

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

**JUN 22 2021**  
*Mace*  
ASSISTANT CLERK OF COURTS  
REPUBLIC OF THE MARSHALL ISLANDS

<p><b>NAOMI MAKRORO,</b> <b>(on behalf of Clary Makroro)</b> <b>Plaintiffs,</b> <b>vs.</b> <b>CARITHA LANI, PERCY LAIEB &amp;</b> <b>JOHNNY MACK,</b> <b>Defendants.</b></p>	<p><b>CIVIL ACTION NO. 2018-074</b></p> <p><b><u>AMENDED DISSENTING OPINION</u></b></p>
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**AMENDED DISSENTING OPINION**

This case came before the Traditional Rights Court to answer the following question:

*“Who is the proper person between Kijolok Beasa and Johnny Mack, and those claiming through them, to hold the Senior Dri Jerbal interests, according to Marshallese custom and traditional practice, on Ronbad weto, Rairok Island, Majuro Atoll, Republic of the Marshall Islands?”*

This case involves the Senior Dri Jerbal interests on Ronbad weto, Rairok, Majuro Atoll. The dispute relating to the Senior Dri Jerbal interests on Ronbad weto is not new to this court. Ronbad weto is part of the lands under the Jebdrik side on Majuro Atoll. There are no irojilaplap or iroj edrik on this weto, and the current landowners exercising the Senior Dri Jerbal interest are Kijolok Beasa and Johnny Mack.

Plaintiff Kijolok Beasa disagrees with the claim that Johnny Mack is the exclusive holder of the Senior Dri Jerbal interests on Ronbad weto. The Plaintiff claims that she is one of the two (2) Senior Dri Jerbal on Ronbad weto. Plaintiff asserts her interests to the Senior Dri Jerbal are inherited from her mother, Flora Beasa who was the Senior Dri Jerbal. Flora Beasa is Litaimon Makroro’s daughter. Plaintiff also disagrees with Alab Percy Laieb and Johnny Mack as they both disregard her Senior Dri Jerbal rights and as a signatory to the lease approving Carintha Lani as a lessee on Ronbad weto. She also asserts that because of this, they (Laieb and Mack)

have deprived her of her rights to benefit from her land. It is on this basis and the information above, that the Plaintiff asks this court to render a final decision and find for her, Kijolok Beasa, as one of the two (2) Senior Dri Jerbal on Ronbad weto, Rairok, Majuro Atoll.

Defendants 2 and 3 dispute the Plaintiff's claim that she is one of the Senior Dri Jerbal on Ronbad weto. They further dispute the Plaintiff's claim that she inherited the Senior Dri Jerbal rights from her grandmother, Litaimon Makroro, as well as her assertion that Tobeke Makroro, a younger sibling of Flora Beasa, previously exercised the interests of Dri Jerbal before the Plaintiff.

Libojrak held and exercised the alab interests on Ronbad weto, Rairok, Majuro Atoll. Alab Libojrak adopted Diamond Makroro and Arkilos as her own children. Prior to her death in 1947 or 1948, she bequeathed to both children the Senior Dri Jerbal rights on Ronbad weto, sharing equal rights and benefits, and fair dealings with all other matters. This arrangement by Alab Libojrak to her children was contained in a particular agreement showing the special designation on how and who would hold the Senior Dri Jerbal interests on Ronbad weto at any given time.

*6 TTR 451 states,*

*"Where two children had been adopted by Alab, children's Dri-Jerbal interests were equal and the daughter of one of them could inherit his interest even though a member of his generation, the other adopted person, was still living, and the interest of daughter and the remaining adopted person were equal, though was obligated by custom to show respect to the remaining adopted person."*

*6 TTR 365 states,*

*Because Alab's two children were adopted, the customary Marshallese pattern that the oldest member of the family, or Bwij, should hold Senior Rights. Either Alab or Dri-Jerbal, did not apply, and the children were on the same level."*

Alab Libojrak's arrangement was a special one, in that she ensured both her adopted children were named beneficiaries with equal rights to her lands for them (Litaimon Makroro and Arkilos) and their descendants. This kind of arrangement is also recognized under custom and traditional practice and is customarily referred to as "*Dreka in Jinme*" or bed rock. The customary and traditional practice is based on the Marshallese proverb of "*jab iun ak ukok dekein*

*jinme eo.*” This special appointment or arrangement normally extends throughout the generations unless a reason arises so as to cause it to stop or terminate.

## RELEVANT CUSTOM & TRADITIONAL PRACTICE

1. *Drekein Jinme (Bedrock)* – the saying, “*jab iun drekein jinme eo*”, translates to, “[d]o not move the bedrock or long-established foundation.”
2. *5 TTR 519* – An Alab may not terminate or change interests in land by himself...”
3. *5 TTR 417* – (Limitation of Power) “Once the Dri Jerbal Rights have been determined, an Alab may not cut off those rights...”  
*5 TTR 417* – (Suspension of Rights) “Land interests, once a person is recognized as Dri-Jerbal he cannot be kept off land...”
4. *5 TTR 493* (Limitation of Power) “Land interests, once they have vested and have been established for a long time, may not be cut off by the Alab...”
5. *6 TTR 365* (Suspension) “Because Alab’s children were adopted, the customary Marshallese pattern that the oldest member of a family, or Bwij, should hold senior rights, either Alab or Dri Jerbal, did not apply, and the children were on the same level.”  
*6 TTR 365* (Suspension) “Where two children had been adopted by Alab, children’s Dri Jerbal interests were equal and the daughter of one of them could inherit her interest even though a member of his generation, the other adopted person, was still living...”  
*6 TTR 365* (Establishment) “That under Marshallese custom, the daughter inherited her father’s Dri Jerbal interest upon his death, was sufficient to establish her interest...”

On November 13, 1973, Jane Konou filed High Court Civil Action No. 19-73 (Jane Konou vs. Litaimon Makroro). This case also involved the Senior Dri Jerbal interest on Ronbad weto. In accordance with Marshallese custom, and on the basis of Alab Libojrak’s adoption of Litaimon Makroro and Arkilos, the case was concluded with the following:

*“The fact the Dri Jerbal interests were “equal” because of the adoption permits the inheritance by plaintiff of her father’s interest even though a member of her father’s generation (the Defendant) is still living. The Rule applicable to Alab interest, where there is only one title holder, does not apply to Dri Jerbal interests where there may be and usually are more than one “equal” interest holder.”*

