

**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 Hakwafor for the Applicants
Mr Edward Nalyal for the First and Second Respondents*

ORDERS

1. The Court is satisfied that Article 3A(i) of the Vanuaaku Pati Constitution has been breached.
2. A Vanuaaku Pati Congress must be held in accordance with Article 3A(i) of the Vanuaaku Pati Constitution.



3. The Vanuaaku Pati had held its last Congress on 26-30 August 2007 at Ifira Tenuku. It was the 36th Vanuaaku Pati Congress. It was resolved, among other matters, that the 37th Vanuaaku Pati Congress shall be held on the Island of Tongoa, Shefa Province and that that Congress mandated the Executive Council of the Vanuaaku Pati to set the date and time of the next Vanuaaku Pati Congress on the Island of Tongoa, Shefa Province.
4. After submissions and arguments from both the Applicants and the Respondents, the Court accepted and endorsed the date of 1 April 2010 to be the date for the 37th Vanuaaku Pati Congress to meet on the Island of Tongoa, Shefa Province in execution of the resolution 24 of the Vanuaaku Pati's 36th Congress held on Ifira Tenuku in 2007.
5. The Executif Council of the Vanuaaku Pati shall 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.
6. The costs are awarded in favour of the Applicants and such costs to be agreed or taxed.
7. Brief reasons of the Orders be provided soon.

DATED at Port-Vila this 5th day of February 2010

BY THE COURT

Vincent LUNABEK
Chief Justice

