

**IN THE SUPREME COURT OF
THE REPUBLIC OF VANUATU**
(Civil Jurisdiction)

CIVIL CASE NO.104 OF 2009

BETWEEN: PASTOR SAMUEL IARAI representing Family
Iarai Moses Lauanpakel Itaing, North Tanna, in
the Republic of Vanuatu
Claimant

AND: NIERE SOLOMON
JOHNSON KAIL
ENARUA
IAUKEN
JACK
LEIU
NAUPISA
JOSEPH NASAK
ETAP
NASILIK
JIMMY LOP RUAN
LAHIPE
SAMO
NAHAU
JOE TARAKAIU
IAU SAINA
JACK NAULING
WILLIE OBED
TEPI of North Tanna
First Defendants

AND: LINGHAI MANALANG as secretary to Tribunal,
North Tanna
Second Defendant

AND: NORTH TANNA CUSTOM LAND TRIBUNAL,
North Tanna, Republic of Vanuatu
Third Defendant

AND: RUEO SERO representing Family Musa
Fourth Defendants

AND: FAMILY LOUPA represented by WILLIE
LOUPAS
TOM MANALANG
JOHNNY MANALANG
LINGHAI MANALANG
BOB MANALANG of Laketam Village,
North Tanna
Fifth Defendants



*Mr Willie Kapalu for the Claimant
Mr Godden Avock of State Law Office for the First, Second and Third Defendants
The Fourth and Fifth Defendants are present but they are not legally represented*

MINUTES

The Claimant filed a Supreme Court Claim on 27 August 2009 challenging the decision of a North Tanna Customary Land Tribunal of 15 March 2007. The claim was amended on several times. The final amendment was made on 28 October 2010. The claim sought the following relief:

1. An Order that pursuant to sections 39(1)(a), (b); 39(2)(a), (b) and 39(3) of the Customary Land Tribunal Act [CAP.271] the decision dated 15th March 2007 be cancelled and that the dispute be determined by a legally established joint village customary land tribunal.
2. Costs; and
3. Any other Orders deemed just by the Court.

The Claimant filed a sworn statement on 28 August 2009 in support of the claim.

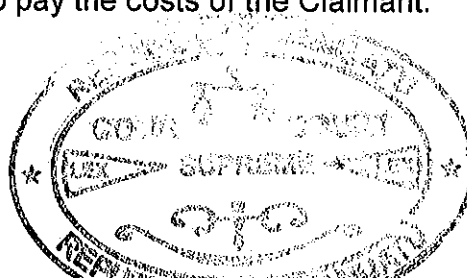
The State Law Office filed a response on behalf of the Second and First Defendants disputing the entire claim on 29 June 2010. A number of Court conferences (X 10) were held in Port-Vila and 1 was held at Isangel, Tanna on 14 February 2011 at 3.30pm o'clock in the afternoon.

Despite Court Directions for the First, Second, Third, Fourth and Fifth Defendants to file their respective defences, no defence were filed. Counsel express difficulties to obtain instructions as all the Defendants live on the rural part of Tanna Island.

On 14 February 2011, the Court held a conference at Isangel, Tanna on the present proceeding. Before the conference at Isangel, the Court directed both counsel to be on Tanna and obtained proper instructions before the conference date.

On 14 February 2011 at 3.30pm o'clock, Mr Avock Godden of State Law Office informed the Court that upon receiving proper instructions and after considerations, the State Law Office will also represent the First Defendants as they constituted the tribunal, the Third Defendant, whose decision of 15 March 2007 is challenged under the provisions of Section 39 of the Customary Land Tribunal Act by the claim in this proceeding.

Mr Godden Avock informs the Court that after proper instructions, and upon considerations, the First, Second and Third Defendants have no defence to file as they admit that the North Tanna Tribunal was not constituted in accordance with the relevant provisions of the Customary Land Tribunal Act [CAP.271]. They accept the relief sought by the Claimant and they agree to pay the costs of the Claimant.

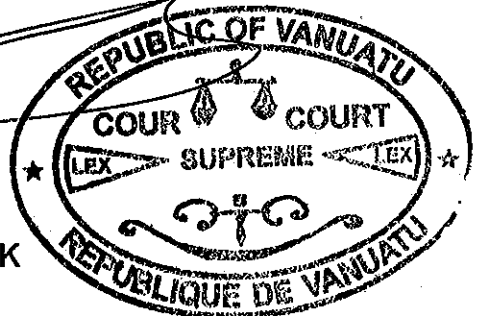
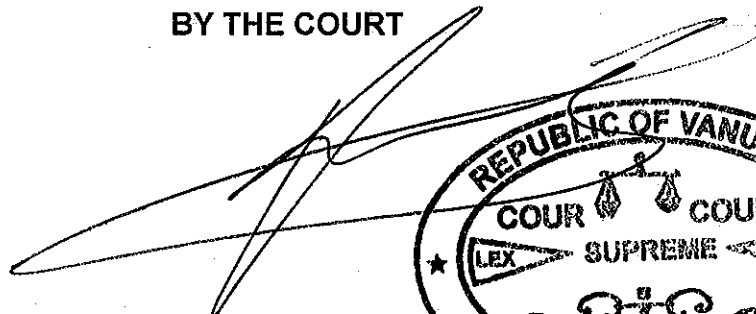


ORDER

1. By Order the decision of North Tanna Land Tribunal dated 15 March 2007, is hereby cancelled.
2. In order to assist the parties handling their land dispute (if there is a land dispute), a Joint Village Land Tribunal shall be instituted in accordance with section 9 of the Customary Land Tribunal Act [CAP.271].
3. There shall be a re-hearing by the newly instituted Joint Village Land Tribunal differently composed.
4. The Chairperson and the Secretary of the newly Joint Village Land Tribunal must perform their functions and duties as prescribed under the relevant provisions of the Customary Land Tribunal Act and this include the following:
 - provide Notice of the Claim on all interested parties
 - ask for responses to the claim
 - set dates and times for hearing
5. The Claimant is entitled to his costs agreed by both counsel at 60,000VT against the First, Second and Third Defendants.
6. The First, Second and Third Defendants agree to pay such costs amount of VT60,000 by 60 days that is by 15 April 2011.

DATED at Isangel, Tanna this 14th day of February 2011

BY THE COURT



**Vincent LUNABEK
Chief Justice**