

IN THE TRADITIONAL RIGHTS COURT  
REPUBLIC OF THE MARSHALL ISLANDS

Rhoda Mawilong, )  
)  
Plaintiff, )  
)  
vs. )  
)  
Frances Laninbit & )  
Happy Maddison, )  
)  
Defendants. )  
\_\_\_\_\_ )

Civil Action No. 2005-096

OPINION IN ANSWER

FILED

2005

*Rabua*  
CLERK OF COURTS  
REPUBLIC OF THE MARSHALL ISLANDS

High Court Civil Action No. 2005-096 was initially heard before the High Court on two occasions, April 29 and May 3, 2005. [Please refer to all the testimonies from both the parties in the Transcript of the Proceedings before Associate Justice Richard G. Hickson.

The members of the panel found and recognized this case to be both “significant and difficult.” It is significant and difficult because it concerns the custom of how rights devolve on our lands. The dispute in this case is about Bokatilkan Wato, which is located in Ajeltake, Majuro, Republic of the Marshall Islands. The parties in this case all descended from one common ancestor as it appeared in the genealogy of the families.

This case, High Court Civil Action No. 2005-096 was referred to the Traditional Rights Court to resolve the dispute between the parties, and the trial was heard from the 3<sup>rd</sup> and concluded on the 10<sup>th</sup> of October, 2005. The main issue in this case is the question of who is the proper person is to hold the iroj edrik, alab and dri jerbal rights on Bokatilkan Wato.

This court of custom gives its opinion on this issue based solely on the Marshallese custom. This court recognizes the great importance of the custom and its role in determining

what is right and best for the parties without any prejudice and bias against any of those within the two bwij.

The members of the TRC panel are Berson Joseph, Chief Judge; Botlang Loeak, Associate Judge; and Abji Jally, Associate Judge Pro Temp.

I. The Marshallese Custom:

Kalotlot: Kalotlot does not apply to those in your family. It is their duty and obligation to take care of you all your living days. You can do a kalotlot but only with your personal belongings. As a matter of fact, kalotlot only applies to those outside your family and not your family. This should be understood.

II. The Dispute:

a. Question No. 1 as Presented: As between Rhoda Mawilong and Frances Laninbit and Happy Maddison who is the proper person to hold the iroij edrik, alab and dri jermal rights on Bokatilkan Wato, Ajeltake Village, Majuro Atoll, Republic of the Marshall Islands?

b. Opinion in Answer to Question No. 1 as Presented: Mrs. Rhoda Mawilong.

c. Brief Summary of Reasoning on which the Opinion in Answer is based:

1) According to the genealogy chart of both the parties that presented in this case, it shows that Rhoda's mother is the bwij that is older than that of the defendants' mother. Mrs. Liene Inok, one of the witnesses for the defendants, in her testimony during one of the hearings held before Honorable Richard G. Hickson, stated that the alab for Bokatilkan Wato today is Rhoda Mawilong. [Please refer to the Transcript of Proceedings before the Honorable Richard G. Hickson, page 15].

2) The Kalimur by Jiaur Litakdrikin: If it is true that Jiaur had made a kalimur, then in order for the kalimur to have been valid it should have been approved by the

20/20 group prior to March 6, 1986, when the 20/20 group was dissolved. Today this court of custom recognizes that Jiaur's kalimur, in truth, has no basis because it greatly violates the custom by the failure to consult with the children and grandchildren of Lijuiar Litakdrikin. This court recognizes that the words and testimonies of the witnesses for the defendants regarding the kalimur by Jiaur were all hearsay, or words and statements heard from other people.

3) The Kalimur by Watak Langrine: That kalimur was made on January 2 of 1996, almost twenty plus years after the death of Jiaur Litakdrikin's death. As a matter of fact, during all those many years, Watak Langrine, had not known that there was a kalimur by Jiaur to Spark Maddison regarding Bokatilkan Wato. Why did Jiaur make the kalimur, and was it right and proper?

In the kalimur done by Watak Langrine, he is saying these words himself, "I want to state and confirm what Alab Jiaur Litakdrikin had said to Spark Maddison, the oldest son of Libin Kejon, my older sister, that Bokatilkan from end to end is to go to Spark and his younger brothers as a kalotlot land." [Please refer to Defendants' Exhibit No. 1].

According to the genealogy chart for both these parties, Plaintiff's Exhibit No. P-1A, it shows that Watak Langrine was the last alab among the children of Lijuiar Litakdrikin. However, the alab right did not end there because he had surviving nieces and nephews, such as the children of Neri, who were next in line to succeed as alab for Bokatilkan Wato. Based on that reasoning, this court finds the kalimur by Watak Langrine to be invalid for failure to consult those concerned as required under our good custom.

III. Names and Addresses of Plaintiff's Witnesses:

1. Carmen Milne Bigler - Long Island, Majuro Atoll
2. Josephine Milne - Rita Village, Majuro Atoll
3. Elbia Rusin - Rita Village, Majuro Atoll

4. Rhoda Mawilong - Rita Village, Majuro Atoll

IV. Etan im Address ko an Dri Kamol ro an Dri Jumae Abnono:

1. Manini Clanry - Delap Village, Majuro Atoll
2. Stevenson Maddison - Hawaii, USA
3. Samuel Langrine - Delap Village, Majuro Atoll
4. Willie Mwekto - Jenrok Village, Majuro Atoll

V. Exhibits Admitted into Evidence:

1. Plaintiff's Exhibits Nos. 1 through 9
2. Defendants' Exhibit No. 1

VI. Other matters that this Court considers to be also important and valuable relevant to this case:

a. The burden of proof was on the defendants but they have failed in their attempt to convince this court of what they say is true to support their case. They were unable to answer many of the questions posed by the plaintiff's counsel. Furthermore, their testimonies failed to satisfy this court in order to be able to agree with their theory. [Please refer to the Transcript of Proceedings].

Willie Mwekto, considered to be an expert and has knowledge of the custom, this court recognizes that and considers his testimony to be good and right and in accordance with the custom. However, his testimony failed to support the defendants' claim, on whose behalf he had been called to testify before this court of custom. Willie Mwekto's testimony has greatly assisted the members of the TRC panel in reaching its opinion.

NOW, THEREFORE, pursuant to Marshall custom and based solely on the facts in this case, this court once again gives its opinion as follows that:

1. Rhoda Mawilong is the proper person today to hold the Iroij Edrik, Alab and Dri Jerbal rights on Bokatilkan Wato, Ajeltake Village, Majuro Atoll, Republic of the

Marshall Islands; and

2. All the parties involved in this case are brothers and sisters and Bokatilkan Wato is their shared inheritance from Litakdrikin. They should forget about their “dispute” and start caring and respecting one another in a love that is beyond compare and don’t cut off each other.

Dated: 11/04/05



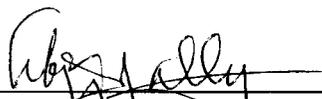
BERSON JOSEPH  
Chief Judge, Traditional Rights Court  
Republic of the Marshall Islands

Dated: 11/04/05



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

Dated: 11/04/05



ABJICALLI  
Associate Judge Pro Temp  
Traditional Rights Court  
Republic of the Marshall Islands.