

IN THE TAFEA ISLAND COURT OF  
THE REPUBLIC OF VANUATU  
Held at Tanna  
(Civil Jurisdiction)

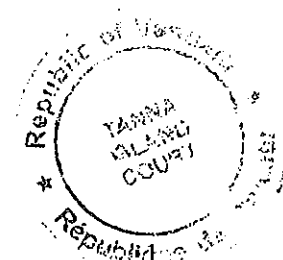
Land Case No. 2 OF 1997

BETWEEN:	TRIBE RAKATNE - Original Claimant
And:	FAMILY NAHINE NISINAMIN - Counter-Claimant No.1
AND:	FAMILY NIPIKNAM - Counter-Claimant No.2
AND:	FAMILY IAHLIAN ASUL - Counter Claimant No.3
AND:	NAKANE TRIBE & NISINAM - Counter Claimant No.4
AND:	FAMILY KASO INAM - Counter-Claimant No.5
AND	FAMILY KOMAN ETA - Counter- Claimant No.6
AND:	FAMILY NAHEU FAILET NAMEL - Counter-Claimant No.7
AND:	TRIBE NAHIFA NISSINAMIN - Counter-Claimant No.8
AND:	NATUKA MATAUA (Tribe Nissinamin) - Counter-Claimant No. 9
AND:	NAWAKAI KAPATANGATANG - Counter-Claimant No.10

JUDGMENT

Hearing Date: 11 August 2008

Judgment Date: Oral: 3 December 2009.



Corum: Nesbeth Wilson  
Senior Magistrate

Justices: Mrs Talita Wilson  
Chief Samsen Ieru  
Chief Kaltai Tom

Clerk: Blandine Tepi

**NEM BLONG LAND CLAIM : LENKOWNGEN (WHITE GRASS)**

**Kastom blong usim blong harem land kes ia**

Kot ibin lukluk long kastom we bae kot ifolem long kes ia. Kastom we olgeta patis oli kat mo oli agri blong folem hemi man or bladlaen (patrilaenal) be ino woman (Matrilaenal), be woman isave kam in nomo sipos bladline inomogat, tribe mo boundry blong claimem kastom ownaship blong land ia.

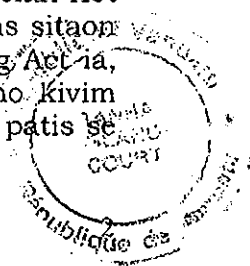
After Kot iharem olgeta patis hemi kamap wetem sam focus questions we inid blong kot iansa blong kamap wetem decision blong hem long faenem who ia nao ikastom owna long land ia: -

- 1 - Land ia Lenkwangen istap long wanem Tribe?
  - Wanem nem blong nakamal we tribe ia ikat?
  - Nakamal ia istap wea, mo ol smol smol nakamal blong tribe ia istap Wea?
  - Who ia Iararama blong Tribe ia?
  - Who ia Iani blong Tribe ia?
  - Mo Who ia Tupunis blong Tribe ia mo wanem nao wok blong each one.
  - Wanen nao ol kastom rod we oli folem blong mekem ol kastom.
- 2 - Boundry
- 3 - Bloodline whether hemi man (luk luk long family tree)
- 4 - Faet mo movement blong ol pipol

Mo storian we bae ol parties oli talem long kot blong pruvum se who nao iract kastom owna blong land ia bae i kam aot nomo long kastom blong yumi long Tanna.

**Komposision blong Kot**

Long Amendment Act No.35 blong 1989, Parliament i bin pasem se anda long seksen 2 blong Aelan Kot Act, CAP 167, taem we Aelan Kot isitaon blong harem dispiut long land bae wan Magistret i mas sitaon wetem trifala Aelan Kot Jastisis. Anda long seksen 2(a) blong Act ia, wan Magistret olsem bae ino save sitaon sapos Jif Jastis ino Kivim authoriti long hem. Folem hemia Kot i wandem talem long ol patis se



olgeta we oli deal wetem kes blong Lenkowngen land oli qualifae evri wan.

Kot ibin askem sipos any parti oli wantem object long any long mifal we bae mifala isitaon mo harem kes be everywan iagree se bae mifala everywan bae mifala isave harem kes ia.

**Brief history blong kes ia:**

Samtaem long 1997 Tribe Rakatnee oli filem land case mo pem fees blong olgeta long Kot long saed blong land ia Lenkowngen (White Grass) we International Airpot istap long hem.

Island Kot Clerk hemi publishim notice blong land ia long wan manis according long law blong Island Kot CAP 167 long Order 6 Rule 8 mo 9. After publishment blong notice Family Nahine Nisinamin, Family Chief Nipiknam, Oune Tribe, Family Iahlien Asu, Nake Tribe & Nisinamin, Family Kaso Inam, Family NAhe Kawiap, Family Koman Eta, Family Naheu Failet Namel, Nahifa Nissiamin, Tribe Nissinamin oli filem olgeta claims blong olgeta olsem oli counter claimem land ia mo oli pem kot fees.

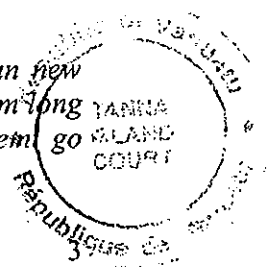
Bifo kot iharem substance blong case kot ibin explain gud long ol patis se land case hemi important long laef blong wanwan man we iting se ikat raet blong onem land ia mekem se ol patis oli mas andastand se hemi impotent se olpatis oli mas helpem kot blong kot ihelpem olgeta. Ibin kat two parties we ibin withdraw olsem party long kes. Kot ibin givem chance long tufala parties ia sipos tufala iwantem kam back again tufala isave kam be tufala insist se bae tufala ino kam back. Wan particular party we Kot iaskem blong tingting again hemia we iblong Chief Tom Nemake.

During long hearing blong kes ia ibin kat sam application we ol parties oli bin mekem long kot.

Original Claimant hemi mekem wan application blong karem wan nara witness from se one long olgeta witnesses blong hem idecide blong go pikimap apple long New Zealand. After kot iharem application blong hem kot iharem ol nara paties long saed long responds blong olgeta. After kot iharem everywan imekem wan decision mo refuse application ia. Decision ia iko olsem: -

**"DECISION**

Hemia hemi wan application we Original Claimant imekem blong karem wan <sup>new</sup> witness blong witnessem claim blong hem from land ia Lenkowngen. Hemi talem long Kot se hemi kat 5 witnesses everywan be wan long olgeta Raymond Talfa hemi go



long New Zealand mekem se hemi mekem application ia blong takem Iapatu Des blong taken place blong hem.

Afta kot iharem application ia hemi harem tu ol responses long ol nara patis. Ol nara Claimants oli object long application blong hem mo oli talem se statement hemi redi finis, kes istat finis mo witness ishud stap long kot blong givim evidence. One hemi no object be hemi se sipos ikam bae itoktok nomo long ol frut trees. Claimant No.5 tu hemi no object.

After kot hemi harem everywan mo considerem ol toktok every wan hemi decide se bae ino grantem application blong Original Claimant.

Kes hemi start finis mo Order 16 Rule 2 mo Order 18 Rule 2 blong Island Court Act CAP 167 hemi no qualifem kot blong grantem application ia. Order 18 hemi requirem 2 weeks blong any pati imas prepare mo forwardem witness statement iko long Clerk before kes blong hem istart mekem se hemia hemi no qualifaem kot blong grantem application ia. Mo tu man we Original Claimant hemi wantem putum blong witness Iapatu Des hemi bin stap long kot since kes istart mekem se hemi no qualifaem hem tu blong kam wan witness.

Having said this, Kot irefusem Application blong Orginal Claimant.

Dated long Lounatm, Tanna long namba 16 August 2008."

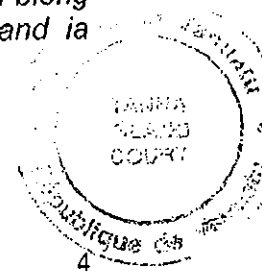
After long hemia ikat wan mo application were Philip Daniel Spokes man blong Nawakai Kapatangatang imekem. Long application blong hem, Philip hemi talem se hemi needim wan more witness from se hemi gat wan witness nomo. Hemi gohed blong talem se hemi bin Original Claimant wetem Rakatne we IAUKO Masias hemi bin Spokes man. Be taem lauko hemi ded ol nara members blong Original Claimant oli no wantem usum story blong hem mekem se oli devide. After oli devide hemi mekem cliaim blong hem hemwan. Taem hemi bin short tumas before kot istatem kes mekem se nao application blong hemi blong sipos isave karem wan mo witness.

Kot iallowem application blong hem mo givem taem blong hem blong hemi save faelem witness statement blong hem. Order blong hem igo olsem:

### "DECISION

Hemia hemi wan application we Counter Claimant No. 10 hemi mekem blong karem wan new witness blong wisessem claim blong hem from land ia Lenkowngen.

Hemia olgeta graons blong application blong hem: -



1. Hemi kat two witnesses nomo be wan long tufala witness blong hem hemi informem spokesman se bae hemi no save givim evidence from bae hemi go long New Zealand long next week.
2. Nara rison hemi se from hemi bin Original Claimant be taem spokesman lauko Masias hemi ded long last year finis ol nara member blong family blong lauko oli no wantem se bae oli usum family tree blong hem then oli decide mo agree se bae family Daniel lala Kapatangatang oli save claim olgeta nomo. Hemi bin late tumas long hem blong hemi preparem 5 witness so hemi bin preparem two nomo. Mo taem nara witness blong hem italem long hem long Thursday 14 August 2008 se bae hemi go long New Zealand next week nao hemi makem application ia blong sipos hemi save tekem wan nara man blong witness blong hem.

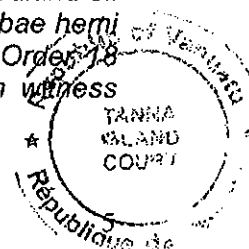
After kot hemi harem application ia hemi haren tu ol responses long ol nara parti tu. Out long nara 10 parties two long olgeta tufala ia object long application ia. Original Claimant hemi object mo hemi talem se hení no agri because hemi mekem wan application tu blong karem wan nara witness from one long witness blong hem ibin go long New Zealand be kot ino allow hem. Mo hemi kohed blong talem se sipos kot ino allow hem then bae ino mas allow any wan blong takem nara witness. Original Claimant ikat 5 witnesses everywan. Wan iko long New Zealand mo four istap.

Counter Claimant No.1 hemi object tu mo hemi se rison blong hem isemak long Original Claimant.

Olnara 8 Claimants oli no object be oli talem se bae hemi no fea long Claimant No. 10 sipos hemi no tekem wan nara witness from se hemi separate wetem Original Claimant long last minute nomo mo hemi kamaot without any long olgeta witness we tufala ibin putum blong oli witnessem kes blong tufala. Tu hemi no kat taem blong preparem olgeta 5 witnesses ia we loa irequirem long short taem ia.

After kot hemi harem everywan mo considerem ol toktok every wan mo tu lland Kot Act Chapter 167 long Order 16 Rule 2 we hemi talem se taem we wan pafi hemi mekem application from we wan witness bae ino save kam long kot mo befor kot imekem decision man we hemi apply hemi mas satisfae kot mo imas kat ol strong evidence se bae witness ia bae hemi no save available long taem long kes blong hem. Mo tu long Order 18 Rule 2 hemi talem se everi parti weta plaintiff or defendant ikat raet blong singaotem 5 witnesses blong supportem claim blong olgeta. Olgeta witnesses ia oli mas statem long writing mo givem long Clerk olgeta evidence we oli intend blong talk abaot long kot two week before kes istat.....

Under long Order 16 Kot isatisfae se taem olman oli ko long New Zealand oli save stap kasem 6 manis mo hemi possible se witness blong hem bae hemi no save available long taem blong kes blong hem. Mo under long Order 18 bae ikat enough taem blong Claimant No.10 ikat blong preparem witness



statement mo sharem long ol nara pati before taem blong hemi mekem kes blong hem.

Long basis ia mo after olgeta consideration ia Kot hemi satisfy se Tribe Nissinamin hemi no bin gat enough time olsem ol nara pati ikat blong save preparem olgeta 5 witnesses blong hem mo tu kot isatisfied se hemi nid blong kat at least wan nara witness sipos one hemi withdraw. Nao Kot igrantem application blong Claimant No. 10 we hemi Tribe Nissinamin blong itakem wan nara witness blong takem place blong witness ia David Hiwa Kekap. Witness bae hemi tekem hemi mas wan man we hemi never stap long kot long taem we Original Claimant hemi mekem kes blong hem. Tribe Nissinamin ikat 14 days blong preparem witness statement blong hem mo forwardem long Clerk blong Clerk iservem long every pati before kes blong hem istart.

Dated long Lounatm, Tanna long namba 17 August 2008."

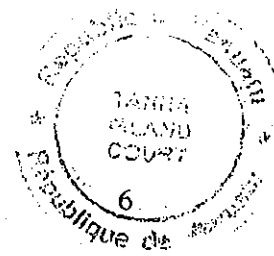
Ibin kat sambala smol smol application be oli similar long tufala antap mo kot ibin deal wetem every wan as hemi stap gohed blong harem case ia.

### **OBSERVATIONS MO FINDINGS BLONG KOT**

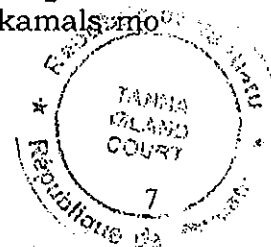
After kot ibin harem every party insaed long kot room kot iwokabaot long land wetem each parties kot iwantem mekem some observation then ol findings blong hem.

Long taem blong hearing blong kes insaed long kot, wokabaot long land, mo ridim ol submissions blong each parti observation blong kot iolsem:

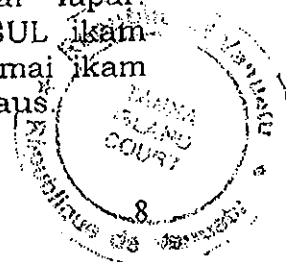
1. Kog ifaenem se nem blong graon or land ia hemi LENE GAUGEN (whitegrass) mo hemi stap insaed long wan boundry we devil isingaotem. Boundary ia hemi Naih ne.
2. Dispute blong land ia istap long Naine tribe.
3. Iamanueh hemi stap gud ino gat dispute long hem.
4. Insaed long Boundry blong Naihne igat wan smol tribe we oli colem Nainisinam min tribe we istap inside long big fala tribe blong Naihne.
5. Kot ifaenem se igat two claimant oli claim long Naihne tribe. Family Namip Ialamai/ Namip Naiu mo one hemi Naiue Falet.



6. Follem ol Findings blong Kot, kot ifaenem se Naihne tribe we lalamie hemi representem hemi outside long boundary we dispute istap long hem.
7. Iamanueh ne tribe we nakamal blong hem hemi ilisilis nakamal, hemi stap long naraside creek we ioutside long boundry blong disputed land ia.
8. Narafala Naihne tribe hemi Naiiau Fillet. Kot ifanem se hem nao hemi raet man blong Naihne tribe long land ia
9. Insaed long Lenkowngen, Supreme nakamal blong Naihne tribe hemi Loulipong.
10. After hearing blong Kot wokabout blong kot iluk se hemi gat plante evidence long tribe ia Naihne. Long Loulipang supreme nakamal blong hem, hemi gat Ieni, Ieramara mo Tupunis. Ol kastom rods we ipruvum hem plante long tribe mo nakamal.
11. Nalau Bejel mo Gideon Nampas tufala iwitness blong lalamai. Tugala witness ya tufala iwitnesssem boundary ya creek to creek long taem we tufala istap witnesssem lalamai tufala ino bin save se ilisilis Supreme Nakamal blong lalamai istap long narasaed creed long Imanueh ne tribe. From reason ia kot iluk se ialamai hemi no blong Naihne tribe be hemi blong Iamanuahne tribe we hemi stap outside long boundary blong land we dispute istap befo long kot ia. Long wokabout Kot ivisitim ilisilis nakamal mo kot ifaenem se hemi stap long narafala tribe we hemi Iamanueh ne tribe long naraside creek. Nakamal ia hemi gat Ieramara, Ieni mo Tupunis blong hem we oli stap nomo mo ol kastom activities blong hem tu oli stap.
12. Insaed long bigfala tribe Naihne, long lukluk blong kot, kot iluk se Nissinamin hemi wan smol tribe we istap insaed long Naihne tribe we hemi stap wokem ol tupunis blong solwota olsem turtle, seaweed, fish, shark and more. Hemi gat ol smolsmol nakamal blong hem long Kotaren rod olsem:
  - Lamkawiawia
  - Lonikiapen
  - Lamalu
  - Iwiak
13. Ol nakamal ya oli stap mekem ol activities blong olgeta mo oli stap sendem igo antap long ol dif different nakamals mo tribes follem ol kastom rods blong kastom olsem:

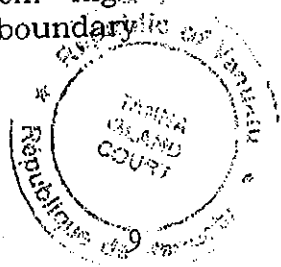


- Numalkaupam rod
  - Numanipitang rod
  - Kotaren rod
  - Numanamkenan rod
14. Kot ifaenem se Nissinamin Tribe hemi lingem tugeta Naih Nisinam min mo Family Natuka MATua mo Family Nipio lokatilum
  15. Kot ifaenem se Nipio lokatilum mo Natuka Matua iwan blood nomo. Blood blong woman mo blood blong man. Kot istap putum tufala ikam wan party nom oblong small tribe ia Nainissinam min.
  16. Nainissinam min tribe hemi stap inside long bigfala tribe ya Naihne we spokesman Naiiau Failet irepresentem.
  17. Kot ifaenem se Nissinam min hemi wan workman blong naihne tribe.
  18. Long saed blong Kotaren rod kot ifaenem se Nissinam min hemi wan wokman blong Naihne tribe long Koraten rod.
  19. Kot ifaenem se igat plante claiman we oli claim under long nem ia Nissinam min, mo wan long olgeta hemi Naifa Nisinam we Rex Apen hemi spokesman.
  20. Kot ifaenem se plate long nem ia Nissinam min under long bigfala tribe. Naifa hemi no wan nem we Kasasau mo Kaniapnin isingaoutem. Naifa ino gat long nisinam min tribe, be hemi stap long Iamanuah ne tribe we nakamal blong hem hemi Lamasak.
  21. Kot ifaenem tu se Rex Apen hemi spokesman blong Family Chief Tom Nemake, Family Tom Kapen mo Family Namp Ialamai Namip Naieu. Family tree ishoem se taem long faet, mo after faet itek ples inomo kat man long Ilisilis mekem se olgeta long Laul nakamal (Ioune tribe) oli adoptem Inam Riti wetem wan man Naihne we nem blong hem Inam Ripit long Loukauit nakamal oli putum hem long Ilisilis nakamal long Iamanuah ne tribe. Taem oli putum Inam Riti long wei, oli changem nem ia inam Riti iko back long Laul. Nao oli putum Ialamai Tukiapen long Ilisilis. Ialamai Tukiapen ikam Nalauas Asul.
  22. Kot ifaenem se Nalauas ASUL ikam Ialamai Iapar. Ialamai iapar ikam Tom Nunmake. Nalauas ASUL ikam Nalake. Nalake ikam Jimmy Ialamai. Jimmy Ialamai ikam spokesman Sam naiu. Nalake ikam Tom Kapen Nalauas

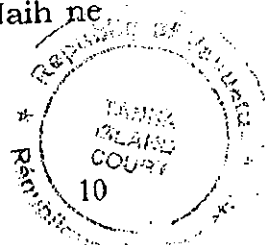




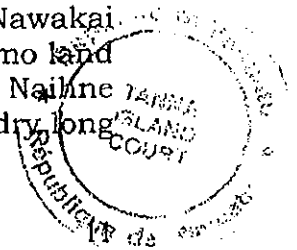
23. Kot ifaenem se blood line ia hemi blong Iamanueh ne ino blong Nissinam min. Nissinam min hemi stap long Naihne Tribe.
24. Long saed blong Nipiknam Yao Yao Kasasau mo Kanipnin ino bin singaotem. Kot ifanem se hemi name blong man nomo. Nipiknam hemi stap long Lenaken Lauieau mo hemi no blong Nissinamin. Long Lauieau Lauieiau Napiknam hemi Ieramara long Navea Le Suatu. Hemi gat Yeni mo Tupunis blong hem long nakamal blong hem antap. Second witness blong hem ibin talem long kot taem hemi tok about turtle olsem feather blong fowl blong putum long head be ino turtle. Hemi Ieramara blong nakamal antap long narafala tribe mo hemi go jum in backagen long narafala tribe down long coastal area.
25. Kot ifaenem se Nipiknam Yao Yao hemi wan long lida behind long faet we itek ples long Lenkwongen (Whitegrass). Olgeta witnesses oli bin admitem se Nipiknam hemi bin faet long Lenkwongen. Ikat pruv se afta faet hemi bin planem nambanga tree ia we nem blong hem Niko Noanalmanik mo tu hemi bin gat wan piece graon long Lenkwongen we hemi payment blong faet we oli kolek Louwaleuleu we imin blood mo istil stap today. Hemia ishoem long kot se hemi no blong Lenkwongen from se sipos hemi blong ples ia bae hemi faet from wanem mo bae oli givim graon long hem from wanem. Sipos Lenkwongen hemi graon blong hem why bae ikat wan pis graon insaed yet olsem wan paymen.
26. Kot ifaenem se hemi blong Lenaken Louieuah nakamal.
27. Long saed blong Kasso Inam kot ifaem se hemi wan very high ranking jif blong wan Supreme Nakamal we oli kolek Iwel. Hemia istap long tribe blong Nuwalanahim Tribe we istap antap long Middle Bush we devil ibin singaotem. Kasso Inam hemi Ieramara blong Ivel nakamal mo hemi gat Ieni mo hemi kat Tupunis mo tu hemi kat ol kastom network blong supreme nakamal blong hem. Nuwalanahim tribe mo ol lan blong hem oli stap ol raet nomo mo oli no stap long disputed area we istap befo long kot we hemi stap long boundary blong Naihne Tribe.
28. Naihne tribe istap long Lakapasei iko kasem Ipak igo antap ikasem Laulipong nakamal. Kot hemi respectem high nakamal Ivel we hemi stap gud finis long Tribe mo boundary blong hem.



29. Long kes blong Kouman Eta kot ifaenem se Kouman hemi wan stone we istap long Iamanuahne Tribe. Further more kot ifaenem se Kouman Eta inogat enough evidence or ol pruv blong olgeta storean or presentesen blong hem long kot. Hemi no gat long Naihne mo Nissinam min.
30. Rakatne (Original Claimant) iclaimem boundary we istart long Lokapase igo kasem Ipak iko kasem Lenarawia nakamal. Kot ifaenem se Lenarawia nao hemi Supeme nakamal blong Rakatne. Befo ikam kasasau mo Kaniapnin tufala ibin singaotem IauRakat. Long Supreme nakamal blong hem, hemi gat kastom rod numan istart long solwota igo kasem Lenarawia nakamal. Mo hemi gat interest tub long kam drink solwota long Nissinam min be hemi no save ownem graoun.
31. Kot ifaenem se Iauko Lima hemi bin ranaway follem rod Numan igo antap long Lenarawia nakamal. Nakamal ia hemi gat stone blong taro mo some mo kastom net work but oli no gat right blong kam ownem tribe ia Nissinam min mo Nissinam min hemi stap insaed long tribe blong Naihne.
32. Kot ifaenem tu se Rakatne hemi wan bigfala tribe we devil isingaotem wetem Iaune. Naihne devil isingaotem wetem Iamanuahne. Bigfala tribe Rakatne igat Supreme Nakamal blong hem we oli kolem Lenarawia we hemi kat kustom rod networks, hemi kat Ieramara, Yeni mo Tupunis blong hem long Tribe blong hem. Naihne Tribe hem tu igat Supreme Nakamal blong hem Loulipong. Hemi gat kastom rod net woks, Ieramara, Yeni mo Tupunis insaed long tribe blong hem.
33. Long wokabaot wetem Rakatne kot ifaenem se Rakatne ishoem wan mark we hami blong hem wetem Naikauiap ne long stampa blong wan natafoa tree long wan ples oli kolem Lemumuk mo hemi talem se boundary ia nao mo hemi mark blong Rakatne mo Naih Kauiap.
34. Kot ifaenem se Rakatne istap go insaed long wan bigfala tribe bagagen we hemi Naihne tribe. Kot ifaenem tu se long kastom blong Tanna wan bigfala tribe ino save rule over long wan narafala big tribe taem hemi wan big fala tribe finis.
35. Kot ifaenem se Rakatne Tribe hemi stap gud nomo long boundary blong hem wetem ol pipol blong hem. Tribe we istap long dispute hemi Naih Nissinam Tribe be ino Rakat Nissinam. Rakatne istap antap long Lemumuk, be Naih ne istap long Le Mumuk ikam kasem Solwota.



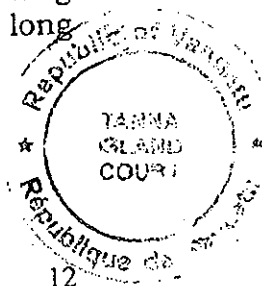
36. Kot ifaenem se Family Alien Asul hemi Claim long Nissinam min smol tribe. Folem ol history statement blong Ialien ASUL evidences blong ol witnesses blong hem oli stap testifyem long kot se Family Ialien Asul hemi wan family name mo hemi stap long one bigfala tribe we hemi Iaune Tribe hemia istap long South East direction long land we istap long dispute. Taem kot iwokabout wetem Family Ialien Asul kot ifaenem se Ialien Asul ibin pruvem hem wan se hemi no bin tekpat long tribal war we itek ples long Lenkwongen (white grass). Hemi bin pruvim hem wan tu se nakamal blong hem Laul mo Elimaga tu hemi main super powerful nakamal blong black majic (nelapen). Long taem blong wokabaot hemi shoem tu ol graves blong ol great great grand pupu blong hem mo papa blong hem. Hemi shoem tu ol kastom activities mo kastom rankings mo bigfala nakamal blong hem Laul.
37. Kot ifaenem se Family Ialien Asul igat identity mo ol kastom rod activities we istill exist today. Wokabaot blong hem ishoem fulap samthing insaed long disputed land ia. Iaune Tribe we kot ifaenem se Ialien Asul ikam out long hem oli kat strong kastom fashion istap mo oli kat access blong stap drink solwota long Nissinam min insaed long Naihne tribe. Oli kat ol kastom rods we oli save go through long solwota follem kastom practices blong befor finis ikam. Man long Bush isave go long solwota long ol pleses we kastom rod blong hem istap go through long hem. Kot ifaenem se Ialien Asul iblong Iaune Tribe.
38. Long saed long family Nawakai Kapatangatang kot ifaenem se hem tu istap long land ia Lenkwongen. Hemi stap long Urr-Nissinamin. Bifor ikam tufala Kasasau mo Kaniapnin tufala ino bin singaotem nem ya. Tufala ibin singaotem Naka Ielo mo Naih Iamanuah.
39. Kot ifaenem se out long 11 Claimants ia hemi wan nomo ibin mentionem nem ia Urr-Nissinam long kot. Nissinamin hem wan small tribe insaed long Naih ne Tribe. Kapatangatang hemi stap inside long one Super power nakamal long Laul we Ieni blong hem ikarem nem blong Nawakai mo Ieremara blong hem ikarem nem blong Nawakai mo Tupunis blong hem ikarem nem blong Nawakai bagaken.
40. Kot ifaenem se Kastom blong Tanna taem yu gat Ieni, Ieramara inside long nakamal blong yu long wan mama tribe bambae hemi impossible blong yu save over rulem wan narafala mama tribe bagagen. Kot ifaenem se Nawakai kapatangatang hemi stap long bigfala tribe ia Iaune, mo land we istap long dispute befor long kot nao we hemi Naihne Tribe. Bifor kot istat every pati oli agree se land boundry long



bigfala tribe hemi creek to creek mo bloodline blong man be ino woman. Kot ifaenem se Nawakai Kapatangatang ibin denyem plante se hemi no tek part long tribal war long Lenkwongen be sam witnesses blong hem oli bin testifyem long kot se wan piece ground nem blong hem Lawakahwa se hemi payment blong first fight blong family Kapatangatang long LAUL nakamal. Kot ifaenem tu se hemi save long faet ia. Kot ivisitim Lowakawa, long ples ia kot iaskem hem se ples blong who mo hemi talem se hemi ples blong Apu blong hem Sul.

41. Kot ifaenem se Family Nawakai Kapatangatang hemi blong Iaune tribe mo hemi Iaune. Oli save go drink solwota long ol pleses we oli stap go long hem before ikam be under long Naihne Tribe.
42. After longwokabaot wetem everi pati kot ifaenem se ikat sam long ol parties oli showem gud olgeta evidence blong olgeta we oli bin tok abaot insaed long kot be samfala oli talem sam nomo mo sam oli talem sam samting we oli no bin tokabaot long kot. Out long everi pati Family Naieo, Tangap, Ialien Asul wetem Philip Daniel oli showem ol evidence we oli clear olgeta mo tu toktok blong olgeta oli clear olsem oli save wanem oli stap talk about. Although olgeta sam family oli blong nara tribe we istap outside long dispute area be oli stap mekem ol activities today inside long Nissinam min Tribe. Hemia kot isatisfie se oli save continue blong cari aot ol activities insaed long disputed area be hemia imas unda long Naihne Tribe.

After olgeta findings and observations blong kot ia kot imekem conclusions olsem. Olsem we kot ibin informem every parti long stat blong harem kes se bae yu helpem kot blong kot ihelpem you long land kes ia. Ol samthing we yumi harem hemi wanem kot iobserve mo faenem thruaot long kes ia. Kot faenem tu se every pati long kes ia oli save gud who ia olgeta mo tu oli save gud wea ples oli kam long hem. Olgeta oli man kam oli save gud tu hao oli kam. Wan very gud example hemi Ialamai we ikam down from se imas stap long rod blong truck from papa blong hem iolfala mo isik blong hemi isi blong tekem iko long hospital. Mo tu nara wan mifala I understand from olgeta storian blong ol sam parties se Jif Tom Nemake hemi givim small gift olsem axe mo mattress iko long wan family blong mekem bankalow. Mo tu ikat sam parties oli kat access blong drink solwater insaed long Nissinam min we hemia ino min se taem oli save drink solwater long Nissinam min nao oli owner blong land ia.



### **Declaration**

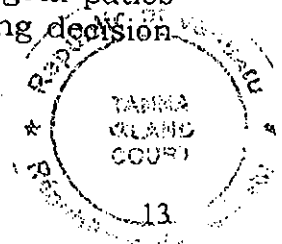
Afta mifala iconsiderem olgeta everi samting we ikam aot long kot thru long presentesen blong each pati, olgeta documents we each pati iprovidem long kot mo olgeta relevant samting we ol paties oli providem through long ol final submissions blong olgeta and after mifala italem aot findings blong kot, kot iwantem declare olsem: -

**Se Lenkwongen (White Grass) Nahine Tribe (big tribe) we Naieu Faillet hemi presentem mo Nissinam min Tribe (small tribe) we olgeta family ia oli representem; Tangap wetem Charlie Nangao (kot iputum tufala olsem wan parti folem family tree we tufala iproductem) mo Kapatangatanga wetem Alien Asul (kot iputum tufala olsem wan pati olsem tufala together ikam long Nakamal Laul) nao oli Kastom Owner.**

### **Order**


After long declaration ia kot imekem olgeta orders olsem:

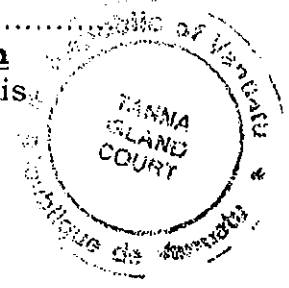
1. Ol narafala patis mo olgeta we oli no patis long land kes ia be oli stap kat access or still gat interest long land ia bae oli mas kat permssion long Nahine tribe together wetem olgeta long smol tribe Nissinamin blong oli continue wok long ples ia.
2. Befor ol narafala patis mo olgeta we oli no patis long land kes ia Lenkwongen (White Grass) be oli wantem go insaed mo mekem wok long land ia oli mas kat permission long Naihne Tribe together wetem olgeta Nissinamin Tribe blong oli continue wok long ples ia.
3. Any person we iwantem mekem any development long Land ia Lenkwongen (White Grass) oli mas negotiate wetem olgeta long Naihne Tribe together wetem ol family oli stap long Nissinamin tribe.
4. Olgeta Royalty blong ol existing development mo any other development we bae ikam yet long Lenkwongen imas kam through long olgeta long Small Tribe we hemi Nissinamin mo bae iko out or distribution blong hem imas folem rod or direction blong hed blong tribe we hemi Naihne.
5. Folem seksion 22 long Island Kot Act Cap 167 olgeta paties oli gat 30 deis blong appeal sapos oli no hapi long decision ia.



Detem long Isangel long 3 dei blong December 2009.

  
 .....  
**Nesbeth Wilson**  
 Magistrate

  
 .....  
**Talita Wilson**  
 Aelan Kot Jastis



  
 .....  
**Samsen Ieru**  
 Aelan Kot Jastis

  
 .....  
**Kaltoi Tom**  
 Aelan Kot Jastis

