

**IN THE TANNA ISLAND COURT**  
**OF THE REPUBLIC OF VANUATU**  
**Sitting at Isangel**

Civil Case No.2431 of 2016

Before: Justice Dalida Wilson  
Justice Bruno Kehma  
Justice Annette Iopri

Clerk: Blandine Tepi

Date of Hearing: 28<sup>th</sup> June 2017  
And: 29<sup>th</sup> June 2017  
And: 07<sup>th</sup> July 2017

**BETWEEN:** IERISOA NUMANIEN  
Plaintiff

**AND:** KLESYAVEN NUMANIEN  
Defendant

**JUDGMENT**

**IN THE MATTER OF: DISPUTE OF CUSTOM BIRTH RIGHT OWNERSHIP OF NAME**  
**NEMANIEN**

**BACKGROUND**

*Case ia ikat two parties we tufala iclaim custom right Onaship long Name we oli refer long hem olsem "Nemanien".*

*Clerk blong Tanna Island Court hemi bin listem case number 1271 of 2017 blong court hemi bin sitdaon mo hearem long Friday 23<sup>rd</sup> day of June 2017 long 11.00 o'clock long morning mo hemi no completem. Mo court hemi sitdaon bagagen long Wednesday 28<sup>th</sup> days of June 2017 long 8.00 o'clock long morning.*

1.



*Tanna Island Court hemi kat prouve se tufala parties ia ibin receivem Summons mo tufala I appear inside long court.*

**LAWS MO ACCEPTED KASTOM RULE WE ISTAP LONG TANNA**

1. Section 10 blong Island Court Act Cap 167 application of customary law.  
"Subject to the provision of the Act and island court shall administer the customary law prevailing within the territorial jurisdiction of the court so far as the same is not in conflict with any written law and is not contrary to justice morality and good order.
2. Customary Right hemi inheritem true long Patrilineal system, from father to son:
3. Katafu or Last surviving bloodline. (Women hemi save inheritem customary right from father where hemi only survivor)
4. Adoption: Adopted pikinini long custom hemi save inheritem customary right (Adoption hemi must follem bloodline)

Kot hemi kivemaot olgeta findings blong hem blong mekem declaration. Hemia nao hemi full Judgment blong case ia.

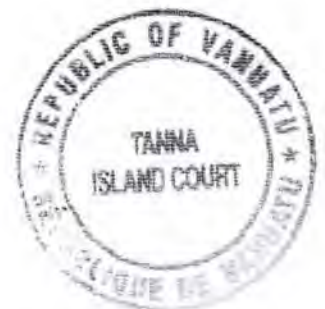
**1. BACKRAON BLONG IERISOA NEMANIEN – ORIGINAL CLAIMANT**

Hemia hemi wan kastom Right claim we Kiel Nikolau Ierisoa Numanien olsem spokeman mo sametaem hemi filem claim blong hem long Tanna Island Kot se hem nao hemi kat full custom raet long name "Numanien follem ol past generations blong hem we oli ownem kam kasem today.

**2. BACKRAON BLONG KLESYAVEN NEMANIEN- COUNTER CLAIMANT**

Defendant blong case Klesyaven Nemanien mo hemi same taem hemi spokeman, mo hemi filem counter-claim long custom Birth Right long name Nemanien folem ol past generations blong hem we oli ownem kastom Birth Right ia kam kasem today.

2.



**SHORT KASTOM HISTRY BLONG KIEL NIKOLAO IERISOA NUMANIEN - CLAIMANT**

Ierisoa Nimanien wife blong hem Iaris mo tufala ikat 3 pikinini: Napuati, Numanien mo Namat(dead).

Numanien wife blong hem Nipina.

Napuati wife blong hem Kasua mo tufala ikat wan pikinini boe Ierisoa. Ierisoa wife blong hem Witwit mo tufala ikat wan boe name blong hem Tamuru, Tamuru wife blong hem Wahwah mo tufala ikat olgeta pikinini ia: Kataina, Lowman Silas, Kakou Joel mo lamahou.

Kataina wife blong hem Nasuaiu mo tufala ikat olgeta pikinini: Iata Namat, Ierisoa, Nakou Joel mo lamahou.

Iata Namat wife blong hem Mas mo tufala ikat wan pikinini: Kiel Nikolao Ierisoa Numanien.

Kiel Nikolao Ierisoa Numanien wife blong Kamaha mo tufala ikat wan boe hemi Kevin.

**After long presentation blong spokeperson we hemi Kiel Nikolau Ierisoa Numanien hemi bin stap olsem main witness blong case.(swearing in Aoth)**

Hemi karem name ia Ierisoa Numanien long Tupunas blong mi. Mi Ierisoa Numanien we mi stap talem hemi blong drink coconut. Mo mi kat stone blong hem. Numanien narafala name blong hem, hemi Klesyaven. Ierisoa Numanien we mi stap talem hemi kat two authority, mo hemi kat two colour red mo yellow. Ierisoa Numanien we mi stap talem grave blong hem long Lokarehi Nakamal. Ierisoa Numanien wife blong hem Tias hemi bin singaotem custom name blong hem long Lafna hemia long Lowinio.

Ierisoa Nemanien hemi bin kivem custom Ierisoa from se hemi pikinini blong Ierisoa long Ienparapen. Mo Ierisoa hemi born long Larkam long Lowinio. Village blong Ierisoa Nemanien wife blong hem Tess hemi Enparapen Akaku. Village blong Ierisoa hemi Loyarginiven long Enparapen. Mo Title blong Ierisoa Nemanien hemi Iarumaneng (King). Fight blong Kawi/Nokout hemi movem aot Ierisoa Nemanien. Taem Ierisoa Nemanien hemi kam long Lowinio hemi no leavem wan generation blong hem istap. Last Toka. Ierisoa Nemanien hemi no bin stap long any group. Ierisoa Numanien hemi no bin save se who ia nao hemi bin longfala Feta.

3.



Start long Tasika, Temaha mene mo Namalkang mene mo lerisoa Nemanien oli putum 1 feta long wan man name blong hem Lau we oli no save se hem blong whea. Mo ring blong bamboo hemi 7, mo name blong feta hemi longfala feta. Family lerisoa Nemanien grave blong olgeta istap long Lafna hemia long Lowinio. Name Tamuru hemi blong Lowinio. Supreme Nakamal blong lerisoa Nemanien hemi lanmatagi mo mi no save custom authority blong mi. Mo paramount chief (leni) blong mi hemi Natou blong lanmetagi. Mi no save Colour blong strap blong Natou leni. Supreme Nakamal lanmatagi hemi kat (1)wan tupunus nomo hemi toktok mo Nawiwa hemi larumaneng (King) blong Supreme Nakamal blong lanmatagi. Mo ino bin kat Toka long lanmetagi mo Toka we oli mekem blong putum peace blong tribal war. Man long Imarapu hemi bin putum longfala feta. Mo mi no save name blong hem. Name blong tabu kitchen blong Supreme Nakamal long lanmetagi hemi lakarumrumun. Mo mi no save Name blong custom basket blong Supreme Nakamal blong lanmetagi. Mo name blong Kataina hemi blong Lowinio. lerisoa Nemanien hemi aot long Lafna hemi kam long Enparapen blong luk Natou.

lerisoa Nemanien hemi kat 3 pikinini: Napuati, Nemanien mo Namat mo Supreme Nakamal lanmetagi. **Mo Klesyaven Nemanien hemi no blong Lounipal hemi larumaneng(king) blong Enparapen.** Mi karem laremaneng long Supreme Nakamal blong Enparapen true long Devil Leya.

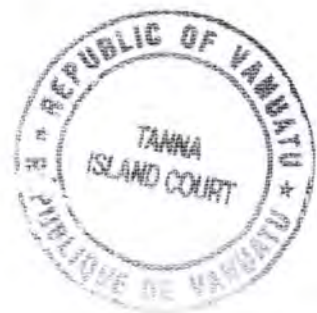
**1<sup>st</sup> Witness MR. NATUMAN IAMAK LAVAH(SWEARING IN AOTH)**

Natuman Iamak Lavah hemi kam blong witness lerisoa se hemi kat two(2) wives wan Witwit mo narafala wan hemi no save.

**2<sup>nd</sup> Witness MR. DAVID MAN(swearing in Aoth)**

lerisoa wife blong hem hemi sister blong Mani mo mi save long lerisoa 1 hemi kam long Lowinio mo hem wan nomo. Mo taem we lerisoa hemi bin stap wetem mi long lafna, mi no bin putum wan feta long lerisoa.

4.



### 3. Witness MR. TOM SILAS (swearing in Aoth)

Mi mo lerisoa , mitufala ino blong Lowetemah tribe mo Apu blong mi Natou hemi kam long Tasika mene tribe. Mo Authority blong hem hemi leni. Mo name blong leni hemi Natou Naunitum hemi paroumout leni. Natou Naunitum hemi stap long lanmetagi Supreme Nakamal. Mo mi no save name blong custom basket blong lanmetagi Supreme Nakamal. Mo inokat Toka we oli bin perform long Supreme Nakamal lanemetagi. Mo larumaneng blong mi name blong hem Nawiwa Napuku, mo mi save colour blong strap blong hem. Mo Nawiwa Napuku hemi stap putum longfala feta. Mo mi no save ring blong bamboo blong tufala feta ia. Nawiwa Napuku hemi actem taem lerisoa hemi no stap. lerisoa blong Enparapen, Nakamal blong Tupunas. lanmetagi hemi Supreme Nakamal. Mo mi no save name blong feta blong lerisoa. Ino kat tupunas long lanmetagi, mi no save leni tupunas mo mi no save ol workman blong hem mo mi no save tabu kitchen blong Supreme Nakamal long lanmetagi. Mo tribe tasika mene Suprime Nakamal blong hem hemi lanemetagi. Mo mi no save name blong longfala feta.

### SHORT KASTOM HISTRY BLONG KLESYAVEN NUMANIEN

Numanien wife blong hem Nawalak mo tufala ikat one pikinini boe name blong hem Nalmun. Nalmun wife blong hem Varing mo tufala kat one boe name blong hem Numanien. Numanien wife blong hem Napuaty mo tufala ikat one boe Nupow. Nupow wife blong hem Laumani tufala ikat two(2) boys Nelmun mo Narua.

Nalmen wife blong hem Siva mo Narua wife blong Yamlah.

Nalmen mo Siva tufala ikat olgeta pikinini ia: Nipow, Numanien, Nitain mo lawia.

Nipow wife blong hem Saute mo tufala ikat olgeta pikinini ia: Nalmen, Daniel, Jack, Robert mo Numanien.

5.



After long presentation blong Defendant Kesyaven Numanien hemi stap olsem main witness blong case-(Swearing in Aoth)

Mi kam blong defendant name Numanien Klesyaven se hemi blong mi. Nupow wife blong hem Laumani hemi no born long Lowinio. Mo papa blong mi Nalmen wife blong hem Siva hemi no born long Lowinio mo mi save long Kali. Papa blong mi i singaotem custom name long mi Klesyaven Nemanien. Mo family blong mi oli bin kam long Lowinio long time blong tribal war.

Mi stap firsttime long Enparapen mo mi luk Ierisoa hemi kam behind. Tupunus blong mi coconut mi kat blong stone . Mi no save mining long name ia Klesyaven be custom name blong mi Nemanien Klesyaven. Stone blong mi I blong kivem kakae long ship. Numanien Klesyaven i bin mekem 2 toka mo 1 niel. Oli bin mekem Nening blong Toka long Lowiasia we Nakusi mene we Fatu mene tribe, first Toka hemi blong custom reconciliation blong tribal war.

Mi save second Toka hemi blong wanem. Nemanien we wife blong hem Napuati hemi bin take part long Toka ia.

Name blong feta blong mi hemi Nawanyentahi. Nalmun I blong mi Nakamal blong hem long lenparapen. Mo Ierisoa hemi blong Lowetemah Supreme Nakamal village blong hem long lokagi, Kolosap long Baptish church mo church house hemi blong community long Lowetemah. Name blong Nabanga blong Enparapen Suprime Nakamal ikat Kitalenk, Nisawa mo Natake lakis. Kitalenk Nabanga hemi name blong stone we I stap long Solwata. Nisawa Nabanga hemi blong brother blong mi.

1<sup>st</sup> Witness Naonitem – Swearing in Aoth

Mi leni blong lanmetagi Nakamal. Mo name blong mi Naonitem mo pupu blong mi Naonitem grave blong hem I stap long lanateng mo papa blong mi long lanmetagi. Mi born long enkatalei long area blong Enmatagi. Name blong wife blong mi Lowia. Mo Ierisoa hemi tawi blong mi. Grave blong Iamehou mo kataina istap long Enparapen. Mo mi stap mekem tupunas blong kava mo oli stap workem feta long Karetaragi. Mi kam blong witnessem Nemanien Klesyapen se hemi larumaneng blong Enparapen Supreme Nakamal Mo Kiel Ierisoa hemi stap long Enparapen mo Suprime Nakamal blong kiel Ierisoa hemi Lowetemah. lanmetagi hemi wan Kitchen Nakamal nomo.

6.



2<sup>nd</sup> Witness Chief Mani Kali – Swearing in Aoth

Mi kam blong witessem Klesyaven Nemanien Nasoro. Mi save se lerisoa i stap claimem name ia Klasyaven be hem family lerisoa. Nasoro hemi wan laplap, I stap insaed long Nakamal mo stone blong hem mi stap lukaotem, mo mi stap lukaotem yet kasem today we pikinini blong mi hemi stap takem ples blong mi mo hemi stap mekem same tupunas ia.

leni mo larumaneng tufala tugeta istap long small Enparapen village. leni blong ship hemi save mekem tupunas from taem we inokat man hemi save lukaotem tupunas mo feta. Mo colour blong feta blong mi, hemi red mo yello. Mo Colour blong strap blong larumaneng hemi red, black mo white. Toka blong Enparapen Suprime Nakamal mi Mani, mi leni long time ia. Longfala rop blong feta(Naio) Kilma long Lawanui hemi holem mo mi leni mi stap putum feta long head blong laremaneng mo mi stap takem aot. Mi Mani leni, mi stap mekem custom basket blong singsing long lenparapen Suprime Nakamal mo payment blong singsing hemi right blong leni blong pem aot after or before Toka. Mi no save singsing blong Toka. Taem blong Meneng(faol) long Lowiasia ikat extra pig. Mi no save number blong hemi, hemi long time tumas. Mi mekem 4 toka finis long lowanata, Umaegoyati, Lamanaura mo Imarapu. Toka we oli mekem long Imarapu I blong Imarapu. Nemanien I no putum Feta. Ol maman oli putum short feta. Mi no save date blong meeting, taem laukalpi ikam, mi informem council blong hemi dealem case ia, after lerisoa hemi kilim pig mo hemi surrender after mi kivem kava long laukalpi. Mi no save meeting blong Number 8<sup>th</sup> October 2014 blong tokabaot family tree. Mo mi no save long meeting ia long 15<sup>th</sup> May 1966. Mi nokat Antie. Ikat 9 tupunas blong Enparapen Suprime Nakamal. Ikat Igame, Nantao, Nakavika, coconut, breadfruit, Namambe, Fish, Nabalanko mo Matiktiki. Every tupus istap long wan ship nomo. From Enparapen hemi Suprime Nakamal, every tupunas istap insaed long ship nomo. Mi sherem tupunas iko long six (6) kitchen Nakamal blong mi. Apu blong mitufala hemi Kali/Nemanien. Nemanien wife blong Napuati mo fufala ikat one boe Nepou wife blong hem Lowmani. Klesiaven Numanien hemi tawian blong mi. Sam laukalial i stap long lokarahi Nakamal mo Nahipuga hemi wan village nomo hemi no wan Nakamal.

7.



Kiel Ierisoa blong Lokagi village mo Suprime Nakamal blong hem Lowetemah long narasaed creek. Klesyaven Nemanien hemi blong lenparapen, mi leni blong hem. Ierisoa Nemanien mo Klesyaven Nemanien two(2) difren pipol. Kali/Numanien tufala is stap insaed long wan basket. lenmatagi hemi kitchen blong Enparapen. Klesyaven Nemanien hemi kat title blong hem larumaneng(king).

Kiel Nikolao Ierisoa Numanien mi no save title blong hem long custom. Mo Kiel Nikolao Ierisoa Numanien hemi blong Temaha mene tribe. Mo leni blong hem hemi sam lakapas lakaweyu long Lowetema Suprime Nakamal.

### No. 3 Witness Iasul Kilma – Swearing in Aoth

Mi kilma leni blong Lawanui. Mi leni blong Tupunas. Grandfather blong mi Papa blong papa blong mi name blong boule mo ples blong hem long Laru long Lawanui Nakamal. Iasul Nalpini hemi blong Lawanui Nakamal too. Nemanien Klesyaven hemi ownem fulup kitchen Nakamal from Supreme Nakamal blong Enparapen hemi kaveremap everi Nakamal ia. Mo Suprime Nakamal blong Enparapen hemi stap long kwataren custom road. Tupunas we istap long Lawanui Nakamal hemi Nantao Banana mo Nakafika. Mi stap fasem feta blong Nemanien.

### No. 4 witness Natou – Swearing in Aoth

Tom Silas hemi small brother blong mi. Mi leni Tupunas. Mo Supreme Nakamal hemi stap long Lowetemah. Ikat two(2) supreme Nakamal long Lowatemah mene. Mo tasika mene hemi kat wan(1) nomo. Numanien Klesiaven hemi larumaneng blong Enparapen Suprime Nakamal mo mi blong lanmetagi, title blong mi leni tupunas mo brother blong mi Tom Silas. Kiel Nikolao Ierisoa Numanien Supreme Nakamal blong hem Lowetema. Toka blong Enparapen 2. Numanien Klesiaven hemi larumaneng. mi no save title blong Numanien Ierisoa mo hemi blong no blong lanmetagi.

8.



## No. 5 witness – Sam lakapas

Mi sam lakapas mi no stap long Lowetemah mo Lowetemah hemi kat 2 supprime Nakamal. Mi born long Lowetemah after ikat small dispute imekem se mi ko stap long Lawagi.

Ierisoa Nemanien hemi blong Logagi Nakamal title blong hem coconut. Ianmatagi, Lawanui, Lokapen mo Kalomunmun oli stap workem feta mo leni Tupunus hemi Natou.

### Visitation

Purpose blong visitation hemi blong Kot hemi confirmem ol storian blong tufala partis mo witness oli talem long Court.

### Claimant

1. Grave Ierisoa
2. Village Ierisoa
3. Nakamal Ianemetagi
4. Grave Kataina
5. Grave Iameuhou
6. Enparapen

### Defendant

1. Grave
2. Stone we istap long ship(Tupunus)
3. Village blong Iarumaneng
4. Village blong leni blong ship
5. Supreme Nakamal Enparapen
6. Basket Histry
7. kitchen (Nakamal)
8. Laplap Nasoro

9.

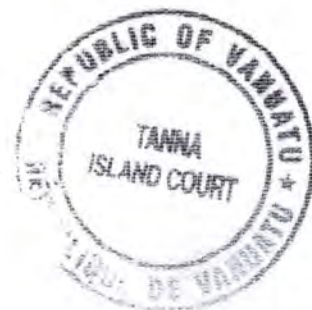


## FUNDING

After long court hearing blong customary matter ia:

1. **Kot hemi finem se histri we ikam long lerisoa Numanien wife blong hem laris hemi wan custom histry or wan custom basket.**
2. lerisoa Numanien bloodline blong hem hemi exist kasem today.
3. lerisoa Numanien wife blong hem laris hemi no connect bloodline wetem Numanien wife blong hem Nawalak.
4. lerisoa Numanien wife blong hem laris hemi connect bloodline iko kasem Kiel Nikolao lerisoa Nemanien kam kasem today.
5. lerisoa Nemanien hemi kat wan stone blong coconut, I nokat custom name blong coconut ia.
6. Ianmetagi hemi no wan Supreme Nakamal.
7. Grave blong Kataina mo lamahou hemi stap long Enparapen Supreme Nakamal.
8. Kiel Nikolao lerisoa Nemanien hemi confirmem long Court se Klesyaven Nemanien hemi larumaneng (king) blong Enparapen Suprime Nakamal.
9. Kiel Nikolao lerisoa Nemanien hemi confirmem long Court se lerisoa wife blong hem Martha mo son blong hem oli stap live nao ia long Lowetemah Supreme Nakamal mo tribe Tumaha mene .
  
10. **Kot hemi finem se histry we ikam long Numanien wife blong hem Nawalak hemi wan custom histry or wan custom basket.**
11. Numanien wife blong hemi Nawalak hemi larumaneng(king) blong Suprime Nakamal blong Enparapen, tribe Tasika mene.
12. Numanien hemi connect bloodline ikam kasem Klesyaven Numanien hemi exist kam kasem today.
13. Nemanien hemi kat olgeta custom birth ritgh ia:
14. Grave blong Nemanien long Laokarehi Nakamal
15. Grave blong Nupow long Loampil.
16. Grave blong Kali long Ianawayu.
17. Grave blong Nulmen long Enparapen Suprime Nakamal.
18. Kitchen Nakamal ikat: Lawanui, Lokapen, Larun, Ianmetagi mo lakarumrum oli under long suprime Nakamal blong Enparapen.

10.



19. Custom name blong longfala feta Naowawinyentahi.
20. Colour blong custom strap blong leni hemi red mo yellow.
21. Colour blong strap blong arumaneng hemi red, black mo white.
22. Stone blong coconut we custom name blong hem hemi Numanien Nasoro.

After long olgeta fundings ia, court hemi stap applyem Island Court Act Cap 167 section 10 .

**.Section 10 blong Island Court Act Cap 167 application of customary law.**  
"Subject to the provision of the Act and island court shall administer the customary law prevailing within the territorial jurisdiction of the court so far as the same is not in conflict with any written law and is not contrary to justice morality and good order.

Customary Right hemi inheritem true long Patrilineal system, from father to son:

### DECLARATION

Kot hemi declarem Plaintiff Kiel Nikolao Ierisoa Numanien wife blong hem Martha olsem true custom rightfull long name ia Ierisoa Numanien we wife blong hem Iaris follem ol descendants kam kasem Kiel Nikolao Ierisoa Numanien kam kasem today. **Supreme Nakamal blong hem Lowetemah mo tribe blong hem hemi Tumaha mene.**

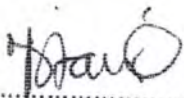
Kot hemi declarem defendant Klesyaven Numanien Nasoro wife blong hem Yawia olsem true custom Right owner long name Numanien mo chiefly Title blong hem Ierumaneng(King) follem ol descendants blong Chief Numanien wife blong hem Nawalak, first generation kam kasem Klesyaven Numanien kam kasem today mo Supreme Nakamal blong hem hemi Enparapen mo tribe hemi Tasika mene .



After long declaration ia kot hemi mekem Oda ia:

1. Tufala parties mo ol relatives imas mekem wan reconciliation custom ceremony blong reunitem mo restorem back pis mo harmony inside long community.
2. Wan wan party hemi lukluk long cost blong hem.
3. Tufala parties ikat 30 days blong appil againsem decision ia.

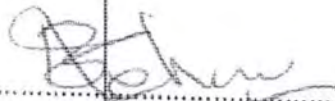
Dated at Isangel 7<sup>th</sup> day of July 2017.



Justice Dalida Wilson



Justice Annette Iopri



Justice Bruno Kehma

