

IN THE SUPREME COURT OF
THE REPUBLIC OF VANUATU

APPEAL CASE NO. L1/85

BETWEEN : MALAS FAMILY

AND : SONGORIKI FAMILY

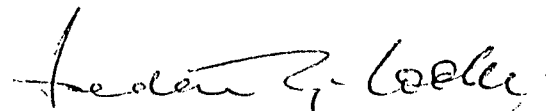
I have further considered this matter and from reading my judgement and the papers in this matter I am satisfied that the land granted to the Songoriki family ended at the land side of the road. From the plan attached to my judgement it is quite clear that this is so.

I do not agree with the contention of the Songoriki family that the land granted by me as custom owners crosses the road and continues to high water mark on the seashore. Therefore as the shore side of the land opposite the land granted to the Songoriki family is in dispute between the parties;

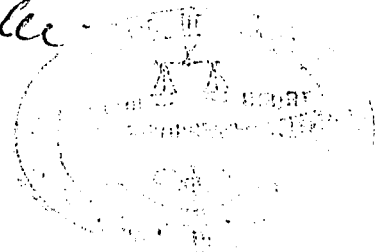
I HEREBY ORDER that both parties refrain from interfering with the sand on the sea side of the road until the customary ownership can be resolved by the Village Court, the Local Area Council of Chiefs, the Island Court and the Supreme Court if necessary.

If both parties agree to share any money obtained from the purchase of the sand on the seashore opposite the afore said land the customary ownership of which the Court granted to the Songoriki family, then this Order shall not come into force but if any dispute should arise as to the division of money obtained from the sale of the sand, the order shall have full effect from the date of such dispute and remain in force until the custom ownership of the land on the seashore side has been decided.

Dated at Vila this 7th day of November 1990.



Frederick G. Cooke
Chief Justice



J U D G M E N T

Mele Land Dispute, South Sea Cement Factory,
Roman Catholic Mission Land, LAKENPAGATAU.
Ikasem Hill on top. We Map isoem out.

After Efate Island Court iarem tok tok long Efate Island Court 14th January 1985, 6th February 1985. All tok tok mo all Question mo ol Pruf mo all Visit iko long Dispute Eria, mo tok, we Court iwantem belong taleh out long tufalla, se long dispute tufalla iglaimem Custom Ona, long LAKENAPAGATAU iko kasem on top long Hill, we Roman Catholic Mission, we long Mele Village long Nakamal blong Chief, Peter Boilapa blong Mele Village, toktok belong lukluk long em, mo, long 4 time we all iluk luk long em, mo ino kat any agreement mo minit ikam long Efate Island Court.

Long time we Court isidaon mo long Custom long ol Kroan long Efate, we Court iaskem, mo finem se long Custom belong Kroan; all nem, mo use blong Kroan long Efate Custom, mo Imere Custom.

Long Land onaship long trip, mo tripe Chief mo tripel Management long Land, mo Land transfer long Custom mo all Ceremoni belong all, Land mo tripal mo family iko long Land.

Long Land Dispute belong Mele some new, claim we tufala family italem Malas family italem se mi, mi long Blood belong Papa mo Pumpu, mo ino long Naflak, Long side belong Sogoriki italem se em istanap long side belong Blood ino Naflak. Toktok long Claim, History, Prove, Naflak, Sautoga, mo Blood 'Relative' ikam long Decision we Court ikat long em.

Long side belong all smol Roroai (orkokoi) we all smoll smoll, roroai belong all matarau or VARKALI em imas. Maramara Kaga Supe Tekaiga imenem se Chief long VAREA belong EM i mas protectem, all right belong Use long kroan, mo respectem, from, all system mo traditional fasin belong Chief istap long all, long fate. Matarau use long kroan, mo toktok ol time em base long em long custom, language land mo matarau.

Tok tok we court iluk long em, em itoktok we ikam out long TERIKI Peter Boilapa, family Sogoriki mo family Malas mo em som se land tenu belong Efate mo Imere isame long principal mo side belong Maramara Rage imas protektem right belong use long kroan, long area we em istap luk outem.

Constitution belong Republic of VANUATU iaskem long kroan iko long Custom Ona, mo land long before onaship long em, i base long Right, we Court imas lukluk kud long em.

Last tok tok we Court iwantem se Custom Ona we Constitution ikeirem Palamen imas luk luk pakeken long em from all Custom belong VANUATU belong use long kroan em very important from future onaship long kroan long Republic of VANUATU, olsem tok tok italem some time one nor fall Rod we isave halpem Custom from Court belong Land.

Mele Land Dispute, South Sea Cement Factory,
Roman Catholic Mission Land, (LAKENPAGATAU, iko kasem Hill on top,
We Map isoem out.

(1) Efate Island Court, i acceptem land Lease we South Sea Cement
Factory, i follem
Land Law belong Republic of VANUATU.

(2) Efate Island Court i acceptem se time we Court ilukluk long
Dispute long land ia Chief belong (Imere) Mele Village em Chief
Peter BOILAPA.

(3) Efate Island Court i acceptem se Land Case belong LAKENPAGATAU iko
Kasem Hill, on top, We Map isoem out, i been ko long (VAREA) blong Chief
Peter BOILAPA. long Mele Village, Court.

(4) Follem Agreement between Chief Peter Boilapa
Family Songoriki mo Family Malas, Efate Island Court ilukluk mo sduy
kud long agreement mo long same, time, lukluk kud long side belong ol
small small koroi or (kokoi) enside long Dispute Land, mo Efate Island
Court ikivem out, Custom ona long Kroan follem all toktok ia.

(A) (5) Efate Island Court ikivim Oder long Custom ona long Kroan se long
Future Development long LAKENPAGATAU, iko kasem Hill on top, we Map
isoem out, se profit we imet ikam out long em, an imas kivim 15% iko to
Family Malas.

(B) Custom ona belong Land em imas wok wetem (Marmaran Riaga) (VAREA) be
Peter Boilapa belong Imere all sem toktok belong Matarau Songorik
VAREA belong Chief Peter Boilapa belong (Imere) Mele Village.

(C) Efate Island Court italem se Family Songoriki em i Custom ona l
Disputed: Land LAKENPAGATAU iko kasem Hill on top, We Map isoem out
Ex --- Catholic church title.

(6) Efate Island Court, imekem iklea se long side belong Expenses we
tufala family Songoriki mo Malas family ikad

(A) Family Songoriki i pem Expenses belong em no mo

(B) Family Malas i pem Expenses belong em no mo

(7) Efate Island Court i wantem belong talem out long Family Songoriki
mo Family Malas, Se pos one imo agree long Decission belong Efate Island
Court se all ikad 30 Days belong Appeal long Supreme Court, olsen law
italem.

(1) JUDGE

JUDGE KALSAKAU

Kalsaka

(2) JUDGE

JUDGE CH. EF. M. FALEAWIA

Ch. E. M. Faleawia

(3) JUDGE

JUDGE ESRON MALAPAGA

Esron Malapaga

