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

IN RE THE MATTER OF THE APPLICATION FOR CITIZENSHIP FOR BETTY JAMES,	CIVIL ACTION NO. 2024-00557 HCT/FPS/MAJ
BY BETTY JAMES PETITIONER.	UAK EO AN COURT EO AN MANIT

**To: Hon. Witten Philippo, Associate Justice of the High Court
Mr. Alanso Elbon, Counsel for Petitioner
Assistant Attorney General Davina Nathan, Counselor for the Republic**

I. Naan in Kopellok

Case in ej ikijen kajitok eo lok nan High Court jen Betty James ("Rikajitok"), eo ej kajitok an eorom juon citizen ilo an etan dreelon ilo laajrak ak register. Rikajitok in ej ba bwe ej juon alap im dri jermal einwot ke ej laajrak 11 ebeben laltak jen lollap eo jimaan, Lowodbako, eo ear emakit nan Kiribati 100 jima iio ko remootlok ilo tore ko an Rijemne ro im bed wot.

II. Un Ko / Kajitok Ko

Emoj letok eddo eo nan Court in bwe en uak kajitok kein rej laajrak lal ekkar nan mantin Majol im iminene ko ad:

1. Juon ineen botoktok emaron ke jolet e jimwe im maron ko an alap ion bwidej ko iumin manit? Ne uak eo am ej "aet", etke? Ne "jaab", etke?

2. Juon ineen botoktok emaron ke jolet e jimwe im maron ko an dri jermal ion bwidej ko iumin manit? Ne uak eo am ej “aet”, etke? Ne uak eo am ej “jaab” etke?¹

Kin un kein rej laajrak lal, Court in ej loe bwe Rikajitok eo ejjab juon eo ej kabjor maron einwot juon alap ak dri jermal ion bwidej ko an armij rein rej walok im laajrak ilo menmenbwij eo jake maantak im emoj naetan Petitioner’s Exhibit “A”.

III. Etale Melele Ko Remool Im Rejelet Case In

A. Juon ineen botoktok emaron ke jolet jimwe im maron ko an alap im dri jermal ion bwidej ko iumin manit?

Bwe en kadru im biroro lok, emoj kobaik kajitok ko einwot aer ebaake dron ilo melele. Court in ej loe bwe kajitok kein drebakbak im kin menin, uak ko naj etale einwot aer drebakbak, innem naj keidi uak ko bedbed ion jekjek in wawein ko rejelet Rikajitok eo ekkar nan menmenbwij eo im leta ko jen manmanronron ro ruo an Leroij Neimat, Iroij Jimata Kabua im Iroij Lanny Kabua, ekoba eo jen ibben Alap Alvin Jacklick.

Ej aikuij wor melele in bwe kajojo wawein ko im rej jelet bwidej ko, jemlok ko aer rej bedbed ion manit ko elap melele kaki, einwot kain bwidej rot eo im won eo ej imaan ilo bwij im botoktok eo, ekoba wawein im jekjek ko jet im remaron jelet laajrak in jolet ko ion bwidej im remaron komman menin an oktak. Jack A. Tobin, *Land Tenure in the Marshall Islands* at 11-47 (1956).

¹ Order Certifying and Referring Questions to Traditional Rights Court, In Re the Application for Citizenship of Betty James, Civil Action No. 2024-00557 (HCT, Sept. 17, 2024).

B. Juon ineen botoktok emaron im ejjab maron jolet jimwe im maron ko an alap im / ak dri jermal ion bwidej ko iumin manit. Court eo ej kalikare jet wawein jolet ko ion bwidej im rebaake ak remaron jermal nan rikajitok eo ilo case in.

Maron eo an Alap

1. *Aet*, juon ineen botoktok emaron jolet jimwe im maron ko an alap ion bwidej ko iumin manit einwot ke “*aolep riMajol rej, ne enaj toren nan ir, maron in alap*” im elane botoktok eo ej bed ilo laajrak in jolet ekkar nan manit. Jack A. Tobin, *Land Tenure in the Marshall Islands* 17 (1956). Einwot ilo waan jonak, ilo case eo an High Court Civil Action No. 2018-006, *Rilometo and Rilometa v. Kabua v. Botla and Moore* (Jan. 7, 2022), Court in ear kile bwe armij eo ineen botoktok eo, Rikabojrak Jiwao Moore, ej alap eo ekkar ion Enekokot Island, Arno Atoll, juon imon bwij – ak kain bwidej eo im laajrak in jolet eo ej ettor lallok ibben kora ro nejin bwij eo. *Id.*; Amata Kabua, *Customary Titles and Inherent Rights* 16-21 (1993). Ilo kar case eo, bwij eo ear bed maron eo ibben ilo tore eo ear looi, im ilo an ejelok bwij edriklok nan jolet e maron ko, ear etal maron eo an alap nan rittotata eo nejin emaan ak botoktok eo erittotata mae tore eo ear wor juon bwij kaal ilo an lotak im walok juon kora. Lellap eo jibwin Rikabojrak Jiwao Moore, Winrak, ear kajidrak juon bwij kaal jen laajrak eo an botoktok eo ilo ebeben eo imaanlok. *Rilometo and Rilometa v. Kabua v. Botla and Moore*, HCT CA 2018-006, TRC Opinion & Answer, slip op. at 6-7 (Jan. 7, 2022); *Tokjen v. Lodge-Lobju and Lodge-Ned*, HCT CA 2018-294, Opinion & Answer of the TRC, slip op. at 12, (Oct. 2, 2020).
2. *Aet*, juon ineen botoktok emaron in jolet jimwe im maron ko an alap ion bwidej ko iumin manit elanc bwidej eo emoj an wappen im alikar bwe ej juon imon ninnin - “...bwidej rot eo

im ej lelok in jen juon jemen nan ro nejin” im “...ro ilo ebeben ko lok maan rejjab maron in bar boke jen ibbeir.” Tobin, at 27 (1956).

3. *Jaab*, juon ineen botoktok ejjab maron in jolet e jimwe im maron ko an alap ilo bwidej ko an bwij einwot ke laajrak in maron ko ekkar nan mantin Majol ej itok jen bwij eo im maron ko an botoktok rej itok elkin ro ilo laajrak eo an bwij eo ak elane enaj loot bwij eo. *Langidrik v. Dolar, et al.*, HCT CA 2005-241, Opinion & Answer of the TRC, slip op. at 3 (Oct. 27, 2016); Tobin (1956); Kabua, at 2 (1993).

Maron eo an Dri Jerbal

4. Im ejja ilo wawein in wot, juon *botoktok* emaron in jolet maron ko an dri jermal ion bwidej ko iumin manit. *Langidrik v. Dolar, et al.*, HCT CA 2005-241, Opinion & Answer of the TRC, slip op. at 3 (Oct. 27, 2016); *Kotton v. Tarilang, et al.*, HCT CA 2018-10, slip op. at 3 (Jan. 23, 2020). Ewor wawein im jekjek ko jet im laajrak in jolet in emaron in bar oktak, einwot an walok ilo case in kokajriri ko. *Rilometo and Rilometo v. Kabua v. Botla and Moore*, HCT CA 2018-006, TRC Opinion & Answer, slip op. (Jan. 7, 2022). Ilo case eo an *Langidrik v. Dolar, et al.*, HCT CA 2005-241 (Oct. 27, 2016), TRC eo ear ba bwe manit ej kemlet bwe “...imon bwij ej ejaak jen kora im ro nejin renaj kabjor maron eo an Alap...im ro nejin emaan renaj kabjor maron eo an botoktok ak dri jermal.”
5. Ijowotke, ne enaj itok nan kokajriri, elane enaj wor an ajri eo *kalimur*, im ewor karok ko me aolep ro uan bwij im botoktok eo renaj erra kake bwe eri etal maron nan kokajriri eo, innem kokajriri eo emaron in kabjor maron eo an dri jermal. Kar kain jekjek eo in ear walok ilo case eo an *Moore*. Rijumae Abnono Kabua, eo im ej nejin kokajriri eo ear maron kabjor maron eo an dri jermal itok wot jen kokajriri eo an lollap eo jemen im kalimur eo im ear wor

erra kake jen ro uan bwij im botoktok eo jimor ilo bamle eo. *Rilometo and Rilometo v. Kabua v. Botla and Moore*, HCT CA 2018-006.

C. Mantin Majol Ko Rejelet Case In

1. **Menmenbwij:** Menmenbwij eo an Rikajitok eo – laajrak eo an bamle eo-naetan Petitioner’s Exhibit “A” (Exhibit “A”), ej ba bwe ej juon eo jen ebeben eo kcin kajonouljuon jen Lowodbako, lollap eo jimaan jen etto im ej ba bwe ej Rimajol.

- i. Exhibit “A” ej alikar eltan pein Iroj Jimata Kabua im Alap Alvin Jacklick, botap erro jimor ear jab maron in jede imaan Court im kamool ke eltan peierro ko ilo pepa in, ak ro jet im ewor aer jela im iminene in loe eltan peierro im kamool kaki, einwot notary public eo im ear kabin im seal i pepa eo.
- ii. Ekkar nan Exhibit “A”, Rikajitok eo ej ba ewor an jimwe im maron ilo weto kein rej laajrak “...Lellal im Jobwad, Jaluit, Buni, Tuwa#1, Tuwa#2, Moniolap, Lokutak, and Jenrok.”² Court in ej kajitikin jet wawein ko loan pepa in naetan Petitioner’s Exhibit “A”:
 - a. Etan alap eo ej walok eoktak jen aat eo car bed im jeje ilo menmenbwij eo ear itok ibben pepa in kajitok eo an Rikajitok eo im emoj naetan, Petitioner’s Exhibit “H”;
 - b. Etan alap eo ej walok im alikar ilo Exhibit “A”, Alvin Jacklick, ak Arata Nathan (ejelok eltan pein ie) – im ej walok im alikar ilo Petitioner’s Exhibit “H”- ejjab walok im laajrak ilo menmenbwij in;

² Petitioner’s Exhibit “A”.

- c. Ejjab walok im alikar weto ko rej laajrak ie ibben etan weto ko rej laajrak ilo Petitioner's Exhibits "B" im "C", ak ilo Exhibit "I" im ear itok ibben pepa in kajitok eo an Rikajitok eo.

Kin menin, ejjab alikar nan Court in won eo ej lukin alap nan bamle kein ilo menmenbwij in einwot ke ejjab walok im alikar etan Alap Alvin Jacklick ilo laajrak in menmenbwij in. Im kinke menmenbwij in ej bedbed in kajitok eo an Rikajitok in, ilo torein, ebin an Court in boke einwot juon kein kamool eo ejimwe im ekkar iumin manit.

2. Mantin Majol Ko Emoj Aer Eorom Kakien

- i. Supreme Court eo ear kabin jemlok eo an High Court eo im ear kile im bok bwe en mwicien jemlok eo jen ibben Court eo an Manit ilo case eo an *Nashion and Sheldon v. Enos and Jacklick*, 3 MILR 83, 91 (2008), eo im ear kile Ann Sheldon einwot juon eo ejimwe im ekkar bwe en kabjor jimwe im maron ko an alap, im Tabwi Nashion einwot juon eo ejimwe im ekkar bwe en kabjor jimwe im maron ko an dri jermal ilo weto eo naetan, Lokitak ilo aelon in Jaluit. Innem Court in ej loc bwe rikajitok eo ejjab maron in kabjor maron ko an *alap* ak *dri jermal* ilo Lokitak ilo aelon in Jaluit einwot an ba ilo pepa in kajitok eo an kinke emoj an Supreme Court eo komman an jemlok kake.
- ii. Ejja einwot ilo case eo an High Court eo, einwot an kar jab eoron kajitok eo an Teinauea Tiare Yee On's bwe en eorom juon citizen ilo an walok etan ilo laajrak ak register, bedbed ion an loe bwe ewor melele im wawein ko rar idaptok ibben menmenbwij im kalimur ko jimor. Teinauea ej juon eo im ej bed ilo ebeben eo kein kaemen jen juon emaan in Majol. Court eo an Manit ear jab maron in kamool pepa ko jimor einwot ke alap eo an bamle eo im rej laajrak ilo menmenbwij eo ejako eltan

pein nan kamool ke ejimwe menmenbwij eo, im ear jab walok etan ak etan ro ilo bwij eo an loan pepa eo. *In re the Application for Citizenship by Registration by Teinauea Tiare Yee On (Opinion & Answer of the TRC) CA 2024-01336 (11/22/24)*. Ejja ilo wawein eo wot, Court in ej loe bwe ilo an ejelok naan in kamool ko jen ibben Alab Alvin Jacklick, einwot an walok etan ke ej alap nan bamle eo ilo Exhibit "A", ejjab maron in kamool ke ej mottan bamle in ilo menmenbwij in kinke ejjab walok etan ilo laajrak in menmenbwij in.

- iii. Bareinwot, High Court eo ear jab maron eoron kajitok eo an Karua Tamuera ilo an kajitok bwe en eorom juon citizen ilo an ba bwe, ijelokin un ko jet, einwot ke ej juon eo ej itok jen ebeben eo kein-kajonouljillu jen Lowodbako, "...kootaan eo elap an ettolok nan an maron kabjor maron ko ion bwidej ilo Majol" kinke "...maron ko ion bwidej jen ibben botoktok rej makunlok im maron jako ilo ebeben eo kein kajijilimjuon" ijelokin wot ne enaj loot bwij eo ak wor karok ko kommani iumin manit im enaj ukot laajrak in. *In Re Petition for Citizenship by Karua Tamuera, HCT CA 2010-114, Order Denying Petition for Citizenship by Registration Based Upon Descent, slip op. at 5 (Apr. 25, 2013)*; Jack A. Tobin, *Land Tenure in the Marshall Islands* 20 (1956); Amata Kabua, *Customary Titles and Inherent Rights* 2 (1993).

IV. CONCLUSION

Bedbed ion melele kein emoj aer walok imaan, Court in ej loe bwe Rikajitok Betty James ejjab kabjor maron ko an alap im dri jermal ilo weto ko rej walok im laajrak ilo menmenbwij eo. Botap emaron jibadoklok Iroiylaplap eo, Alap eo im Senior Dri Jermal eo an im kajitok bwe an jukjuk im amnak im mour jen bwidej kein einwot ke ej ba ej walok jen ibben juon emaan in Majol.

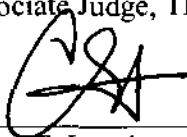
Dated: 17th April 2025.



Grace L. Leban
Chief Judge, TRC



Nixon David
Associate Judge, TRC



Claire T. Loeak
Associate Judge, TRC