

FILED

JAN 10 2019

CLERK OF COURTS
REPUBLIC OF THE MARSHALL ISLANDS

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

AMON TIBON (attorney-in-fact for LESLIE TIBON))	H/C CIVIL ACTION 2003-122
)	
Plaintiffs)	
v.)	
)	
GEORGETON MOLIK and EMMY HISIAH (attorney-in-fact for MIAM MOTTELANG))	ANSWER TO QUESTIONS (SECOND REFERRAL)
)	
Defendants)	
v.)	
)	
ESKAIA deBRUM (attorney –in-fact for CARMEN SAMSON))	
)	
Intervenor,)	
_____)	

The High Court at the Rule 9 Hearing regarding the TRC’s Opinion and Answer in High Court Civil Action 2003-122 stated that the TRC Panel based its opinion and answer on the custom of “Ber ber ijn ber ber ijon”. Ber ber ijn ber ber ijon means that although you may be in a different place, having left your homeland or island, you still retain your rights as an owner or person of that land.

During the trial of High Court Civil Action Case No. 2003-122, it was clear from the testimony and evidence that Limewa (the older bwij) had gone to Arno Atoll, lived and remained there. They never returned to Teron Weto in Majuro Atoll. Since Limewa resided and lived on Arno Atoll, it was only appropriate that her younger sister named Lujiep (the younger bwij) assume her place to hold and exercise the Alap right. Limewa and Lujiep both have children. When Limewa’s sons (Abisay and Jiblok) came from Arno Atoll to Majuro, they stayed in Teron Weto,

but were not concerned about the alap right. Both her sons looked to Lujieps' children, namely Nesia and Aisak. Arno is not far from Majuro. Abisay and Jiblok were businessmen or had stores in Arno. This was evident because they continuously came and stayed on Teron Weto in order to get goods and supplies. At the hearing, there was evidence that they had a warehouse on Teron Weto.

With respect to the TRC panel's opinion and answer regarding "ber ber ijin ber ber ijon" they confirm that Limewa's descendant still have rights (land rights) on Teron Weto. "Ber ber ijin ber ber ijon" is not a controlling custom because custom and land rights can change if there are good reasons.

Limewa lived in Arno Atoll and never returned to Teron. Therefore, it was just and appropriate for Lujiep (the younger bwij) to hold and exercise the Alap right during her absence. Limewa did not lose her right nor was it cut off. It remained with her and will remain with her descendants as well. However, when Limewa's children, who were rightfully entitled to hold and exercise these rights, came to Teron Weto, they agreed to and allowed Lijuipep's children to continue to hold and exercise these rights. Therefore, their rights to reside and live on Teron Weto remain. However, at present, it is not their time now to hold and exercise the Alap and Senior Dri-Jerbal rights based on the genealogy chart of Limewa and Lijuipep. Between the two, there are still living descendants from Lijuipep's bwij that are of an older generation. The TRC panel that heard the case came to a conclusion that Teron Weto is bwij land. Further, that all the members of Limewa and Lijuipep's bwij have the right to reside and live in peace and harmony on Teron Weto. There are those who are more senior, such as the Alap and Senior Dri-Jerbal, who should work together, care for each other, and respect one another as Marshall custom dictates.

Dated: 12/24/18

/s/ Walter K. Elbon
Presiding Judge, TRC

/s/ Nixon David
Associate Judge, TRC

/s/ Grace Leban
Associate Judge, TRC