

**IN THE TANNA ISLAND COURT HELD  
AT ISANGEL, TAFEA PROVINCE**  
(Civil Jurisdiction)

Civil case No.754/2019

**BETWEEN: FAMILY IAUKALIP**

**Plaintiff**

**AND: FAMILY IOUIOU NANGAL WILLIAM**

**Defendant**

Justices: Benjamin Kuao  
Samson Ieru  
William Lomae

Clerk: Blandine TEPI

Date of Hearing: 18th March 2019 to 20<sup>th</sup> March 2019.

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**JUDGMENT**

**IN THE MATTER OF: DISPUTE OF CUSTOMARY RIGHT OWNERSHIP OF NAME  
NANGAL**

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**A. PRELIMINARY MATTERS**

Case ia Family Iaukalip hemi been filem ikam long court long 24th February 2019.

After we Tanna Island Court hemi receivem claim ia, hemi bin putum out long Public Chiefly title of name NANGAL.

Clerk blong Tanna Island Kot hemi bin listem blong hearem customary matter case number 754 blong 2019 long Monday 18<sup>th</sup> March 2019 kasem Wednesday 20<sup>th</sup> March 2019 mo hemi complitem.

Tanna Island Court hemi kat prove se tufala parties I bin receivem notice blong hearing mo tufala I appear inside long Court.

After long hearing kot hemi bin ko wetem tufala parties blong visitem nakamals, graves, tupunus mo settlements, we tufala parties I claimem name Nangal follem past generations blong tufala.



## **B. INTRODUCTION**

### **ORIGINAL CLAIMANT: BACKRAON BLONG FAMILY IAUKALIP**

laukalip/Nangal tufala I brother mo ship blong tufala hemi kowiameta. Tufala originaly live long Ikapahou Suprime Nakamal unda long Kiliakitne tribe olsem chief mo paramount chief mo ownem original custom authority mo ol posesen pretening long kastomary othority long nara fesfala existing ships Kauwiameta mo Nimrukwen.

laukalip mo Nangal tufala I brother mo wan cutom basket.

Nangal wife blong hem lawilim tufala ikat wan pikinini boe name blong hem laumim. laumim hemi dead taem hemi smal.

laukalip wife blong hem Kauia mo tufala ikat one pikinini boe name blong hem Yaweru latika. Yaweru latika wife blong hemi Natonga mo tufala ikat one pikinini boe laukalip Nimakankel. laukalip Nimakankel wife blong hem Kauia mo tufala ikat one pikinini boe name blong hemi lamak. lamak wife blong hem Kaweia Marie pikinini blong tufala hemi Tingal Bob. Tingal Bob wife blong hem Nakou Lalalis pikinini blong tufala hemi Tom laukalip. Tom laukalip wife blong hem Mafil pikinini blong tufala hemi Dan Tom. Dan Tom wife blong hem Angelica mo pikinini blong tufala hemi Abraham.

**After long presentation blong spokeperson we hemi Chief laukalip hemi bin stap olsem main witness blong case(swearing in aoth)**

laukalip hemi first born, Nangal hemi second born. Descendants blong laukalip bloodline hemi exist ikam kasem today. Nangal we wife blong hem lawilum pikinini blong tufala laumim hemi dead mo laumim hemi lus long bloodline. Folem hemia by bloodline hemi exist true long laukalip.

laukalip hemi cuttem wood blong tupunus blong banana mo kumala.

laukalip hemi namem pig Sapuk mo wan nabanga we name blong hem too Sapuk.

Mi stap claim authority blong kauwiameta. Mo mi blong Kauwiameta. Actitivity olsem custom ceremony Nikowiar or toka ikam, hemi mas pass true long mi. Mifala imas preparem kweria blong laramara. Custom toktok hemi mas stret long ship Kauwiameta. Mo ikat 4 custom road. Mo strap blong laramera name blong hem tutmera. Long tufala ship Kauwiameta mo Nemrukwen, Nemrukwen hemi bigwan mo kauwiameta hemi smal. Ikapaho hemi wan suprime Nakamal mo Lowanatum hemi wan kitchen.

Ikat 14 Nakamal oli stap under long suprime Nakamal Ikapaho.



**Peau Matua  
(Swearing in oath)  
1st witness**

Long time ago, tufala ship I pass, mi stap long ship Nemrukwen. laukalip mo Nangal tufala istap long ship Kauwiameta. laukalip mo Nangal tufala istap long same Nowankulu(yard) taem tufala I dead oli perem tufala long narasaed. Mi ko blong karem latik ikam back long Ikapaho, olgeta blong south oli kivem laus long mi afta, mi takem hem ikam long Ikapaho.

Mo laramara blong mi laute lapen. Title blong mi hemi lani long ship Nemrukwen. Mi ikat wan lani nomo mo ship Nemrukwen.

**Katumatum Andrew (swearing in oath)  
2nd witness**

Name blong mi Katumatum Andrew Kayapam mo Nakamal blong mi hemi Lounigen. Mo mi stap ko luk laukalip mo Nangal mo tufala blong Kauwiameta.

Title blong laukalip hemi lani mo Nangal hemi laramara.

Mi stap follem custom road Nowakonap blong kam long Ikapahou. Lownawileng nakamal hemi nakamal blong tupunas, blong banana mo kumala.

**Nocklam Luc (swearing in oath)  
3rd witness**

Name blong mi Luk Nocklam, mi kamaot long Nakamal blong Lamlu mo mi ko stap pass blong ko luk laukalip mo Nangal long Ikapahou Suprime Nakamal. Mo tufala ikat wan yard.

laukalip mo Nangal tufala blong kauwiameta. laukalip bloodline hemi exist, blong Nangal hemi lus.

**Peau Nocklam (swearing in oath)  
4th witness**

Name blong mi Peau Nocklam mo Suprime Nakamal blong mi long Lounal mo mi stap follem custom road Nemanaknao I joinem Nowakonup mo hemi kam long Ikapaho. Mo mi stap ko blong meetem laukalip mo Nangal long Suprime Nakamal long Ikapaho.



**DEFENDANT: BACKRAON HISTRY BLONG WILLIAM IOUIOU NANGAL**

Defendant louiou Nangal William emi semak person we nem blong hem laus. Family louiou Nangal William, hemi mekem histri blong hem mo givem family tree blong hem, but hemi challengem mo disputem claim blong Matua be I no laukalip.

lavis lawinatuan hemi no blong south tanna mo lani we mi stap claimem hemi blong Nemrukwen mo mi talem se laramara blong mi hemi Kapalu Tikiskis mo laramara hemi stap long kauwiameta mo mi no leni blong laukalip, mi leni blong Nemrukwen.

**Willy laus (Swearing in oath)**

**1st Witness**

Mi stap ko luk Nangal long ship Kauwiameta we hemi leni. Mi no save laus Lowinatuan. Long toka dance long Lamtawekel long year 1994, William Nangal hemi wearem feta. Mo hemi gohed blong talem se leni hemi no save wearem feta. Hemi talem too se taem we laramara inokat leni hemi save wearem Feta. Hemi no save tupunas blong Nangal.

**Kapalu Tikiskis (swear in oath)**

**2nd witness**

Kapalu tikiskis hemi talemaot long court se hemi no save ship blong hem mo hemi no save histri blong nangal louiou be hemi iaramara blong Ikapahou. Mi no wearem feta yet be papa blong mi hemi bin wearem long Lowanatum. Family line blong kapalu tikiskis hemi stap exist today be lani Nangal hemi wearem feta blong mi from mi stap long vila. Mi kivem lasua long louiou Tevi we hemi stap long family tree. Mi save tufala ship ia Nemrukwen mo Kauwiameta.

laukalip hemi iani nies long ship Kauwiameta.

**Tom laute(swear in oath)**

**3rd Witness**

Witness statment blong Tom laute hemi cancel from Tom laute hemi appear long court.

**Iasul Niman (swear in oath)**

**4th Witness**

Mi stap long ship blong Nemrukwen mo ko stap luk Nangal long ship Nemrukwen. Mi no save family tree blong louiou William Nangal long first generation mo mi no save connect bloodline we hemi connect bloodline wetem lani Napu Inam.

**Iako Nangia (swear in oath)**

**5th Witness**



Mi no save histri blong Nangal. Mi stap long ship Nemrukwen. Mo Nangal hemi stap long Nemrukwen.

**Moses Iseial (swear in oath)**

**6<sup>th</sup> witness**

Mi no save histri blo Nangal mo mi no save bloodline blong Nangal.

**C. VISITATION**

Purpose blong visitation hemi blong tufala partis mo witness oli confirmem ol storian we hemi bin kamaot long court.

**Claimant**

Grave blong laukalip

Grave blong Nangal

Grave blong laweru latika

Grave blong laukalip Nemanakel

Grave blong lamak tritri

Grave blong Bob Tegal

Nabanga Sapuk

Nabanga lavis iavis

Nabanga Katmaklem

Tupunas blong banana

Tupunas blong Kumala

Tribe Kauwiameta

**Defendant**

Stone blong tupunus blong yam

Grave blong Nangal

Grave blong lomim

Grave blong laus



**D. SUBMISSIONS**

**(a) CLAIMANT**

- Hemi confirmem ship Kauwiameta hemi blong laukalip mo Nangal.
- laukalip mo Nangal tufala I brother.
- Tufala I brother long ship.
- Suprime Nakamal blong tufala hemi Ikapahou.
- Tribe Kiliaketne.
- laukalip mo Nangal tufala I connect long bloodline.
- laukalip hemi first born.
- laukalip bloodline hemi exist kasem today.
- Nangal wife blong hem lawilum tufala ikat one pikinini boe lomim. Bloodline blong lomim hemi lus(dead) long second generation.
- laukalip bloodline blong hem hemi connect long Nangal.
- Nangal bloodline blong hem hemi exist today tru long laukalip.
- laukalip hemi ownem chiefly title mo customary authority blong ship Kauwiameta.
- Chief laukalip hemi first born mo chief Nangal hemi second born, tufala I brata,
- Tufala originali blong Ikapahou suprime Nakamal anda long Kiliaketne tribe.
- Bloodline blong laukalip hemi still exist kasem tuday true long 8 Generation.
- Security lausausau hemi ko blong takem back latick be latick hemi out blong ko fight so oli replacem hem long laus.
- Bloodline blong laus hemi exist kasem today.
- laukalpi mo Nangal tufala I kat olgeta otority ia:
  1. Kastomary haos – Nipang Sapuk
  2. Kastomary strap – Tutmira
  3. Kastom feta(Kweria) – Namrokam long fala feta)
  4. Kastomary pig – Sapuk
  5. Kastomary kakai(tupunus) – Banana mo kumala
  6. Tufala istap karem kastomary totel(iau) long Louneng village
  7. Name blong kastomary road(suatumin)
  8. Kastomary rod TuHu
  9. Kastomary road Nimanulmira
  10. Kastomary road lawanpikinpip
  11. Kastomary Napanga Sapuk
  12. Kastomary Napanga Katmaklin
  13. Kastomary Napanga lawisiawis
- laus lawinatuan hemi kam long Ikunauka village long Imanimatautu mine tribe. Hemi bin kam true long Ikapahou Suprime Nakamal anda long otoraesen blong chief Peau



Matua, ino laukalip mo Nangal. Man ia laus lawinatuan hemi no bin ko back long original home blong hem.

- Hemi inheritem kastomary otority blong paramount chief deceased Nangal (dead) mo okiupaem olgeta custom assets without otorasesen blong ancestral disendans blong chief laukalip.

**(b) DEFENDANT**

Hemia hemi some long olgeta points blong defendant we hemi submittem ikam:

- Hemi blong Nemrukwen.
- Hemi se brother blong hem laukalip
- I bin kat village meeting mo council between hem mo Peau Matua be hemi no laukalip.
- laukalip hemi witnessem Matua be hemi never talem se wanem kaen lani.
- Hem mo laukalip tufala I never sidaon long any village meeting or council meeting.
- Long custom blong tanna hemi must kat 2 feta long Suprime Nakamal.
  1. Feta long
  2. Feta shot ( Arparup)
- Oli mas singaotem name blong tufala long order blong mekem se long generaton bae oli no save changem.
- Long Ikapahou Nakamal oli save long Nangal/laukalip be ino laukalip/Nangal.
- Tufala name ia Nangal/laukalip , imas kat lani Niko ikam first one mo lani tupunus ikam behind.
- Peau Matua hemi no wan lani be hemi wan laramara blong Ikapahou hemi bin kivem right long lasausau blong holem lani kasem taem we mifala I big wan mo save bichlamar.
- Ibin kat 12 custom meeting we lasaosao mo laramara tufala ikilim 12 buluk. Long 2015 hemi takemaot right blong lasaosao mo kivem long laus olsem stret lani. Dispute hemi start long time ia.
- Ikat some question we oli bin askem long laukalip mo hemi bin admittem some mo hemi denyem some. Ol question we hemi respond long hem, hemi ko olsem:
  1. Spoke person Naiu hemi askem se laus hemi kat a mas women. Hemi respond se laus hemi kat 2 wife.
  2. Spokeman blong Nangal hemi askem se who hemi stap kattem ship long kumala mo banana. Hemi admittem se hem.
  3. Spoke person Naiu hemi askem name blong Nabanga. laukalip hemi se Sapuk be hemi no save storian long Nabanga.



4. Spokeman hemi askem se how nao oli stap preparem totel blong lamara. Hemi no save.

- Peau matua hemi representem ol claimant. Hemi denyem ol true storian. Papa blong Peau Matua hemi bin presentem toktok blong hem long village meeting long Ikapahou mo hemi talem truth.
- Hemi talem se custom basket blong pig long Nakamal hemi karem apem. Hemia hemi property blong Nangal mo hem nao hemi polis or security blong basket ia.
- Witness Luc Nocklam blong Lamlu hemi bin talem long court se taem oli kam long Ikapahou Nakamal oli stap luk Nangal/laukalip.
- Long Nakamal long Ikapahou ikat some Tabu ples we laukalip or Matua bae oli no save ko. Tae oli kat sick long Tabu Area ia Nangal nomo hemi save mekem custom meresin.
- Feta we laus I putum hemi blong Kauwiameta. Feta ia Kapalu Tikiskis I putem long hem. From laus hemi originaly blong Kauwiameta.



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

- i. Section 10 blong Island Kot Act Cap 167 application of customary law-“Subject to the provision of the Act and island kot 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.
  - ii. Customary Right hemi inheritem true long Patrilineal system, from father to son:
  - iii. KAMEP or Last surviving bloodline.(Women hemi save inheritem customary right from father sapos hemi only survivor)
- iv. ADOPTION: adopted pikinini long custom hemi save inheritem customary right (Adoption hemi must follem bloodline)

**F. FINDINGS**

- 1) laukalip mo Nangal tufala I brother mo tufala I originaly blong Ikapahou supreme Nakamal. Tufala I kamaot long wan custom basket mo sherem semak histri. laukalip mo Nangal tufala I blong ship Kauwiameta.
- 2) laukalip hemi save fes mo seken generation long family tree blong Nangal. laukalip wife blong hem lasua mo bloodline hemi exist kam kasem today. Nangal bloodline blong hem hemi fins taem we boe blong hem lomim hemi dead.
- 3) History blong laus hemi wan general history we ino specific long name blong Nangal.
- 4) Family tree blong louiou Nangal hemi kivem, hemi no complete. Family tree hemi no shoem first wife (Tam) mo second wife (lawalu) blong laus.
- 5) Peau Matua hemi comandem lasousou blong go long Imatautu mene blong ko takem back latick blong kam long Ikapahou. Kastom title blong laus long time ia hemi wan fighter or Polis blong Chief.
- 6) latick hemi no stap so oli kivem laus long lasouasou mo takem hem I kam back long Ikapahou. laus too hemi wan police blong chief replacemen ia hemi accepted long sence ia se bae hemi ko security blong Peau Matua mo laramara.
- 7) Peau Matua hemi comandem lasausau blong ko long Imatautumene blong ko takem back latick blong kam long Ikapahou. Kastom title blong laus hemi wan



kastom Police or custom security. Long time ia laus hemi stap long ship Kauwiameta. Taem hemi ko long Ikapahou hemi ko security blong Peau Matua mo Kiang long ship or Niko Numrukwen.

- 8) laus lawinatuan, taem hemi finisem mission blong keepim peace, Peau Matua, hemi letem girl blong hem lawalu blong hemi marretem laus, olsem payment blong security. lawalu hemi kam second wife blong laus afta we first woman blong laus hemi dead. After long payment laus hemi should ko back long original home blong hem long Letap. laus hemi nomo ko back long Letap be hemi continue blong live long Ikapahou. Bloodline blong laus mo lawalu hemi exist kasem today.
- 9) laus hemi wearem feta long blong Kapalu Tikiskis long year 1994. Kapalu Tikiskis hemi wan Iaramara be laus hemi wan kastom police.

#### **G. APPLICATION BLONG CUSTOM RULE**

1. Follem finding one bloodline blong Nangal hemi pass true long laukalip. Long kastom practice hemia hemi shoem se laukalip ikat connection wetem Nangal mo Ioumim. Island court hemi decide se name ia Nangal hemi blong laukalip. Long Island court taem wan man I claim for chiefly title hemi mas kat some connection long name.
2. Follem finding two bloodline blong Nangal hemi must ko long one boe blong laukalip. Long kastom practice, name ia Nangal hemi pass true long brother blong hem laukalip from tufala I connect long bloodline. Relationship ia hemi confirm by defendant during long visitation. Base long hemia hemi shoem se I mas kat wan kastom adoption long wan boe blong laukalip true long custom ceremony. Name ia Nangal bae hemi laef true long pikinini blong laukalip.
3. Follem finding three histri blong laus hemi shoem se hemi nokat connection long name blong Nangal. From we history blong laus hemi no specific mo inokat connection long name ia Nangal so evidence blong Nangal hemi no heavy.
4. Follem finding four long kastom rule family tree hemi mas complete. Whether hemi wan or two generation, family tree hemi mas complete blong pruvum bloodline blong wan man. Base long family tree blong Nangal hemi shoem se hemi no save first mo second generation. Mo Tanna Island court hemi stap decidem se laus we wife blong hem Tam mo lawilum oli I man kam follem generation to generation kasem today. All four witnesses ia oli ol kastom rod blong Nangal. All kastom road, oli mas save family. I minim se laus hemi kiaman long family tree blong hem.



5. Follem finding five taem we you kastom police, you remain olsem kastom police from generation to generation. Hemi no save chance iko long leni or laramara.
6. Follem finding six latick hemi blong Nemrukwen mo hemi blong Ikapahou Suprime Nakamal. Iaus hemi wan temporary replacement blong latick.
7. Follem finding seven long kastom blong tanna police blong kauwiameta hemi no save ko police blong numrukwen. Follem kastom rule ia kot hemi decidem se Peau Matua hemi mixem Kauwiameta mo Numrukwen mo hemi wrong.
8. Follem finding eight long custom Iaus hemi nokat custom right blong hemi inheritem ol names blong Kauwiameta long Ikapahou suprime nakamal. Hemi minim se hemi nokat kastom right long name ia Nangal. Iaukalip hemi kat kastom right long name Nangal follem bloodline.
9. Follem finding nine long custom, wan custom police hemi no save wearem feta blong laramara or custom king. So kot hemi decidem se Iaus hemi wrong long custom blong wearem feta blong laramara or kastom king.

#### **H. DECLARATION**

**Kot hemi declarem olsem:**

1. Iaukalip brother blong hem Nangal we wife blong hemi lawilum mo pikinini blong tufala lomim hemi dead (bloodline hemi lus) wan custom histry or wan custom basket. Iaukalip hemi kat kastom right ownership long Name Nangal. Follem descendants blong Iaukalip kam kasem today. Ship blong Iaukalip mo Nangal hemi Kauwiameta long Ikapahou, Suprime Nakamal.
2. Iaukalip hemi leni tupunus blong Ikapahou, Suprime Nakamal.
3. Nangal hemi assistant leni tupunas blong Ikapahou Suprime Nakamal.
4. Iaus se hemi blong Latap mo hemi karem payment blong wok we hemi go mekem long Ikapahou.
5. Iaus hemi remain custom polis blong Latap.



I. ORDER

After long declaration ia kot hemi mekem oda ia:

1. Se defendant William louiou Nangal hemi stop blong iusum nem ia Nangal, stat blong date blong judgment.
2. Tufala parties mo ol relatives I mas mekem reconcialiation kastom ceremony blong reunite mo restorem back pis mo harmony bitwin ol family insaed long komuniti long lakapahou.
3. Wanwan parties imitim cost blong hem.
4. Tufala parties ikat right blong appil againsem decision within 30 days.

Dated at Isangel on this 29<sup>th</sup> day of April, 2019

BY THE COURT

  
Justice Lomae William

  
Justice Samson Ieru

  
Justice Benjamin Kuao

