

HENDRY JOEWANGEH
Applicant

AIPORTS VANUATU LIMITED
First Respondent

REPUBLIC OF VANUATU
Second Respondent

Hearing: 7 April 2011

Before: Hon. Justice Robert Spear

Appearances: Mr E Nalyal for Applicant
Mr N Morrison for First Respondent
Mr J Ngwele for the Second Respondent

Judgment: 7 April 2011

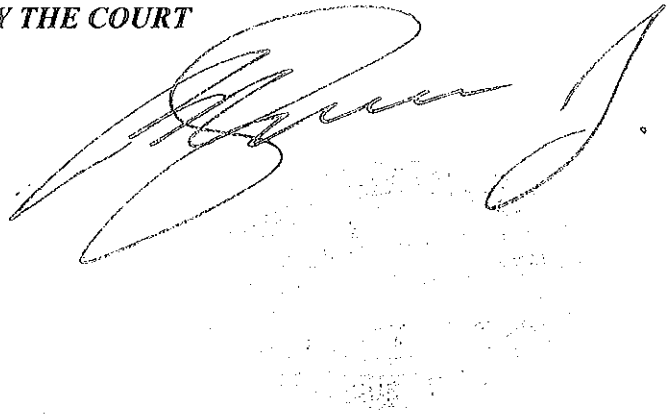
JUDGMENT and CONSENT ORDERS

1. This was to be the urgent hearing of the application for certain orders to address the purported suspension of the Applicant Mr Hendry Joewangeh from his position as Chief Executive Officer of Airports Vanuatu Limited (AVL).
2. At a conference this morning, and after hearing from Mr Nalyal, I removed the various individuals initially included as the First and Second Respondents and added the above Respondents in their stead. This was necessary to reflect the undeniable fact that this was a matter relating to the employment contract between the Applicant and AVL. Because of the importance of AVL's operations to the Republic of Vanuatu, it was considered appropriate that it be joined as well. Mr Ngwele confirms that the Republic wishes to remain interested in the proceeding.
3. I am grateful to counsel for making themselves available at such short notice.

4. I am pleased to note that common sense appears to have prevailed and that it is now "business as usual: (as Mr Morrison put it) with AVL. This is to be reflected in consent orders
5. This Court declares (by consent):
 - a. That the Applicant, Hendry Joewangeh is the lawfully appointed Chief Executive Officer of Airports Vanuatu Ltd;
 - b. That the purported suspension of Hendry Joewangeh from his position as Chief Executive Officer of Airports Vanuatu Ltd by Alain Lew, purporting to act as Chairman of the Board of Airports Vanuatu Ltd, is invalid and of no effect.
6. Costs are reserved pending further application

DATED at Port Vila this 7th day of April 2011

BY THE COURT

A handwritten signature in black ink, appearing to be "G. J. ...", is written over a faint, circular official seal or stamp. The signature is fluid and cursive.