

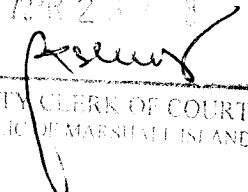
**IN THE TRADITIONAL RIGHTS COURT  
REPUBLIC OF THE MARSHALL ISLANDS**

JELTAN LANKI & FRED DEBRUM )  
 )  
 Plaintiff (s) )  
 )  
 Vs )  
 )  
 JENTA MAUN, his agents, relatives, and )  
 extended family members, )  
 )  
 Defendant (s). )  
 \_\_\_\_\_ )

CIVIL ACTION NO. 2007-029

**FILED**

OPINION IN ANSWER

APR 23 2008  
  
DEPUTY CLERK OF COURTS  
REPUBLIC OF MARSHALL ISLANDS

Traditional Rights Court commenced its hearing in Civil Action No. 2007-029 on November 26 - 29, 2007 at the Uliga Courthouse, Majuro, Marshall Islands. The members of the Traditional Rights Court panel were Associate Judge Botlang Loeak, Associate Judge Kalemén Jinuna, and Chief Judge Berson Joseph.

This case was referred to this Court of Custom to determine under custom, the dispute between the two families of **Who is the rightful and proper person to hold the Dri-Jerbal right on Kiniloke Wato?** Yes, this case concerns the title of Dri-Jerbal only. This Court of Custom shows its recognition of the custom, that it is very important, and that only the custom can resolve the dispute in this case.

**RESOLVING THE DISPUTE:**

A. The question certified to the TRC: Who is the rightful and proper person to hold the right of Dri-Jerbal on Kinilokwe Wato?

a) Opinion in Answer to the Question: Fred DeBrum

On December 1, 1989, the right/title of Dri-Jerbal on Kiniloke Wato had gone or was

given to Fred DeBrum under the arrangement and assignment from Leroij Kalora Zion and Alab Lejka Mack. Please see Plaintiff's Exhibit A. This document is still good and as of today, still in effect.

Fred Debrum was an employee of the Ministry of Social Services, who had supervised many programs, including the Food Program for the Aging People, Hot Lunch Program for schools, Loans for low income Housing, Youth Programs, Women's Affairs, and others. And as Fred DeBrum says, "It was from this Food Program (For the Aging People) that their relationship as friends began."

There were many times that Lejka Mack had brought his legal documents for me to translate them, from English into Marshallese, and to help with other small needs. "I was happy to help him with anything and at any time," Fred had said. Because of all this, and all that he had done for Lejka Mack, Lejka was happy to give him half of Kiniloke Wato. Leroij Kalora Zion and Alab and Dri-Jerbal Lejka Mack both showed him, Fred Debrum, the lagoon side of Kiniloke Wato, where he was to reside on.

Lejka Mack, during his lifetime, held both the titles of Alap and Dri-Jerbal on Kiniloke Wato. **Today, it is correct and proper that his children hold the title Dri-Jerbal.** This Court of Custom recognizes this, as it is clearly shown in the genealogy chart of the three (3) families. He took or held the title of Alab on Kiniloke Wato only, and not Enemanet Island, Monbukwe, and Kabronlok Wato. Today, the Alap of these two (2) watos, Monbukwe and Kabronlok, is Tarmute Motlok. She does not claim to be Alap of Enemanet Island. However, she claims that it is right for her to hold the Alab right on Kiniloke Wato. The Plaintiff had asked, " Why is it that Tarmute Motlok has no **interest** whatsoever in Enemanet Island? What, is it because Enemanet has no **lease agreement**?"

With regards to the Defendant Winton Maun, he cannot hold the title/right of Dri-Jerbal on Kiniloke Wato because he is not the Dri-Jerbal. Not only because of that, but because he is a descendant of the bwij. He's in line to take the title of Alab on Kabronlok and Monbukwe Wato. These are the only watos that Winton Maun has Alab rights on. According to Marshallese custom, the children of a female cannot hold Dri-Jerbal title!! This, clearly, is also an indication that it is improper for Winton Maun to build his house that he is now building on Kiniloke Wato. He had received an Order issued by the High Court, ordering him to stop building, **however, he disregarded the Court's Order**. His house is now close to being completed. Disregarding and not following Court Orders is a matter for the High Court to deal with, and this Court of Custom gives to the High Court this burden.

Although the dispute in the case regards the right/title of Dri-Jerbal on Kiniloke Wato, there were also discussions on the Alap right/title. Tarmute, the Plaintiff's mother, claims that she is the Alap of Kiniloke Wato. Defendant's Exhibit "C" and "D" both prove this. (Please have a look).

The Traditional Rights Court, also heard from the testimonies that there was **land division**, land being divided amongst the three daughters of Lair. Enemanet Island to Linna and her descendants, Kabronlok and Monbukwe Wato to Likabin and her descendants, and Kiniloke Wato, only to Likwonjin and her descendants. This Court of Custom also heard that the descendants of Likwonjin have no claims with regards to Enemanet, and Kabronlok and Monbukwe Wato. However, the descendants of Likabin, (Tarmute and the Defendant), both claim that they are the Alab and Dri-Jerbal on Kiniloke Wato. A question that was raised was, how come they don't claim land rights on Enemanet Island, but they claim having land rights on Kiniloke Wato? **Power/Benefits of a lease?**

B. NAMES OF PLAINTIFF'S WITNESSES AND THEIR ADDRESSES:

1. Fred DeBrum - Small Island
2. Elai Jerilong - Rairok Village
3. Glady Jerilong - Rairok Village
4. Bira Lejka - Small Island
5. Alson Isaiha - Rairok Village
6. Diction Timethy - Small Island
7. Allan Lanki - Jenrok

C. PLAINTIFF'S EXHIBITS

1. Plaintiff's Exhibit A - Regarding the Dri-Jerbal right/title

D. NAMES OF DEFENDANT'S WITNESSES AND ADDRESSES:

1. Winton Maun - Kiniloke Wato
2. Jenta Maun - Jenrok Village
3. Jitenboru Konou - Rairok
4. Willie Mwekto - Jenrok Village

E. DEFENDANT'S EXHIBITS

1. Defendant's Exhibit A - Consent to build house on oceanside
2. Defendant's Exhibit B - Lease Agreement, New Weather Station
3. Defendant's Exhibit C - Consent to build house on lagoon side
4. Defendant's Exhibit D - Consent to construct sea wall
5. Defendant's Exhibit E - Copy of Genealogy Chart
6. Defendant's Exhibit F - Copy of Court Decision, 1971
7. Defendant's Exhibit G - Copy of Court Order, 2002


Civil Action # 2007-029, was referred to this Court of Custom to determine who the proper person is to hold the Dri-Jerbal right/title on Kiniloke Wato, and this Court of Custom has done so, it's Fred Debrum. This was an approval and agreement by the Iroij, Alab, and Dri-Jerbal of Kiniloke Wato. The reason why there are misunderstandings and confusion today is because the current title holders don't understand what their predecessors had approved and agreed to. This is something that is true, as revealed in the case. Also, for other reasons.


This Court of Custom had heard a question raised by Plaintiff's counsel, asking one of the Defendant's witnesses: "Does the Defendant's family have rights on Enemanet Island?" No answer was given. Mr. Talafou Manase, Plaintiff's counsel, explained that there was a Lease Agreement for Kiniloke. Further, he went on to say, "This is probably the reason for Winton Maun **to strongly disregard and not abide by the Court's Order**. Not only did he disregard a Court Order, he destroyed Fred Debrum's house and banana trees that he had planted. These are some serious issues and this Court of Custom refers them to the High Court, including the Defendant's house which is almost complete.

With regards to the right/title of Alap on Kiniloke Wato, there was testimony that land was divided amongst the three bwijis. And if it is true that land was, in fact, divided, then there might be a change to the current Alap of Kiniloke Wato. However, because the discussions concerned mainly the Dri-Jerbal right/title, there was very little discussion regarding the Alap right/title. Therefore, the right/title of Alap may be raised at a later time in the near future!!

Therefore, once again, FRED DEBRUM is the Dri-Jerbal title holder for a portion of the lagoon side of Kiniloke Wato.

Entered this 28<sup>th</sup> day of March, 2008.

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

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

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

FILED

APR 23 2008

*Asker*

DEPUTY CLERK OF COURTS  
REPUBLIC OF MARSHALL ISLANDS

IN THE TRADITIONAL RIGHTS COURT  
REPUBLIC OF THE MARSHALL ISLANDS

JELTAN LANKI & FRED DEBRUM  
Plaintiff (s)

VS

JENTA MAUN, his agents, relatives  
and extended family members  
Defendant (s)

CIVIL ACTION NO. 2007-029

SUMMARY OF CASE  
[MELELE KO REKADRU ILO CASE IN]

TRC COURT PANEL MEMBERS: Botlang Loeak - Iroi Member  
Berson Joseph - Alab Member  
Kalemen Jinuna - Dri Jerbal Member  
[Dissenting Opinion]

DATE OF HEARING November 26-29, 2007

PLACE OF HEARING Majuro, Marshall Islands

Action Taken QUESTION NO. 1:

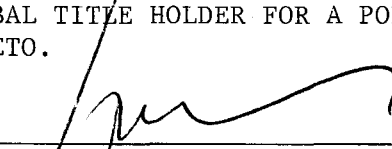
A. QUESTION NO. 1 AS PRESENTED: WHO IS THE RIGHTFUL AND PROPER PERSON TO HOLD THE DRI JERBAL RIGHTS ON KINILOKE WETO?

B. OPINION IN ANSWER TO QUESTION NO. 1: CUSTOM DICTATES THAT BIRA JELKAN AND JENNY LEJKA WHO ARE LEJKA'S CHILDREN ARE THE RIGHTFUL AND PROPER .

DRI JERBAL TITLE HOLDERS ON KINILOKE WETO AND NOT FRED DEBRUM.

C. BRIEF STATEMENT OF REASONING ON WHICH OPINION IN ANSWER TO QUESTION NO. 1 IS BASED: ACCORDING TO CUSTOM, CHILDREN OF THE MALE ARE THE PROPER DRI JERBAL OF THE LAND. LEJKA'S CHILDREN ARE THE DRI JERBAL OF KINILOKE WETO AND NOT MR. DEBRUM. IT IS CLEAR FROM BIRA'S ANSWERS TO QUESTION POSTED TO HER WHILE ON THE STAND THAT SHE WAS NOT HAPPY ABOUT GIVING AWAY PARTS OF HER DRI JERBAL RIGHTS. SHE WAS ASKED, "HOW DID YOU FEEL UPON LEARNING THAT THE DRI JERBAL INTERESTS HAD BEEN GIVEN TO FRED DEBRUM FOR THAT LAGOON PORTION OF KINILOKE WETO"? HER ANSWER, " REGARDLESS OF HOW I FEEL, THERE IS NOTHING I CAN DO, IT WAS MY FATHER WHO WAS DOING THE GIVEAWAY". WE NOTE THAT OUT OF RESPECT FOR HER FATHER, SHE DID NOT VOICE ANY OBJECTION BUT WE KNOW THAT A GOOD FATHER CONSULTS WITH HIS CHILDREN.

MR. LEJKA MACK WAS THE LEADER AT THAT TIME. HE WAS THE BOSS, WHICH MEAN HE WAS TO TALK THINGS WITH HIS CHILDREN. SINCE HE WAS THE ONLY MALE AMONG SEVERAL SISTERS, HIS CHILDREN WOULD BE THE ONLY DRI JERBAL IN THE FAMILY. THEY WOULD INHERIT THE DRI JERBAL INTEREST. THAT DOES NOT MEAN THEIR FATHER CAN ACT ON THEIR BEHALF FOR THE'RE GROWN UP PEOPLE AND ARE TOTALLY INDEPENDANT. IN ADDITIONN TO MR. LEJKA MACK'S RESPONSIBILITIES AS THE ALAB OF KINILOKE WETO. HE SHOULD RESPECTED HIS CHILDREN AND MADE A FAIR AND SATISFYING DEAL. MOREOVER, AS I UNDERSTAND THE CUSTOM TO BE, AN ALAB, AS HEAD A FAMILY IS RESPONSIBLE FOR MEMBERS OF THE FAMILY AND MUST SEE TO THEIR NEEDS AND TO INFORM THEM OF HIS EVERY PLAN AND ACTION. FAMILY MEMBERS MUST KNOW OF ALL IS THINKING AND PLANNING. IN THE CASE AT HAND, DEFENDANTS CLAIM THAT THEY WERE NOT AWARE OF DEAL MADE BETWEEN HIM AND FRED DEBRUM. THEREFORE, DUE TO LEJKA'S FAILURE TO FOLLOW THE CUSTOM OF INFORMING FAMILY MEMBERS OF THE BWIJ OF HIS ACTION, FRED DEBRUM CAN NOT BE THE DRI JERBAL TITLE HOLDER FOR A PORTION OF THE LAGOON SIDE OF KINILOKE WETO.



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KALEMEN JINUNA  
ASSOCIATE JUDGE, TRC  
(Dissenting Opinion)