

IN THE TRADITIONAL RIGHTS COURT
REPUBLIC OF THE MARSHALL ISLANDS


Stephen Dribo,)
)
 Plaintiff,)
)
 vs.)
)
 Irumne Bondrik,)
)
 Defendant,)
)
 vs.)
)
 Ezra Riklon,)
)
 Intervenor,)
)
 vs.)
)
 Billiet Edmund,)
)
 Intervenor.)

H/C Civil Action 2002-067

OPINION IN ANSWER

FILED

20 2007


ASST. CLERK OF COURTS
REPUBLIC OF MARSHALL ISLANDS

High Court Civil Action No. 2002-067 began its trial before the two courts, the High Court and the Traditional Rights Court on November 9, 2005, at Ebeye, Kwajalein, and later completed the trial on June 29, 2007, in Majuro Atoll, Republic of the Marshall Islands. Members of the Traditional Rights Court panel were the Honorable Berson Joseph, Chief Judge, Honorable Botlang Loeak, Associate Judge, Honorable Kalemén Jinuna, Associate Judge, sitting jointly with the Honorable Richard G. Hickson, Associate Justice, High Court, Republic of the Marshall Islands.

This case had taken up a substantial amount of time to

complete for the following reasons: 1) There are four (4) parties involved, the plaintiff, the defendant, the 1st intervenor and the 2nd intervenor. 2) The frequent requests for continuances by counsel for reasons of their inability to appear. Part of the delay was also caused by the unavailability of evidence from the iroijs of these lands.

The case was referred to this court of custom to determine the very important question under custom of **who is the rightful and proper person to hold the alab right on all the islands and wetos that are in dispute in this case.** Now, therefore, without fear and bias, this court of custom shows its recognition of the custom and resolve the dispute in this case.

THE CUSTOM:

a. Bwilok - According to the Iroijs Book, there is no bwilok.

b. Men-nu-nak - This applies only to women who move from one place to another (island to island) following her husband and does not apply to moving from one place to another on the same island.

c. Menmenbwij - There are two kinds: One, Kone Jubar - children of the females or the bwij. Two, Lieok Tit - children of the males or the botoktok.

A. THE QUESTION CERTIFIED TO THE TRADITIONAL RIGHTS COURT:

What person or persons is/are the proper person(s) under

Marshallese traditional law and customary practices to be the alab for each of the lands named?

B. OPINION IN ANSWER TO THE QUESTION:

This court's opinion in answer to the question is Stephen Dribo.

C. BRIEF STATEMENT OF REASONING ON WHICH OPINION IN ANSWER TO THE QUESTION IS BASED:

The history of the subject islands and wetos in this case. All these lands originally belonged to a leroij named Libol Joase. This leroij had given to her oldest son Laibat Joase the weto named Monnen to be his, as was made clear in this case. But as for the other islands and wetos in Kwajalein, including Ebadon and Lae Atoll, those remained under the control of Leroij Libol Joase until the time she died. These lands were this leroij's "mona lands." Today the iroijs laplaps of the Ralik have proceeded to take charge of these lands through their own power and knowledge. Then why was Handle Dribo the alab and not others? Only these iroijs know as they are *iroij im jela*.

This court of custom believes that this case should have been tried only as between plaintiff Stephen Dribo and defendant Irumne Bondrik because the main dispute in this case is about the two daughters of Lerele Lejron, Litweta and Lijokdrik. (Please see Laibat Joase's genealogy chart and Plaintiff's Exhibit No. 1) The plaintiff also talked about a term called tor

in *botoktok*, There are two ways in which this *tor in botoktok* works in the plaintiff's genealogy chart, which is Plaintiff's Exhibit No. 1. The first one went from Lobeie to his daughter Lieojed, and later on to Litweta, his granddaughter. The second one went from Lejron to his son named Ledele and later on it continued to his granddaughter Lijokdrik. Let's all understand that Lejron was not related to Laibat in any way whatsoever that we know of. We only know that this person was married to Lobeie's younger sister. The truth is, according to the evidence in this case, this court of custom cannot understand or come to a conclusive finding of whether Lejron had any rights on these islands and wetos in this case. Lerele Lejron could not have held the alab and ri-jerbal rights on all of Laibat's lands that are in dispute in this case. He only had alab rights on his mother Liboklan and grandmother Lijonan's lands. This affects and applies more to Libin Bondrik, Irumne's mother. He will inherit only the rights that were his grandfather Lerele's and his grandmother Lijobwe's. This is also true for and applies to Irumne. He also will follow in the rights of his mother Libin Bondrik.

Laibat Joase's genealogy chart is very good and correct. The problem we see regarding this genealogy chart is that the defendant does not properly understand it, just as a result of the term, *tor in botoktok*. In truth, this court of custom has no

doubt at all that defendant Irumne Bondrik eats with Langrine, his grandfather, on Monbon Rear on Kwajalein Proper.

D. Defendant's Exhibit B - Information from Iroiylaplap Jeimata's Book:

1. "From the year 1935 to the present," according to some of the statements we heard during the meeting, "Iroiylaplap Jeimata's book does not show or indicate that there was a bwilok. The two bwijs were present at the meeting and it has the names of the two old ladies and their children, both male and female." Once again, the book shows that there was no bwilok.

2. "Today the bwij of Litweta has ceased to exist or has ended but the botoktok of Litweta's bwij still exists. The bwij of Lijokdrik, the bwij younger than Litweta's, still exists and hasn't become extinct."

3. "It is right and proper under custom that Irumne Bondrik succeed Alab Handle Dribo. It is not the iroijs that says so but it is the genealogy of custom that says so."

Here are some important and valuable information that we need to carefully and thoroughly look into their truths. However, as to Number 3 above, this court of custom does not agree that Irumne Bondrik is to succeed Alab Handle Dribo. To explain the reason why this court does not agree, let us once again refer to Laibat Joase's genealogy chart, which is Plaintiff's Exhibit No. 1, and the key to this case. (Please see refer to and examine). According to this genealogy chart, Lerele

Lejron had two daughters, namely Litweta and Lijokdrik, who had different mothers. Litweta was the daughter of Lieojed, the daughter of Lobeie, and Lobeie was the son of Laibat Joase. Lijokdrik, the other daughter of Lerele, was the daughter of Lijobwe who had no connection whatsoever to Laibat Joase's genealogy chart.

It is true that Litweta's bwij has now become extinct, however, the botoktok of that bwij which started with Handle Dribo still lives on today. Now, who is the proper and closest person to have the right of the botoktok? There's no one else except Stephen Dribo. Stephen Dribo is the *tor in botoktok* that is right and proper. Litweta didn't on her own say she was the alab but Iroiylaplap Lejolang Kabua recognized her and gave her the alab right as shown in the land determination for Kwajalein Atoll. All the islands and wetos on which Litweta was alab are as follows:

1. Monnen Weto - Ebeye, Kwajalein Atoll
2. Mwinbitrik Weto - Eonene in Kwajalein
3. Mwinluial Weto - Eonene in Kwajalein
4. Komle Island - Kwajalein Atoll
5. Meik Island - Kwajalein Atoll
6. Kidenen Island - Kwajalein Atoll
7. Enewetak Island - Kwajalein Atoll
8. Nene Island - Kwajalein Atoll

- 9. Loran Weto - Ebadon, Kwajalein Atoll
- 10. Moja Weto - Lae Atoll
- 11. Kejelab Weto - Lae Atoll
- 12. Enerein Island - Lae Atoll
- 13. Monbon Rear - Eonene in Kwajalein

The weto of Monbon Rear belonged to Langrine. Liebbo is the person who lived on this land as a ri-jerbal. Irumne Bondrik can have a share from this weto.

E. Genealogy Chart - Exhibit E of the 2nd Intervenor:

This genealogy shows that it contains all the younger siblings of Laibat Joase and their children and grandchildren. The intervenors entered into this case because they believe they have a right to be involved in any discussions concerning. They believe they also have a right to share from these lands, according to their own testimony. This court of custom had taken some time to consider and work on the question from the intervenors without any bias. This court recognizes and believes that the intervenors are entitled to a share. This court will make a recommendation regarding a distribution scheme that will be fair to all.

F. Civil Action No. 318, TTR Volume 5.

Lijbalang Binni and Tojiro Lomae, Plaintiffs

vs.

Adre Mwedriktok, Samuel Lemto, Maina Jajo
Mark P., im Daina Maie, Defendants

Civil Action No. 318 was held on September 3, 1971 in Ebeye,

Kwajalein Atoll. That case was between some families who were living together on Eru, one of the small islands in Kwajalein Atoll's lagoon. It was quite a difficult case because it involved eleven (11) families who were all claiming the ri-jerbal right. The iroi-jlaplap at that time, out of leniency or kindness and love for his people, had issued a "directive" to the government to make payments to the people and divide the money equally among them. This is an example we can learn from, especially this court of custom.

G. Names and Addresses of Plaintiff's Witnesses:

- | | | | |
|----|------------------|---|------------------------|
| 1. | Stephen Dribo | - | Ebeye, Kwajalein Atoll |
| 2. | Harrington Dribo | - | Ebeye, Kwajalein Atoll |
| 3. | Willy Mwekto | - | Jenrok, Majuro Atoll |
| 4. | Eonis Dribo | - | Delap, Majuro Atoll |
| 5. | Asma Muller | - | Delap, Majuro Atoll |
| 6. | Alvin Jacklick | - | Uliga, Majuro Atoll |
| 7. | Minna Andrike | - | Rita, Majuro Atoll |
| 8. | Junior Patrick | - | Rita, Majuro Atoll |
| 9. | Sato Maie | - | Ebeye, Kwajalein Atoll |

H. Names and Addresses of Defendant's Witnesses:

- | | | | |
|----|----------------|---|------------------------|
| 1. | Stephen Dribo | - | Ebeye, Kwajalein Atoll |
| 2. | Togo Langrine | - | Ebeye, Kwajalein Atoll |
| 3. | Irumne Bondrik | - | Ebeye, Kwajalein Atoll |
| 4. | Michael Kabua | - | Ebeye, Kwajalein Atoll |

I. Plaintiff's Exhibits:

1. Exhibit No. 1 - Laibat Joase's genealogy chart.

This genealogy is the KEY that is most important and valuable in this case as it contains all the parties in it.

2. Exhibit No. 2 - Libokeia's genealogy chart
3. Exhibit No. 3 - Allocation Agreement re Kwajalein Atoll LUA
4. Exhibit No. 4 - Transcript of Proceedings
5. Exhibit No. 5 - Government of Marshall Islands
6. Exhibit No. 6 - Ownership of Land, Kwajalein
7. Exhibit No. 7 - Affidavit of Imata Kabua
8. Exhibit No. 8 - Transcript of Proceeding, CA 15-80
9. Exhibit No. 8a - Opinion, CA 366
10. Exhibit No. 8b - Judgment, CA 15-80
11. Exhibit No. 9 - Certification of Traditional Successor
12. Exhibit No. 10 - Determination of Ownership and Release No. 59, K-6
13. Exhibit No. 11 - Genealogy of Laninlur & Jobwe
14. Exhibit No. 12 - Last Word and Kalimur
15. Exhibit No. 13 - My last word and Kalimur

J. Defendant's Exhibits:

1. Exhibit A (Withdrawn) - Monnen & Monbon Rear Genealogy chart
2. Exhibit B (Withdrawn) - Lijimjim's genealogy chart
3. Exhibit C - Genealogy chart of Libool
4. Exhibit D (Withdrawn) - Certification of Traditional Successor
5. Exhibit E - Minutes of 11/6/00 meeting
6. Exhibit F - Handle Dribo's Power of Attorney to Irumne

7. Exhibit G - Irumne's genealogy chart
8. Exhibit H (Withdrawn) - A document by John Anjain
9. Exhibit I (Withdrawn) - Letter from Fred Dribo
10. Exhibit J (Withdrawn) - English version of Fred Dribo's letter
11. Exhibit K (Withdrawn) - Iroi Book, Kwajalein
12. Exhibit L (Withdrawn) - Genealogy by Mike Kabua
13. Exhibit M (Withdrawn) - Jokdrik's genealogy, Ri-Meik, Arbwe
14. Exhibit E1 (Withdraw) - Documents regarding Kwajalein lands
15. Exhibit E2 (Withdraw) - Documents on Lae lands
16. Exhibit E3 (Withdraw) - Documents on Arbwe lands
17. Exhibit E4 (Withdraw) - Documents on Bikej
18. Exhibit N - Likubaak's genealogy, Jowi of Ri-Meik
19. Exhibit N1 (Withdraw) - Enlarged chart of DN
20. Exhibit O - Arbwe's genealogy chart
21. Exhibit O1 - Enlarged chart of D-O
22. Exhibit G1 (Withdraw) - Enlargment of G
23. Exhibit P (Withdrawn) - Translation of Minutes of Gugeegue meeting
24. Exhibit K1 (Withdraw) - 2nd Iroi Book with Imata
25. Exhibit E5 (Withdraw) - Copy pages from 2nd Iroi Book with Imata
26. Exhibit Q (Withdrawn) - Ralik iroijs genealogy
27. Exhibit E6 (Withdraw) - Original Minutes and annexes to the Minutes

- 28. Exhibit R - 13 page compilation of charts by Alvin Jacklick
- 29. Exhibit S (Withdrawn) - Alvin Jacklick's family Book
- 30. Exhibit T - Amata's book
- 31. Exhibit U (Withdrawn) - Lamoren of Ri-Meik Chart

This court of custom will once again explain and give the reason why it recognizes and gives the alab right to Stephen Dribo and not Irumne Bondrik. Firstly, Handle Dribo was a man who really knew the custom and knew the relationship of people. He was correct in saying that Litweta and Lijokdrik were his mothers, and why not when these two woman had the same father in the person of Lerele Lejron. However, it is also true that these two ladies had different mothers. Litweta, in her own right, was the proper *tor in botoktok* from Lobeie and Laibat Joase.

Handle Dribo's kalimur, Plaintiff's Exhibit No. 12 im 13, is a kalimur that was not good and proper. If Handle Dribo was healthy and thinking clearly, he would not have made the kalimur. This is also true for what he did in making and giving the power of attorney, Defendant's Exhibit F, to Irumne Bondrik. There were meetings called by Iroiylaplap Imata Kabua to bring these peple together in Gugeegue Island. As a result of these meetings, iroiij has recognized and say that Irumne Bondrik is the successor to Handle Dribo as alab, as indicated in Defendant's Exhibit A, the Certification of Traditional Successor, which has

already been signed by the iroijs. According to the Book of Iroijslaplap Jeimata Kabua, Defendant's Exhibit B, it's also stating that pursuant to custom it is right and proper for Irumne Bondrik to succeed Alab Handle Dribo. The iroijs are saying, "It is not the iroijs saying so but rather the genealogy of custom." The genealogy referred to is from both the parties, Plaintiff's Exhibit No. 1 and Defendant's Exhibit No. A. This genealogy chart doesn't say that Irumne Bondrik is the succeeding alab to Handle Dribo.

K. 1ST INTERVENOR:

Billiet Edmund is the 1st intervenor in this case. Billiet is from the bwij of Lokboj and the fourth (4th) child of Libol and Joase. Billiet is claiming that he also have rights on the "mo na" lands that belonged to Libol Joase on the islands and weto in Kwajalein Atoll. (Please see the genealogy chart that is IR-7.) Billiet recognizes Iroijslaplap Imata Kabua as his iroijs today. In his testimony he stated that he lived on many occasions on the weto called Monbit Ion, and that he lived most especially on Meck Island with his parents. But according to his closing submission, he grew up on Monbit Ion Wetu.

As this court has mentioned earlier, Handle Dribo was a man who really knew the custom, knew people's relationships and knew how to care for his relatives. He never stopped visiting and taking food and necessities to them in Meck Island. There was no

mennunak. This is the belief of this court. Billiet Edmund's rights on Meck Island are no different than the rights that Handle Dribo had. The only difference is that he didn't remain on Kwajalein but moved away to live at some other places, like Rongelap and other places. However, this court of custom still recognizes that even though he moved away from Kwajalein and went and lived somewhere else he is still entitled to a share from the "mona" lands of Libol Joase.

L. Names and Addresses of the 1st Intervenor's Witnesses:

1. Billiet Edmund - Rairok, Majuro Atoll
2. Lanny Lane (Expert) - Uliga, Majuro Atoll

M. 1st Intervenor's Exhibits:

1. IE-1 - History of Ri-Meck (Genealogy)
2. IE-2 - Libokeia's genealogy chart
3. IE-2a - Enlargment of IE-2

N. 2nd Intervenor:

Ezra Riklon is the 2nd intervenor. Although 2nd Intervenor Riklon was late in entering this case, the trial judge of the High Court Richard Hickson, went ahead and granted their motion to enter as a party in this case. 2nd intervenor Riklon is claiming through Lobeie and according to them Lobeie had two daughters, Litia and Lieojed. These women also had different mothers. Both these women inherited rights from their father Lobeie. According to Plaintiff's Exhibit No. 1, Litia was

younger than Lieojed. Intervenor Riklon's claim is that because Litia, his mother, was younger than Lieojed then it is right and proper that the title of alab should have gone to him. He is right in saying this. There is no questioning it. He had presented evidence to prove that he is the proper person to hold the alab right. The question is, why wasn't he? Only Lobeie and the iroijs know. This court of custom does not know why this came to be and it believes that only the iroijs of these lands can answer this question. The iroijs had recognized Litweta as the alab for all the islands and wetos in dispute, as indicated in Defendant's Exhibit L. Litweta's alab right was hers given by Iroijslaplap Jeimata Kabua and Iroijslaplap Lejolang Kabua. Regardless of that, this court does not see that to mean that Litia did not have any right on the subject islands and wetos. Litia had right. The members of the bwijs of these two ladies should start showing their love for one another, respect for one another, care for one another and most of all take care of each other.

O. Names and Addresses of the 2nd Intervenor's Witnesses:

1. Ms. Justina Langidrik - Rairok, Majuro Atoll

P. 2nd Intervenor's Exhibits:

1. Letter from AG to Finance
2. Customary Titles and Inherent Rights
3. Juon wot Neidred Chart
4. CA No. 318 (Affidavit of Julian Riklon)

5. Judgment (Korap vs. Nakap)
6. SCT. CA 86-01
7. Genealogy Chart
8. SC Opinion in CA 89-03
9. Copy of PL 1996-26
10. Copy of Standing Committee Report No. 172
11. Certification of NR 60, ND 1
12. Resolution No. 60, ND 1, 3/3/94
13. Standing Committee Report No. 52
14. Genealogy Chart for Monnen and Monbon Rear
15. Master's Report ilo CA 1983-42
16. Defendant's EL, Kwajalein Atoll, RMI (Extract from Iroi book)
17. Defendant's E2, Extract from Iroi Book on Lae

Q: Kwajalein Land Determination:

This court of custom has now said all it had to say regarding all the testimonies it heard from the witnesses and the arguments of counsel, including examining each of the exhibits. Most especially, this court has consulted the land determination for Kwajalein Atoll. This document was compiled and made on October 15, 1959. This is a powerful instrument and still effective to this day. Any new thinkings or attempts that are outside this document will have no effect and this court will consider them as having no force. Example: Jinuna Jablotok, Petitioner, vs. Mela Ebot, Respondent, 8 TTR, 506.

If we're speaking of the custom and the testimonies we heard during the trial, Lijokdrik did not succeed Litweta as alab. Handle Dribo, the son of Litweta, succeeded his mother and became the alab for the islands and wetos in Kwajalein and Lae Atoll.

NOW, THEREFORE, once again, the opinion of this court of custom in answer to the question presented to it for determination is that, pursuant to custom, Stephen Dribo is the person that is rightful and most proper to hold the alab title on all the disputed islands and wetos in this case, excluding Monbon Rear. Monbon Rear belongs to Irumne Bondrik and it is right and proper for him to live off and eat with his relatives on Monbon Rear Weto in Kwajalein Atoll.

It is also the opinion of this court that both the intervenors are people of these lands. In the words of our ancestors, "*Ek mouj ejaje meloklok kilone en jikin. (Parrot fish never forget their home reef)*" We have seen that they never forgot these lands of theirs. They entered this case because they believe they have rights and are seeking their share. The bwij of Litia Riklon never ceased to seek their share and their claim is not a new one that they just came up with. Furthermore, these people were already on these lands as shown on the land determination for Kwajalein Atoll. Lastly, Jibaj Riklon, the oldest son of Litia, never gave up on seeking their share, as indicated in Defendant's Exhibits E1-K5 and E2-L1, E5-5, and

otheres.

Last but not the least, this court of custom makes the "recommendation or urges" that Alab Stephen Dribo *jake jebol eo* (or take care of) to both the intervenors who are his relatives and have always been since the beginning of time and are from the same "neded" (*mat, womb or family*). Under custom, part of an alab's duty is to look after his peopole and take care of them. Therefore, it is the recommendation and urge of this court that Alab Stephen Dribo *jake jebol eo* and look after these people who are his relatives. The distribution scheme that this court sees as a fair one to all, and urges Alab Stephen Dribo to follow, is as follows: 50% or $\frac{1}{2}$ to Alab Stephen Dribo, 25% or $\frac{1}{4}$ to Intervenor Billiet Edmund, and 25% or $\frac{1}{4}$ to Intervenor Riklon, and this is how Alab Stephen Dribo should provide for his people every quarter.

Defendant Irumne Bondrik will live off and "mona" or eat with his relatives on Monbon Rear Weto in Kwajalein Atoll, as a person holding right and interest on the weto.

This case came to the Traditional Rights Court because the plaintiff believes the outcome of the meeting held in Gugeegue was not right and didn't follow the custom of inheriting land rights. Also, that it was not a fair one and favored only one party.

This court of custom also recommends that the iroijs be true

and just in resolving the disputes between their people on their lands. We greatly and puts no limit on the respect we have for our iroijs because they are the advisors God blessed us with. They have to show they love all their people equally and without any bias.

Entered this 13th day of December, 2007.

/s/ Berson Joseph
Presiding Judge, TRC
Republic of the Marshall Islands

/s/ Botlang Loeak
Associate Judge, TRC
Republic of the Marshall Islands

/s/ Kalem Jinuna
Associate Judge, TRC
Republic of the Marshall Islands