

Name of Land in dispute KWAI HARBOUR.....

Name of Plaintiff: 1. Mauara of Fouo Vge., Nr Atori, E/Kwara'ae  
2. Tom Toifai, Ngongosila Is., E/Kwara'ae  
3. (Sade) Andrew of Ngongosila Is.,.....

V.

Name of Defendant: 1. Faneta Sira, Kwaifalu village  
2. Laeni of Kwakwaru, Nr Atori Vge,  
3. Kobe of Kwai Island  
4. Misimanu Tafoa, Kwakwaru Vge., Nr Atori  
5. Sipolo Siofa of Kwai Is., East Malaita.....

DECREE

JUDGMENT: Court finds that the plaintiff side have claimed three discoveries. Tom claimed his devil UMAIA had four (4) sons. His devil ULAA UMAIA came down from DAROAMADARI and discovered Ngongosila island. On four generation on the island his devil BOI died and changed into shark. His generation on the island is 19 generation Tom also said that A. Buga, Mahlon Mauara and himself have been using the Kwai Harbour for some generations before Kwakwaru tribesmen arrived from Siubongi in the West and lived with Mauara in Kwakwaru settlement.

Court also finds that Tom claimed his shark BOI based on Waloboi cave (Ru'u) on the bottom of Kwai Harbour. Tom also mentioned that Tofue of ABUALA had a shark name FISIA who lived at Walowailao and Kaoni of Leli island has a shark name BOBO. Court finds that Tom mentioned his shark BOI stopped other sharks of Bitama, Walo, Arauma and Asinawane slept over night at Fouafora cave. Defendant claim that this is their cave where their two sharks TOFARI and KWALUGWENAFU base.

Court finds the defendants agreed that Tom's sharks and fishing grounds are true but on their own area or reefs south of Ngongosila island. Tom also agreed that Buga has a fish (Tosigou) living on the Harbour Kwai.

Andrew Buga of Kwai island. Buga claimed the right over Kwai Harbour because he has a fish Tosigou to give sign of good luck or bad luck on the Kwai Harbour.

The discovery of Kwai island. Buga said that his devil GWAIOFA of Fougwalafu came down to Fera'abu. That devil Kokuuba Fufura came down to Kwai island. He got to the island by a raft or (Aifaoa).

Court also found that Tom Toifai blood related to Buga on female line through Rabi of Gounakwai tribe. Court finds that Buga claimed and strongly supporting Mr Tom has a shark Boi guard the harbour and fish gives out sign for everybody on the Harbour Kwai.

(3) Plaintiff Mouara of Fouo Village Kwakwaru he descended from Gwaunaongi tribe through the devil Aiere (m) discovered Goulafafo came down later devil Maetarara went down from his brothers at Ferainiu to Kwakwaru and lived at Ufu then came to Busuione then he came to the third site and name it Kwaru. Mr Mauara claimed that (1) Moosu of Siubongi arrived to him in Kwakwaru (2) Darokona of Logu arrived to him. Karua of Gaita (Koio) arrived to him these tribes arrived to him in Kwakwaru and built the kingdom where Sisilimae killed the tribesmen.

Mr Mouara did not make clear in Court what reason Sisilimae killed Kwakwaru men.

The Court finds that Mouara claim all the fishing areas along the sea shore of Kwakwaru and artificial island name Manaofa. He name some fishing grounds (Alata) given away for female lines to him are (1) Dikobiala, Koafoe and Foe to GwARA (2) Kwalutafe owned Taefou fishing ground. Rata fishing ground (Alata) given for Gwara married at Kwai island.

**PLAINTIFF WITNESSES**

PW1 A. Famae of Asinawane tribe said that his devil Talofa contemporary to Boi Aniboni means that his devil Talofa lived during the time of Boi of Ngongosila and took part on some civil wars. PW 2 & 3 supported Tom came out of Kwara'se bush Funilofo & Manadari tribes. PW 4 & witnessed that Tom & Buga have shark Boi and the fish (Tosigou) on Kwai Harbour.

PW 6 & 7 witnessed Manara how Sisilimae killed Kwakwaru and his last custom feast (Maoma) held in Kwakwaru then no longer any custom priest (Fatabu) lived ever since.

PW 8 & 9 Witnessing Tom Buga and Mouara have shark Boi, fish (Tosigou) & confirmed. Manara discovered Kwakwaru witnessed by Laeni (m) but not Fanetasira. He said that Laeni's devil by the name Moosu Ketei said Moosu arrived to Aukwao at Aenalalato. He followed a woman Kokoi married Manara's man.

Court finds that Defendant's side traced how they came to Kwakwaru and claimed the first part of the Kwai Harbour access.

Once the two Siubongi tribes had a civil war Siubongi bush (who killed Kemaoma of Siubongi sea (Asi)). The son Moosu left Siubongi with his sons for Logu then Manu. From Manu they went further for Lalato in Nafinua passage. They rested their sharks on Fouafora cave but for side of Kwakwaru point Mr Tom denied there is no cave (Ruu) but sharks of Lau areas broke the cave ruu seen during the harbour survey on 12/2/92. Defendant said that their 2 sharks Tofari and Kwalugwenafo based here and use the Harbour.

Court finds that the Defendant claimed they inhabited Kwakwaru before Mouara came to his uncles and grandfathers there and later made trouble then cahsed out of Kwakwaru. Mocsu & sons arrived in Gounamanu/Ialato to Baerara and Iamomea and brother-in-law Aukwao lived on the area. Aukwao of Sulafalo tribe. Later Jaefania went over to settle at Kwai island.

Court finds that defendants did not mention exactly what had Iabala did in Kwakwaru that he was offered for Fiuomea of Fusai to be taken for the human feast and be replaced by Karua of Gwaita (Koio).

Court also finds that the defendant claim the same fishing grounds (Alata). Iaomea and Baerara were from Ulakwai tribe. Both Siubongi men & Mouara argued over the given reefs and fishing grounds of Kwakwaru so Court doubted who was right of the first discovery of Kwakwaru. Court finds that Siubongi men claimed they brought modes of custom prayer for porpoise fish (Kirio) they divided the Harbour following their Kirio fishing access. So they put up a boundary mark covering three quarter (¾) of the Harbour is theirs including Mauara's island Manaofa.

- SEA SURVEYING OF KWAI HARBOUR -

Court finds that both plaintiffs and Defendants agreed that they have properties of reefs and fishing grounds on the edges of the Kwai Harbour. Court finds that both Buga and Defendants Siofa Siofalo, Faneta and Baeni were arguing about the discovery and the Alatas (fishing grounds) of Kwai is own by Gounakwai Kwailalo tribes.

Court finds that DW 2,5,7,9 and 10 are all from Kwai Island. They have relationship tie with Kwakwaru, Gounakwai and Kwailalo tribes which they totally denying Mouara and Buga not own any fishing grounds on the reefs along the sides of Kwai Harbour. Sea side areas.

DW1,3,4,6 and 8 are from different tribes which they are strongly supporting the Kwakwaru and Gounakwai have properties of fishing grounds in Kwai Harbour. They had given away some of their fishing grounds for female lines and allowed their Alata for hiring purposes. They denied Mahlon Mouara and Andrew Buga not given away any fishing grounds to others. DW10 Samo Kaoni said that both plaintiffs and defendants have fishing grounds and sharks Buu in Kwai Harbour.

Court finds that all the sea properties claimed and survyed in Court remain the properties of the Plaintiff and Defendants which no one is allowed to touch or take away after this case. Court finds that the Kwasibu Chief Settlement stated that the Kwai Harbour owned by East Kwara'se people. Therefore this Court doubted the boundary line marked by Defendants of this case which across the deep blue sea of Kwai Harbour from Tafaraliu to Geriongo point Kwai island.

- HARBOUR POLUTION -

To avoid Harbour polution of the divided Kwai Harbour Court will give its decision.

In sake of completion of this case Court offers the following decree.

DECISION

Mr Tom Toifai, Andrew Buga and Mahlon Mauara and clans have primary rights over Kwai Harbour and Fanetasira, Laeni, Misimanu Tafoa, Sipolo Siofa and Kobe and clans have primary rights over Kwai Harbour.

Right of Appeal explained. Expired date 18/2/92 - 18/5/92 Auki.

Signed:     O. Sanga     -     VP  
              J. Taega     -     CM  
              H. Wemani   -     CM  
              L. Kebai     -     CC (m)

Dated this the 17th day of February 1992.