

**FILED**

IN THE TRADITIONAL RIGHTS COURTS

FRED DEBRUM )  
 )  
 Plaintiff, )  
 )  
 Vs )  
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 WINTON MAUN, et al. )  
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 Defendant. )  
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CIVIL ACTION NO. 2007-029

Supplemental Opinion in Answer to  
Questions referred to the Traditional  
Rights Court under the Rule 9 Order.

AUG 17 2008

DEPUTY CLERK OF COURTS  
REPUBLIC OF MARSHALL ISLANDS

The hearing in this case was held on November 26 to 29, 2007, between two parties only, Plaintiff Fred Debrum and Defendant Winton Maun. The children of Lejka Mack were present as witnesses for Plaintiff Fred Debrum. The dispute in this case concerns the land given away by Lejka Mack to Fred Debrum. According to the testimonies in the case, Lejka Mack did not give away all of Kiniloke Wato to Fred Debrum, but only a little portion of it.

The hearing in this case, conducted from November 26 to 29, 2007, raised the following question/issue:

**1. Who is the Senior Dri-Jerbal of Kiniloke Wato, Rairok Island, Majuro Atoll?**

Two of the Traditional Rights Court (TRC) Judges answered Fred Debrum. Under Marshallese custom, Alab Lejka Mack **kadlebe** (gave away) a portion of Kiniloke Wato to Fred Debrum, the area where Winton Maun is building his house on. The Judges recognized that Fred Debrum is the Dri-Jerbal on that very small piece or portion of land. Winton Maun is only in-line to the title of Alap. To give an example, Alab Lejka Mack gave 10% of Kiniloke Wato to Fred Debrum. But where or to whom does the 90% go to?

There is no question that Lejka Mack's children inherit the right of Senior Dri-Jerbal on Kiniloke Wato.

On June 4<sup>th</sup>, 2008, there was a hearing under Rule 9 of the Traditional Rights Court Rule of Procedure, which the High Court held, between the parties. As a result of the hearing, new questions were raised and referred to this Court of Custom:

Answers to the Questions:

1. The lagoon-side of Kiniloke Wato where Fred Debrum built his house at. Yes, it is situated/located on the lagoon-side of the main road from Rita to Laura Village. This is the portion of land which Lejka Mack had given him. According to the land survey, it showed the total land area of the portion of land in dispute. It is the area now where Winton Maun's house is built on.
2. No, there were no discussions of the word **RAK**, in the case. As a matter of fact, one of Plaintiff's witnesses testified that the lagoon-side of Kiniloke Wato is the portion of land that Lejka Mack gave away to Fred Debrum. This Court of Custom still believes that High Court Civil Action No. 2007-029 concerns only Kiniloke Wato, "tu-ar" or the lagoon side of the main road from Rita to Laura Village.
3. The Traditional Rights Court has given its opinion in answer to the question of "who is the Dri-Jerbal for the lagoon side portion of Kiniloke Wato?" According to the land survey, the total land area is 0.12534 HA or 0.3099 AC. Because there were no discussions concerning Kiniloke Rak Wato, the Traditional Rights Court therefore confirms its Opinion in Answer to "Who is the Dri-Jerbal of Kiniloke Wato, between the two parties?"

4. Yes, Fred Debrum is the Dri-Jerbal, according to the main question/issue of the case: “Who is the Dri-Jerbal of Kiniloke Wato, between the two parties?” Senior Dri-Jerbal is a new title, written and mentioned in the Constitution of the Marshall Islands. However, it is a term that is used more often in Majuro and Ebeye, mainly where there’s a much greater flow of money. Yes, it is true, today, there are only certain people who hold the title of Senior Dri-Jerbal. This Court of Custom has no doubt that one of Lejka Mack’s children can inherit the title of “Senior Dri-Jerbal”. On June 10, 1971, the Trial Division of the High Court, Trust Territory of the Pacific Islands, rendered a Judgment in Civil Action No. 411, that Lejka Mack was the Senior Dri-Jerbal of Kiniloke Wato.

No, the Traditional Rights Court did not say Winton Maun and his mother have no rights on Kiniloke Wato. One of Plaintiff’s witnesses had testified that there was a land division. It is in fact true that this was mentioned, but Defendant Winton Maun and members of his family did not contradict or object to this statement. Therefore, the Traditional Rights Court went ahead and stated that “if it is in fact true that there was a land division, then that would be a case or suit for the future.” As a matter of fact, the discussions and testimonies held concerned mainly the Dri-Jerbal title only, and not the Alap. Now, this Court of Custom does honor the “stipulation” by the parties that Tarmutes Motlok is the Alap. Although Tarmutes may be the Alap, that does not mean Winton Maun in turn will become Dri-Jerbal for the Wato, No! He has no authority or right whatsoever in destroying property belonging to Fred Debrum.

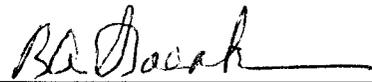
5. Yes, although Winton Maun does not hold the title of Dri-Jerbal, he still has rights to Kiniloke Wato. However, he should respect the others who live on the wato as well.
6. Kiniloke Wato is a pretty large area. Winton Maun could have built his house anywhere on the wato, excluding the area or portion of land where Fred Debrum built his house on. He was warned to stop the building of his house, but he did not stop. Yes, Kiniloke Wato, the lagoon side portion is Fred Debrum's land. This is the opinion in answer to the important question of High Court Civil Action No. 2007-029.

Dated this 19 day of August, 2008,



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Berson Joseph  
Chief Judge, Traditional Rights Court



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Botlang Loeak  
Associate Judge, Traditional Rights Court

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Kalemen Jinuna  
Associate Judge, Traditional Rights Court

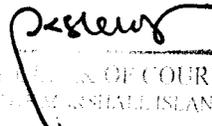
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 Defendant )  
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Answers to Questions referred to the Traditional Rights Court as per the Rule 9 Hearing

FILED

APR 13 2008  
  
 DEPUTY CLERK OF COURTS  
 REPUBLIC OF THE MARSHALL ISLANDS

1. WHO IS THE SENIOR DRI JERBAL OF KINILOKE WETO, RAIROK, MAJURO?

Lejka's children - Bira and Jenny are the senior dri jerbal.

2. IF THE SENIOR DRI JERBAL IS FRED DEBRUM, DOES THE DEFENDANT WINTON MAUN HAVE THE RIGHT TO BUILD HIS HOUSE ON THE LAGOON SIDE OF THE ROAD ON KINILOKE WETO?

Yes, Winton Maun have the rights to build his house on Kiniloke weto. That goes to other bwij members as well.

1. BY THE PORTION OF THE LAGOON SIDE OF KINILOKE WETO, WHAT DOES THE TRC MEAN, WHAT AREA DOES THIS COVER?

The portion where Fred Debrum's house was erected and is now being used by Winton Maun to build his house. This covers an area of approximately 100 feet on the lagoon side of the weto.

2. AND CONSIDER PLAINTIFF'S EXHIBIT A REFERS TO KINILOKE RAK WETO, IS THIS THE SAME LAND THE TRC REFERS TO AS KINILOKE WETO, OR IS IT THE SAME LAND THE TRC REFERS TO AS KINILOKWE WETO, OR IS IT THE SOUTHERN PORTIONK OF KINILOKE WETO. THE HIGH COURT UNDERSTANDS THAT THE WORD RAK MEAN SOUTH.

This refers to the southern portion of the weto situated on the ocean side of the weto. I believe this was not discussed in the case.

3. IF IN FACT KINILOKE RAK WETO MEANS THE SOUTHERN PART OF WHAT THE TRC REFERS TO AS KINILOKE WETO, WHAT AREA IS THIS? THE LAGOON SIDE OF THE WETO IS NOT THE SOUTH SIDE. IT IS THE NORTH SIDE.

Kiniloke Rak weto is the southern portion of the weto situated on the ocean side. The disputed portion is on the north lagoon side of the weto.

4. WHEN THE TRC STATES THAT FRED DEBRUM IS THE DRI JERBAL TITLE HOLDER, DOES THIS MEAN THAT FRED DEBRUM IS THE SENIOR DRI JERBAL TITLE HOLDER AS THE TERM IS USED IN THE CONSTITUTION. AND IF FRED DEBRUM IS THE SENIOR DRI JERBAL TITLE HOLDER, IS IT TRUE THAT OTHERS CAN STILL BE DRI JERBAL ON THE WETO.

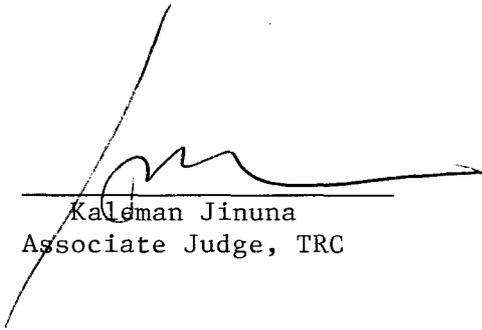
4. This case is "first impression" I have never seen one like it before. The term senior dri jermal can only be used in the bwij where members of the bwij know of it and understand of it. In this case at hand, I fail to see how Fred Debrum may be able to become a senior dri jermal.
5. ASSUMING THERE WAS NO DIVISION AND TARMOTE MOTLOK IS THE ALAB OF KINILOKE WETO AS STIPULATED BY THE PARTIES; DOES DEFENDANT WINTON MAUN HAVE DRI JERBAL RIGHTS ON KINILOKE, EVEN IF HE CANNOT BE THE SENIOR DRI JERBAL?

Yes, defendant Winton Maun have dri jermal rights on Kiniloke even if he cannot be the senior dri jermal. evidently, there was no division.

6. IF DEFENDANT WINTON MAUN HAS DRI JERBAL RIGHTS ON KINILOKE WETO AND HIS MOTHER, TARMOTE MOTLOK IS THE ALAB, CAN HE BUILD HIS HOUSE ON THE LAGOON SIDE OF KINILOKE WETO OVER THE OBJECTIONS OF FRED DEBRUM, IF INDEED FRED DEBRUM IS THE SENIOR DRI JERBAL ON THE LAGOON SIDE OF KINILOKE WETO?

Yes, Winton Maun can still build his house on the lagoon side of Kiniloke weto over the objections of Fred Debrum, even if Mr. Debrum was indeed the senior dri jermal of that lagoon side of the weto.

Dated this 13<sup>th</sup> day of August, 2008



Kaleman Jinuna  
Associate Judge, TRC