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REPUBLIC OF THE MARSHALL ISLANDS

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

JACK JORBON, Plaintiff, vs. DIAL AKIRA Defendant.	CIVIL ACTION NO. 2020-0329 ANSWER TO ADDITIONAL QUESTION
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RO UAAN PANEL EO: Grace Leban
Presiding Judge, TRC

Nixon David
Associate Judge, TRC

Claire T. Loeak
Associate Judge, TRC

This Court received an Order on April 27, 2022 referring an additional question to resolve in relation to its answer to "Question 2" of the certified questions initially referred to it by the High Court. The Traditional Rights Court (TRC) had issued its opinion and answer to the two questions referred to it from the High Court on January 07, 2022. On February 24, 2022, the Plaintiff filed a motion to have the case referred back to the TRC for resolution of additional questions. The Defendant filed an opposition to the Plaintiff's motion on March 7, 2022 and on March 16, 2022, the Plaintiff filed its reply to the Defendant's opposition.

The High Court referred the following question to the TRC for resolution:

Further to the TRC's answer to Question 2, is Iroijedrik Kelai Nemna's authorization of Dial Akira to build a house on Arkan Weto, Rairok Island, Majuro Atoll, Marshall Islands, valid under Marshallese custom without notice to and consent by Alap and Senior Dri Jerbal Jack Jorbon, who opposes the authorization?

After its deliberation, the Panel reiterates the validity of Iroijedrik Kelai Nemna's authority under Marshallese custom to permit Dial Akira to build on Arkan Weto. His authorization to Dial Akira, adduced from Defendant's Exhibits "A" and "B", and from his own testimony, was not arbitrary or unilateral, but the result of consultation and expressed written approval from the then Alap and Senior Dri Jerbal, as he perceived them to be, Walter Laelang and Arleen Laelang. This is implicit of Iroijedrik Kelai Nemna's claim that Arkan Weto is a *jurlobdren ne* and therefore, his recognition that his siblings were the rightful titleholders of Alap and Senior Dri Jerbal for the weto.

But after this Court's finding, based on the custom, that Jack Jorbon is the proper person to hold and exercise the Alap and Senior Dri Jerbal rights on Arkan Weto, it is therefore reasonable to ensure that the same consultation and expressed written approval process undertaken initially by Iroijedrik Kelai Nemna, Alap Walter Laelang and Senior Dri Jerbal Arleen Laelang that authorized Dial Akira to build on Arkan Weto, is also undertaken with the current Alap and Senior Dri Jerbal, Jack Jorbon.

This consultation and expressed written approval process between them under the customary practice of mutual respect and reciprocity will ensure their respective rights and obligations on Arkan Weto are valid. The Alap is obliged to have due regard for the Iroij and to ensure tasks assigned by the Iroij are properly carried out, and likewise, the Iroij is obliged to have due regard for the Alap, Dri Jerbal and people living on Arkan Weto, to care for them and to ensure there is peace and harmony. The custom dictates that an Alap and Senior Dri Jerbal have obligations to carry out for the Iroij, and in the same manner, the Iroij has obligations towards the Alap and Senior Dri Jerbal as part of the customary practice of mutual respect and reciprocity.

Date: _____, 2022.

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

_____/s/_____
Nixon David
Associate Judge, TRC

_____/s/_____
Claire T. Loeak
Associate Judge, TRC