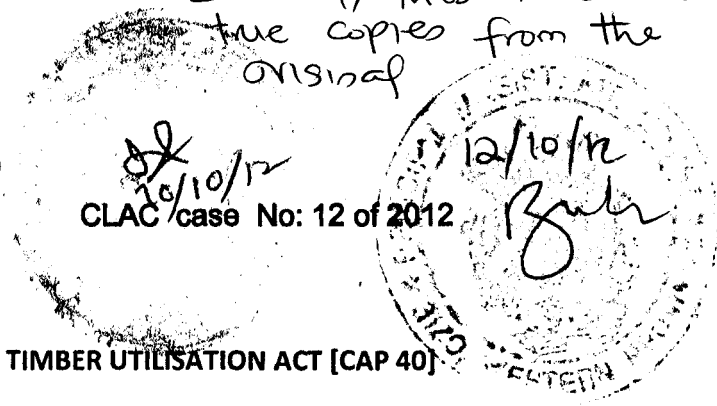


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IN THE WESTERN DISTRICT CUSTOMARY)
LAND APPEAL COURT)

Timber Right Appellant Jurisdiction

IN THE MATTER OF: THE FOREST RESOURCES AND TIMBER UTILISATION ACT [CAP 40]

AND THE FOREST RESOURCES AND TIMBER UTILISATION [APPEALS]
REGULATION LN 22/1905

IN THE MATTER OF: NAIQAO/KANEPORO CUSTOMARY LAND TIMBER RIGHT APPEAL

BETWEEN: JOHN NENETE) *Appellant*

AND OLIVER ZAPO,
JACOB ATAKERA,
JOSEPH ERIVO & OTHERS) *Respondents*

JUDGMENT

Introduction

1. This is a timber right appeal on Naiqao/Kaneporo Customary Land against the decision of the WPE of 14 February 2012.
2. This appeal is made against the Western Provincial Executive determination in which approving the application of timber rights on Naiqao/Kaneporo customary land on Vella la vela, pursuant to section 10(1) of the Forest Resources and Timber Utilisation Act (FRTU).

Brief background of events

3. On 14th day of February 2012, the WPE presiding over an application of Form 1 filed by the Grace Logging Company pursuant to section 7 of the FRTU Act,

for acquire timber rights on Naigao/Kaneporo customary land in Vella la Vela Island, western province.

4. As a result of a form 1 application, followed by a notice of publication under the provisions of the FRTUA (Cap. 40), the Western Provincial Executive (WPE) sat on 14th of February 2012 and conducted a timber rights hearing at the Provincial Executive conference room at Gizo.
5. On the 1st of March 2012, WPE had determined the names in form 2 as required under section 9 of the FRTU Act. The WPE held that the following names are lawfully entitled as the right people to grant timber rights on Naigao/Kaneporo and Vaululu customary land. For Naigao/Kaneporo land, they are:- Oliver Zapo, Jocab Atakera, Davis Erivo, Aldrine Dusia, Moses Simi and Alex Mulapitu. For Vaululu customary land, they are:- Reuben Evala, Egan Sarebule, Micah Jaloiso, Kakly Puti, Veloni Kolopitu, Greenwell Lupapitu, Myron Noneke, Keri Kiko, and Chief Oile.
6. By receipt dated 12th March 2012, Mr John NENETE of Kaneporo, Vella la vela island, lodged an appeal to the CLAC (western) against the WPE determination 1st March 2012,

Preliminary issues

7. Before the sitting proper the order of the court was announced concerning the representative of parties.
8. Both parties do not intend to produce written submission or supporting documents, however, they have agreed to make oral submissions.
9. For the Respondent, five people have identified to give their accounts in relation to their traditional history and genealogy.

10. The appellant has identified himself as the spokesperson representing his tribe.
11. The appellant has chosen to make oral submission without submitting any grounds of appeal.
12. In his presentation he hand up to the court a copy of a High Court decision in 1993, and ask the court to consider the decision of the High Court. No further clarification on the content of the High Court decision.
13. He further contended that he is the chief of Kaneporo tribe as he won this land in the native court in 1964. He also won the Kaneporo land on several chief hearing. There was no supportive evidence produced to prove his argument.
14. In his conclusion, the Appellant submitted that the whole purpose of his appeal is basically against the content of form II as the subject of his application, yet he never elaborates more to support his contention.
15. The respondent on the other hand has contended that this appeal has no grounds. They could not able to make any submission in reply to any grounds raised by the appellant because there was no point raised.
16. However, there are five speakers contended and gave their history over the land in question.
17. Both speakers have given their accounts more on genealogy and land tenure of the entire Vella la vella that leads to the current ownership of kaneporo customary land.
18. They also produced to the court a copy of a draft scale of customary genealogy of Kaneporo tribe. They have contended that the appellant is originated from Langalanga in the Malaita province. He was only adopted to the Kaneporo tribes which according to the land tenure of Vella la vella, he is not entitled to hold chieftaincy title because he is not a matrilineal blooded tribesman.

Conclusion

19. Base on the above findings, this court is not satisfied that the appellant has strong supportive evidence on his application. This court is of the view that the appeal is dismissed and upheld the WPE determination held on 18 September 2002 that the lawful persons to grant timber rights over Naiqao/Kaneporo customary land are the person's names as in form 2, requires under section 9 of the FRTUA [Cap 40].

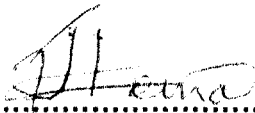

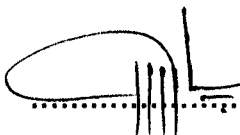

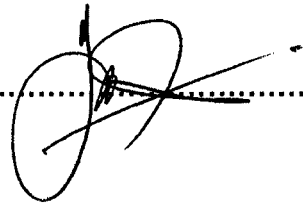
Therefore, this court makes the following orders"

1. The appeal filed on 12/03/12 is dismissed,
2. The WPE determination on 14 February 2012 is upheld,
3. The lawful persons to grant timber rights over Naiqao/Kaneporo and Vaululu land are as follows: Naiqao/Kaneporo land: Oliver Zapo, Jacob Atakera, Davis Erivo, Aldrine Dusia, Moses Simi ans Alex Mulapitu. Vaululu Land: Reuben Evala, Egan Sarebule, Micah Jaloiso, Kackly Puti, Veloni Kolopitu, Greenwell Lupapitu, Myron Noneke, Kerry Kiko and Chief Oile.
4. We decline to make any order as to cost.

Right of appeal extended

Decision dated this 10th day of October 2012.

Signed:

1. Jeremiah KAMA President [ag] 
2. Willington LIOSO Member 
3. Eric K. Ghemu Member 
4. Tane TA'AKE Member 
5. Jim SEUIKA Secretary/member 

Right of appeal extended

