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REPUBLIC OF THE MARSHALL ISLANDS

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

<b>JACK JORBON,</b>  <b>Plaintiff,</b>  <b>vs.</b>  <b>RIEN MICHAEL and WALTER LAELANG,</b>  <b>Defendants.</b>	<b>CIVIL ACTION NO. 2023 - 01720</b>  <b>LEMNAK IM UAK EO AN COURT EO AN MANIT</b>
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**RO UWAAN PANEL EO:** Grace L. Leban  
Presiding Judge

Nixon David  
Associate Judge

Claire T. Loeak  
Associate Judge

**JIKIN RONJAKE EO:** Majuro Courthouse  
Uliga, Majuro Atoll  
Marshall Islands

**IEN RONJAKE EO:** April 15 and 30, 2024

**I. NAAN IN KOPELLOK**

Case in ej komman ikijen tarbok eo ikotaan Riabnono eo im ej lawyer nan e make, Jack Jorbon (“Riabnono Jorbon”) ibben Rijumae Abnono rein, Irojiedrik Walter Laelang (“Rijumae Abnono Irojiedrik Laelang”) im Mr. Rien Michael (Rijumae Abnono Michael”) ioon Arkan Weto ilo bukon in Rairok, Majuro Atoll, Republic eo an Marshall Islands (“Arkan”).

**A. WAWEN KO REKAR BOK JIKIN**

Ilo November 21 raan, 2023, Riabnono Jorbon ear file e juon an abnono nae Rijumae Abnono rein Michael im Irojiedrik Laelang, im enoiki Riabnono Michael im ba bwe ear jumae

kakien im kakure men ko mweien ilo Arkan ilo an kalok imon jokwe eo an, ak ejelok an melele kake ak melim jen e, einwot juon Alap im Senior Dri Jerbal.<sup>1</sup>

Ilo naan in uak ko an, Rijumae Abnono Irojiedrik Laelang ej jumae melele eo an Riabnono Jorbon ilo an ba bwe ej juon Alap im Senior Dri Jerbal nan Arkan, im bwe ear jab jela kake tarbok eo ioon Arkan im Court eo an Manit ear kabine im kile Riabnono Jorbon einwot juon eo ekkar bwe en kabjer jimwe im maron ko an Alap im Senior Dri Jerbal ioon Arkan.<sup>2</sup>

Ej ba bwe e eo ear lelok melim nan Rijumae Abnono Michael bwe en kalok imon jokwe eo an ilo Arkan kin aero ebaake dron ilo kadkad in bamle ko aero. Drijumae Abnono Michael ej ba bwe ear maron in boke melim eo an jen ibben Drijumae Abnono Irojiedrik Laelang im ear ejelok an jela im melele ke Riabnono Jorbon ej juon Alap im Senior Dri Jerbal nan Arkan.<sup>3</sup>

High Court eo, einwot kemlet ilo Article X, Section 4(4) in Jemen-Ei eo an Republic eo an Marshall Islands (“Jemen-Ei”), ear lelok kajitok eo an nan Court in an Manit (“TRC”) nan an uake bedbed ioon Mantin Majol ak manit im iminene ko ad.<sup>4</sup> Kajitok eo ej ba Rijumae Abnono eo, Irojiedrik Laelang, emaron ke lelok melim nan Rijumae Abnono Michael, bwe en kalok imon jokwe eo an ilo Arkan ilo an ejelok kojela nan ak melim jen Alap im Senior Dri Jerbal, Riabnono Jorbon.<sup>5</sup>

Kin un kein emoj laajraki, TRC Panel eo ej loe bwe mekarta Rijumae Abnono Irojiedrik Laelang ewor an maron in lelok melim nan Rijumae Abnono Michael bwe en kalok juon an imon jokwe ilo Arkan, jekjek im wawein eo ear karok im kommane ej einjuon jen jabon konan eo

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<sup>1</sup> Plaintiff, *Complaint* November 21 (2023).

<sup>2</sup> Defendant Walter’s *Response By Way of a Supporting Affidavit To Plaintiff’s Motion for a Temporary Restraining Order & Preliminary Injunction* December 14 (2023).

<sup>3</sup> Defendants, *Separate Rule-2 Statement* January 22 (2024).

<sup>4</sup> High Court, *Order Referring Questions to the Traditional Rights Court* February 6 (2024); Constitution 1979 (RMI).

<sup>5</sup> *Ibid*, note 4 above (2024).

naetan *Iroj im jela*<sup>6</sup> iumin Mantin Majol eo im ej antone lok ke karok im jekjek im wawein ko, ak jemlok ko jen juon Iroj “...rej jimwe im ekkar ijelokin wot ne elukin alikar ke rejjab...”<sup>7</sup>

Innem karok eo an ejjab jimwe im ekkar iumin Mantin Majol. (*Thomas, et al., v. Samson, et al., v. Alik et al.*, 3 MILR 71, 75 (2008)).

## **B. WAWEIN KO REKAR BOK JIKIN IM MELELE KO REMOOL**

Ewor an Court in maron iumin Article VI, Section 4(3) in Jemen-Ei eo im TRC Rules of Procedure, Rule 1, nan ronjake im komman jemlok ikijen kajitok eo letok bedbed ioon Mantin Majol.<sup>8</sup>

Elkin an itok High Court Referral Order eo, case in ear itok imaan TRC Panel eo nan ien ronjake eo karoke ilo April 15 raan, 2024 iumin Rule 7 in TRC Rules of Procedure.

Bedbed ioon pepa ko jaki maantak im wawein uake tarkbok eo ilo case in jen ibben rein ilo case in, Court in ej loe bwe rein ilo case in rej jimor erra kake melele kein rej laajrak:

- a. Arkan ej bed ilo buken in Rairok, ilo aelon in Majuro im ej mottan weto ko iumin *Bed Eo An Jebrik*; im
- b. Rijumae Abnono Laelang ej juon Irojiedrik nan Arkan einwot juon eo im ej pinej jenkwon Irojiedrik Kelai Nemna; im

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<sup>6</sup> P.L. 2023-67, *Customary Law (Succession of Customary Rights and Titles in Ralik Chain) Act 2023* (RMI). Section 107(d) defines the principle of ‘*Iroj im jela*’ to mean that a decision of the Irojilaplap [Irojiedrik] is entitled to the greatest weight in evidence and is presume to be reasonable, proper, and in accordance with customary law and traditional practice, unless it is established by clear and convincing evidence that it is not. The principle of ‘*Iroj im jela*’ shall be applied consistently in all cases where succession to the title, right and interest in and to land is in question or dispute.

<sup>7</sup> *Abner, et al., v. Jibke, et al.*, 1 MILR (Rev.) 3, 7 (1984); *Thomas, et al. v. Samson, et. al, v. Alik, et al.*, 3 MILR 71, 75 (2008), 75.

<sup>8</sup> **Jemen-Ei Article VI, Section 4(3)**. The jurisdiction of the Traditional Rights Court shall be limited to the determination of questions relating to titles or to land rights or to other legal interests depending wholly or partly on customary law and traditional practice in the Republic of the Marshall Islands; **TRC RoP Rule 1. Procedure for Invoking Jurisdiction**. A party wishing to invoke the jurisdiction of the Traditional Rights Court shall in the party’s complaint or the answer or other response pleading, or by written motion filed at any time after the commencement of the action and not later than 21 days after service of the last pleading, apply for certification of one or more questions to the TRC for resolution (“Application”). In such Application a party shall specify the questions that the party wants certified, and any other party may, within 21 days after such application, move that other questions also be certified. The failure of a party to timely move for certification shall constitute a waiver of trial of such issues by the TRC. However, the High Court, upon a showing of excusable neglect or good cause, may extend the time for filing an Application.

- c. Rijmae Abnono Michael ejjab komman an abnono ikijen maron im jimwe ko ioon  
bwidej ilo Arkan; im

Jemlok eo an High Court ilo *Civil Action No. 2020-0329* ej bedbed in kakien ko komman  
jen jemlok ko an court im ejelet abnono in.<sup>9</sup>

Ilo ien ronjake eo, Riabnono Jorbon ear korolok jimwe eo an nan kommane naan in  
kopellok ko an, botap Rijumae Abnono ro rar maron wonmanlok wot iumin Rul 7(b).<sup>10</sup> Rein ilo  
case in rar letok melele ko aer kin naan in kamool ko aer, im ilo an ejelok pepa in kamool ko  
rekkar nan kadrelon i ilo ien ronjake eo, ijowotke Court in ej kile im bok judicial notice in eon ko  
ilo Jemen-Ei eo im kakien ko komman jen jemlok ko an court im jaki maantak jen ibben rein ilo  
case in. Court in ej kile im bok judicial notice in Article X in Jemen-Ei eo an Majol einwot juon  
kien jonak eo nan kojbaroke Mantin Majol ikijen jabrewot “...wawein lelok ak ajelok  
bwidej...”<sup>11</sup> Court in ej bareinwot kile im bok judicial notice in kakien ko jen jemlok ko an  
court ko im rej alikar ilo jemlok eo an High Court ilo case eo *Civil Action No. 2020-0329*.<sup>12</sup>

Court in ej bareinwot boke im kadrelone pepa eo an Plaintiff im jake maantak naetan  
“*Ratak Chain – Exercise of Traditional & Customary Authority*” nan kojerbale einwot juon waan  
jonak ilo naan in kamool ko an eo ear itok in kamool nan Riabnono eo, Alap Alvin Jacklick, im  
ear kamool ejjab einwot juon expert witness, ak einwot juon eo eritto ilo jukjuk-im-bed ko im

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<sup>9</sup> Plaintiff, *Findings and Conclusions and Rule 2 Statement* January 29 (2024) 2; Plaintiff, *Amended Rule 2 Statement* April 9 (2024); Defendant, *Rule 2 Statements* January 22 (2024); Defendant, *Amended Rule 2 Statement* April 9 (2024).

<sup>10</sup> *TRC RoP, 2017* (RMI). Rule 7(b): Naaj lelok ien nan kajojo iaan ro ilo juon case bwe en kommane naan in kopellok ko an im enaj karon lok court eo ikijen abnono ko ilo case eo im jekjek im wawein an court eo lomnak kake im uak kajitok eo emoj lelok..

<sup>11</sup> *Jemen-Ei 1979* (RMI). Article X, Section 1(2): Ilo an ejelok kalijeklok non an wonmanlok in Article XIII, im ilo lor manit ko an dri aelon kein ak jabrewot karokan maron im jimwe ko mantak ilo jabrewot mottan ilo Marshall Islands, enaj jun wewin eo ebwod im ejumae kien elane jabrewot armij eo ewor an maron ion jabrewot bwirej ilo Marshall Islands ekkar non manit im jabrewot karokan maron im jimwe ko ion bwirej ak wewin ko ikijen lelok ak ajelok bwirej im, mene ikijen wia kake, mortgage, liease, license im wewin ko eirlok wot elane ejelok melim jen Iroiylaplap, Iroi Jedrik ijoko ewor, Alap im Dri Jerbal eo iman ilo bwirej, eo im naj watoke bwe ej dri knono non jabrewot armij ro ewor aer maron ilo bwirej eo.

<sup>12</sup> *Jorbon v. Akira* (Unreported High Court Civil Action 2020-00329, May 31, 2022).

elap melele ko an ikijen manit. Ejelok pepa ko rekkar nan maron boke im kadrelone einwot exhibit.

Elkin juon week jen ien eo rein ilo case rar file e *Naan in Kojemlok* ko aer ilo jeje, Court in ear bareinwot kir tok ir ekoba rikamool ro iumin Rule 7(e) in Rules of Procedure nan an etale naan im kein kamool ko im emoj aer kar itok, im jab Rule 7(c) einwot an kar alikar ilo Order eo.<sup>13</sup> Riabnono Jorbon ear maron in kobatok ilo Zoom, April 30 raan, 2024, nan uake kir eo an Court in ilo Order eo ear kommane nan kir rein ilo case in im rikamool ro.<sup>14</sup>

Iumin Rule 15 in TRC Rules of Procedure, Court in "...emaron kadrelon jabrewot kein kamool eo ej loe bwe ekkar einwot an jelet kajitok eo ej etale..." bareinwot bok kein kamool ko jen, ijelok bar jet, "...kein jerbal ko rej kojjerbal jarom ak computer ko..."<sup>15</sup>

## II. MANIT IM IMINENE KO REJELET CASE IN

Manit im iminene ko rejelet case in nan etale ekoba:

1. *Iroj im jela* ej alikar melelein ilo kakien eo naetan *Customary Law (Succession of Customary Rights and Titles in Ralik Chain) Act 2023* (RMI) einwot an ba bwe jemlok eo an Irojlaplap eo ej juon wawein eo ekkar im jimwe nan boke einwot kein kamool eo elap kilaan im ej bed ilo an antonelok ke ejejjet, jimwe, im ekkar nan manit im iminene, ijelokin wot ne emoj loe im ej alikar kin kein kamool ko ke ejjab jejjet, jimwe im ekkar. Manit eo '*Iroj im jela*' enaj jerbal ilo juon wot jonak im jekjek eo karoke ilo aolep case ko im rejelet ro rej pinej jenkwon ak jolet maron im jimwe ko ion bwidej im ewor kajitok ak tarbok kaki.

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<sup>13</sup> *TRC RoP, 2017* (RMI). Rule 7(e): Jabrewot ien ilo kotoan ien eo ej komman ien ronjake ko, Court eo an Manit emaron kir ak korool tok rikamool ro, kajitkini jabrewot rikamool ak ro ilo case eo, im bareinwot bok elonlok kein kamool ko im naj jaki maanlok ilo court.

<sup>14</sup> TRC, *Order To Recall Witness* April 25 (2024).

<sup>15</sup> *TRC RoP, 2017* (RMI). Rule 15: 6,7.

2. *Jab komakut dreka in jenme eo (jipeel eo juon jab iu-iun drekein jenme eo) ej alikar melelein ke ej "...manit eo ejjab komakut ak iu-iun drekein jenme..."* (dreka in jenme ak karokan bedbed eo jen etto). (*Thomas, et al., v. Samson, et al., v. Alik, et al., CA 000-184*).<sup>16</sup>
3. *Katleb ej alikar melelein ke ej wawein eo Irojij ej komane non bok bwidej jen juon bwij ak komakit juon bwij jen juon bwidej ak weto im dror bar juon na ie.* (*Thomas, et al., Samson, et al., v. Alik, et al., CA 2000-184*).<sup>17</sup>

Ilo ejja wawein in im elap an aurok, ekkar nan Alap Jacklick, ej eddo eo ebed ibben juon Alap ilo karokan jermal im eddo ko nan kojbaroke im lale armij ro ilo bwidej eo. Mantin Majol eo im ej kemlet bwe jen jela nae dron im kautej dron ej kipel juon Alap bwe en jermal ibben Irojij eo im mool ilo an makitkit kake karokan bebe ko emoj lelok nane. Panel in ej loe bwe wawein in ej bed im jermal ekkar nan mantin jela nae dron im kautej dron eo ikotaan juon Irojij im Alap ro an, im armij ro. (Tobin 1956, pp 4-5, 10-11, 23-24).

Alap Jacklick ear kojemlok naan in kamool ko an ilo an ba bwe ne ej ejelok enaan ikotaan Irojij eo im Alap eo an, ej un eo ilontata in im ej komman menin an wor tarbok ko ioon bwidej, im emenin aurok nan lolorjake im drebij aeneman, jokane im iakwe eo ibben armij ro bwe erro en jermal ibben dron.

Panel in ej bareinwot loe bwe Mantin Majol eo im ej kemlet bwe jen jela nae dron im kautej dron, ak karokan eddo ko an Alap eo im Senior Dri Jermal eo nan Irojij eo aer ej bareinwot aurok nan lolorjake im drebij aeneman im jokane eo an juon jukjuk-im-bed, im rej aikuij jermal ibben dron.

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<sup>16</sup> Unreported High Court Civil Action No. 2000-184; 3 MILR 71, 72 (2008).

<sup>17</sup> Ibid., note 16; Jack A. Tobin, *Land Tenure in the Marshall Islands* (1956) 40, 41.

Manit in, *Iroj im jela* ej kipel juon Iroj ilo karokan jermal im eddo ko an ilo an kojerbale maron eo an ioon bwidej im ibben armij ro; im jemaron bar ba ke eindrein an kipel juon alap ilo karokan jermal im eddo ko an nan iroj eo an ilo an jela kautej e im ekkon nan e, kommane karokan jermal im bebe ko an Iroj eo, elaptata ko im rej nan “lale armij ro” im lolorjake, ilo ejelok kalijeklok, karokan jermal in “...ajej ko an mona...jermal..., im...bwidej.” (Tobin, 1956, pp 4-5, 10-11, 23-24).

Supreme Court eo emoj an kabine ke jabrewot “...kajitok eo ejelet manit enaj wor ruo wawein etale kein kamol ko nan komman jemlok: eo kein kajuon, ewor ke manit en ejelete? Elane ewor, innem ta manit eo? (*Lobo v. Lobo* (1991)).<sup>18</sup> Elane juon ej bok maantak abnono eo ak ko rej bedbed ioon manit eo, innem ej an eddo nan kwalok im kalikar e wawein an jelet abnono eo.<sup>19</sup> Elane enaj bed im alikar “...manit eo ilo kakien ko ak ilo bedbed in jemlok eo an juon court, innem enaj wor kitien manit eo ilo an eorom kakien ko ad kio ilo raan kein.” (*Jack v. Hisaiah and Hisaiah* (2002)).<sup>20</sup>

## **A. IAKWELEL KO IKOTAAN PADE KO**

### **1. NAAN IN IAKWELEL KO AN RIABNONO EO**

Riabnono Jorbon ej ba Rijumae Abnono Irojiedrik Laelang ear likjab in konaniki im bok an lomnak einwot juon eo ej Alap im Senior Dri Jermal ilo Arkan, ak bok melim eo an ikijen an Rijumae Abnono Michael kalok imon jokwe eo an ilo Arkan. Ej ba bwe ekkon nan Eon 1(2) in Article X in Jemen-Ei eo, jabrewot jermal in ajelok bwidej eo iumin Mantin Majol ej aikuij wor melim, ejjab jen ibben Iroj eo wot, ak bareinwot Alap im Senior Dri Jermal ro ilo bwidej eo.<sup>21</sup> Im einwot ilo case in, ilo an ejelok melim jen Alap im Senior Dri Jermal, jermal in ekkon eo an

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<sup>18</sup> 1 MILR (Rev.) 224, 226 (1991).

<sup>19</sup> *Zaion, et al., v. Peter and Nenam*, 1 MILR (Rev.) 228, 232 (1991); *Tibon v. Jihu, et al.*, 3 MILR 1, 5 (2005).

<sup>20</sup> 2 MILR 206, 209 (2002).

<sup>21</sup> Plaintiff, *Closing Arguments* April 22 (2024) 4; Plaintiff, *Findings and Conclusions and Rule 2 Statement* January 29 (2024); Plaintiff, *Amended Rule 2 Statement* April 9 (2024).

Rijumae Abnono Michael ioon Arkan ejumae Mantin Majol im jabon konan kein *iroij im jela* im *jab komakit drekein jenme eo*.<sup>22</sup>

Panel in ej loe bwe wawein kojbarok Mantin Majol ej alikar iumin Article X in Jemen-Ei eo im ej bok judicial notice in eon in kakien kein iumin Eon 1(2). Bareinwot, Panel in ej loe bwe Supreme Court eo ear kabine manit in einwot “...juon wawein eo ejelok kajitok kake im ej *ilontata ilo karokan Mantin Majol ilo an armij in Majol bed im mour*” ilo case eo an *Mwedriktok v. Langijota and Abija*, 1 MILR (Rev.), 172, 175, ilo an wor jilu maron ko ioon bwidej im rej jokkon wot juon; Irojilaplap, ak Irojiedrik ne ekkar, Alap im Senior Dri Jerbal.

Ilo ien ronjake eo, Alap Alvin Jacklick, eo im ear etal naan in kean nan an itok im kamol einwot juon eo etijemlok ikijen Mantin Majol, ijowotke Panel in ear kile einwot juon eo eritto ilo jukjuk-im-bed eo im elap melele ibben ikijen Mantin Majol. Ilo an ejelok wawein ko emoj kalikar kilen im wawein kelet juon eo etijemlok ilo Mantin Majol, im ilo an ejelok book in etto nan kojerbale einwot juon waan jonak nan keidi ibben melele ko ear kwalok ilo ien eo ear kamol, Court in ej boke melele ko an iumin Rule 15 in TRC Rules of Procedure.

Ekkar nan Alap Jacklick, bwe juon armij en kalok imon an jokwe ilo juon weto ak ekkan<sup>23</sup> nan Iroj eo an ilo an jaje won eo ej kabwijer title eo an Alap, ej aikuij kar jibarok lok [Senior] Dri Jerbal eo. Wawein im jekjek in enaj jiban maron kein jilu, ak emen ijo rekkar, wor ialan an etal melele ko nan karon dron kin jabrewot wawein ko rejelet bwidej.

Ebed ibben Iroj eo eddo eo ilontata ilo bwidej nan an lolojake im drebij aeneman, jokane, im iakwe ibben armij ro ekkar nan jabon konan in *Iroj im jela*. Jabon konan in, ekkar nan naan in kamol ko an Alap Jacklick, ej jermal ilo melele in ke Iroj eo ej kojerbale maron ko an ioon bwidej im karokan ajelok bwidej ilo ejelok kalijeklok. Ilo an Iroj eo komman karokan

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<sup>22</sup> *Ibid.*, note 21.

<sup>23</sup> Jack A. Tobin, *Land Tenure in the Marshall Islands* (1956) 74: defines “ekkan” as the tribute paid to the Iroj; food, mats, etc.



jerbal ko ioon bwidej ak ejjab bok kabilok jen ibben Alap eo an, ekkar nan e, ej kakure jabon konan eo *Iroj im jela*. Emoj an wor melele im ej alikar ke Iroj en ejela won ro an Alap im Senior Dri Jerbal im, bareinwot wawein ko nan lolorjake im drebij kootaan leto-letak melele ko kotaer nan dron ikijen jabrewot karokan jerbal ko ioon bwidej.

Alap Jacklick ear bareinwot kalikar ke jekjek im wawein eo ear komman ikijen bwidej eo ilo case in ej bwe Riabnono Jorbon ear wiaiki. Im ne Iroj en emoj an ajelok juon bwidej, einwot juon *katleb* ak *imon wia*, ebed ibben maron in nan an karok kain rot bwidej eo ej ajelok.

## 2. NAAN IN IAKWELEL KO AN RIJUMAE ABNONO RO

Rijumae Abnono Irojiedrik Laelang ej jumae melele ko an Riabnono Jorbon ilo an ba bwe e eo ej Alap im Senior Dri Jerbal ilo Arkan.<sup>24</sup> Ej ba bwe eo im ear maron imaanlok, Irojiedrik Kelai Nemna, ear jab lelok melelein nane, bareinwot ilo tore eo ear jemlok case eo an High Court ilo Civil Action No. 2020-0329.<sup>25</sup> High Court eo, ilo an pade ko erra ibben dron, ear boke uak eo jen ibben Court eo an Manit im ej kile bwe Riabnono Jorbon ej Alap im Senior Dri Jerbal nan Arkan.<sup>26</sup>

Rijumae Abnono Irojiedrik Laelang ej jumae melele ko an Riabnono Jorbon ilo an ba bwe Arkan ej *katleb* nan e jen ibben lellap eo jinen, Leroij Zion. Ej ba bwe ilo an Riabnono Jorbon likjab in kamool ke ear komakit aolep armij ro rar jukjuk im amnak ilo Arkan elkin *katleb* eo jen Leroij Zion, ej kalikar ke Arkan ejjab juon *katleb* einwot an ba.<sup>27</sup> Armij ro im rar jukjuk im amnak ilo Arkan tore eo rej bed wot nan rainin, im menin ej einjuon jen Mantin *katleb*. Im

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<sup>24</sup> Defendants, *Rule 2 Statement* January 22 (2024); *Amended Rule 2 Statement* April 9 (2024).

<sup>25</sup> Defendants, *Rule 2 Statement* January 22 (2024); *Amended Rule 2 Statement* April 9 (2024).

<sup>26</sup> *Ibid.*, *Jorbon v. Akira* (Unreported, High Court of the Marshall Islands, Civil Action No. 2020-0329, 2020, May 31, 2022).

<sup>27</sup> Defendants, *Written Closing* April 19 (2024) 4; *Written Closing Argument* December 27 (2023) 2.

ejja ilo wawein in wot, ej ba bwe *katleb* ejjab bok jikin kin an wor kolla ko kin money ak jaan, einwot an alikar ilo *Bill of Sale* eo an Riabnono eo.<sup>28</sup>

Panel in ej loe bwe *katleb* ej alikar tarlepin melelein ilo page 40-41 in book eo an Jack A. Tobin, “*Land Tenure in the Marshall Islands.*” Treatise ak book in etto in ej komeleleik *katleb* einwot juon karokan bwidej eo im juon Iroj “...ej “katot” armij ilo bwidej en...elkin an komakit ro rekar jukjuk im amnak ie im ilo an ejelok armij ilo tore en ej ajelok bwidej en.”<sup>29</sup>

## **B. KOMELELE KO**

### **1. KEIDI NAAN IN KAMOOOL KO IBBEN MANIT EO**

#### **i. Iroj Im Jela**

Panel in ej loe bwe jabon konan in *Iroj im jela* emoj an alikar einwot mottan kakien ko ad rainin einwot ke emoj an Supreme Court eo ilo case eo an *Thomas* im ilo kakien eo ejkab ella jen jikin komman kakien eo ilo Public Law *P.L. 2023-67, Customary Law (Succession of Customary Rights and Titles in Ralik Chain) Act 2023.*

Panel in ej bar loe bwe melele ko an rikamol eo an Riabnono eo rej bar einwot im jab oktak jen melele ko an Mantin *Iroj im jela* einwot aer walok im alikar ilo kakien in im ilo aer jermal ilo jemlok eo ilo case eo an *Thomas*. Kemij loe bwe lukin mool eo, Mantin *Iroj im jela* ej kile aurok in lolorjake im drebij aenemon im jokane ilo an wor kitien jermal ko nan leto-letak melele ko, im bwe ebed ibben Iroj eo eddo eo ilontata nan kommane karokan wawein ko nan lolorjake im drebij aenemon im jokane eo ilo bwidej ko an. Ilo wawein in, kemij loe bwe eddo eo ilontata im ej okran jabon konan eo ilo *Iroj im jela* eniin; kinke jemlok ko kommani ikijen bwidej emoj an alikar ke rej ebolemen ilo karokan

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<sup>28</sup> Defendants, *Written Closing* April 19 (2024) 4; *Rule 2 Statement* January 22 (2024) 2; *Amended Rule 2 Statement* April 9 (2024).

<sup>29</sup> Jack A. Tobin, *Land Tenure in the Marshall Islands* (1956) 40, 41.

jerbal ko nan lolorjake im drebij aenemon im jokane eo ilo bwidej ko an. Kin menin, jemlok eo an ekkar im jimwe einwot juon kein kamool eo elap kilan. Ijowotke, jabon konan in *Iroj im jela*, naj maron ukote ne enaj lukin alikar ke jemlok eo an Iroj eo ejjab jimwe im jejjot einwot an alikar ilo case eo an *Thomas. (Thomas, et al., v. Samson, et al., v. Alik, et al.)*<sup>30</sup>

Ilo naan in kamol ko an, Rijumae Abnono Irojiedrik Laelang ear ba bwe ewor an Iroj eo eddo nan bok kabilok ko an Alap ro an ikijen karokan jabrewot jerbal ko ilo bwidej. Melele ko an im ej ba bwe ear ejelok an jela kake an Riabnono Jorbon wiaik Arkan jen ro rar maron moktalok jen e einwot, Leroij Zion im Irojiedrik Telnan Lanki, rej jet melele ko ebin buki einwot ke pepa in wia kake eo, *Bill of Sale*, elukin alikar ro im rar dror eltan peiur ie bwe ejjab Leroij eo jinen einwot juon Irojiedrik an Arkan, ak bareinwot Alap im Senior Dri Jerbal Jennet Bungitak, rijolet eo elkin Leroij Zion, Irojiedrik Telnan Lanki, im ro uwaan *20/20 Committee eo an Bed Eo An Jebrik. (Jorbon v. Akira, Ca 2020-0329)*. Irojiedrik Kelai Nemna, eo im ear maron imaan jen e, ear erra kin karok in. Kin menin, Panel in ej loe bwe ejabwe kein kamol ko iumin manit nan kalikar ke ejjimwe an Rijumae Abnono Irojiedrik Laelang jab kile Riabnono Jorbon einwot juon Alap im Senior Dri Jerbal nan Arkan.

## **ii. Jab Komakut Dreka In Jemen Eo**

Riabnono Jorbon ej likit an kojatdrikdrik ilo manit eo *drekein jenme* nan kamol im kalikar *katleb* eo lelok nan e ilo December 1984 im kar file e ilo High Court ilo 1985 eo, juon karokan jerbal eo aitok kitien ikotaan im Leroij Zion, eo im ear maron tokelik,

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<sup>30</sup> Unreported High Court Civil Action No. 2000-184; 3 MILR 71, 75 (2008).

Irojiedrik Telnan Lanki, Alap im Senior Dri Jerbal eo ilo tore eo, Jennet Bungitak, im jet ian ro uwaan *20/20 Committee eo an Bed Eo An Jebrik*.<sup>31</sup>

Panel in ej loe bwe ilo case eo an *Thomas*, Supreme Court eo ear kabine jemlok ko jen High Court im Court eo an Mani ilo an erra ke "...jijilimjuonnoul iio ej juon torein eo *elap an aetok im ekkar* nan an maron jermal Mantin Majol eo nan "jab komakut ak iu-iun" drekein jenme eo."<sup>32</sup> Ilo case eo an *Thomas*, Court in ear ba bwe *katleb* eo jijilimjuonnoul iio rettan ejjamin oktak bedbed ioon jabon konan in ilo manit *drekein jenme*. Supreme Court eo ear ba bwe ilo wawein in, "...Court eo an Mani ear, ilo bar juon wawein ejjab lukin alikar, ba bwe jemlok eo an [Irojilaplap] eo ejjab ekkar im jimwe einwot ke ekakure jabon konan eo ilo manit, drekein jenme."

Panel in ej loe bwe melele ko ilo jabon konan in ejelet case in, mekarta torein im kitien *katleb* eo an Riabnono Jorbon ej enoul iio, ej loe bwe eaitoklok jen jimettan in tore eo ear alikar ilo case eo an *Thomas*, Court in ej loe bwe juon tore eo enanin enoul iio aetokan ej juon tore eo elap an aetok.

### **iii. Katleb**

Panel in ej loe bwe Arkan, ilo aer kar ajelok nan Riabnono Jorbon kin *Bill of Sale* eo ej juon wawein eo ejjab jejjet ilo karokan *katleb* iumin Mantin Majol. Mekarta Riabnono Jorbon ear jab maron kalikar im kamol ke Arkan ear juon *katleb* nan e kin *Bill of Sale* eo, naan in kamol ko an Alap Jacklick rej kalikar maron eo ibben Iroj eo nan an make karok im kalikare bwidej eo emoj an ajelok nan juon armij ekkar nan jabon konan eo *Iroj im jela*. Ekkar nan melele ko buki jen naan in kamol ko, emaron ekkar lok, ilo bar

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<sup>31</sup> *Thomas, et al., v. Samson, et al., v. Alik, et al.*, 3 MILR 71, 75 (2008).

<sup>32</sup> *Thomas, et al., v. Samson, et al., v. Alik, et al.*, 3 MILR 71, 75 (2008).

juon wawein, ke Arkan emaron juon *imon wia* im jab juon *katleb*. Wawein eo ej alikar nan Panel in eniin bwe Arkan ear karokan jermal in ajelok nan Riabnono Jorbon kin pepa in wia kake eo *Bill of Sale*.

### III. NAAN IN KOJEMLOK

Elkin an etale im liniri pepa im naan in kamol ko jaki maantak jen ibben rein ilo case in im kin un ko emoj kolaajraki ilon, eniin ej kolmenlokjen eo an Panel in bwe:

1. Riabnono eo emoj an kalikar im kamol bwe jabon konan eo iumin Mantin Majol *Iroj im jela* ejelet case in, ilo an jermal nan karok eo an Rijumae Abnono Irojedrik Laelang, einwot ke eidraptok ibben Mantin Majol eo juon “jab komakut ak iu-iun drekein jenme.”
2. Rijumae Abnono Irojedrik Laelang ilo an jab kile Riabnono Jorbon einwot Alap im Senior Dri Jermal an Arkan, ej juon wawein eo ejjab jimwe im ekkar iumin Mantin Majol im jabon konan eo *Iroj im jela* im kin menin, Mantin Majol eo *jab komakut drekein jenme eo*, emaron in jermal nan ukot karok eo an.
3. Elane Arkan ear juon *katleb* nan Riabnono Jorbon ak juon *imon wia* iumin Mantin Majol, pepa in wia kake eo, *Bill of Sale*, ej juon karokan jermal eo ejjimwe im wor kitien iumin Mantin Majol, einwot ke ej alikar an ro ewor tellokier komman karokan ajelok ko ioon bwidej.

Kin menin, Court in ej loe bwe mekarta ewor an Rijumae Abnono Irojedrik Laelang maron nan kotlok bwe Rijumae Abnono Michael en kalok imon jokwe eo an ilo Arkan ekkar nan *iroj im jela*, jekjek im wawein an lelok melim nan ekkal ilo an jab konanik lok ak bok kabilok im melim eo jen ibben Riabnono Jorbon einwot juon Alap im Senior Dri Jermal, ejjab ekkar im

jimwe iumin Mantin Majol eo *jab komakut drekein jenme eo.* (*Thomas, et al., v. Samson, et al., Alik, et al.* 3 MILR 71, 75 (2008)).

Dated: 14<sup>th</sup> June 2024.



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Grace L. Leban  
Presiding Judge



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Nixon David  
Associate Judge



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Claire T. Loeak  
Associate Judge