

IN THE HIGH COURT OF SOLOMON ISLANDS

Civil Jurisdiction

(Bird J)

Civil Case No. 195 of 2023

BETWEEN: RENDY LAMU SOLOMON, JOYCE LAMU MISSEL LAMU and OTHERS
(representing descendants of William Lamu Vaikera family and siblings of
Ovuku Nomana customary land) Claimants

AND: NIVAH INTEGRATED DEVELOPMENT COMPANY LIMITED (representing itself
& Directors/Trustees (Licensee) First Defendant

AND: GENERAL MANAGER AND GLOBAL (SI) LIMITED
(representing the contractor) Second Defendant

AND: ATTORNEY GENERAL (representing the Commissioner of Forest)
Third Defendant

Date of Hearing: 12th September 2025

Date of Decision: 16th October 2025

Mr John Smith Pitabelama for the Claimants

Mr Martyn Hauri'i for the First and Second Defendants (No Appearance)

Mr Allan Harara for the Third Defendant

RULING ON ISSUE OF STANDING/LOCUS STANDI

Bird PJ:

1. A Category A Claim was filed by Rendy Lamu Solomon, Joyce Lamu and Missel Lamu (Claimants) seeking restraining orders, and several other orders pertaining to proceeds of logging inside Ovuku Nomana customary land (subject land), situated in Kohingo Island, Western Province. In their re-amended claim, they seek a number of declaratory orders. They also claim damages for trespass and other consequential orders.
2. The Claimants assert that they and members of their family own the subject land. They further assert that Nivah Integrated Development Company Limited (1st Defendant), Global (SI) Limited (2nd Defendant) have entered the land and conducted logging activities therein without their consent. The Claimants challenge the validity of Felling License No. A 10440 issued by the Commissioner

of Forest (3rd Defendant) entitling the 1st and 2nd Defendants to enter the land and conducted their logging activities.

3. The court has noted that the land in issue is customary land. It is therefore a condition precedent that before the filing of claims in this court, a claimant must show that he/she has locus standi. Upon perusal of the filed documents before the court, I have not cited any land court decision in relation to the disputed land between the Claimants and the persons who had allegedly invited the 1st and 2nd Defendants to conduct logging in the disputed land. Consequently, and pursuant to rule 9.75 of the Solomon Islands Courts (Civil Procedure) Rules 2007 (CPR), the court on its own initiative raised the issue of the Claimants locus standi to commence this proceeding. The court required submissions from counsel for assistance.

The Claimants argument

4. The Claimants' argument as per submissions filed, is they have the necessary locus. Their basic contention is they have a chief's decision in their favour dated the 2nd September 2025. They also say there was a prior decision of the Roviana Chiefs delivered on the 22nd January 2014. They nonetheless do not place reliance on that decision because the subject land is not the issue in that decision.
5. Apart from their stating of section 239 of the Land and Titles Act and section 11 of the Local Courts Act, there is no other argument worth noting in their submission. In any event, I have perused the provisions and I can say that they are of no assistance to the Claimants on the issue of their standing to commence this proceeding.

3rd Defendant's position

6. On behalf of the 3rd Defendant, Mr Harara say that the Claimants now have standing. The decision dated the 2nd September 2025 had afforded them with standing. He also says that the Claimants lack standing at the time of the filing of their claim.

Discussion

7. The court has raised the issue of locus standi on a number of occasions in the proceeding. It was not addressed by the parties until when directions were made. There is no dispute that from the 5th May 2023 when the initial claim was filed by the Claimants, there was no valid court decision in their favour on the ownership and boundary of the subject land.
8. They now rely on the decision of the Kindu Chiefs dated the 2nd September 2025. It is their case that they have locus standi by virtue of that decision. During the hearing on the 12th September, the court had enquired of counsel Pitabelama and counsel Harara on the retrospective effect of the said decision. None of counsel could assist the court then.

9. It is noted that when this proceeding was filed on the 5th May 2023, there was no court decisions in favour of the Claimants on the subject land. That was the position when an amended claim was filed on the 7th August 2023. That state of affairs subsisted even when a re-amended claim was filed on the 21st November 2023. The decision that the Claimants are placing reliance on was dated the 2nd September 2025. That decision was made more than two years after the initial claim was filed.
10. In the case of *Veno -v- Jino* (2006) SBCA 22; CA-CAC 002 of 2004, the Court of Appeal stated inter alia that the appellants lacked standing because their claim as to customary rights over the subject land are no more than mere assertions. In that case, the appellants had no decisions in their favour on ownership of the land in issue.
11. In light of the view of the Court of Appeal referred to above, I can confidently say that before the 2nd September 2025 by which time the Kindu Chiefs had made a decision, the Claimants lacked standing to commence this proceeding. The said decision has no retrospective effect to validate the filing of the Claimants claim prior to the date.
12. I therefore conclude that at the time of the filing of their claim as amended, the Claimants lacked standing. Consequently, their claim as amended is hereby dismissed with cost.
13. Orders of the court:
 - i) The Claimants lacked standing.
 - ii) Their claim filed on the 5th May 2023 as amended is hereby dismissed.
 - iii) The court orders cost against the Claimants but only in respect of the 3rd Defendant's cost.

