

IN THE TANDAI/SAHALU COUNCIL OF CHIEFS.

RE: VAI/RUANIU LAND

RAYMOND JUAPI FOR HAUBATA TRIBE VS JOSEPH UHO TOLIA FOR KAKAU (NUHU) TRIBE  
AND DANIEL KIKILE FOR LAKULI TRIBE.  
HEARING: 23rd, 24th, 26th, 27th, 28th AND 29th JULY 1993 AT VURA VILLAGE

This is a chief hearing under the LOCAL COURTS (AMENDMENT) ACT 1985.

The land in dispute is known as Vai/Ruaniu land which is from, Vai inland bounded by the UMASANI river on the western side, MAVO river on the eastern side to the sea, (See sketch map).

The first person to speak was Raymond Juapi, he outlined that the land in dispute as far as he knew, is owned by the HAUBATA tribe under custom. For that reason he dont know why Joseph Uho and his subtribe claim to be the owner of the above land and they go on to negotiate with the URA (Prawn) project at Ruaniu, etc. etc..

After hearing the above brief submission from Raymond Juapi the chiefs decided to start with Joseph Uho to tell his story asto why he and his sub-tribe claim to be the owner of the above land.

Joseph Uho, submitted that he have already appeared four times in court concerning the same land which he have alleges to be in his favour, and this is the fift one. In his full submission he said that his sub-tribe was originated from the savulei area, his sub-tribe is called Kakau ni Nuhu led by KONGA, his wife KOKURAU and their four children migrated to Vai area. In their arrival at Vai area they first settle at BELANA with Paravele and Hodavi and with their assistant they build a new home at HOROKAMA. After staying at Horokama for sometimes they went to settle with TOO at VERATOHOMA and Uho go on to say that he TOO is from the Haubata tribe and he is the principal owner of Vai land.

Joseph Uho said that, his tribe owns the Vai land after his sub-tribe perform a traditional custom (Sui Kao) to Solomae Too's brother. The land claim by J.Uho to be purchased (Susui) by his his sub-tribe is from Konabake stream, Mavo river on the eastern side, Umasani river on the western side down the Umasani river to Lamutumutaa up to Vekonabule going east wards down to Mavo river namely Tingimataha this is the area who have alleges by Joseph Uho to have been purchase by his sub-tribe, (Kakau ni Nuhu).

Joseph Uho's second submission is that, after they left Vai area they went down to settle at Horobau (Outside the disputed area) some of them went to settle with Rava at Ruaniu, Rava is from the Tandai area. Joseph Uho said that it was at that time Rava told his sub-tribe to purchase the land from Mavo river mouth up the Mavo river to Poitachachu across to Paralau then to Baroha then down to Namongali down the Umasani river to the sea at Tabaleho, and the land from Poitachachu up to Tingimataha (Mavo river), across to Lamutumutaa Umasani river down to Namongali was not occupied by either Too and Rava's sub-tribe. So Joseph Uho claimed that his sub-tribe was first to settle at Huraja, this is why his tribe own that piece of land in between. Joseph Uho submitted twenty names of his sub-tribe elders who he have claimed to have perform the traditional custom (Susui) at Vai area Ruaniu and first settle at Huraja.

The first witness called by Joseph Uho was his brother Joseph Manequ .

Manequ submitted that, the Kakau Nuhu tribe purchase the whole of Vai land, the expences are: 6 pigs, 5 shell money and foods. He also said that he and his brother Joseph Uho Tolia, perform a traditional custom to Joseph Manehamosa (The present relatives of Rava) to renew the transaction made to Rava by the elders. He also said to have perform a traditional custom to the Haubata tribe of Vura which he claimed to renew the previous transaction, and one to Korapaela (His sister) to handover the rights to control the land, to them (J. Manequ and J. Uho). J. Manequ said by doing those he believe the land in dispute belongs to his sub-tribe (Kakau Nuhu).

The second witness called by J. Uho is, Ludovick Kaulake. In his submission Ludovick believe that the land in dispute is owned by th Kakau Nuhu tribe, reason is that the Vura chief Vitore Lulua witness him (Ludovick) in one of the declaration concerning the Ura (Prawn) project at Ruaniu.

The third witness is Francis Dick (Kakau Valimauvo) he knew that the land in dispute rightly belongs to the Kakau ni Nuhu tribe. However, he started to submitted a new claim concerning part of the land in dispute, this was rejected by the chiefs reason is that he is only a witness to the party to this dispute, however, he agree to withdraw his submission for claiming part of the land.

The fourth witness , Vitolio Mulele said that he knew nothing about the land what he knew is that he witness the traditional custom perform to Joseph Manehamosa in 1986 .

Raymond Juapi, in his submission claimed that the whole Vai land (Land in dispute) is own by the Haubata tribe under custom, because the Haubata warrior namely TUBOU killed the Giant (QIRODULI) who killed most of the people living around that area at that time. He also said that the first settlers at Vai land are: Mangakiki, Warere and Tuqalokau from the Haubata tribe and Kai and Qou from the Kakau tribe, and also Too who established the sacrificial site at Veratohoma, Laona and Kasiau and firs settle at the following places : Mavo Kodoma and Baradoko. There are also respected sites known as Vatupopo and a Beku in the Vai area (Land in dispute).

Raymond Juapi said that there are other Lakuili tribes who came to see Tuqalokau and others and they settle at Ruaniu. It was at that time Tuqalokau and Parihau gave the land from Baroha down the hill to Namongali (Umasani river) down the river to Tabaleho, follow the coast to Luvivatu then up to Baroha again to the Lakuili tribe leaders namely: Ate, Oro and Tsinohotani.

The second group submitted by Raymond Juapi to enter the land in dispute after Mangakiki went to settle at Sara and the dead of Too are, Tavarau, Vuarongo, Qo, Perole and others (Haubata tribe) which they settle at Choka, Kosule, Peropana, Tanahoi and Barakopina, and go on to say that HURAJA was first settle by Kasiano Samuele, Ben Savau, Kasio, Boromeo and their followers during christianity.

Raymond said that, as far as what he heard from the elders who actual take part in that transaction at Vai, there is no such payment as claim by J.Uho it is only a SUI MORU. Things Given to Solomae at that time are, 2 pigs, 1 malona(Shell money) 1 turubuto and foods. However this small transaction was reversed in 1985 following a request by Korapaela (Kakau Nuhu tribe).

Raymond also denied any Land purchase (Sui Kao) concerning from Baroha bounded By the Umasani and Mavo river to the sea.

Complainants witness no.1, Rupino Taba submitted that he recal back in 1963 when Chrispino from Tamboko came to Vura and asked Christopher any piece of land for gardening, and he go on to say that Christopher din't gave them any land, instead only the Haubata tribe elders namely Veni Joha, Paulo solo and Iokobo gave them permission to make gardens along the Umasani river from Namongali to Namokochi, so thats why he believe the land in dispute belongs to the Haubata tribe.

Complainants witness no. 2, Kasiano Veomate, submitted that what he heard from the elders who actual present during the Sui Moru at Vai is that, there is no such Sui Kao as claimed by J. Uho, it is only a Sui Moru. The elders revealed those story to him are, Belasio and Gabriel from Honiata.

Also concerning the coastal area, there is no Susui the only thing he knew is a Ratsi Uta by Tukochi with 30 wild pigs.

Complainants witness no.3, Belasio Tavarau submitted that he is from the Kakau tribe and what he heard from his elders is that the two namely, Kai and Qou are from his sub-tribe and what he heard from his tribe elders is that, his sub-tribe is only the followers of the Haubata tribe Headed by Too at that time, so he knew from the elders that the land in dispute is belongs to the Haubata tribe under custom.

The third party in this hearing is also a defendant namely, Daniel Kikile . In his submission, he denied all the transaction claimed by the defendant No.1 - Joseph Uho. However he support all the evidence submitted by the complainant, Raymond Juapi.

Daniel Kikile gave a brief history to prove that Rava is from his sub-tribe and not the subtribe of Raqamate as claim by the defendant no.1 (J.Uho), Rava the son of Komule and Komule the sister of Sasaro, Sabiri the daughter of Sasaro and Sabiri is his (Daniel Kikile) grand mother. Concerning Christopher Lunja, he is the son of Tavarau, from the Haubata tribe who owns the land.

In his last submission he produced a sale document made by Stephen Matekavi and Christopher Lutsa on behalf of Rava and others in 1919. Daniel said that Rava worshipped devil at Ruaniu (Banina).

After hearing submissions from the complainant and the defendant, the chiefs have decided to call for Korapaela to give a brief evidence concerning the reversed chupu and what he knew about Vai land. In her submission she said that she took the reversed chupu that was given by Veni Joha and his tribe in 1985 and go on to say that she is the only blood of the Haubata tribe who actually born at Vai, and also go on to say that Vai land rightfully owned by the Haubata tribe.

Also Stephen Matekavi spoke out during the hearing and ask the chiefs not include the land from Osaka to Tabaleho not to affected by any decision.

FINDINGS:

Looking through various points or evidence raised by the parties to the dispute, we have come to convince ourself that the subject matter in the dispute is whether the purchase (Sui Kao) made to Solomae and Rava are true or not. And secondly whether the Haubata tribe was first to settle and have sacrificial sites and other customary memories in the dispute land, and also the piece of land claim by Daniel Kikile is own by the Lakuili tribe or not.

However, there are facts on which conclusion can be drawn to determined this claims.

1. There is no written records and decision to proved the four chief hearing claim by the first defendant (J.Uho) which he have alleges to be in his favour. This is why the dispute has been going on for years.
2. The defendants witness No.2 and 3, we found that there is no weight in their evidence to support the claim, reason is that they only produced supporting statement and no supporting facts to prove the purchase made to Solomae and Rava. Witness No.4 (Defendant), his evidence is merely on the new development that is what perform to Joseph Manehamosa, that can only be upheld if the first transaction perform to Rava is supported by the evidence.
3. You hardly found in Guadalcanal that there is no ownership of land in between two piece of land.
4. There is no dispute by the defendants in this case that the Haubata tribe was first to settle in the land in dispute, and also during the survey the defendant did not dispute the Tambu sites shown by the Haubata tribe. However, this was also proved by the chiefs during the survey on th 28th, 29th July 1993.
5. The Haubata tribe have already reversed the traditional custom to KORAPAEIA, by doing that there is no weight on the transaction made to Solomae. Seeing that Korapaela accepted the reversed chupu, we turn to accept that the first transaction made to Solomae is only a Sui Karumba (Permission to work on old garden sites).
6. Mrs Korapaela denied the traditional custom perform to her claimed by the defendant J. Maneuqu, to transfer her rights or superiority. She also said that Vai land is rightly own by the Haubata tribe.



7. The document produced by Daniel Kikile is read, " Stephen Matekavi and Christopher Lutsa acting on behalf of Rava and Others". So the Two person are only acting on behalf of Rava and Others.
8. Daniel Kikile did not dispute Stephen and Renato as mention by the complainant Raymond Juapi. During our cross examination Daniel Kikile also didn't dispute what Stephen Matekavi have said concerning part of the Lakuili block of land.
9. There is also no dispute that the Kakau ni Nuhu tribe have been living and assisting in other activities among the Lakuili and Haubata tribe.
10. If we accept the Haubata tribe have the primary right over the dispute land, then we must also consider the block of land from, Baroha across to Namongali down the Umasani river to Tabaleho(Sea side) going eastwards to Luvivatu then up to Baroha again, to be remain with the Lakuili tribe as submitted by the complainant to this dispute Raymond Juapi.

DECISION:

Having considered the above facts we are convinced that the Haubata tribe headed by Raymond Juapi is the rightfull owner of the disputed land under custom. Which is , Vai inland, bounded by the Mavo and Umasani river to the sea.

Unless otherwise, our findings also found that the Kakau ni Nuhu tribe will only comes under Haubata tribe headed by Raymond Juapi for any financial benifit occured on the land.

Also our findings also revealed that the land from, Baroha to Namongali down to Tabaleho across to Luvivatu, will remain with the Lakuili tribe headed by Daniel Kikile and Stephen Matekavi. And Renato Kavichavu comes under them. Any division if wish to, its up to them (Lakuili) to sought it out by them selfs.

CHIEFS:

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|-----------------------------|--------------------|------------------------------|----------------------|
| 1. MATEO MATAI (Chairman).  | <i>Mateo</i>       | 2. P. TEKŌ (Judge).          | <i>Yeko</i>          |
| 3. ONESIMO REINUNU (Judge). | <i>Reinunu</i>     | 4. PLACIDO BINA (Judge)      | <i>Placido Bina</i>  |
| 5. DIO TALINA (Member).     | <i>Dio Talina</i>  | 6. BEN QEREBUANA (MEMB)      | <i>Ben Qerebuana</i> |
| 7. SIRIAKO USA (MEMB/G.SEC) | <i>Siriako USA</i> | 8. RICHARD CHULE (Secretary) | <i>Richard Chule</i> |

JUDGEMENT:

THIS 4TH DAY OF AUGUST 1993.