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REPUBLIC OF THE MARSHALL ISLANDS

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

FRED DEBRUM, Riabnono, v. JITENBURO KONOU, Rijumae Abnono.	CIVIL ACTION NO. 2021-01452 HCT/LAND/MAJ LOMNAK & UAAK EO AN COURT EO AN MANIT
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Nan: Hon. Carl B. Ingram, Chief Justice of the High Court
Mrs. Tiantaake Beero-Sexton, Counsel for Plaintiff
Chief Public Defender Russell Kun, Counsel for Defendant

I. Naan in Kopellok

Case in ejelet tarbok im abnono eo ikijen maron eo an Senior Dri Jerbal ilo Kineloke Weto ilo bukun in Rairok, aelon in Majuro, Marshall Islands (“Kineloke”). Riabnono Fred deBrum (“Fred”) ear kajitok an kabojrak e Winton Maun, kar Rijumae Abnono eo jinoin ilo case in, jen an kalok imon jokwe eo an ilo Kineloke. Fred ej ba bwe ewor an maron ilo jikin eo ilo Kineloke im Leroij Kalora Zion im, kar Alap im Senior Dri Jerbal, Lejka Mack, rekar ajelok nan e ilo 1989 eo.

Rijumae Abnono Winton Maun (“Winton”) ear wonmanlok wot im kalok juon an imon jokwe bedbed ioon melim eo lelok nan e jen ro tellokier im rej maron ilo Kineloke ilo torre eo, Irojiedrik Jeltan Lanki, im Alap im Senior Dri Jerbal Tarmute Motlok, ilo 2006.

II. Unin Iakwelel Ko / Kajitok Ko

Nan kokadru ki, kemij etale wot kajitok ko rekar itok nan Court in ilo Order eo an High Court im ear komman ilo raan in September 26, 2011 eo. Kajitok kein ilo Order in rej itok elkin

ruo jemlok ko rekar driwojlok jen Court in an Manit ilo allon in April im August eo ilo iio eo, 2008.¹ Unin iakwelel ko ak kajitok ko imaan Court in errein rej laajrak ijin ilal:

1. Ebed tu ia bwidej in ejelet case in, “Kinelohe Rak Weto”, im melan in ekutbuuj jen ia nan ia? Ebed ke ilo jobar ke joblik in ial-leplep en?
2. Ewor ke an Riabnono Fred deBrum maron ion bwidej in ejelet case in? Im emaron ke kalok juon an imon jokwe ie?
3. Ewor ke an Rijumae Abnono Winton Maun maron ilo bwidej in ejelet case in? Im emaron ke kalok juon an imon jokwe ie?

Padre ko jimor ilo case in emoj aer kwalok aer melele kin ta eo rej kommane ilo aer jolok, kajejtokjen, ak kotlok jimwe ko aer nan juon ien ronjake case in eo im rekar file e ilo raan in June 21, 2024 eo, im rej erra ibben dron ilo an naj Court in kommane lomnak im uaak eo an bedbed ioon kein kamool ko im emoj aer kar itok imaanlok.²

Elkin etale file eo an case in im kein kamool ko ie, im kin un kein rej walok ilal, Court in ej loe bwe Kinelohe Rak Weto ej bed ilo tu-rok ak jablik in ial-leplep en. Ewor an Fred im Winton jimor maron ion bwidej eo im ejelet case in. Fred, emoj lelok nan e maron eo an [Senior] Dri-Jerbal, im Winton, einwot juon nejin bwij, ewor an jimwe im maron in jukjuk im amnak im mour jen bwidej eo. Erro jimor ej aikuij kajitok im bok melim jen ibben Irojiedrik, Alap im Senior Dri-Jerbal ro an Kinelohe Rak Weto nan aero maron in kalok imon jokwe ko aero ilo bwidej en.

III. Etale Melele ko Remool im Rejelet Case in

A. Ebed tu ia “Kinelohe Rak Weto” im melan in ekutbuuj jen ia nan ia? Ebed ilo jobaar ke ilo jablik in ial-leplep en?

¹ Civil Action #2007-029, filed April 23, 2008; Supplemental Opinion in Answer to Questions referred to the Traditional Rights Court under the Rule 9 Order, filed August 13, 2008.

² Parties’ Stipulation for TRC, filed June 21, 2024.

1. KINELOKE RAK WETO

Ebed tu ia bwidej eo ilo case in? Ebed ke ilo jobar ke ilo jablik in ial-leplep en? Plaintiff's Exhibit "A" ej walok im alikar naan kein ilontata "KON NAN MARON EO AN DRI-JERBAL". Ej walok im lukin alikar ke etan bwidej eo ewor tarbok kake ej Kinelokwe Rak Weto, ak jipeel eo juon Kineloke Rak Weto. Wawein in ej kalikar nan Court in ke ej jidrikin Kineloke im jab aolepen Kineloke Weto.

Kemij loe bwe naan in "RAK", ilo an ukok ej melelein, "rok; ien rak." *Lale Takaji Abo et al., Marshallese-English Dictionary*, at 249 (Donald M. Topping, ed.) (1976); J.A. Tobin, *Land Tenure in the Marshall Islands*, at 50-53 (1956). Kin menin, kemij loe bwe rak ej melelein tu-rok in ial-leplep en, im ej bed ilo jablik in ial-leplep en.

B. Ewor ke an Riabnono Fred deBrum maron ioon bwidej eo ilo case in? Im emaron ke kalok imon jokwe eo an ie?

Bedbed ioon pepa eo naeten Plaintiff's Exhibit "A", Fred ej kabwijer maron eo an [Senior] Dri-Jerbal ilo Kineloke Rak Weto im kin menin, ewor an maron im jimwe nan kalok juon an imon jokwe ilo Kineloke, kin melim eo jen ibben Irojiedrik eo im Alap eo. *Section 1(2), Article X in Jemen-Ei Eo An Marshall Islands*.

Ewor an Irojiedrik im Alap eo eddo im maron nan drebij im kojbarok aenemon im jokane eo ilo bwidej eo iumin mantin jela nae im kautej dron, innem ejimwe bwe en wor enaan ikotaan maron kein aolep einwot ke elap an aurok nan kojbarok jekjek im wawein an jermal bwidej eo. Wawein in ekoba jekjek ko nan ajej bwidej ikotaan armij ro rej jukjuk im amnak ioon bwidej eo.

1. Plaintiff's Exhibit "A" ej juon jemlok eo ewor kitien im ro aer bwidej eo, Kineloke Rak Weto, rekar jimor erra kake im kommane.

Elkin etale kobban file eo an case in, Court in ej loe bwe Plaintiff's Exhibit "A" ej juon jemlok eo ewor kitien jen ro aer bwidej eo ilo tore eo ear komman. Lejka Mack, Alap im

[Senior] Dri Jerbal eo an Kineloke, ear ajelok jidrik in Kineloke nan Fred nan kollaiki kin jermal ko ear lomnak enaj kar aikuij i an Fred jiban e kaki jen ien nan ien. Ear jibaroklok im bok an Leroij Kalora Zion melim nan an wonmanlok wot kake. Ejelok Irojlaplap ilo mona eo an Jebrik ion aelon in Majuro, im melim eo jen Irojiedrik, Leroij Kalora Zion, ejimwe im ekkar, kinke manit eo ej komlot bwe jabrewot karokan maron im jimwe ko ion bwidej ikijen ajelok maron ko ion bwidej ej aikuij wor melim jen ibben Irojlaplap, Irojiedrik ijoko ewor, Alap im Senior Driermal ro. *Section 1(2), Article X in Jemen-Ei Eo An Marshall Islands*. Jemen-Ei eo an Marshall Islands (“Jemen-Ei”) ej komlot bwe enaj jumae im rube kakien ko elane enaj wor ajelok bwidej ko “...ak ejelok melim jen Irojlaplap, Irojiedrik ijoko ewor, Alap im [Senior] Dri Jerbal eo, einwot ro emoj watoke bwe rej dri konono nan jabrewot armij ro ewor aer maron ilo bwidej eo.” *Id.*

Leroij Kalora Zion ear jab loe notaan kajitok eo an Lejka Mack ikijen an ajelok maron eo an [Senior] Dri-Jermal nan Fred, im ear wonmanlok wot im lelok melim eo an. Kemij loe bwe ilo case eo an *Kelet, et al., v. Lanki and Bien*, 3 MILR 76, 82, at 77 (2008), Supreme Court eo ear ba bwe jemlok eo an Court eo an Manit ke Namidrik, eo im ear bed maron ko jimor an Alap im [Senior] Dri Jerbal, “...ear jimwe an ajelok maron ko jimor an alap im [senior] dri jermal nan kora eo riturin,” Limoj, ejimwe im ekkar ilo an kar wor melim jen ibben iroj eo ekkar, Iroj[edrik] eo. Limoj, eo im ejjab itok jen bwij eo, ear tokelik ajelok maron eo an Senior Dri Jerbal nan kora eo jeran, Libarki, eo im ejjab bareinwot mottan bwij eo. Kemij loe bwe ilo case eo, jemlok ko jen jilu ian Irojiedrik ro rekar bok maron tokelik im rekar einjuon im oktak, rekar jab maron in ella ion an wor kitien im jimwe ajelok eo jinoin im ear komman jen ibben Namidrik im Iroj Tel. *Kelet, et al., v. Lanki and Bien*, 3 MILR, 76, 82, at 79 (2008).

Bareinwot, ilo case eo an *Gushi Bros & Co. v. Kios, et al.*, 2 MILR 120, 125 (1984), Supreme Court eo ear bareinwot ba bwe “...ilo watoke, ekopwaa Iroiylaplap, Iroiyledrik ijoko ewor, Alab im Senior Dri Jerbal ro nan lelok melim nan jabrewot karokan jermal ko ikijen ajelok bwidej im maron ko ioon bwidej im...nan komlot bwe en etal enaan nan aolep ro uwaan bwij eo emaron in juon jekjek eo ebin kommane, im ejjab komlot iumin Jemen-Ei eo.”³

Jemlok eo jen ibben Leroij Kalora Zion, einwot Iroiyledrik eo an Kineloke Rak Wetu ilo tore eo, jemaron ba ejimwe im ekkar nan Mantin Majol eo *iroij Im jela*, ijelokin wot ne ewor kein kamool ko rej kalikar ke ejjab. *Thomas, et al. v. Samson, et al., v. Alik, et al.*, 3 MILR 71, 75 (2008); *Jorbon v. Michael and Laelang*, CA 2023-01720, Lemnak Im Uak Eo An Court Eo An (Jun. 14, 2024); *See Customary Law (Succession of Customary Title, Right, and Interest)(Ralik Chain) Act, 2023, Section 107(d), P.L. 2023-67.*

Kin menin, lelok kojela ko nan aolep ro uwaan bwij eo ilo case in ear jab juon menin aikuij ilo tore eo rej kommane pepa in ajelok eo. Leroij Kalora Zion, einwot Iroiyledrik eo ilo tore eo, ear droor eltan pein nan komelim an Alap im [Senior] Dri Jerbal Lejka Mack ajelok maron eo an [Senior] Dri-jermal nan Fred.

Ilo ad lukin lale, pepa eo naetan Plaintiff’s Exhibit “A” ej kwalok ilo jeje ke Lejka Mack ear ajelok maron eo an Dri Jerbal ioon *Kilinoke Rak Wetu* nan Frederick J. deBrum. Im ilo pepa in, Lejka Mack ej alikar ie einwot juon “*Alap im Dri-jermal*” an bwidej in ilo case im ear droor eltan pein ie einwot an walok. (nan kameej im kalikare). Emoj kameejlok im kalikare naan ne

³ Jemen-Eo eo ej kalikar im komlot ke ejelok bar juon ijelokin wot Iroiylaplap, Iroiyledrik ijoko ewor, Alap im Senior Dri Jerbal an bwidej eo maron in in lelok melim nan ajelok maron ko ion bwidej. Armij ro emoj ba ijin, “naj watoke bwe rej dri konono nan jabrewot armij ro ewor aer maron ilo bwidej eo.” Nan komlot bwe en etal kojela nan aolep ro uwaan bwij eo ej juon jekjek eo emaron in bin im ejjab komlot iumin Jemen-Ei eo. *See Gushi Bros & Co., v. Kios, et al.*, 2 MILR 120, 125 (1984) at 125.

“Dri-jerbal” ijin nan komeleik lok ke dri-jerbal, ilo an jeje ilo pepa in, emaron bar melelein Senior Dri Jerbal.

Bareinwot, ilo Rule 1101(d)(1) ilo Evidence Act eo an 1989, ej komlot bwe Court in en bok im watok jemlok ko jen ibben ro rej kabwijer maron im tittle eo an Irojilaplap, ak ijoko ejelok Irojilaplap ie, ekwe Irojiedrik eo, “...ikijen ro ej kile bwe rej Alap, Senior Drijerbal ak Drijerbal,” einwot jet ro rekkar nan kabwijer maron kein. Eon eo ilo Rule in ej komlot einwot in ilal:

1101. An Jerbal Jonak Kein.

(d) *Jonak ko rejelet case ko an bwidej.*

(1) Ikijen jabrewot weto, ak ijoko jet ilo weto eo, naj lelok elap kolmenlokjen ke ejimwe im ejejot jemlok ko jen ro rej kabwij maron ko an Irojilaplap, ak ne ejelok Irojilaplap, ro rej Irojiedrik, ilo aer kalikar won ro rej kabwijer maron ko an Alap, Senior Drijerbal, Dri jerbal, im maron ko jet.

Kin menin, kemij loe bwe pepa eo naeten Plaintiff’s Exhibit “A” ej juon eo ewor kitien im jimwe ikijen ajelok eo an maron eo an [Senior] Dri Jerbal nan Fred.

C. *Ewor ke an Rijumae Abnono Winton Maun maron ioon bwidej eo ilo case in? Im emaron ke kalok juon an imon jokwe ie?*

Ewor an Rijumae Abnono Winton Maun, eo im emoj an jako ilo kilan mej, maron ilo Kineloke Rak Wetu einwot juon nejin bwij eo. Kin menin, Rijumae Abnono Winton emaron in kalok juon an imon jokwe ilo Kineloke kin melim eo jen ibben Irojiedrik, Alap im Senior Dri Jerbal ro aer Kineloke Rak Wetu. *Section 1(2) in Article X eo ilo Jemen-Ei eo.*

Mantin jela nae im kautej dron ej kalikar eddo im maron ko an ro rej kabwijer maron ko nan kojbarok aenemon im jokane eo ilo bwidej eo, im ej bareinwot komlot bwe ilo an ajej bwidej eo ej aikuij wor enaan kotoan aolep ro rej kabwijer maron einwot, Irojiedrik eo, Alap eo im Senior Dri Jerbal eo. Kinke ilo wawein in, enaj melak im emman jekjek im wawein kojerbale bwidej eo.

IV. Naan in Kojjemlok

Kin un kein emoj kwalok ilon, Court in ej loe bwe ajelok eo jinoin im ear komman jen ibben Leroij Kalora Zion im Alap im Senior Dri Jerbal Lejka Mack, ej wor wot kitien. Kemij bareinwot loe bwe Kiniloke Rak Weto ej bed ilo tu-rok ak jablik in ial-leplep eo. im mekarta ewor an Fred im Winton jimor maron ion bwidej in, bwe erro en maron in kalok imon jokwe ko aer, rej aikuij mokta bok melim eo jen ibben Irojedrik, Alap im Senior Dri Jerbal ro.

Dated: 11 January 2025.



Grace L. Leban
Chief Judge
Traditional Rights Court



Nixon David
Associate Judge
Traditional Rights Court



Claire T. Locak
Associate Judge
Traditional Rights Court