

**IN THE COURT OF APPEAL OF  
THE REPUBLIC OF VANUATU**

*(Civil Appellate Jurisdiction)*

Civil Appeal Case No. 33 of 2013

**IN THE MATTER OF:** An appeal by the First Respondent in Land  
Appeal Case No. 71 of 2006 in the Supreme  
Court of Vanuatu

**BETWEEN:** FAMILY KALMET represented by CHIEF  
ANDREW BAKOA KALPOILEP AND JACK  
KALMET

Appellants

**AND:** FAMILY KALMERMER represented by their  
duly authorized representative CHIEF MANFEI  
KALORIB KALMERMER

First Respondent

**AND:** FAMILY KALPONG

Second Respondent

**AND:** FAMILY KORIMAN

Third Respondent

**AND:** FAMILY KALWATONG

Fourth Respondent

**AND:** JIF KALTAPAU & DESCENDANT

Fifth Respondent

**AND:** FAMILY KALONIKARA

Sixth Respondent

**AND:** FAMILY NASE KALMET TALEO

Seventh Respondent

**AND:** FAMILY FATAN KALMARI

Eighth Respondent

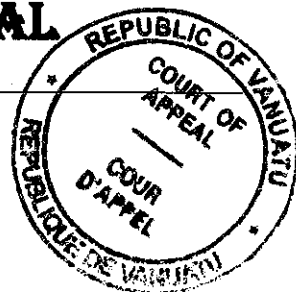
**Coram:** *Hon. Justice Bruce Robertson  
Hon. Justice Daniel Fatiaki  
Hon. Justice John Mansfield  
Hon. Justice Dudley Aru  
Hon. Justice Mary Sey*

**Counsel:** *Mr. Felix Laumae for the Appellant  
Mr. Silas Hawka for the First Respondent  
Mr. John Timakata for the Fourth Respondent  
Mr. Saling Stephens for the Eighth Respondent*

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**DIRECTIONS OF COURT OF APPEAL**

1. In these directions,



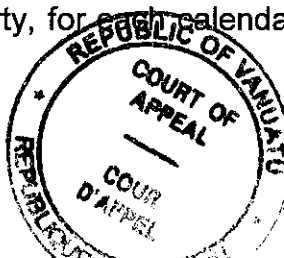
- (a) The terms "*any decision of any Court or tribunal*" means any decision of any Court or Tribunal which concerns the custom owner or owners of any piece of land which is, or may be argued to be, relevant to the determination of this appeal or to the determination of Land Appeal Case No. 71 of 2006 or a related proceeding;
- (b) The term "*claimed area*" means any area claimed by any party as the custom owner or owners in any Court or Tribunal but which has not yet been decided by that Court or Tribunal and that is, or may be argued to be, relevant to the determination of this appeal or of Land Appeal Case No. 71 of 2006 or a related proceeding;
- (c) The term "*action or claim*" means the action or claim in which any decision of any Court or Tribunal has been made and any claim to any claimed area; and
- (d) Where a lawyer is acting for more than one party and those parties make the same response to these directions, those parties may do so in the one document, but if not all those parties agree then a separate document must be provided for the party or parties who take a different position.

2. The Court Directs that:

- (a) The lawyers for the parties confer by 29 November 2013 and agree upon a map of sufficient geographical size to have marked on it the areas of any decision of any Court or Tribunal and any claimed areas;
- (b) Each party by 13 December 2013 file and serve on every other party:
  - (i) A copy of the map clearly marked with the areas of any decision of any Court or Tribunal, and identifying the action or claim for each area;
  - (ii) A copy of the map clearly marked with the areas of any claim by that party and identifying the action or claim for each area;

3. The Court further directs that any party which has received any funds following upon any decision of any Court or Tribunal related to the lands involved in these proceedings, or following upon any claim shall file and serve by 20 December 2013 a sworn statement by that party setting out:

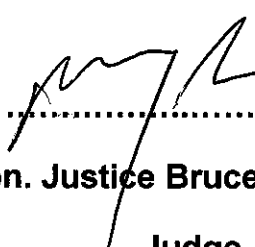
- (a) The amounts so received by that party, for each calendar year that such moneys have been received; and

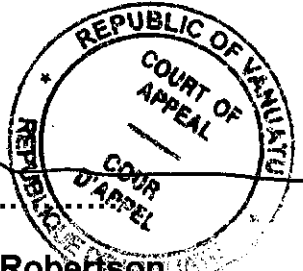


- (b) The persons or entities which have paid those moneys for each calendar year that such moneys have been paid, and the basis for those payments such as lease payments or rental payments or as the case may be.
4. The Court further directs that until 10 April 2014 any monies presently held by any party or received by any party after 22 November 2013 following upon a decision of any Court or Tribunal, or following upon any action or claim, shall be held in trust by an independent person nominated by that party or be held in trust by that party's lawyer, and not be disbursed except by leave of the Supreme Court other than for legal fees properly and reasonably payable in the conduct of this appeal or Land Appeal Case No. 71 of 2006, and that by 26 March 2014 the person acting as trustee shall file and serve on the other parties a statement setting out the monies so received (with the same information as set out in direction 3 hereof) and any payments made from those monies with the detailed invoice from the lawyer in support of each such payment.
5. The appeal is stood over to the next sitting of the Court of Appeal commencing on 24 March 2013.
6. Any party may apply to the Supreme Court or a judge on 4 days notice to the other parties for an order varying any term of these directions, and the Supreme Court or a judge may vary or discharge such of orders 1 – 5 hereof as the Court or a judge considers just in all the circumstances.

**DATED at Port-Vila this 22<sup>nd</sup> day of November 2013**

**FOR THE COURT**

  
.....  
**Hon. Justice Bruce Robertson**  
**Judge.**

  
REPUBLIC OF VANUATU  
COURT OF APPEAL  
COUR D'APPEL