

FILED

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

SEP 1 2008
[Signature]
TRADITIONAL RIGHTS COURT
REPUBLIC OF THE MARSHALL ISLANDS

ROSA PETER ON BEHALF)
OF NOMAI PETER)
PLAINTIFF,)
)
vs)
)
HERMON NAPKING, WINA LODGE,)
& EDWIN LAKIEN)
DEFENDANT(s).)
_____)

CIVIL ACTION NO. 2006-163

OPINION IN ANSWER

High Court Civil Action #2006-163, was referred to the Traditional Rights Court to be heard after the Chief Justice of the High Court and counsel agreed that the case **concerned Marshallese custom**. The Traditional Rights Court commenced the hearing in this case on July 16 – 23, 2008. The members of the TRC panel were Associate Judge Botlang Loeak, Pro Tem Associate Judge Abji Jally, and Berson Joseph, Presiding Judge.

The dispute in this case **arose from Rosa Peter believing that the land she lives on is Jira Wato**. Just because of what she believed, she disregarded notices from the Alap, Herman Napking, and Senior Dri-Jerbal, Wina Lodge, regarding plans and orders on Barkan Wato. Just because of what she firmly believed, Rosa Peter challenged and went against the defendants, and declared that the house she is living in, and the wato she is living on, is the wato named Jira, which belongs to her and her mother, Nomai Peter.

The dispute was also over the house which Dr. Enta Peter and his family lived in, since the Trust Territory Government times. The buildings (housings) were built under a program called Eighty Nine Ten. It's a program that was developed to fund/pay for the

Government's buildings. And since Enta Peter was the District Director for the Dental Department, he was able to live in this house, which is being disputed in this case.

Rosa Peter first moved and lived in this house because she was married to the eldest son of Enta Peter. Nevertheless, based on Marshallese custom, Rosa Peter has no rights in regards to the house and the said land, Barkan Wato. Right after the Trust Territory Government left the Marshall Islands, all the buildings (housings) in Uliga, Majuro, were returned back to the land owners. However, after Rosa Peter understood everything, especially Chief Justice Carl B. Ingram's opinion that there was **no Jira Wato**, but only two watos, Barkan and Lejolimen, she finally realized that her opinion about Jira Wato was wrong, as the members of the Traditional Rights Court had questioned her while at the witness stand.

NAMES OF DEFENDANT'S WITNESSES AND ADDRESSES:

- 1.) Wina Lodge - Barkan Wato, Majuro, Marshall Islands
- 2.) Hermon Napking - Barkan Wato, Majuro, Marshall Islands
- 3.) Sailass Molkai - Laura Village, Majuro, Marshall Islands

DEFENDANT'S EXHIBITS:

- 1.) Defendant's Exhibit A-1 Agreement
- 2.) Defendant's Exhibit A-2 Permission Letter for Enta Peter
- 3.) Defendant's Exhibit A-3 Napking's Declaration: Translation
- 4.) Defendant's Exhibit A-4 Letter of Eviction
- 5.) Defendant's Exhibit A-5 Lease Agreement
- 6.) Defendant's Exhibit TRC 5 - Letter of Eviction
- 7.) Defendant's Exhibit TRC 6 - A Written Map

8.) Defendant's Exhibit TRC 7 - A Memorandum

NAMES OF PLAINTIFF'S WITNESSES AND ADDRESS:

1.) Rosa Peter - Barkan Wato, Majuro, Marshall Islands

PLAINTIFF'S EXHIBITS:

1.) Plaintiff's Exhibit A - Order for Dismissal with Prejudice and Permanent Injunction

2.) Plaintiff's Exhibit B - An Agreement for Barkan Wato

3.) Plaintiff's Exhibit C - Letter of Revocation

4.) Plaintiff's Exhibit AA - Genealogy

5.) Plaintiff's Exhibit BB - Genealogy

And now the Traditional Rights Court will answer the three questions which are important to the case:

a.) Based on Marshallese custom, Rosa Peter and her family may remain in this house and on the land, only if they follow the plans, orders and decisions of the Alap, Herman Napking, and Senior Dri-Jerbal, Wina Lodge.

b.) Rosa Peter needs to recognize and respect the Alap and Dri-Jerbal by following and complying with the plans and orders made for all who live on Barkan Wato. The best custom and practice is to **show recognition and respect to each other.**

c.) Yes, from the hearing in this case, the Traditional Rights Court found that the things Rosa had said, as well as her actions, were improper and against the custom, as she had challenged and went against the Alap, Hermon Napking,

and Senior Dri-Jerbal, Wina Lodge, just because of her belief that the house she was living in was on Jira Wato.

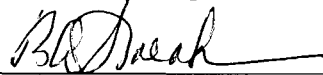
Rosa Peter testified and had answered in front of the Traditional Rights Court saying, “Now, I truly understand that there is no Jira Wato, as stated in the **High Court’s Partial Summary Judgment, filed on May 18, 2007**”. She also promised that she would follow whatever instructions and orders given by the Alap and Dri-Jerbal of Barkan Wato. So be it, as long as she keeps her promise.

However, the Traditional Rights Court also recognizes that if Rosa Peter continues to cause trouble, and does not respectfully follow orders by the Alap and Dri-Jerbal of Barkan Wato, as she had testified before the Traditional Rights Court, she will therefore have to move out of the house and off the land.

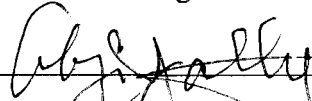
Dated: September 9, 2008



Berson Joseph, Chief Judge
Traditional Rights Court



Botlang Loeak, Associate Judge
Traditional Rights Court



Abji Jally, Pro. Tem Associate Judge
Traditional Rights Court