

FILED

NOV 21 2025

**ASSISTANT CLERK OF COURTS
REPUBLIC OF THE MARSHALL ISLANDS**

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

JIEN LEKKA,

plaintiff,

v.

TOBIN KAIKO and KEY KAIKO,

defendants.

CIVIL ACTION NO. 2017-00149

**ANSWERS AND OPINIONS TO
ADDITIONAL QUESTIONS**

MEMBERS OF THE PANEL:

**Grace L. Leban
Presiding Judge, TRC**

**Nixon David
Associate Judge, TRC**

**Glorina Harris
Associate Pro Tem Judge, TRC**

INRODUCTION:

It is the second time for the Traditional Rights Court to revisit this case to elaborate more on its opinion after additional questions were referred back from the High Court. On the 6th of February, 2020, the TRC panel filed a court decision after hearing the this matter, and the sitting members of the Panel were the late Presiding Judge Walter Elbon, Associate Judge Nixon David, and Associate Judge Grace Leban. During the same year, in 2020, October 1, this matter was referred back concerning additional questions for this Court to answer. During this period, after the passing of the late Presiding Judge Walter Elbon, changes among the members of the TRC

Panel took place. Members of the panel who were tasked to review and answer these additional questions as referred were, Presiding Judge Grace Leban, Associate Judge Nixon David, and Associate Pro Tem Judge Milton Zackios. On September 7, 2021, a decision on additional questions was reached and was submitted to the High Court.

On November 29, 2021, the TRC received an Order from the High Court with the same additional questions on the October 1, 2020 Referral Order. During this same period of time, Associate Pro Tem Judge Zackios had recused himself from this matter due to conflict of interests on family relations. Soon after, it was decided that TRC Associate Judge Claire T. Loeak replaced Judge Zackios. However, Judge Loeak filed a recusal order for conflict of interests. Sometimes later, in 2025, the TRC panel was able to proceed with this matter having a quorum, with the appointment of Associate Pro Tem Judge Glorina Harris.

Hence, the panel is able to proceed to answering the additional questions as per the High Court's Order for the TRC to consider its answers to the additional questions that were referred from the High Court on October 1, 2020.

ADDITIONAL QUESTIONS FOR THE TRC:

1. When a husband and wife have divorced, is there a Marshallese custom regarding who is entitled to the marital home, when the home is built on land belonging to neither party?

If there is such a custom, how should it be applied under the facts [of] this case?

Answer to question #1:

The TRC Panel is of the same opinion as in the answers in the decision of the TRC Panel filed on September 7, 2021. Whereas, the Court recognized that plaintiff Jien Lekka (Jien), and

defendant Key Kaiko (Key) have no land rights on the weto where they built their house in during their marriage. The Court acknowledges plaintiff's Exhibit P-1, which shows that Jien had made an agreement to lease and build on Ronbar with the people who hold land rights on Ronbar Weto, and those current landowners are, Alap Kelet Jorlikiep (Kelet) and Senior Dri Jerbal Johnny Mack (Johnny). The Court considers Exhibit P1, as an agreement that authorized and allowed plaintiff Jien to built the house which then, belonged to him and the defendant Key on Ronbar Weto, Rairok Village, Majuro Atoll. Nonetheless, with only the name of Jien showing on the lease agreement, with Key's name not included, the Court recognizes that the lease agreement was between the landowners of Ronbar Weto and Jien, and not including Key. Therefore, it is proper for the Court to consider the house as *imon jolet*, to Jien, which the landowners of Ronbar authorized and allowed him by way of a lease agreement and recognizing the house belonging to Jien.

The Court also considered the testimony of the Senior Dri Jerbal Johnny, who in his testimony, stated that when he and the former Alap Kelet signed the lease, it was a way of showing their authorizing and permitting Jien to build his house on Ronbar weto. Johnny also stated that they recognize Jien as the rightful owner of the house. According to Marshallese custom, when the landowners of a land recognize and declare someone as having rights to a house build on their land, the person being recognized by the landowners is deemed having the utmost authorization to receive or *jolete* the right to live or *amnak* in the house built on the land which he/she does not have land rights on, *Wena v. Maddison*, 4TTR 194. Therefore, the Court agrees that the house in dispute belongs to Jien, based on the fact that only his name is shown on the lease agreement, and based on the recognizance of Jien by the landowners of Ronbar weto.

Answer to question #2:

As with previous answers, the Court stands affirmed in regards to traditional inheritance, or *mantin jolet*, but as explained by witness Tijen Dick (Tijen), as he used the words, *Imon Jolet*. The Court agrees with Tijen, although, the Court believes that there are more than one way one can use the word *jolet*. Aside from a person *jolet* (inherit) land, as this was the case in this matter where a house was given as *jolet* on Ronbar weto, we can also *jolet* Marshallese skills and arts, such as traditional medicine, canoe carving skills, traditional meteorologist skills, weaving, and other traditional skills and knowledge. In this case, it shows how the plaintiff Jien was given as *jolet*, the rights to build a house for him and Key and their family, so that they can live (*amnak*) on Ronbar weto during their marriage. The landowners of Ronbar weto not only gave permission by signing Jien's lease, but they also gave as *jolet* the rights for Jien to amnak on Ronbar weto. As stated in Tobin's book, the definition of the work 'kaamnak', "is to put a person to live on your land." (Tobin, 1956) This is shown when Alap Kelet and Senior Dri Jerbal Johnny endorsed Jien's lease, and it is also seen in the testimony of Johnny when he said that the landowners of Ronbar weto recognized Jien as the proper owner of the house in dispute in this case.

Raan: November 21, 2025

_____/S/_____
Grace L. Leban
Presiding Judge, TRC

_____/S/_____
Nixon David
Associate Judge, TRC

_____/S/_____
Glorina Harris
Associate Pro Tem Judge, TRC