

IN THE TRADITIONAL RIGHTS COURT **FILED**

OF THE

REPUBLIC OF THE MARSHALL ISLANDS

APR 17 2018

ASST. CLERK OF COURTS  
REPUBLIC OF THE MARSHALL ISLANDS

AMON TIBON ( Attorney in fact for Leslie )  
Tibon) )  
)  
Plaintiffs, )  
v. )  
HEMMY HISAIAH AND GEORGESTON )  
MOLIK (Attorney in fact for MIAM )  
MOTELLANG), )  
)  
Defendants, )  
v. )  
ESKAIA DEBRUM (Attorney in fact for )  
CARMEN SAMSON), )  
)  
Intervenor. )  
\_\_\_\_\_ )

High Court Civil Action 2003-122

OPINION AND ANSWER

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

**TRIAL LOCATION:** Majuro Courthouse

**TRIAL DATES:** January 23,24, 25, 26 & 29<sup>th</sup>, 2018

**CONTENTIONS BETWEEN THE PARTIES:**

Plaintiffs claim Teron Weto is “gift land” to Nejia from Iroij Joab Jakeo, or a Katleb.

According to the information, Nejia supported and helped Iroj Joab who was Iroj for Teron Weto during the times of the trials for combined Civil Action No. 1. For this reason, Iroj Joab brought Nejia from Anil Island, Majuro Atoll, and placed her on Teron Weto to settle.

Defendants claim Teron Weto to be Ninnin Land from Laburbur to his eldest daughter, Limewa. According to the information provided by the Defendants, Laburbur gave the Ninnin Land only to his eldest daughter, Limewa, and not to the younger sister, Lijuiiep, because Lijuiiep had a different father. Defendants also claim that Limewa moved to Arno with her husband and remained there, but her sons, Abisay and Jiblok, appointed Lijuiiep's eldest son named Aijak to manage the lands on Teron Weto, as Limewa and her descendants remained in Arno, visiting Teron Weto from time to time. Thereafter, they claim that Labi and Clarence, the sons of Nejia, received their rights to manage land matters over Teron Weto from the daughters of Limewa, Neti and Katrina.

Intervenors claim that Teron Weto is Bwij land. They agree that it was once Ninnin Land from Laburbur to his two daughters, Limewa and Lijuiiep, but it later changed to Bwij Land when Lijuiiep and her descendants began exercising the rights until this day. They also claim that Limewa, the eldest female, moved to Arno and designated her rights on Teron Weto to Lijuiiep. Limewa lived in Arno, passed away on Arno, and was buried in Arno, but Lijuiiep and her descendants remained and continued to reside on Teron Weto, Majuro. They claim that Nejia passed away in 1955 and her younger brother, Issac or Aijak, in the TT Land Determination of 1958, was listed as the Alap of Teron Weto. They also claim that after Aijak exercised the alap rights, it was passed to Rikina, the daughter of Ruth, after Rikina on to Lida, and after Lida, onto

Jelke Jenre, the daughter of Dorcus and after it was passed on to the sons of Nejia, Labi, Clarence, Isao and Charles Tibon.

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

**Question: As between the Plaintiff Amon Tibon Attorney in fact for Leslie Tibon, the Defendant Georgeston Molik and Eskaia deBrum Attorney in fact for Carmen Samson, who is most proper, under Marshallese custom, to hold the Alap title for Teron Weto?**

**Answer: Carmen Samson**

**Question: As between the parties, Plaintiff Amon Tibon Attorney in fact for Leslie Tibon and Defendant Emmy Hisaiah, Attorney in fact for Miam Motellang, who is most proper, under Marshallese custom, to hold the Senior Dri Jerbal right over Teron Weto?**

**Answer: Leslie Tibon**

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

During the trial, there were evidences presented before the members of the panel. The parties provided evidence through testimonies from witnesses, and also documents to support the testimonies given such as genealogies, wills, and similar evidences. From the testimonies, it became apparent that all the parties are all members of the same family. The genealogy presented

as evidence, Defendant's Exhibit C, Intervener's Exhibit 12, and Plaintiff's Exhibit A (which was contested due to its incompleteness) proves that the members of the parties are members of the same family beginning with Limewa and her younger sister Lijuiep. Nejia died in 1955, three years before the creation of the TT Determination of Land Ownership of Majuro Atoll (Defendant's Exhibit B/Intervener's Exhibit 15). Aijak, the younger brother of Nejia, has his name listed on the Determination of Land Ownership on Majuro Atoll in 1958. It shows that he was alab for Teron Weto after Nejia, his elder sister. None of the descendants of Limewa contested to this. During the testimony of the Defendant, Hemmy Hisaiah, it was stated that Limewa left to Arno and married an Iroj of Arno. She did not return to Majuro, but remained in Arno, and died and was buried on Arno. Intervener's Exhibit 1-7, shows that Rikina, the daughter of Ruth signed documents as an alab, authorizing Bilimon Amram to build one of his stores on Teron Weto. Rikina is the daughter of Ruth, and Ruth is the daughter of Lijuiep, and is older than Nejia and Aijak.

#### **ANALYSIS:**

After analyzing the information given through testimonies and evidences provided by all three parties during the hearing, the panel concludes that Teron Weto is Bwij Land. It is true that it was Ninnin land from Laburbur to Limewa and her younger sister Lijuiep, but because "manit ej ukot manit" (custom is interchangeable), and "jidrak in bwij" (establishment of a new bwij) began with the descendants of Lijuiep since Limewa moved with her husband to Arno never returning to Teron Weto. Limewa had children such as her sons, Jiblok and Abisay, who usually would go back and forth between Majuro and Arno and stayed in Teron Weto. As they were

businessmen, they had a warehouse full of merchandises which they built on Teron Weto.

Testimonies show that whenever they come to Majuro, they would visit Nejia. Although it was understood that Abisay and Jiblok brought Aijak from Laura and appointed him as an alab for Teron, there was no understanding that Abisay and Jiblok attempted to claim the title of alab for Teron.

Based on these understandings and evidences, the panel concludes that Teron Weto is a Bwij land beginning from the descendants of Lijuiep since Limewa and her descendants remained on Arno. “Berber ijin, berber ijon” (stay here stay there, it matters not as we are same), Limewa and her descendants resided on Arno, but Lijuiep and her descendants protected the rights of alab and dri jermal over Teron Weto. It is most proper for Rikina to exercise the rights of alab as she is the daughter of Ruth, the eldest sister of Nejia and Aijak. After Rikina, the rights were passed on to Lida as it appears on Intervener’s Exhibit I-9. After Lida, it went to Jelke as it appears on evidence I-10, and after Jelke the alab rights were passed to the sons of Nejia who are: Labi, Clarence, Isao and Carlos. The sons of Nejia are from the same generations as of the children of Ruth and Tokoj, the elder sisters of Nejia and Aijak. Therefore, it is most proper and in accordance to Marshallese custom. The panel found there were insufficient evidence to prove the theory that Teron is gift land to Nejia and her descendants. If the theory was true, the descendants of Ruth and Tokoj would not have been able to exercise the alab rights and Aijak would not have been able to exercise the alab rights as indicated in evidence D-B and I-5, or the Determination of Land Ownership of Majuro Atoll in 1958. If we review the evidences presented by the Defendants, it becomes apparent that the previous generations recognized the descendants of Lijuiep as one and with whom the rights of Teron Weto remain. The Marshallese proverb,

“berber ijin, berber ijon” is in practice. Although Limewa and her descendants remained in Arno, the descendants of the younger sister resided on Teron for all of them. The descendants of Limewa did not oppose the rights of Teron Weto being held by the children of Lijuiep, instead they allowed her descendants to exercise and protect the rights for the entire family as they are all related.

Based on the information presented, the panel concludes that it is most proper for Leslie Tibon to hold the Senior Dri Jerbal title at this time since he is an offspring of a male, and also based on the theory that the Dri Jerbal right was passed to the male descendants of Lijuiep as they remained on Teron Weto, maintained and protected the land for the entire family. The panel also concludes that it is most proper for the alab title to be given to Carmen Samson as accorded by the genealogy which shows that she is the eldest living member of the eldest generation, and that she is female offspring. Although the descendants of Limewa have resided on Arno for a long period of time, but their rights on Teron Weto remain, and they in turn will exercise these rights when their time comes based on the descending inheritance line as given in the genealogy chart of the bwij of Limewa and Lijuiep.

Defendants Witnesses:

1. Betty Imaikta
2. Tellong Toring
3. Amon Tibon

Plaintiff's Witnesses:

1. Emmy Hisaiah
2. Miam Motellang

Intervener's Witnesses:

1. Eskaia deBrum
2. Elita Lang

Plaintiff's Evidences:

- a. Genealogy of Plaintiff
- b. TTIOPI Ownership of Land, Majuro Atoll
- c. Plaintiff Release of Ownership
- d. Application of David Hisaiah
- e. LRA Objection Application of Charles Tibon
- f. LRA Determination Application 104
- g. Copy of Civil Action no. 001

- h. Kadkad im Maron
- i. Dynasty and Land Rights of Jebdrik
- j. Genealogy of Rilotobo
- k. Copy of Lease for Tur Weto
- l. 9/10/70 TTPI Right of Way Agreement
- m. Land Lease Tur Weto
- n. Kajjimwe ko an Bujen Ekkal im Kojerbal Burej In
- o. Certificate of Death (COD) for Rongtok Langkieo
- p. COD of Jelik Jijam
- q. Affidavit of Crimson Hoseiah
- r. Land Agreement
- s. Stipulation and Order of Dismissal CA2005-022

Defendant's Evidences:

- a. Genealogy Chart of Lijabto (Sons of Lijabto)
- b. Genealogy Chart of Lojaurok, Eonmaj, Teron
- c. Genealogy Chart of Lenkwadrik
- d. TTOPI Ownership Land, Majuro Atoll.
- e. Land Owner Consent

Intervener's Evidences:

I-1. Genealogy of Lijebto

I-2. Genealogy of Lenkwadrik

I-3. Genealogy of Ljuiep

I-4. COD for Nejia

I-5. TT Determination of Land Ownership, Majuro Atoll

I-6. COD for Aijak (Issac)

I-7. Bilimon Land Lease

I-8. COD Joab Jakeo

I-9. Land Lease Agreement of Liki Labi

I-9-1. COD Lida Edward

I-10. Payment

I-11. Kalimur

I-12. COD Jelke

I-13. MALG Lease

I-13-1. COD Isao Tibon

I-14. Motion CA 1990-172

I-15. Summons and Complaint CA05-082

I-16. COD Charles Tibon

I-17. Deed of Sale

I-18. Power of Attorney, Leslie Tibon

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

The panel believes that Laburbur considered Lijuiep as “kanin lujen” (of his own), regardless of the testimonies given contradicting this idea. It is also evident that Limewa considered Lijuiep to be her biological sister, designating all her rights for Teron weto to her sister to exercise and protect while she remained on Arno Atoll. The panel also recognizes that if Teron was given only to Nejia and her descendants, Aijak and the descendants of Ruth and Tokoj would not have been able to exercise the alab rights as shown in the evidences. Based on this, the Panel concludes that Teron Weto is Bwij Land and that the descendants of Limewa and Lijuiep all have rights to reside in peace and harmony on this land. However, there are superiors that lead all others, and so all those in line for these land rights must work together with those in lead, and everyone must look after one another and respect each other for it is the most significant aspect of our custom given to us by the Creator.

Dated:

/S/ Presiding Judge, Walter K. Elbon, Traditional Rights Court

/S/ Associate Judge, Nixon David, Traditional Rights Court

/S/ Associate Judge, Grace Leban, Traditional Rights Court