

**IN THE TRADITIONAL RIGHTS COURT  
OF THE  
REPUBLIC OF THE MASHALL ISLANDS**

BATLE LATDRIK, )  
)  
Plaintiff, )  
)  
vs. )  
)  
)  
LINA LAIK (for the children )  
Of Laik Kejon )  
)  
Defendant )  
\_\_\_\_\_ )

CIVIL ACTION NO. 2006-101

**ANSWER AND OPINION**

**FILED**

MAY 10 2018

\_\_\_\_\_  
CLERK OF COURTS  
REPUBLIC OF THE MARSHALL ISLANDS

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

**PLACE OF HEARING:** Majuro Courthouse

**DATE OF HEARINGS:** March 28, 2017, March 28, 2018 and April 3, 2018

**THE PARTIES' CONTENTIONS:**

The Plaintiff claims Mwejlok Weto, Delap, to be Bwij land beginning with Libollan and her descendants. They claim that Lekejon or Kejon had two sons and a daughter whose names are Anjo, male, Laninbit, male, and Libollan, female. They claim the children of Libollan establish a

new bwij. They also claim the title of Irojiedrik of Mwejelok Weto. The Defendants claim that Mwejelok Weto is Ninnin (botoktok) land from Lekejon to his three children Anjo, Libollan and Laninbit. They claim the Ninnin land continued with the children of Anjo. They do not claim the Irojiedrik title.

**QUESTIONS REFERRED TO THE TRC PANEL TO ANSWER:**

1. Who, if there is, the Irojiedrik for Mwejelok Weto, Majuro Atoll?

**Answer: None**

2. Who is Alap for Mwejelok Weto, Majuro Atoll?

**Answer: Batle Latdrik**

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

During the second hearing, there was testimonial evidence from the Plaintiff, Batle Latdrik, and the Defendant, Lina Laik, on behalf of Emel Laik. There was also testimonial evidence in the transcript of the deposition of Irojilaplap Lein Zedkaia. Both parties agree that they are descendants of the same person. The genealogy charts presented by both parties as evidence confirm that they are from the one lineage. The TRC Panel, after hearing and reviewing evidence, attests Mwejelok Weto to be Bwij land. The genealogy charts, Plaintiff's Exhibit "C" and Defendant's Exhibit "2", indicate the establishment of the lineage began with Lekejon or Kejon. The Plaintiff claims that Bwij land rights initiated with LiJeri, the mother of Lekejon and Lekejon was her only child. Defendant claims Mwejelok Weto was given to Lekejon by Irojilaplap Lainlen after Lekejon had cleaned and cleared the land and is considered to be Ninnin land to the children of Lekejon.

### **COMPARING CUSTOM TO FACTS:**

Lekejon had three children, Anjo, male, Libollan, female and Laninbit, male. It is correct that under Marshall Custom, the land was Ninnin land from Lekejon to his descendants. His descendants inherited the Alap rights from the Ninnin land. During the hearing and based on the evidence, it is not apparent that Lekejon made a will or agreement in writing or by word of mouth to any of his children. The TRC Panel, according to the Custom and what is considered most appropriate under Marshallese Custom, follows the Marshallese custom in which the descendants of females inherit the Alap rights and the descendants of males inherit the Dri Jerbal rights over land. Custom interchanges custom. The children of Libollan establish a new bwij and the children of Anjo are considered Dri Jerbal and will exercise the rights of Senior Dri Jerbal, and the children of Lanibit are Dri Jerbal and have the right to remain and live on Mwejelok Weto.

Regarding the Iroijedrik title, the TRC Panel is in agreement with the previous Panel regarding the understanding that there is no Iroijedrik for Mwejelok Weto. The Iroijedrik right only goes to those whom have royal blood. There was insufficient evidence provided by the Plaintiff to indicate the presence of royal blood in their lineage, aside from their statements that the right was given to them by Irojlaplap Lainlen. Thereafter, Irojlaplap Aiseia took back the rights of Iroijedrik from Lokejon. By Irojlaplap Lainlen giving the Iroijedrik rights to Lekejon, he can be considered an Iroj in Kelet. Today, there are no Iroj in Kelets in the domain of Iroj Kaiboke Tobinwa on Majuro.

The evidence provided at the earlier hearing heard by the previous panel, indicated that Raymond held the Alap rights on Mwejelok Weto, based on fact that lease payments were allotted to him by the government. These evidence were entered as Plaintiff Exhibits K,L,M and N. In Irojlaplap Lein Zedkaia's note, with heading the Domain of Irojlaplap Kaiboke Tobinwa, written on June 16, 2016, showed Batle Latdrik as Alap on Mwejelok Weto, and that he is to receive only Alap shares. Other evidence presented such as Defendant Exhibit "3" and Exhibit "5" remove Raymond Latdrik as Alap and replace him with Emel Kejjon. With no explanation as to why this removal took place, the TRC Panel recognizes that the family tree indicates that Batle Latdrik, the younger brother of Raymond Latdrik, is the person whom is most proper to hold the Alap title, and the children of Laik hold the Senior Dri Jerbal title and the children of Laik have the right as Dri Jerbal on Mwejelok Weto, and they can reside and live off the land.

Witnesses for Plaintiff:

Batle Latdrik

Witness for Defendant:

Lina Laik

Evidences of Plaintiff:

Plaintiff Exhibit "K" Vendor History/Financial

Plaintiff Exhibit "L" Vendor History/Financial

Plaintiff Exhibit "M" Check Land Lease Pay to Raymond Latdrik

Plaintiff Exhibit "N" Check Land Lease Pay to Raymond Latdrik

Entire transcript and evidence admitted from the previous hearing of this case be part of the record in the second referral matter.

Evidences of Defendant:

Defendants Exhibit "1" Determination of Ownership and Release No. 239

Defendants Exhibit "2" Ninnin (Botoktok) land from Lokejon to descendants

Defendants Exhibit "3" Affidavit in Support/Atma Zedkaia  
Defendants Exhibit "4" Entire Transcript of and Evidences from the previous hearing  
Defendant Exhibit "5" Certificate of Traditional Successor

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

The families or parties in this case are of the same lineage. Their genealogies indicate that they are all listed as descendants of Lekejon. The genealogy shows Lekejon had a daughter. The descendants of Libollan establish a new bwij and are listed as Alaps. The descendants of Anjo are Dri Jerbals, and one of the descendants or the eldest will be the Senior Dri Jerbal. The descendants of Laninbit are considered Dri Jerbal. The Alap is not permitted to do anything without the consent of the Iroj and other members of the family. Marshallese Custom dictates that we must take care of each other on our lands. The panel finds, with respect to the Irojedrik title for Mwejelok Weto, it is up to the Irojlaplap to decide as there is currently no one exercising the title.

Dated: 5/3/18

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/s/ Walter K. Elbon  
Presiding Judge, TRC

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/s/ Nixon David  
Associate Judge, TRC

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/s/ Grace Leban  
Associate Judge, TRC