

EX 166

IN THE ISABEL LOCAL COURT
SOLOMON ISLANDS

CASE NO: 07/2013

IN THE MATTER OF: Kigora

BETWEEN: Henry vasula Plaintiff

AND: James Ugura Defendant

Sitting on 24.03.2014

At Buala Station

Isabel Province

Ruling. 25.03.2014

Quorum.

Leslie Kikolo President (Ag)

Hugo Manegegu Member

Joseph Fonea Member

Frederick Pado Kana Member

Edmond Hagety Clerk

RULING

Introduction:

This Case is about tribal leadership that relates to Kigora land (Gao district of Isabel Province). The leadership dispute has gone through chief hearing on 21st September 2013 at Tatamba by the Tatamba ward House of Chiefs which its determination was made on 17th October 2013. Both parties claim leadership as who should have the right to stand on their tribe's behalf concerning customary land.

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Issues:

The issue before this court is whether or not it has jurisdiction to determine leadership of a tribe.

Findings:

The Court found through the documents available on the file that upon filing case to the Local Court, the Plaintiff produced Unaccepted Settlement Form as required in Section 12 (2) of the Local Court Act Amendment (CAP 19) 1985 and along with the Written Statement pursuant to Section 12 (3) a. b. of the Local Court Act Amendment (CAP 19) 1985.

Upon the Written Statement setting out the extent to which the decision made by the chiefs is not acceptable and the reasons for not accepting the decision, the plaintiff stated their reasons which the Local Court has no power to deal with this issue.

Through preliminary hearing of issues plaintiff tendered documents including a Perpetual Registration document. Such imply that the Local Court has no jurisdiction to hear registered land but customary land.

Rule/Law Apply:

In the matter of leadership dispute of Kolosori-Pirega Land, there is no rule or law stipulated in the Local Court Act hence does not affect the purpose of Sections 11 to 14 of the said Act, since those Sections of the Act only mention disputes over customary land. This court has no jurisdiction to hear tribal leadership issue

Analysis:

After hearing and considering both verbal and written statements of parties the Court understand the nature of dispute thus has no Jurisdiction to further hear and make its judgment into the matter. The appropriate body to determine tribal leadership of any tribe would be the tribal members of a particular clan or tribe, as such the Local Court consider traditional importance of our local customs and will rule otherwise

Conflict of leadership dispute in the tribe must go back to the tribal members to resolve their conflicts, according to the Isabel Custom.

Conclusion:

Having considered the above discussions the Isabel Local Court make the following orders;

Orders

1. Current application of plaintiff is strike out.
2. Costs to be borne by parties

Right of Appeal is three (3) months from date these orders made.

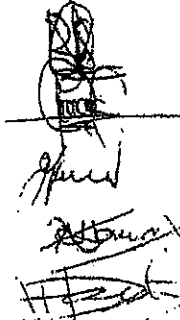
Leslie Kikolo

Hugo Manegegu

Joseph Fonea

Frederick Pado kana

Hagety Edmond



President (Cag)

Vice President (Cag)

Member

Member

Clerk

Dated this 25th day of March 2014.

