

**IN THE SUPREME COURT OF
THE REPUBLIC OF VANUATU**
(Civil Jurisdiction)

CIVIL CASE No.11 OF 2010

BETWEEN: MANU IAIOFA, LOUIS CARLO, DANIEL BULE,
ROGER ABIUT, SETAK JACK, KARL DAVID,
TIRO VANUA and APIA MAWA
Applicants

AND: HONOURABLE EDWARD NIPAKE NATAPEI
TUTA FANUARIKI
First Respondent

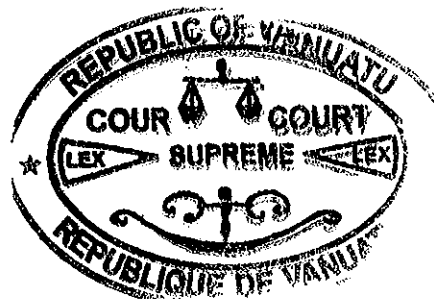
AND: HONOURABLE EDWARD NIPAKE NATAPEI
TUTA FANUARIKI
HONOURABLE JOE NATUMAN
HONOURABLE SELA MOLISA
HONOURABLE PHILIP BOEDORO
HONOURABLE MOSES KAHU
HONOURABLE BOB LOUGHMAN
KALMAN KALTOI, DAVID TEVI, CHRITINA
WILSON, TONY NGARI, PASTOR NIDITAWAI,
DANIEL MOLISA, NIKENIKE VUROBARAVU,
PAUL AVOCK HUNGAI, JACOB MATA,
MERELYNE ARHANABAT ABEL,
HONOURABLE BAKOA KATONGGA,
LEINAVAO TASSO, ISABELLE DONALD,
JOHN MORSEN WILLIE and LIVO ALICK
Second Respondents

Coram: Chief Justice Vincent Lunabek

*Counsel: Mr Silas Hakwa for the Applicants
Mr Nigel Morrison for the First and Second Respondents*

ORDERS

1. The Urgent Application for Enforcement of Court Orders dated and filed 24 March 2010 is hereby dismissed.
2. The First and Second Respondents are entitled to their costs of VT40,000. Such amount of costs shall be paid by the Applicants 14 days from today's date.



REASONS

1. The Court Orders sought in the Urgent Application dated 29 January 2010 in CC No.11 of 2010 and issued on 5 February 2010 are, among other matters, orders for the congress of the Vanuaaku Pati to be held in accordance with the relevant provisions of the Constitution of the Vanuaaku Pati and the appointed date for that congress was 1 April 2010 on the Island of Tongoa, Shefa Province; and the Executive Council of the Vanuaaku Pati to take all necessary steps and arrangements to ensure that the Vanuaaku Pati 37th Congress be held on 1 April 2010 on the Island of Tongoa, Shefa Province.
2. The Urgent Application for Enforcement of Court Orders dated and filed 24 March 2010 is somewhat a strange Urgent Application for Enforcement:
 - (a) It is preemptive in nature. Mr Hakwa, counsel for the Applicants confirms to the Court that the Vanuaaku Pati Congress will take place on 1 April 2010 on the Island of Tongoa, Shefa Province as directed by the Court Orders of 5 February 2010. It will be difficult to assess any breach of the Court Orders of 5 February 2010 which is sought to be enforced in the present Urgent Application of 24 March 2010.
 - (b) Contempt of Court Orders are sought against persons who were not parties to the proceedings in Civil Case No.11 of 2010.
3. The nature of the relief sought in the Urgent Application of 24 March 2010 are fundamentally different from the proceedings in Civil Case No.11 of 2010. If new proceedings are required that must be a matter entirely for the Applicants.

DATED at Port-Vila this 29th day of March 2010

BY THE COURT

**Vincent LUNABEK
Chief Justice**

