

**IN THE CUSTOMARY LAND APPEAL COURT  
(WESTERN PROVINCE)**

(Appellant Jurisdiction)

Civil Case No. 18 and 19 of 2012

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**IN THE MATTER OF JITO TIMBER RIGHTS**

**BETWEEN: CHIEF LAZARUS ZALE  
JOHN SMITH PITABELAMA  
WINTER POLOSO VATORA  
PETER PITABOE**

(Representing Jito Tribe)

Appellants

**CHOISEUL PROVINCIAL EXECUTIVE  
(CHOISEUL PROVINCIAL GOVERNMENT)**

First Respondent

**AND: STANNLEY RIVOQANI QORAKONA  
(Representing Kerepaza Tribe)**

Second Respondent

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Pursuant to the powers vested on the Customary Land Appeal Court (Western), Jito Customary Land came before this Court from the appeal filed by the Appellants as stated in the Notice of Appeal dated 11<sup>th</sup> day of October 2012.

The appeal points numbered 1, 2 and 3 in the Notice of Appeal include the following:

1. The Choiseul Provincial Executive erroneously made its determination to exclude Jito customary land commencing from Rimata stream to Bi Vulu inland then to Quana Tutura across to Pedemate then down to Pinipini;

2. The Choiseul Provincial Executive failed to consider the Batava Council of Chiefs' decision made on 31<sup>st</sup> day of July 2012 which included the portion of land described in paragraph 1 being owned by Jito tribe;
3. The Choiseul Provincial Executive has no jurisdiction to determine land ownership or decide against the Chiefs' decision.
4. Consequent upon appeal ground 1, the appellants seek that part of the determination which determines portion of land commencing from Rimata Stream to Bi Vulu inland then to Quana Tuturu across to Pedemate then down to Piŋipini as Panaka land shall be revoked to its entity.
5. Consequent upon appeal ground 2, the decision made by the Batava Council of Chiefs which describes the boundaries of Jito customary land commencing from Zuzuru stream to Saqa Kokolo from inland, extending downward from Papara stream to Piŋipini at the shoreline shall be upheld.
6. Consequent upon remedies 1 & 2 above, the Court shall determine and grant timber rights to Jito Trustees for Jito tribe the portion of land being described as from Rimata stream to Bi Vulu inland then to Quana Tuturu across to Pedemate then down to Piŋipini at the shoreline.
7. The Customary Land Appeal Court (Western) delivered its decision which included the disputed boundaries as from Piŋipini, Kora, Kolombangara and Jujuru. Upon receipt of the written decision, the appellants and the second respondents petitioned against the descriptions in the Court's decision, saying that the boundaries are not correct. They contended that the boundaries described as disputed areas did not reflect what was described as disputed areas in the proceedings.
8. Having received written statements and verbal discussions from the concerned parties, it is the view of the CLAC (Western) to have the matter referred to the High Court for further directions on the understanding that we cannot correct or make afresh our own errors in that regard. However, we

realized that there is an error concerning the disputed boundaries according to the parties to the dispute.

9. Upon the Direction Order of the High Court in Civil Case No. 385 of 2013, the High Court under its inherited and supervisory powers by order, directs the Customary Land Appeal Court (Western) to remove the boundaries as from Pinipini, Kora, Kolombangara and Jujuru from its decision and insert the correct boundaries as from Kakuburu, up to Sararatovo, to Paqopua then to Tununukana stream as disputed areas as shaded in red on the attached map.
10. Upon the Direction Order of the High Court, this court has to sit and make afresh or insert the correct boundaries because it has to be endorsed by the quorum of the court. Though the matter has been long overdue, the opportunity to convene a sitting has been problematic due to financial constraint. Fortunate enough, this court managed to sit and put right the correct boundaries between Jito tribe and Kerepaza tribe.
11. Upon the Direction Order of the High Court, this court removes from its record from Pinipini, Kora, Kolombangara and Jujuru from its first decision as erroneously described as disputed boundaries.

The correct disputed boundaries shall now read,

*“from Kakuburu, up to Soraratovo, to Paqopua then to Tununukana stream”* as the disputed areas as shaded in red on the attached map.

12. This disputed boundaries described in paragraph 10 above shall be the disputed boundaries between Jito Tribe and Kerepaza Tibe.
13. It shall be the responsibility of the two disputing parties to resolve their differences should they intend to enter into some form of settlements or through a proper avenue of their choice.

14. In conclusion, this Court grants timber rights to the determined trustees of Jito Tribe commencing from Zuzuru to Saqa Kokolo from inland, extending downward from Papara stream to Pi~~n~~ipini at the shoreline.

15. No further orders.

Signed, Sealed and perfected on this                      day of April 2014.

1. Mr. Jeremiah Kema    -President
2. Mr. Allan Hall            -Member
3. Mr. Wellington Lioso -Member
4. Mr. Tan Take              -Member
5. Mr. Davis Vurusu        -Secretary/Member











