

FILED

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

JAN 09 2018

ASST. CLERK OF COURTS
REPUBLIC OF THE MARSHALL ISLANDS

RINGTON LANGINMIJ,)
)
Plaintiff,)
)
VS.)
)
RAKINMETO SOLOMON,)
)
Defendant.)
)

CIVIL ACTION NO. 2016-172

OPINION AND ANSWER OF THE
TRADITIONAL RIGHTS COURT

MEMBERS OF THE PANEL: Presiding Judge Grace Leban
Associate Judge Nixon David
Pro tem Judge Risi Graham
PLACE OF HEARING: Mejit Island Local Government Council Hall, Mejit Island
DATE OF HEARING(S): November 7-10, 2017

THE PARTIES' CONTENTIONS:

The Plaintiff argues that Mejit Island was split into two by the two brothers, Drekwojkwoj, who took Mejit South, and Lajikit, who took Mejit North. The two brothers were descendants of Leroij Libet, daughter of Leroij Limenwa (Defendant's Exhibit 1). After Drekwojkwoj died, Taklur, the first-born child of Liwaik, succeeded him. According to the Plaintiff, Liwaik and her descendants began exercising the Irojlaplap rights on Mejit-South after her two older siblings, Larron, who died during battle, and Liowilik, who left Mejit with her husband to Maloelap. Plaintiff claims that the bwij of Liwaik became extinct with the death of Lanjo, and that the botoktok line is still in existence. Plaintiff goes on to claim that the rightful holder of Irojlaplap title for Mejit-South is Smith Michael, but because of his incapacity to exercise the title, the next proper person to hold the Irojlaplap title for Mejit-South is the Plaintiff, Rington Laninmij. The Plaintiff claims that according to stories passed down through generations, a 'Lia' (banishment) was placed against Nino, the elder brother of their father, Hemilton, therefore, Charley Jetnil cannot claim any Iroj title on Mejit-South.

According to the Defendant, Laninbwij Lomouj separated Mejit to Lojamanod (nephew) for Mejit North, and Lauledep (uncle) for Mejit South. Defendant argues that Irojlaplap Lajikit, before his passing, presented his will orally to Laninbwij Lomouj, stating that Mejit is to be split into two parts, Mejit-South to Lojamanod (nephew) Taklur and Mejit-North to Lauledep (uncle) Keju. It is the contention of the Defendant that after the extinction of the bwij, the botoktok line took over the Irojlaplap title. However, a new bwij was established after the birth of his mother, Emlen. Defendant concludes that he is the proper Irojlaplap title holder of Mejit-South today since he is of the bwij of Emlen, his mother.

THE QUESTION REFERRED BY THE HIGH COURT:

Question: As between Rington Laninmij and Rakinmeto Solomon, and those claiming through them, who under the customary law and traditional practice of the Marshall Islands is the proper person to hold and exercise Irojlaplap rights and title on and over Mejit Tu-rok (the Southern side), Mejit Atoll, Marshall Islands?

SUMMARY ANSWER:

Answer: Rakinmeto Solomon.

FACTUAL FINDINGS UPON WHICH THE OPINION IN ANSWER IS BASED

Testimonies from both the Plaintiff's and Defendant's witnesses, almost all, listed the Irojlaplap of Mejit-South succession line as follows: Drekwokwoj, Taklur, Lakiwa, Laninbwij, liTakinej, Lanjo, Wame, and Rakinmeto, who is now being disputed in this matter. Aside from the others, Rithen Laninmij testified that Mejin came after Lakiwa and before Laninbwij. This descending line is evident in Defendant's Exhibit 1, and in Plaintiff's Exhibit B. Thus, after thorough examination of both documents presented into evidence, it is apparent to the panel that Taklur, son of Liwaik, succeeded Drekwokwoj. After Taklur passed away, the Irojlaplap title of Mejit-South was passed down to his younger brother, Lakiwa. Lakiwa was the last in his generation, therefore, the Irojlaplap title continued down to the next generation, beginning with Laninbwij, son of Lireo, elder sister of Taklur and Lakiwa. After Laninbwij, it went to Takinej, daughter

of Libuninwa (then surviving younger sister of Litereo and Taklur, and older sister of Lakiwa). After Takinej, the title was passed down another generation to Lanjo, son of Neijar, daughter of Liwome, younger sister of Litereo and Taklur, but older than Libuninwa and Lakiwa. After Lanjo had passed, Wame became the Irojlaplap of Mejit-South. According to the testimonies of the witnesses in this matter, Lanjo made a will (Plaintiff's Exhibit C), stating that Wame shall be next in line for the Irojlaplap title. Wame was the son of Mejin, who was a younger brother of Taklur, but older than Lakiwa. After Wame, several individuals came forward to claim the title, including Rakinmeto Solomon. After considerations from the Council of Iroj, Rakinmeto Solomon was recognized by the Council of Iroj to be the next successor as indicated in the letter addressed to Hemilton I. Taklur, dated July 08, 1996 (Plaintiff's Exhibit G).

APPLICABLE CUSTOMARY LAW AND TRADITIONAL PRACTICE:

1. *Jidrak in bwij* – Emergence of a bwij (female heir)
2. *Manit ej ukot manit* – Custom interchanges
3. *Lia* -Banishment

ANALYSIS

After a thorough examination of all evidence presented during trial in this matter, the members of the panel came to a conclusion as accorded. The Mejit-South Irojlaplap line of descendants, as indicated on both the original genealogy chart (Defendant's Exhibit 1), and the extracted genealogy chart (Plaintiff's Exhibit B), shows that the descending line of the Mejit-South Irojlaplap title began with the bwij (children of females) when Drekwokwoj inherited his Irojlaplap title from his mother, Libet. After Drekwokwoj the title went to Taklur, the son of Liwaik, Drekwokwoj's aunty. After Taklur, the title was passed down to Lakiwa, the last surviving child of Liwaik. The title then descended to the next generation and began with the eldest son of Litereo (elder sister of Taklur), Laninbwij. After Laninbwij, it went to Litakinej, daughter of Libuninwa (younger sister of Taklur). After Litakinej, the title went to Lanjo (son of Neijar, whose mother, Liwome, was younger than Laninbwij's mother Litereo). The bwij became extinct after Lanjo, and so the title moved to the botoktok line (children of males). Lanjo made a Will and named Wame to be next in line after him. Lanjo also added in his Will that the successors of Wame would be Maikel, Ejkel, and afterward, the most proper one to be

next in line (Plaintiff's Exhibit C). The Panel recognizes that Wame was chosen before Michael and Ejkel because he was the last surviving child of the older generation, and it was only proper for him to reign before Michael and Ejkel, because he was their uncle. Michael and Ejkel passed away before their turn, and so the next proper person was sought, of which Rakinmeto Solomon was finally recognized by the Council of Iroij to become the next proper person to be the Irojlaplap for Mejit-South. The panel agrees that Rakinmeto Solomon is the proper person to hold the Irojlaplap title on Mejit-South because after Wame, a new bwij began with Emlen, Michael's younger sister, and Solomon's mother. Under Marshallese custom, botoktok may reign when the bwij becomes extinct. However, the title shall go back to the bwij with the birth of a female heir that bears children to whom the right shall automatically be passed on to (Kabua, 1993). The children of Emlen established a new bwij, and so Rakinmeto Solomon, the eldest child of Emlen, is the proper person to hold the Irojlaplap title on Mejit-South after Wame. This is referred to in Marshallese as *jidrak in bwij* (emergence of a bwij).

Plaintiff(s) Witnesses:

1. Rithen Langinmij
2. Henchi Kelen
3. Rington Langinmij

Defendant(s) Witnesses:

1. Charley Langinmij Jetnil
2. Langinbo Frank
3. Bourn Frank
4. Smith Michael
5. Rakinmeto Solomon

EXHIBITS AND TANGIBLE EVIDENCE:

Plaintiff(s) Exhibits:

1. Plaintiff's Exhibit A – Listing of wetos
2. Plaintiff's Exhibit B- Genealogy made by Rithen Laninmij
3. Plaintiff's Exhibit C – Lanjo's Kalimur dated 4/18/1958

4. Plaintiff's Exhibit D – Certificate of Death (COD) of Wame Taklur
5. Plaintiff Exhibit E – COD of Larim Ezkiel
6. Plaintiff Exhibit F – COD of Maikel Laninmij
7. Plaintiff's Exhibit G – Council of Iroj's letter
8. Plaintiff's Exhibit H – CA 338
9. Plaintiff Exhibit I – Marshallese translation of confirmation
10. Plaintiff Exhibit J – CA 421

Defendant(s) Exhibits:

1. Defendant's Exhibit 1 – Joachim Menmenbwij dated 1909 (Original Menmenbwij)
2. Defendant's Exhibit 2 – Majuro/Ebeye Recognition
3. Defendant's Exhibit 3 – Confirmation of Michael
4. Defendant's Exhibit 4 – Photo of Langinmij's family
5. Defendant's Exhibit 5 – German Register
6. Defendant's Exhibit 6 – Land & Survey
7. Defendant's Exhibit 7 – Irojlaplap in the Marshall Islands slide photos
8. Defendant's Exhibit 8 – CA 1999-086 Answer

OTHER MATTERS THE PANEL BELIEVES SHOULD BE MENTIONED:

The issue of who divided Mejit Island into two parts was raised by both parties, and each had different opinion of how Mejit Island was divided. However, since this issue was not part of the question referred to the Traditional Rights Court to answer, the panel will not address it. A *lia* (banishment) was also raised by the plaintiff, claiming that Nino, eldest son of Laninmij, and father of Charley Jetnil, was banished, and so Charley Jetnil is not entitled to any Iroj rights. The testimonies of Rington Laninmij and Rithen Laninmij were presented as the only evidence, and so this court finds that there is lack of evidence to prove there was a *lia* in this matter.

Lastly, Rington Laninmij and Rithen Laninmij both testified that the proper person to hold the Irojlaplap title on Mejit-South is Smith Michael, but due to his incapacity to exercise the title, and because he is not on their side, then the proper person to hold the title of Irojlaplap for Mejit-South is Rington Laninmij. The panel believes that if Michael, father of Smith Michael,

did not have a younger sister, the Iroiylaplap title of Mejit-South would still flow through the botoktok (blood line) to Smith Michael. However, Michael had a sister named Emlen who had children, Rakinmeto is the eldest child, and so the title automatically goes back to the bwij of Emlen because '*manit ej ukot manit*' (Custom Interchanges) as dictated under Marshallese custom (Kabua, 1993).

Dated: January 5, 2017

/S/ Presiding Judge Grace Leban – Traditional Rights Court

/S/ Judge Nixon David – Traditional Rights Court

/S/ Pro Tem Judge Risi Graham – Traditional Rights Court