 1 - Litarmouj's or Dri-Lobaren Clan's genealogy chart
- ii) Defendants' Exhibit 1 - The MEC lease
- iii) Defendants' Exhibit 2 - Survey permit
- iv) Defendants' Exhibit 3 - Land Use Agreement
- v) Defendants' Exhibit 4 - Consent to Assignment
- vi) Defendants' Exhibit 5 - Mobil Lease Agreement
- vii) Defendants' Exhibit 6 - Addendum to Mobil Lease Agreement
- viii) Defendants' Exhibit 8 - Libetto's genealogy chart (Erroja Clan)

9) OTHER IMPORTANT FACTORS TAKEN INTO CONSIDERATION:

1) The genealogy chart for the Rilobaren clan (P.Ex. 1), even though it shows that these people are one, this genealogy, however, does not show that Betto belongs to the Rilobaren clan.

2) On the genealogy chart for the Erroja clan, which is D. Ex. 8), it clearly shows that Betto belongs to the Erroja lineage because in the olden days, to prevent disputes or another reason, to give a clear indication as to who will inherit a parcel of land, the old people usually named a person after the weto. As so in the genealogy chart, we see that these defendants inherited Betto because their grandmother, Lijane had inherited this land from her own mother, Libetto whose name was a JITDAM NAME.

3) Irojlablab Kabua Kabua grew up on Jebwor and held the position of Governer during the Japanese administration, thus, there is no doubt that he knew more about this land, Betto. Therefore, his recognition of Neimon Erbin and Order Lani was based on his extensive knowledge of Betto Weto.

4) It should also be clear that LIJANE HAD A DIFFERENT MOTHER THAN LONAR. Libetto was the mother of Lijane.

Accordingly, after consideration of all the evidence, the Traditional Rights Court (TRC) is of the OPINION that it is only right and proper that the DEFENDANTS be the ones to inherit the rights on Betto in Jebwor, Jaluit Atoll.

Dated this 05th June, 2001.

/s/Riley Albertter
RILEY ALBERTTER
Chief Judge, Traditional Rights Court
Republic of the Marshall Islands

/s/ Berson Joseph
BERSON JOSEPH
Associate Judge, Traditional Rights Court
Republic of the Marshall Islands

/s/ Billiet Edmond
BILLIET EDMOND
Associate Judge, Traditional Rights Court
Republic of the Marshall Islands

FILED
JUN 05 2001
[Signature]
ASST. CLERK OF COURTS
REPUBLIC OF MARSHALL ISLANDS