

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

REPUBLIC OF THE MARSHALL  
ISLANDS,

Plaintiff(s),

VS.

JAIBOL ANNI NACK, SEARS  
KOBENEY,

Defendant(s).

CIVIL ACTION CASE NO. 2012-045

OPINION AND ANSWER OF THE TRADITIONAL RIGHTS  
COURT

FILED

2014  
FEBRUARY 18, 2014  
REPUBLIC OF THE MARSHALL ISLANDS

MEMBERS OF COURT PANEL:

WALTER K. ELBON, CHIEF JUDGE  
NIXON DAVID, ASSOCIATE JUDGE  
GRACE LEBAN, ASSOCIATE JUDGE

DATE OF HEARING(s):

FEBRUARY 18, 21, AND 24, 2014, AND APRIL 21, 22 AND 23,  
2014.

PLACE OF HEARING:

ULIGA COURTHOUSE, MAJURO ATOLL.

ACTION TAKEN:

The question put before the Panel of the Traditional Rights Court for answer is, **WHO IS THE PROPER PERSON(S) BETWEEN JAIBOL ANNI NACK AND SEARS KOBENEY, THE DEFENDANTS, AND MARK MAWILONG, THE INTERVENER, TO HOLD THE SENIOR DRI JERBAL TITLE ON MURLE ISLAND, KWAJALEIN ATOLL, REPUBLIC OF THE MARSHALL ISLANDS.**

ANSWER TO QUESTION: SEARS KOBENEY.

INFORMATION CONSIDERED BY THE COURT PANEL AS ACCURATE:

It is clear from the *Menmenbwij* (Genealogy Charts) presented, and from the testimonies given during the trial, that Murle Island on Kwajalein Atoll is *Bwij* land. It all began with Limaju (female), who had five (5) children. Among the five children of Limaju, only two had children, and they were the eldest, Jomakro (male), and a younger sister, Limandre.

The Court Panel agrees that according to Marshallese custom, the male's children, grandchildren and their descendants are *Botoktok* (Blood), or *Toorin Botoktok* (Flow of the Bloodline), and they will inherit the Senior Dri Jerbal title beginning from the eldest (TRC Opinion High Court Civil Action No. 2006-138

and H/C Civil Action No. 2006-078). When the bloodline becomes extinct, the title of Senior Dri Jerbal will go to the descendants of the Bwij. Likewise, if the **Bwij** line becomes extinct, the Alab title will go to the **Botoktok** (Blood line). If there is a **Bwilok** (cut or break), then changes may take place. During the trial, there was no mention of a **Bwilok**.

Other issues were raised during the trial, and one of them was the Minutes of Meeting held by the Koba Maron Committee with the Alab and all persons that have land interests on Murle Island. The video tape of the Koba Maron Meeting, which was presented as evidence shows that Ato and Sears did not agree that Mark Mawilong, the grandson of Althea should hold the Senior Dri Jerbal title on Murle Island. Jaibol Nack was not present at the Koba Maron's meeting, however, it is indicated in the Menmenbwij of the family of Murle Island that Ato and Sears are the proper persons to hold the title of Senior Dri Jerbal because they are descendants of the bloodline, or the surviving grandchildren of Jomakro.

As for the documents signed by Irojlaplap Anjua Loeak, determining who is the Senior Dri Jerbal on Murle Island, the Court Panel sees that Irojlaplap Anjua Loeak will sign all documents given to him to sign. In the case of Murle Island Irojlaplap Loeak recognizes all three parties when each party approached him for his signature.

In the evidence presented, Intervener Exhibit I1A and I1B, the Court Panel recognizes that there was no proper reason, under Marshallese custom, for the change that took place in which it did not follow the order of descent from Jomakro to his children and grandchildren that are still alive. It was not proper for Zedkeia Nack to hold the Senior Dri Jerbal on Murle Island because the bloodline from Jomakro to his children and to his surviving grandchildren had not become extinct. The Court Panel believes and recognizes that this is the reason why the Koba Maron Committee recognized that it is right and proper for Sears, with the authorization of Ato, to hold the Senior Dri Jerbal title on Murle Island, Kwajalein Atoll. Ato was not a party in this case but he attended the meeting of the Koba Maron Committee held on Ebeye, Kwajalein Atoll, on February 7, 2012. Ato can always file a complaint against Sears Kobeney in the future.

During the trial the members of the Koba Maron Committee, who were selected to go to Ebeye and conduct the meeting for the families of Murle Island, testified that Sears Kobeney is now the proper person to hold the Senior Dri Jerbal on Murle Island. Iroj Kotak Loeak was also present during the meeting on February 7, 2012, but he did not appear in court to testify on the meeting that took place on Ebeye, and there was no written statement by Iroj Kotak Loeak against the Minutes of the Meeting, which was signed by the Officers of the Koba Maron Committee in which Irojlaplap Anjua Loeak agreed to.

Therefore, the TRC Panel, after hearing the case, agrees that it is rightful and proper for Sears Kobeney to hold the Senior Dri Jerbal title on Murle Island, Kwajalein Atoll. This agreement is based on the Menmenbwij of the family in which Murle Island is Bwij land and the Botoktok line still exists.

**NAME(S) OF WITNESSES FOR THE DEFENDANT SEARS KOBENEY:**

1. Atte Lang
2. Alvin Jacklick
3. Abji Jally
4. Betry Langijota
5. Hongra Hanerc
6. Sears Kobeney

**NAME(S) OF WITNESSES FOR INTERVENER MARK MAWILONG:**

1. Helbi Mawilong
2. Lenkwadrik Abija
3. Althea Mawilong
4. Resneld White
5. Sears Kobeney
6. Tanya Lomae

**IMPORTANT ITEMS AND TANGINLE AND DOCUMENTARY EVIDENCE RECEIVED:**

1. Intervener I1A – Menmen-Bwij\* an Jukjuk in Bed eo Ion Murle, Ilo Aelon Kwajalein
2. Intervener I1B – Menmenbwij
3. Intervener I1C – Juon Petition non Irojlaplap Anjua Loeak
4. I1D – Certificate of Traditional Successor
5. I1E – Kalimur Eo Alikтата Ikkijen Jea eo an Senior Dri Jerbal Ion Murle, Kwajalein
6. Nack TRC1 – Genealogy Chart
7. Nack TRC2 – Memorandum
8. Nack TRC3 – Certification Document Title & Interest
9. Nack TRC4 – Certificate of Death
10. Nack TRC5 – Memorandum
11. Nack TRC6 – Revocation of Power of Attorney
12. Nack TRC7 – Letter of Clarification
13. Nack TRC8 – Letter from Ministry of Finance
14. Nack TRC9 – Judgment and Order
15. P-6a – Certification of Traditional Successor
16. P-6b – Minute in kwelok, Koba Maron
17. P-6c – Affidavit of Irojlaplap Anjua Loeak
18. P-6d – Genealogy Chart

**OTHER MATTERS THE COURT PANEL DEEMS IMPORTANT TO MAKE KNOWN:**

Intervener Exhibit I1A, KON (Agreement) of Irojlaplap Anjua Loeak, Alab Libol, and Senior Dri Jerbal Labio, which was signed on March 1985, does not declare or indicate that the title of Senior Dri Jerbal should not go to the children of a male. It only declares that this Menmenbwij is the 'road map' for future generations to abide by.

'Alap Alaj', is the role and responsibility of an Alab as a leader to lead and supervise all activities on the land for the Bwij, which include the children of the women and the children of men. It is the responsibility of the Alab to lead the people on the land so that the work on the land can be maintained properly. However, if it requires any changes to any accorded inheritance of land title, in this case the inheritance of the Senior Dri Jerbal title, the Alab must include the thoughts of the proper descendants. In the case of Murle Island, it is clear from the meeting of the families on Ebeye, Kwajalein on February 2012, that Lato Langkieo and Sears Kobeney did not agree with the decision of the Alab that Mark Mawilong is the proper person to hold the Senior Dri Jerbal on Murle Island (see Exhibit P-6b, or video tape of the meeting on Ebeye, Kwajalein on February 7, 2012).

Date: \_\_\_\_\_

\_\_\_\_\_/s/\_\_\_\_\_  
Walter K. Elbon  
Presiding Judge of the Panel  
Traditional Rights Court

\_\_\_\_\_/s/\_\_\_\_\_  
Nixon David  
Judge of the Panel  
Traditional Rights Court

\_\_\_\_\_/s/\_\_\_\_\_  
Grace Leban  
Judge of the Panel  
Traditional Rights Court