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CLERK OF COURTS  
REPUBLIC OF THE MARSHALL ISLANDS

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

<b>CENICOLA and KONOU, Plaintiffs,</b>  v.  <b>MIDB and HEINE, Defendants,</b>  v.  <b>KABUA, Intervenor.</b>	<b>CIVIL ACTION NO. 2018-213</b>    <b>OPINION &amp; ANSWER OF THE TRC</b>
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**MEMBERS OF THE PANEL** : **Grace L. Leban  
Presiding Judge, TRC**

**Nixon David  
Associate Judge, TRC**

**Claire T. Loeak  
Associate Judge, TRC**

**PLACE OF HEARING** : **Majuro Courthouse  
Majuro, Marshall Islands**

**DATE OF HEARING** : **January 20-23, 2026**

**I. INTRODUCTION**

This is a case between siblings from the same family on Bukonkur Weto, Delap Village, Majuro Atoll. As shown in the Intervenor's evidence, Intervenor's Exhibit I7(A-2), the genealogy chart of Selvenios Konou (Selvenios), the parties to this case are the descendants of Selvenios. The parties agree with the succession line as depicted in the genealogy chart and that the rights and interests under dispute are from their father, Selvenios, who had held and

exercised the rights and titles of both the *Alap* and *Senior Dri Jerbal* on Bukonkur Weto, and that the current *Irojlaplap* for Bukonkur Weto is *Leroij* Esther Zedkaia.

## II. PARTIES' CONTENTIONS

This case came about after Plaintiff Jason Cenicola (Jason), the adopted son of Rosalie Aten Konou (Rosalie), took out a loan with the Marshall Islands Development Bank in the amount of USD\$80,000, or eighty thousand dollars' worth, to build a house on Bukonkur Weto in Delap Village, Majuro Atoll. Following the disbursement of half of the loan to Jason, a dispute involving the rights and titles of *Alap* and *Senior Dri Jerbal* for Bukonkur arose thereby preventing the rest of the loan to be paid out to Plaintiff Jason. Jason, together with Rosalie, lodged a complaint against the Marshall Islands Development Bank (MIDB), in court. At the same time, Hiromi Kabua (Hiromi), along with Evelyn Konou (Evelyn), intervened to assert their claims to the rights and titles of *Alap* and *Senior Dri Jerbal*, respectively, on and over Bukonkur Weto.

At the time the hearing came before the Traditional Rights Court (TRC) panel, Intervenor Evelyn had already died, and some time afterwards, following the hearing, Ronald Komou (Ronald) also passed away. And at the writing of this decision, Plaintiff Rosalie and Saan Konou (Saan), and Intervenor Hiromi, continue as parties to this matter. According to Plaintiff Rosalie, who also serves as legal counsel for Plaintiff Ronald and Saan, Bukonkur Weto is a *Botoktok* land, and as custom dictates, if the land is *Botoktok*, it is proper for Ronald to hold and exercise the *Alap* title, not Hiromi; and for Saan, the child of Ronald, to hold and exercise the rights and title of *Senior Dri Jerbal* as a patrilineal descendant, not Evelyn or Hiromi. According to Rosalie, this case involves the oceanside of Bukonkur Weto and not the lagoon side. Rosalie also asserts that the oceanside of Bukonkur is under a Lease Agreement or leasehold for her

exclusive use of the oceanside of Bukonkur, and that the lease was made by the landowners of Bukonkur at the time who signed and approved it. The signatories on the lease are *Iroijlaplap* Amata Kabua (Amata), *Alap* Selvenios, and *Senior Dri Jerbal* Evelyn, as shown in Exhibit I-8.

On the other hand, Intervenor Hiromi contends and claims she is the proper person to hold and exercise the rights and titles of both, the *Alap* and *Senior Dri Jerbal*, on and over Bukonkur Weto today. She also asserts that *Leroij* Esther Zedkaia has already divested Rosalie of her right to hold and exercise both the *Alap* and *Senior Dri Jerbal* titles on Bukonkur, as illustrated in Exhibit I-13. Intervenor Hiromi avers that Bukonkur Weto is *bwij* land and not *botoktok*.

### III. QUESTIONS REFERRED TO THE TRC PANEL TO ANSWER & THE OPINION OF THE TRC:

1. **As between Hiromi Kabua and Ronal Konou, and those claiming through them, who is the proper person, under the custom law and traditional practice of the Marshall Islands, to hold and exercise the rights and title of *Alap* over Bukonkur Weto, Delap, Majuro, Marshall Islands?**

***Hiromi Kabua.*** Bukonkur Weto was a *bwij* land. However, after the death of Likilon, she had only two male descendants and no female. As such, the matrilineal line became extinct with the survival of Likilon's sons, Jonah and Selvenios. Selvenios subsequently held and exercised the rights and titles of *Alap* and *Senior Dri Jerbal* when Jonah passed away without leaving any children. After Selvenios died, the rights and titles of *Alap* and *Senior Dri Jerbal* were passed down to his children patrilineally or through *toor in botoktok*. As Hiromi is the eldest child of Selvenios, it is proper for her to hold and exercise the rights and title of *Alap*, as a patrilineal descendant of her father, Selvenios.

2. **Who is the proper person to succeed the current *Alap*, assuming that person does not predecease the current *Alap*?**

***Rosalie Konou.*** Given the fact that the person who is younger than Hiromi and alive today is Rosalie, it is proper for her to succeed

Hiromi as *Alap*, under the patrilineal inheritance pattern from her father, Selvenios.

3. **As between Evelyn Konou and Saan Konou, and those claiming through them, who under the customary law and traditional practice of the Marshall Islands is the proper person to hold and exercise the *Senior Dri Jerbal* rights and title on and over Bukonkur Weto, Delap, Majuro Atoll, Marshall Islands?**

*Rosalie Konou*. At this time in which Hiromi currently exercises the *Alap* rights and title on and over Bukonkur Weto, it is proper for Rosalie, who is the younger sibling of Hiromi, to hold and exercise the rights and title of *Senior Dri Jerbal*, as was the case with Evelyn who previously exercised the rights and title of *Senior Dri Jerbal* on and over Bukonkur Weto.

4. **Who is the proper person to succeed the current *Senior Dri Jerbal*, assuming that person does not predecease the current *Senior Dri Jerbal*?**

*Jaan (Saan) Konou*. When Rosalie becomes the *Alap*, she will be the last surviving child of Selvenios from that generation. As such, the rights and title of *Senior Dri Jerbal* will pass on to the younger generation under the patrilineal descent line. As the child of Ronald who is alive today, it is proper that Saan becomes the first of his generation to hold and exercise the *Senior Dri Jerbal* rights as a patrilineal descendant. The matrilineal descendants are, accordingly, in line to inherit the rights and title of *Alap*.

#### IV. FACTS UPON WHICH OPINION IS BASED

The Court heard testimony from witnesses that the parties called and reviewed documentary evidence that was submitted by the parties as well. The Court took into consideration the cumulative arguments presented by the parties against the evidence submitted.

##### A. Is Bukonkur Weto a *bwij* or *botoktok* land today?

With respect to the contentions involving Bukonkur Weto and whether it is a *bwij*

or *botoktok* land, the Court reviewed the genealogy chart belonging to the owners of Bukonkur Weto in Intervenor's Exhibit I-7 (A-3), and found that Selvenios exercised the *Alap* and *Senior Dri Jerbal* rights and title as a successor of his late mother, Likilon. This confirms that Bukonkur was a *bwij* land when the rights and titles of *Alap* and *Senior Dri Jerbal* passed on to Selvenios from Likilon. This Court also found that after the passing of Selvenios, his children inherited the rights and titles of *Alap* and *Senior Dri Jerbal*, confirming under the custom, that the succession line changed from that of a matrilineal descent to a patrilineal inheritance pattern, in that the children of Selvenios inherited the rights from their father, a male, and not their mother, a female. *Langidrik v. Dolar*, Civil Action 2005-241. In the testimonial evidence offered by the Plaintiff's witness, Mr. Tijen Dick testified that when the patrilineal line becomes extinct, the rights and title will revert back to the matrilineal descent line; and when the matrilineal line becomes extinct, succession subsequently shifts back to the patrilineal descent line.

#### **B. Succession Line According to Selvenios' Genealogy Chart**

The Court found that Selvenios had previously held and exercised the rights and titles of *Alap* and *Senior Dri Jerbal* on and over Bukonkur Weto, Delap Island, Majuro Atoll, Marshall Islands. The Court also found that Selvenios, as the *Alap*, gave his children the rights to exercise the *Senior Dri Jerbal* title, as illustrated in the evidence submitted by the Intervenor, Intervenor's Exhibits I1, I2, I3, I4, I5, I6 and I8. In all of these documents, Selvenios signed as an *Alap* and Hiromi, and in her absence, Evelyn would sign as a *Senior Dri Jerbal*. This supports the Court's belief that Selvenios wanted his children to inherit his rights to Bukonkur Weto, and that one should not, simultaneously, exercise both titles, but that the two titles should pass on to the proper

person in accordance with the inheritance pattern depicted in his (Selvenios) genealogy chart, Intervenor's Exhibit I7 (A-2 & A-3). Exhibit I7 further supports the Court's belief that the rights and titles of *Alap* and *Senior Dri Jerbal* on and over Bukonkur are to be shared hierarchically among his (Selvenios) children as shown in I7 (A-1). This is also apparent in the succession line submitted to the Commission of Land for the Mona eo an *Irojlaplap* Kaibuki, during *Irojlaplap* Amata Kabua's time - in June 21, 1996 - and that members of the Commission, at that time, validated it. This can also be confirmed through the signatures of the *Irojlaplap* of Bukonkur Weto along with Selvenios' signature as *Alap*, and Hiromi, and in her absence, Evelyn, signing on as the *Senior Dri Jerbal*. To change from this pattern would mean infringing upon the custom, or *moving the bedrock/long-established arrangement*, given that Selvenios had elected to exercise the *Alap* rights and title himself and designated his children to be *Dri Jerbal*, in lieu of exercising both rights and titles; this, the *Irojlaplaps* of Bukonkur conceded to, and accordingly, signed multiple lease agreements for Bukonkur Weto. *Samuel v. Lokkar*, Civil Action 299-299; *Jorbon v. Michael & Laelang*, Civil Action 2023-01720.

### **C. Proclamation By Leroij Esther Zedkaia (I13)**

The Court acknowledges and gives deference to the proclamation made by the current *Irojlaplap* of Bukonkur, *Leroij* Esther Zedkaia, in her words preventing or prohibiting the rights and titles of *Alap* or *Senior Dri Jerbal* over Bukonkur Weto to pass on to Rosalie. According to custom, the prerogative authority of the *Iroj* to divest rights from the holders of titles is contingent upon serious breaches under the custom. *Lajeab v. Lukelan*, 2 TTR 5632. In her (Rosalie) closing arguments, notwithstanding her belief that Ronald should hold and exercise the *Alap* as a *botoktok* land, she expressed her

acceptance and acknowledgement that Hiromi currently holds and exercises the *Alap* rights and title on and over Bukonkur Weto. By this token, the Court believes the basis of Rosalie's divestiture of the rights is moot and therefore it would be to her (Rosalie) advantage to initiate a peaceful outcome with *Leroij Esther Zedkaia. Lejjena v.*

*Langijota*, Civil Action 2007-057.

**Plaintiffs' Witnesses**

1. Tijen Dick
2. Jason Konou Cenicola
3. Dr. Holden Nena
4. Biwij John

**Intervenors' Witnesses**

1. Dan Smith
2. Hirata Kabua
3. Brad Lamille
4. Wilson Note

**Plaintiffs' Evidence**

1. Exhibit P1 – Lease Agreement between Alap Selvenios, Dri Jerbal Evelyn Konou, and Irojlaplap Amata Kabua

**Intervenors' Evidence**

1. Exhibit I-1 – Bank of Guam Security Agreement (Feb. 11, 1982)
2. Exhibit I-2 – Lease of a Warehouse Building (Mar. 2, 1983)
3. Exhibit I-3 – MI Housing Authority Loan Fund Program: Acknowledge and Consent (Mar. 8, 1987)
4. Exhibit I-4 – Lease of a Warehouse Building (Jul. 15, 1987)
5. Exhibit I-5 – Consent to Loan (Feb. 4, 1993)
6. Exhibit I-6 – Land Use Agreement for that part of Delap Elementary School on Bukonkur Weto
7. Exhibit I-7 – Mojen Eo An Irojlaplap Kaibuki, Commission eo an Bwij (Jun. 21, 1996)
8. Exhibit I-8 – Bujen Lease Ion Mottan in Bukonkur Weto (Oct. 15, 1993)
9. Exhibit I-9 – Land Lease for Delap Elementary School (Nov. 9, 2005)

10. Exhibit I-10 – Land Owner’s Consent to Respect to the Leasehold Mortgage Effecting Bukonkur Weto (Nov. 2, 2007)
11. Exhibit I-11 – Juon Kon im Melim Non Kalok Worwor Ibelakin Bukonkur Weto (Apr. 29, 2017)
12. Exhibit I-12 – Bujen Lease Ion Mottan in Bukonkur Weto (Aug. 9, 2018)
13. Exhibit I-13 – Affidavit Respecting Land Rights on Bukonkur Weto (Nov. 13, 2023)
14. Exhibit I-14 – Medical Report (May 23, 1994)
15. Exhibit I-15 – Application for Survivor Insurance Benefits (Feb. 10, 1994)
16. Exhibit I-16 – (Aug. 1, 2018)
17. Exhibit I-17 – (Sept. 20, 2018)

#### **D. Relevant Customary Law & Traditional Practice**

1. *Jab Komakut Dreka in Jenme eo*
2. *Imon Bwij*
3. *Imon Botoktok*

#### **E. Analysis of Custom & Relevant Facts**

1. The Court finds, following its review of the evidence, that Selvenios wanted and intended for his children to inherit the rights and titles he held and exercised without any disagreement or unfairness. This is evident in the various construction agreements and leaseholds he made for his children and others from outside the family, such as the Ministry of Education. In relation to the agreements, he did not approve them exclusively, but acknowledged his children in their birth order, as holders of the *Senior Dri Jerbal* rights and title during his *Alapship* on over Bukonkur Weto. This arrangement was endorsed by the *Iroiylaplaps* of Bukonkur and acknowledged Selvenios’ decision to include his older children in the approval and signing of these agreements; an act recognizing that they exercised the rights and titles alongside him. The Court believes that if it were to change Selvenios’ arrangement, it would infringe upon the custom of *Jab Komakut Dreka in Jenme eo*. Therefore, the Court finds that it is proper for the rights and title of *Alap* to be held and exercised by Hiromi, and those of the *Senior*

*Dri Jerbal* to pass on to Rosalie, according to the succession line depicted in Selvenios' genealogy chart for his descendants.

2. Based on the evidence presented in this case, one of which is indicated in Exhibit I7, at the time when Selvenios inherited the rights and succeeded his mother, Likilon, Bukonkur was a *bwij* land. Custom dictates that our mothers are *bwij* originators.
3. Following Selvenios' death and in the absence of an older or younger female sibling, his rights and titles were passed down to his children under the patrilineal inheritance pattern for which children of a male are *botoktok*. For this reason, it is proper for Hiromi to inherit the rights and title of *Alap* as a patrilineal descendant and the understanding that Bukonkur Weto is currently a *botoktok* land from her father. Rosalie, who is younger than Hiromi, at the passing of Ronald, is the proper person to hold and exercise the rights and title of *Senior Dri Jerbal*.

## V. CONCLUSION

The Plaintiff claims that Saan, as the only child of Ronald, who just passed away, is the *Senior Dri Jerbal*. This Court acknowledges the succession line in the genealogy chart showing Selvenios and his descendants, and opines, however, that when it comes time for Saan's generation, that the children of the eldest female, Hiromi, will inherit the rights and title of *Alap*, and those of the patrilineal descent line who are alive will likewise inherit the rights and title of the *Senior Dri Jerbal*. The Court trusts that the members of Selvenios' family will take care of one another and respect each other as this is a fundamental principle of the custom.

Dated: 4/13/2026

          /s/            
Grace L. Leban  
Presiding Judge, TRC

          /s/            
Nixon David  
Associate Judge, TRC

          /s/            
Claire T. Loeak  
Associate Judge, TRC