

BETWEEN: CHIEF WAYA TENENE of Erakor
village, South Efate.
Original Claimant

AND: SUAL KALMARIE of Erakor village,
South Efate.
First Cross Claimant

AND: KALMETABIL KALMET NMAK of
Erakor village, South Efate.
Second Cross Claimant

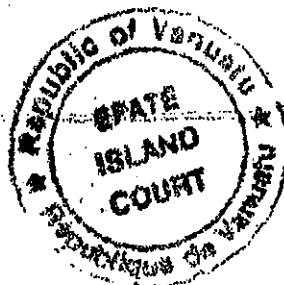
Coram: Justice: Erick Mesao
Justice: Delwyn Manapanga
Justice: Anne CARLO

Clerk: Shemi JOEL
Blandine TEPI

JUDGMENT

HISTRI BLONG KES.

Matter blong Erakor jifly title istat long Efate Island Kot taem we olgeta parties ilodgem proper klem blong olgeta blong klemem title ia. Hemia ifolem nomo wan oda we ikam long Supreme Kot we idated long 27 June, 2002 mo we iodarem Efate Island Kot blong finem wan solution long dispute ia. Blong deal wetem Island Court iansarem six kwestin we Supreme Kot iaskem. Afta we Island Kot iharem kes ia mo answarem six fala kwestin we Supreme Kot iaskem, Island Kot iko on blong declarem se Kalmetabil Kalmet Nmak nao hemi rightful jif blong Erakor folem kastom. Decisen blong Island Kot ia ikam aot long 7th August, 2002. Subject long Oda ia, Tufala pati blong Waya TENENE mo Sual KALMARIE ino glad mo appil iko long Senior Magistrate Kot (CC 07/2002). Long namba 7th day blong January, 2003 Senior Magistrate Kot idismissim ol graons blong appil blong olgeta mo konfirmem decisen blong Island Kot. Afta long unsakseful appil



ia oli further appil iko long Supreme kot. Supreme Kot ifurther dismissim appil ia mo maintainem answa blong six kwestin ia we Island Kot iansarem. Supreme Kot imekem wan oda blong imas kat eleksen blong resolvem dispute ia. Ikat further applil iko long Kot of Appil, mo long namba 7th November 2003, Kot of Appil imaintainem answers blong sixfala kwestins ia mo sendem bak matter ia ikam long Island kot. Issue we Kot of Appeal iodarem Island Kot blong harem hemi;

"The Island Court shall make a determination as to whether holding of an election to choose a Chief is part of the custom of Erakor village and all other outstanding issues which need to be decided in obtaining a new chief of Erakor Village".

Kot ia bifo iko long ol edvidence, kot iwantem mekem iklia long ol parti se hemi no save considerem ol evidences we irelate long ol answers blong six kwestin we Island Kot ibin answaren finis.

Kot ia hemi definem kastom olsem " rule blong law we ifomem fasin mo conduct blong pipol long wan society we hemi establish bifo finis mo ino replacem any kastom.. Law ia oli no writem daon mo pipol iliv wetem."

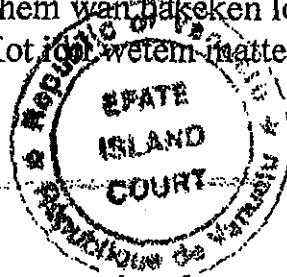
Island Kot long namba 29th March, 2004 istat blong harem kes ia blong determinem onli issue we istap.

Long ol evidences, Kot iproceed fas taem wetem pati blong Waya TENENE we hemi original klemen long kes ia.

Waya TENENE.

Fes witness hemi Waya TENENE

Evidence blong hem ikam long wan memorandum blong submission, mo hemi stap talem nomo bakeken se Kot of Appeal italem se ol pati iagri blong keepim ansa blong sixfala kwestin mo sendem ikam bak long Island Kot blong determinem wheta Eleksen hemi pat blong kastom blong Erakor. Waya TENENE hemi stap talem se matter ia everi pati isave se hemi folem bladlaen blong jif nomo long saet blong man be ino kat ples blong wan eleksen blong wan jif long Erakor. Hemi talem se siposi wan pati isapotem eleksen iminim se hemi stap contractim hem wan bakeken long ol toktok blong hem long fes instance we Island Kot jif wetem matter ai.

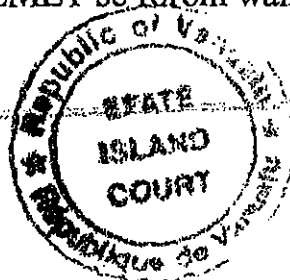


Long ol kwestin long examination in jif abaot issue blong eleksen, hemi stap agri nomo bakaken se eleksen hemi no kastom blong Erakor be hemi folem nomo bladline blong man. Long wan kwestin se who nao iko tru long eleksen? Hemi ansa se hem mo Arthur MATAI ibin kam jif bifo Apsai idisputum.

Long wan kros - examination kwestin we ikam long pati blong Sual KALMARIE se yu save kam jif folem bladlae blong man? Hemi ansa se yes mo hem ikam jif folem bladlaen blong mama we hemi kam long bladlaen blong Nmak. Hemi ansa tu long wan kwestin se blong kam jif yu save follem bladlaen blong woman we everi wan long male bloodline oli agri long hem, and hemi se hem everi family long bladlaen blong man oli jusum hem. Hemi bin asna long wan kwestin se hem ikam jif mo Jif MATAI nao hemi kivim raet ia long hem bifo oli ko long wan eleksen. Hemi talem bakaken se siposi igat dispute, then imas kat eleksen olsem long kes blong hem. Hemi talem se hemi bin winim eleksen mo Apsai ikat 10 voes, Arthur ikat 17 voes hem ikarem majority blong ol voters. Hemi se right ia hemi kasem folem we Apu TATA blong hem ikivim long Samuel KALTONG blong Ifira we hemi wan teacher, afta Samuel KALTONG ikivim long MATAI. Hemi se MATAI ibladlaen blong Jif Kalsong we ikivim long Samuel KALTONG mo Samuel ikivim long MATAI mo MATAI ikivim long hem. Hemi talem se olgeta olfala long side blong man bladlaen nao oli jusum hem blong kam jif. Hemi stap talem se Samuel ikarem nomo from we hemi save toktok gud long lanwis blong waet man. Witness ia italem se Kaltong TATA hemi never ko tru long wan eleksen from ino kat dispute. Long ol kros examination kwestin we ikam long Timteo KALMET, hemi stap answarem ol kwestin mo witnissim se MATAI nao ikivim aot title ia long hem. Hemi stap konfirmem bakaken se eleksen hemi no pat blong kastom blong Erakor. Hemi se religion mo politik ianda long jif.

Arthur MATAI.

Namba tu witnis hemi Arthur MATAI we hemi talem se hemi bin tekem position ia Assistant Jif aot long Papa blong hem we hemi MATAI. Hemi se Sovereignty hemi intergrety mo siposi eleksen hemi bin tekem ples long colonial taem then hemi fasin blong waet man be ino kastom blong Erakor. Hemi se hemi bin ko tru long eleksen from assistant jif be hemi kam aot long blad laen blong jif. Long kros examination, hemi talem se taem we papa blong hem ikivim raet ia long jif Waya, hem hemi yang yet. Hemi talem tu se Samuel ikam jif nomo from hemi skul. Long wan kros examination we ikam long spokesman blong Kalmetabil KALMET se forom wanem nao

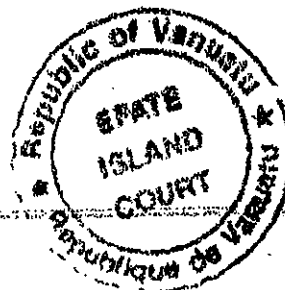


olgeta imas ko tru long eleksen, hemi ansa se blong finem aot who bambai ikam assistant jif. Hemi konfirmem long ansa se taem ikat dispute then imas gat eleksen fõrom we hemi fasin we tufala district agent iaskem mo bambai oli mas folem. Hemi stap talem se hem ino save who iconductem eleksen ia mo who waet man istap. Hemi se hemi no save weta papa blong hem ibin ko tru long eleksen or nokat. Hemi se hem oli bin jusum hem blong ikam jif. Hemi se papa blong hem ino bin wantem be hemi mas ko tru long eleksen. Hemi se jif Waya TENENE we istil laef yet tedi, hemi nao isud pasem title ia be ino blong fosem mo karem aot title ia long hem. Long ol narafala ansas blong kros examination we ikam, hemi se imas kat sam man ifosem eleksen forom se hem papa blong hem ino bin wantem. Hemi continue blong talem se religion mo kastom oli no semak. Hemi stap konfirmem nomo bakaken long re-examination se eleksen hemi no pat blong kastom blong Erakor.

Long wan moa kwestin blong kot blong talem weta eleksen hemi pat blong Kastom blong Erakor, and hemi ansa se no, eleksen hemi no pat blong kastom blong Erakor nating.

Kaluat THOMAS

Namba tri witnis hemi Kaluat Thomas we hemi se eleksen hemi no pat blong kastom blong Erakor nating. Hemi se long ol past practices, oli jusum jif folem kastom we hemi bladlaen blong man nomo. Hemi no bin luk se assistant jif Arthur MATAI, mo Apsai iko tru long Eleksen. Long kros examination hemi se grand father blong hem hemi Kalomtak mo hemi no save se hemi bin wan Jif. Hemi se Kalomtak hemi save kam wan jif from hemi bladlaen blong man, be from hemi bin salem wan graon that's whae hemi no save kam jif. Tufala nekis wan we isave kam jif hemi Kalosik mo Thomas we tufala ipikini blong hem. Hemi se ol brata blong hem ibin wok long colonial that's why ino gat wan long olgeta ikarem, so taem Waya TENENE ikarem, istap long hem nao blong siposi hemi wantem givim. Plenty kwestin witnis ia hemi ansa nomo se hemi no save. Hemi se brata blong hem nao ikivim title ia long hem. Long kros examination we ikam long Timteo kalmet, witnis ia istap ansa nomo se hemino save. Hemi tes konfirmem nomo bakaken se eleksen hemi no pat blong kastom blong Erakor. Hemi agri se jiftainship ipass on ikam long everi wan we oli relate long jif and hemia hemi ansa blong hem long re-examination.



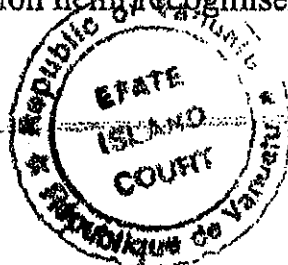
Glan AUGUST.

Glan August hemi witnis namba 4 and hemi sapotem nomo toktok blong Waya TENENE blong Konfirmem se eleksen hemi no pat blong kastom blong Erakor. Hemi stap talem se bladlaen nomo nao hemi solution siposi igat dispute. Long side blong Kros examination, hemi ansa se ino gat dispute nating long taem we Waya TENENE ikam jif. Hemi konfirmem se Waya Tenen ikarem title ia folem bladlaen blong woman nomo mo hemia istret nomo.

Hemi stap confirmem se jif title ia oli pasem ikam taon folem nomo bladlaen. Hemi se long long taem blong jif Samuel, hemi no save hao nao hemi kam jif. Hemi se blong stretem raorao, title ishud go bak long olgeta olsem stret ona blong title ia. Long saet blong cross examination we ikam aot long Timteo KALMET, hemi stap ansa se Kalmasei ihandem ova nomo title ia blong jif iko long jif Waya TENENE long 1971 mo taem ia hemi kat ol pikikni we oli witnisim. Hemi ansa bakaken long wan kwestin mo konfirmem se eleksen hemi no pat blong kastom blong Erakor nating.

John KALUAT.

John KALUAT hemi las witnis blong Waya TENENE mo hemi stap talem se hemi stret bladlaen blong jif. Hemi mentionem Kalsong TATA olsem adopted Pikikni blong NMAK mo Samuel we ikam jif mo folem wetem Matai KALOTITI mo ikam kasem Waya. Hemi se Waya ikam jif afta we Kalmasei THOMAS mo MATAI nao iappointem hem. Hemi se assistant jif we hemi Arthur MATAI mo colleague blong hem nomo iko tru long Eleksen be ino Waya. Hemi se bladlaen long seat blong man nomo oli nominatem hem be ino go tru long eleksen. Hemi deniem wanem we Waya italem be hemi agri se nomination nao istret. Hemi stap talem se taem wan man ikarem title, hemi shud holem kasem taem nomo we hemi wantem pasem iko long nara wan. Siposi hemi tekem long side blong woman, be still hemi mas givim long ol stret man blong hem wetem tingting blong hem be oli no mas fosem hem. Hemi wan kastom fasin blong present jif ipasem title ia iko long raet man, be oli no mas fosem hem from bambai ino folem kastom. Hemi no agri long eleksen be hemi se raet ia istap nomo long jif blong jusum wan raet man long bladlaen blong man blong karem be hem nomo imas mekem. Hemi agri bakaken se eleksen hemi no pat blong kastom blong Erakor. Long ol ansas blong hem folem ol kwestin blong Timteo .K, hemi stap talem se religion hemi no kastom. Hemi agri se secret ballot vot hemi stat nomo long 1980. Hemi agri se constitution hemi recognisem kastom



blong yumi. Hemi no agri long kastom ikam joen wetem religion mo agri se constitution blong yumi ikaframap Erakor mo hemia nao hemi Island Kots Act CAP. 167.

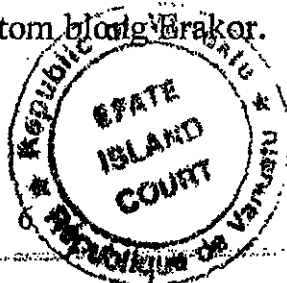
SUAL KALMARIE.

Alfred KALO.

Alfred Kalo nao hemi fes witnis blong pati ia. Long statement blong hem, hemi stap talem se blong jusum wan jif long Erakor hemi always tru long eleksen. Hemi se long 1952, hemia long small aelan blong Erakor we hemi Eraniau, Matai KALOTITI nao oli elektem hem. Hemi se ol forefathers blong olgeta nao oli mekem eleksen ikam kastom blong Erakor. Risen blong hem nao hemi se from se jiftainship ibrokbok long Erakor hemia nao imas kat eleksen. Hemi se ol jifs olsem kalomtak mo Samuel KALTONG, Matai KALOTITI, Arthur MATAI, mo Waya TENENE olgeta oli no karem title long side blong HEREDITARY. Population nao ia long Erakor oli appreciatem eleksen long ol different ways. Hemi se eleksen hemi pat blong kastom blong Erakor.

Long re-examination witnis hemi se religion oli no save seperatem wetem kastom. Hemi se politik ipresent long everi ples mo ino kat boundary blong politik. Hemi se long 1952 ikat Matai KALOTITI, Kaltak, mo Charley. Charley ikam seken long Matai KALOTITI. Hemi se papa blong hem nao iorganisem eleksen long 1971 long secret ballot mo Apasai, Matai, mo Waya TENENE nao iko long eleksen. Hemi se everi wan long velej iadopted long system blong eleksen mo eleksen nomo istap long taem blong dispute. Long kros examination, hemi se nomination hemi kastom mo Waya TENENE nao ilas kastom jif blong Erakor. Hemi no agri blong Island kot inoinatem wan jif blong Erakor be oli mas ko bak long velej.

Long kros examination we ikam long KalmetAbil, hemi se eleksen ino kat influence blong waet man long hem. Hemi agri se kastom bambai ino save kamaot long constitution blong Vanuatu, mo Erakor vilij hemi stap anda long constitution. Hemi agri se Erakor isave iusum Island Kot mo talem se taem Relegion ikasem yumi long 1845 taem ia ikat kastom finis. Long Re-examination hemi agri se church iwok wetem kastom. Politik mo kastom ino kat separation, and eleksen hemi kastom blong Erakor.



John KALO

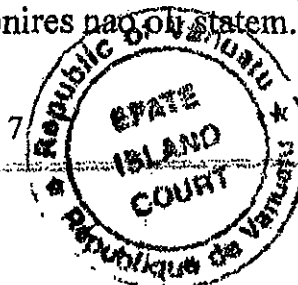
Namba 2 witnis hemi John KALO we itok abaot eleksen blong 1952. Ibin kat eleksen blong Matai KALOTITI, Charley KLLMET mo Kaltak KALTFER. Matai ikasem 60 voes, Charley ikat 56 voes mo Kaltak ikat 19 voes, and Matai ijif mo Charley hemi Assistant jif. Matai istap long 1954-71 mo ikat eleksen bakaken we ikat 3 fala candidate oli kontestem eleksen ia. Hei talem se olgeta past jifs olsem Samuel KALTONG mo Kalsong TATA, olgeta ia ikat nomination nomo mo eleksen be ino bladlaen. Hemi agri se sipos missionares iwitnisim ol jenis long fasin blong Erakor be oli no fosem ol man. Hemi se politik religion mo kastom oli sem mak nomo. Siposo kastom ibrokbok, then narawan ikam in, and hemi agri se taem missionaries ikam ikat kastom jif finis. Eleksen istat long 1952 mo talem tu se ol assistant jif istat nomo long taem blong eleksen.

Alick SUALO

Namba tri witnis hemi Alick SUALO Nununaperikmala, mo ikam blong witnisim jif blong Erakor se hemi folem nomo nomination mo eleksen. Hemi se Matai mo Assistant jif Charley wetem Waya TENENE olgeta everiwan oli ko tru long eleksen. Hemi se eleksen istat long small aelan mo kam kasem tedi. Long kros examination hemi se eleksen nomo iresolven dispute. Hemi talem tu se hem oli nominatem hem nomo olsem long jif title blong hem. Hemi bin wantaem president blong Vatrису olsem Kastom. Hemi talem se eleksen hemi no kastom blong Erakor be nao ia oli iusum finis olsem kastom.

Taler DANIEL.

Namba 4 witnis hemi Taler Daniel mo hemi kam blong witnisim eleksen blong 1971. Hemi se long taem ia Waya TENENE ikat 150 voes, Arthur MATAI igat 96 voes mo Apsai KALMER igat 55 voes. Hemi se eleksen long jif ol missionifes nao oli statem mo ikam kastom blong Erakor finis. Hemi stap talem se ikat eleksen from ikat dispute. Hemi se jif title oli no pasem iko long ol pikikni. Hemi se eleksen hemi stret blong putum unity long Erakor. Kot ifinem se statistics ia we witnis hemi givim abaot namba blong ol voters ino semak wetem hemia we Waya TENENE hemi givim. Long kros exaination hemi se bifo ikat eleksen hemi mas kat nomination we hemi kastom. Hemi stap talem se jif title imas ko bak long nakamal. Hemi stap agri nomo bakaken se yes missionires nao oli statem.



KALMET ABIL KALMET.

Long sabmisen blong hem, spokes man italem se eleksen hemi no pat blong kastom blong Erakor olsem we Island kot ibin finem aot finis long August, 2002. Trifala incontestion befo long kot ia oli agri finis se eleksen hemi no pat blong kastom blong Erakor. Hemi se anda long law Efate Island Kot hemi kat raet blong straikem aot or rejectem any matter, minim any pati we bambai irepeatim evidence we ipas fes wan mo we bambai idisturbem six issues we ifomem pat blong decisen blong 7th August, 2002. Anda long law we iputu bigfala emphasis long kastom tu, honorouble kot ia ikat bigfala raet blong declarem Kalmetabil KALMET NMAK olsem jif blong Erakor olsem persuiant long finding namba 4 long fes kot, we ol patis oli agri bigwan blong retainem mo agri blong no disturbem. Ol patis long foret blong kot ia oli kat raet blong askem any oda or declarations we bambai hemi finding long everi wan.

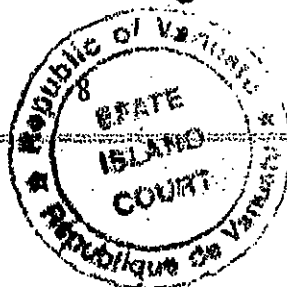
SABMISSENS

Long saet blong sabmissen, kot ia iluk se trifala pati imentionem tumas ol irrelevant matters we oli no relate nating long issue we istap bifo long kot ia, so bambai kot iconsiderem nomo olgeta we oli relevant long issue.

KALMET ABIL KALMET.

Long sabmissen blong Kalmetabil KALMET, Timteo KALMET hemi stap submit bakeken se olgeta evidence blong Waya TENENE isoem wetem olgeta witnesses blong hem we ikat (Waya Tenene, Arthur Matai, Kaluat Thomas, mo Glan August) se olgeta igivim strong corroborative support se eleksen hemi no pat blong kastom blong Erakor mo fasin blong obtainem wan niu jif hemi tru bladlaen blong man nomo. Hemi submit se tru long kros-examination long ol witnis ikat strong corroborative evidence we isoem se eleksen hemi no pat blong kastom blong Erakor. Hemi submit bakaken se jif Alick SUALO hemi sapotem se eleksen hemi no pat blong kastom blong Erakor taem hemi talem strong se "*Kastom ino save wanem ia eleksen, mo eleksen hemi blong naoia nomo, mo ol olfala blong yumi bifo olino bin iusum fasin ia*"

Hemi stap submit nomo bakaken se Waya TENENE hemi corroboratem bigwan wetem findings blong fes instance we ikivim moa weight long finding No.4. Hemi submit se hemi CRYSTAL KLIA moa se ansa blong issue No. 4 long fes instance hemi moa strong after hearing blong kes ia mo



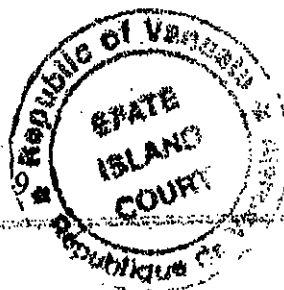
Kalmetabil KALMET NMAK (Marik NMAK IV) hemi kat hae merits long law mo kastom blong karem decleration blong EFATE ISALND KOT olsem paramount jif blong Erakor velej.

SUAL KALMARIE.

Long sabmissen blong olgeta, Sual KALMARIE istap submit se Kalomtak hemi bin wan taem {jif} mo hemi salem graon afta hemi finis, mo step daon olsem jif stret away. Olgeta itenderm wan document olsem exhibit we improvum sale ia. Oli talem tu se Matai KALOTTI ibin stilim 5 points. Distraktion isakem aot hem after 2 years long jif. Oli talem se Waya TENENE ibin stilim ova long 7 million and MR Kalmetabil Kalmet islaem 1,400 hect blong graon long behalf blong Erakor Community, afta oli tenderem another document we hemi letter blong Minister blong Lands olsem exhibit. Olgeta isabmit se folem olgeta allegations ia nao imekem se eleksen hemi pat blong lkastom blong Erakor. Kot ia iwantem letem paty concerned se kot ino acceptem olgeta documents blong hem we itenderem olsem exhibits and iwantem talem se fulap ol points blong hem long sabmissen oli ol irrelevant matters we hemi stap traem blong adressem kot ia long hem be oli no relate long issue we istap bifo long kot ai.

WAYA TENENE.

Long sabmissen blong Waya TENENE, kot ifinem tumas irrelevant matters long issue we istap bifo long kot ia. Olgeta iaskem se Kot ia bambai imas finem aot fastaem kastom blong Erakor long saet blong whu nao raet man log blad laen blong jif. Olgeta itok abaot NMAK tu se hem ikat wan nem nomo. Olgeta itok abaot histri blong olgeta we irelate iko long kasem jif NMAK. Olgeta istap submit se Kalmetabil KALMET wetem ol witnesses blong hem oli mekem ap ol kiaman family tree ikam long Kot ia mo oli no kat any single blad lanen long NMAK. Kot ia iwantem talem se Pati ai oli traem blong tokabaot olgeta samting we bambai idisturbem answers blong sixfala kwestins we Island kot ianserem finis. Kot ia ino wantem westem taem blong hem wetem olgeta issues ia we olgeta patis isave finis be oli traem blong adressem Kot ia long hem bakaken, and hemia from we yumi tok abaot finis long fes instance mo nao ia ino taem blong hem. Be olgeta istil submit se eleksen hemi no pat blong kastom blong Erakor.



Luk luk blong Kot long ol evidences.

Kot ia ilukluk olgeta evidence blong ol patis mo ifomem sam kwestin we taem kot iansarem ihelpem kot blong kam long wan conclusion.

From wanem ikat eleksen mo long wanem yia?

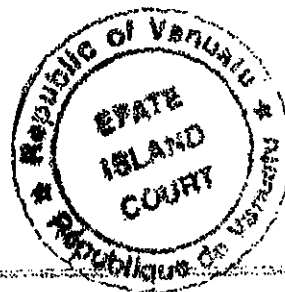
Kot ifinem se ibin kat eleksen hemia long 1952 long small Island blong Erakor mo bakaken long 1971 long Erakor vele. Kot ifinem se ikat eleksen long tufal separate occasion ia from nomo ikat dispute long title blong jif long velej ia, mo olgeta pipol olsem missionaries mo ol agents blong colonial nao oli mekem se ikat eleksen.

Who istatem eleksen ?

Kot ifinem se ikat sam witnis we oli talem long kot ia se olgeta missionaries nao oli statem eleksen. Waya mo witnis blong hem Arthur MATAI italem long evidence blong tufala se hemia hemi fasin blong waet man we itek ples long taem blong colonial taem. Evidence blong Arthur MATAI ipruvum se igat sam man nomo we oli fosem eleksen from se papa blong hem ino bin wantem. Hemi se hemi fasin we tufala district agents iaskem nao bambai oli mas folem. Long ol evidence we ikam aot long ol witnesses blong Sual KALMARIE isoem se eleksen istat nomo long taem we eleksen istat long Erakor and hemia long 1952 mo 1971. Taler DANIEL we hemi namba 4 witnis blong Sual KALMARIE hemi talem bakaken se hemia hemi fasin blong ol waet man mo ol missionaries nao oli statem.

Eleksen iopenem rod blong wanem?

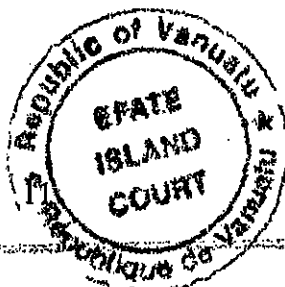
Tru aot long histri blong kes ia kot ifinem aot se eleksen iopenem rod blong dispute bitwin wan kastom mo wan niufala samting ia eleksen we oli wantem putum olsem kastom blong Erakor. Iminim se eleksen itruely aotem identity blong velej mo taem we identity ia ilus, ino kat respect we hemi paramount long wan society olsem Erakor, then raorao ikam antap.



Siposi eleksen ipat blong kastom blong Erakor then wanem nao kastom blong Erakor blong pasem jif title?

Kot ifinem aot se jif title hemi wan kastom samting we oli pasem aot from wan man iko long nara wan, and hemi kastomary samting we imas pass on folem bladlaen nomo. Taem we eleksen ikam in idisturben wan kastomary fasin we iexist bifo finis istap and icaussem raorao nomo kamkasem tedi. Kot ifinem aot se ino kat wan narafala kastom blong pasem jif title apat long hemia we stret man blong jif nomo ishud pasem daon long nekis succeeding jif. Pipol long society blong Erakor imas bowdaon long wan system nomo mo bambai oli no save bowdaon long tugeta system. Siposi oli iusum tugeta system then raorao bambai ino save end long velej ia. ~~Bambai pipol blong Erakor imas buildim bakaken respect blong olgeta long kastomary fasin blong pasem jif title ia blong putum everi raorao long end. Bambai oli mas kivim respect long any jif blong olgeta from hem wan identity long kastom we yumi everi wan isubject long hem and hemi onli rod blong putum bak value long kastom blong Erakor. Siposi respect ia oli no buildim then bambai identity ia ilus mo bambai raorao ineva end.~~

From we Island kot iestablish anda long constitution we hemi ART. 95 (3) imentionem we "*customary law shall continue to have effect as part of the law of the Republic of Vanuatu.*" Nao parliament hemi passem Island Kot Act CAP 167 mo seksen 10 hemi givim poa long Efate Island Kot blong deal wetem matter ia. Island kot idil wetem ol customary matters mo hemi gat mandate olsem highest kastom kot long jurisdiction blong determinem issue long kastom. Nao sabject long ol powers ia mo olgeta findings blong Efate Island Kot long issue we istap bifo long kot ia, Kot ia istap long wan position blong formally **Declarem se, eleksen hemi no pat blong kastom blong Erakor.**



According long declaration ia, **Kot imekem olgeta odas ia:**

1. Oda blong namba 7 August, 2002 we Efate Island Kot imekem bambai hemi reactivated mo ikam effective stat long date blong oda ia.
2. Tufala pati blong Waya TENENE mo Sual KALMARIE bambai each wan ipem wan costs blong VT 50,000 iko long Kalmetabil KALMET within 1 week long date blong oda ia.
3. Olgeta pati ikat raet blong appeal.

Dated long Port Vila long namba 16th blong April, 2004.

Justices:




Erick MESAU.


Ann CARLO.


Delwyn MANAPANGA.