

**IN THE MALEKULA ISLAND COURT
OF THE REPUBLIC OF VANUATU
HELD AT LAKATORO/ MALEKULA**

(Land Jurisdiction)

Date : 20th of October, 2003

Coram : Senior Magistrate – Mr Jimmy Garae

Justices: Chief Gren Obediah
Chief Maxwell Arnahambat
Chief Philip Daley

Action : Claim for Land known in custom as “OLAT” on
North West/ Malekula.

JASMEN

GRAON

Graon wei subjek blong raorao kastom nem blong em emi “OLAT” we i satap long North west Malekula. Boundry blong em i klia, emi solwota, emi stap between tu river, long bush emi crik.

PARTIES

Plaintiff, Obed Nati istap live long Wiel vilij jas narasaed long graon ia. Defendant we i klem long bihaf blong tribe blong em istap liv long Wiawi vilij we istap insaet long disputed land.

CASE BLONG PLAINTIFF

Obed Nati i jusum blong no givim evidens o toktok long Kot, PeteVeri i tok long bihaf blong em. Nati i stap long kot kes blong em se graon ia emi blong Julier. Julier hemi blong graon ia nao OLAT. Julier woman blong em emi

Rebecca we hemi woman Lentamu. Emi se afta Julier i tet Rebeca i adoptem em Obed Nati taem emi kat abaot five years old. Se Rebecca i adoptem em blong tekem graon ia blong em Olat. Hemi talem se from evri man blong graon ia i tet mekem Rebecca i adoptem hem blong tekem graon ia. Hemi klem graon folem rison ia nao.

CASE BLONG DEFENDANT

Defendant case blong em se Olat i true i blong Julier be ol man blong Olat oli tet evriwan. Emi talem se ol man we oli liv long Olat, Pinaia mo Naha oli blong wan tribe nomo. Folem kastom blong Big Nambas, spos ol man blong wan graon oli tet evriwan, bae jif blong sem tribe ia we I life bae i tekem graon ia o putum wan man blong tribe ia bakeken inside long graon ia. Hemi talem se i stret nomo se hem olsem jif blong tribe ia hemi klem graon from hemi graon blong tribe blong hem, ino stret blong wan man nara tribe mo blong nara graon i karem graon ia. Hemi klem folem rison ia nao.

ACCEPT FACTS

Obed Nati emi blong Duai, wan graon we istap long we olgeta long Olat we i long we olgeta long Olat. Ol man blong Olat ino kat descendant i life. Rebecca hemi blong graon Lentamu we hemi nara graon mo blong nara tribe. Defendant hemi blong Naha.

ISSUE

Issue long kes ia hemi whether ikat adoption blong Obed Nati o ino kat adoption blong hem. Claimant ia i no pruvum long Kot se Rebecca i adoptem em. Long cross examination ol witness oli talem nomo se i kat adoption be oli no save where ples i tekem place, who i witnessen mo wanem kastom seremoni i bin tekem ples long adoption ia. Pati ia i no pruvum, maybe why hem wan i jus blong no give evidence.

Defendant i talem se ino kat adoption from long kastom blong Big Nambas woman i no save adoptem pikinini from rights igo fas wetem adoption. Long kastom jif i mas witnessen adoption. Wan witness i talem se long kastom blong Big Nambas, man ino "mekem adoption inside long kitchen". Defendant i se woman ino allow blong mekem adoption from woman ino kat power blong givim raket long graon igo long narafala man. Emia from Big

Nambas emi patrilineal society. Ol witness blong Defendant we evriwan oli jif blong North West Malekula oli toktok i sapotem ol kastom ia se wan man blong nara tribe ino save karem graon blong nara tribe, mo se adoption ino kat long kastom blong Big Nambas. Ol jif oli inklud jif blong Obed Nati mo Peter Veri.

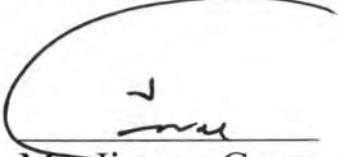
Long kes ia plaintiff ino pruvum adoption blong em, therefore case blong em i foldaon. Blong hemi sakses long Kot hemi mas pruvum se ikat adoption ia. Long kes ia adoption hemi stap olsem stampa issue long kes blong Plaintiff we hemi mas pruvum be hemi fail. Kot i lukim mo harem Timothy Nihapi wetem ol witness blong em hem i toktok mo Kot akseptem toktok blong ol se oli more tru toktok bitim toktok blong Plaintiff wetem ol witness blong hem.

Follem ol toktok ia Kot imekem declaration olsem:

DECLARATION

1. KOT I DECLARE SE TRIBE WE TIMOTHY NIHAPI I REPRESENTEM I KASTOM ONA BLONG GRAON IA OLAT.
2. PLAINTIFF WETEM OL MAN BLONG EM I ALLOW BLONG YUSUM KOKONAS PLANTATION BLONG OL INSAET OLAT LONG NARA 10 YIA.
3. BIHAEN LONG 10 YIA, OLI SAVE YUSUM KOKONAS NOMO SPOS NIHAPI I LETEM.
4. SAPOS PLAINTIFF WETEM OL MAN BLONG EM I WANDEM MEKEM NARA WORK INSAET LONG OLAT OLSEM KAREN, OLI ASKEM LONG NIHAPI.


Made at Lakatoro this 20th day of October 2003.


Mr. Jimmy Garae
Land President
Senior Magistrate

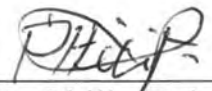


Mr. Gren Obediah
Jastis





Mr. Maxwell .A
Jastis



Mr. Philip Daley
Jastis