

RIPABLIK BLONG VANUATU
EFATE AELAN KOT

Land kes namba 04 OF 1995
Civil kes namba 4 of 1988

(LAND DISPUTE)

BITWIN: FAMILI BOBLANG,

Orijinol kleman

AND:

FAMILI KALTER FELIX,

Kaonta Klemant 1

FAMILI KALSILIK,

Kaonta klemant 2

JIF TARISALIU

Kaonta Klemant 3

FAMILI LOUIS PAKOA MANASAKAU

Kaonta klemant 4

JIF MARAKIMANTAPU TIMATASOMATA TARIWER

Kaonta klemant 5

FAMILI SARAU

Kaonta Klemant 6

FAMILI MARAKIPULEMATA & MARAKITERE

Kaonta Klemant 7

JIF TARINUAMATA AND JIF TARIWER

Kaonta Klemant 8

JIF MATARIWORA MASOEMARAMANU
TINAPUAMATA

Kaonta Klemant 9

Coram:

Senior Magistrate Rita Bill NAVITI

Aelan Kot Justices:

1. Justice Ann Karlo, blong Pango;
2. Justice Jif MEAMEADOLA blong Mosso;
3. Justice Jif Raymond MARONGOE blong Emua.

Aelan Kot Clerk:

JOHN HOPKINS

Judgment date:

16 October 2009

J U D G M E N T



KARNGO/1940.

KARNGO TITLE 1940

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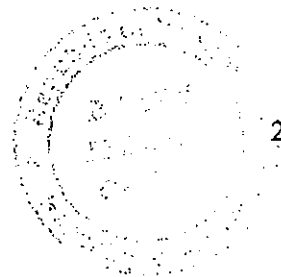
Backkraon blong case ia:

Igat 2 cases we Supreme Court hemi consolidatem tufalla.
Civil case 4 of 1988 between Bodland v Tarisaliu mo
Land Case 4 of 1995 between Kalter Felix v Kalsilik.

Chronology blong olketa events:

1. Long 13 March 1998 Aelan Kot hemi mekem desisen blong Land case No 4 of 1995 between **FAMILI KALTER FELIX** mo **FAMILI KALSILIK**. One long tufalla parties ia imekem appeal igo long Saprim Kot. Saprim Kot hemi registerem appeal ia under No **46 of 1998**.
2. While appeal case istap wait long trial long Saprim Kot; two aplikesens igo long Saprim Kot: Jif Tarisaliu hemi mekem wan aplikesen blong Saprim kot iallowem hem blong hemi join olsem wan party long appeal; mo Famili Boblang oli askem blong olketa too oli join olsem party long case ia mo blong Kot igivim leave long olketa blong oli filem appeal blong olketa out of time.
3. Long 24 December 2004 Suprim Kot hemi hearem tufalla aplikesen mo hemi talem se Jif Tarisaliu mo Boblang tufalla ino save join olsem party long appeal level. Hemi setem aside judgment blong Aelan Kot mo hemi sendem case igo back long Aelan Kot blong hem igo long re-trial. Saprim Kot hemi **consolidatem** (joinem) tufalla civil case **04 of 1988** between Jif **Tarisaliu mo Boblang** famili mo **Land case 04 of 1995** between **Kalter Felix mo Famili Kalsilik** ikam wan case nomo. Saprim Kot hemi further orderem Aelan Kot clerk blong hem listim tufalla cases ia for trial mo talem se hem ino need blong issuem further Pablik Notis.
4. After long Saprim Kot desisen ia, igat wan appeal igo long **Kot of Appeal**. Boblang hem insist (talem strong) se ino should gat anymore parties (particularly Jif Tarisaliu) ijoin olsem wan klemant from Order 6 clause 6 blong subsidiary legislation blong Aelan Kot Act Cap 167 istopem any more parties igo insaed long case after 30 days Pablik Notis.
5. After long legal arguments Kot of Appeal hemi dismissim appeal mo **upholdem desisen** blong Saprim Kot long 20 December 2004 (see point 3 above).

Taem **NEW TRIAL** istart long Aelan Kot long **16 June 2009**; olketa pleadings or documents blong tufalla files we ikam consolidated we Aelan Kot hemi needim blong work long hem, ino gat long file blong Kot ia. Clerk hemi klem se hemi mekem conference wetem olketa parties, but no one hemi submittim documents we Kot hemi requirem.



However ino gat explanation as to why Efate Aelan Kot Clerk ino consolidatem tufalla files olsem we Saprim Kot iorderem long 2004 or after long appeal long 2005.

Taem Kot istart blong identifiaem disputed boundaries, Famili Boblang we hemi original kleman long 1988 land case ia, hemi produsum wan sketch map we ikavarem wan bigfalla area blong land "EMTAANG". However Kot hemi framem boundaries bakeken blong hemi conform wetem pablisaeas map blong dispute long 1988 we hemi title 1940 long Karngo kastom land; from land ia nomo igo long Pablik notis. Emtaang ino been go through long pablik notis.

Bambae Kot hemi determinem boundaries blong Karngo kastom land as far as title 1940 ikonsern.

NEMS BAONDRIS BLONG LAND:

Unfortunately Suprim Kot hemi talem se bambae oli no mekem pablik notis.

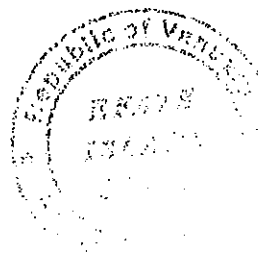
Followem tufalla desisens blong Saprim Kot mo Kot of Appeal olketa Hon. Judges oli stap refer long title 1940 nomo:

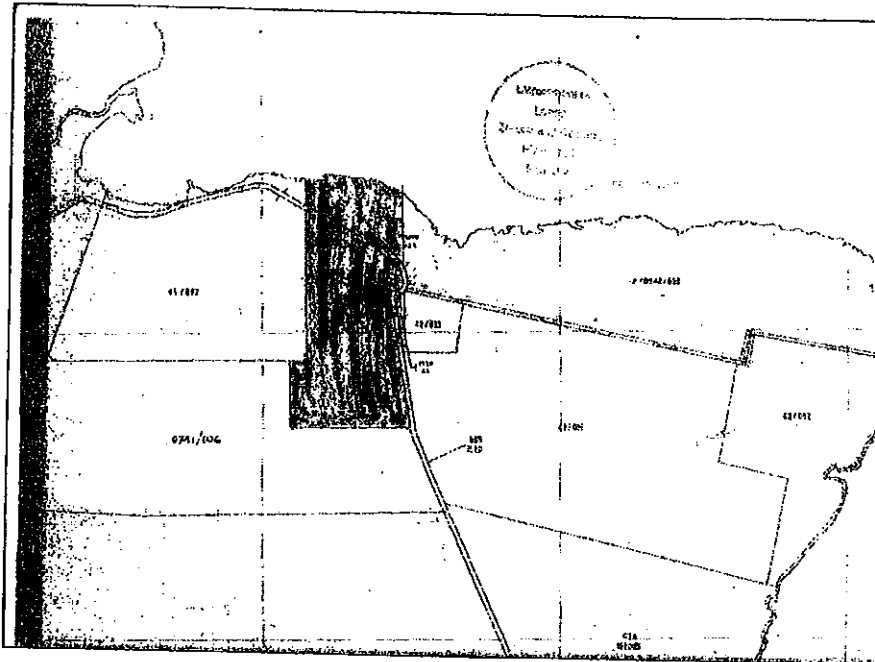
1. Long Civil Case 4 of 1988 Jif Tarisaliu hemi registerem klem blong hem againstem Boblang;
2. Long land case 4 of 1995 Kalter Felix hemi klem trespass againstem Famili Kalsilik mo Jif Tarisaliu hemi witness blong supportem Kalter Felix.

Hemi transpired from other documents we Kot hemi stap receivim during trial se:

1. Long 18 Oktoba 1988 Efate Aelan Kot Clerk hemi putum wan Pablik notis blong dispsute over title 1940 we istap long Forari East blong Efate. Mo dispute istap bitwin Boblang Famili mo Mr. Kalter Felix.
2. Followem notis ia Jif Tarisaliu hemi registerem interest blong hem long 30 November 1988. Long statement of klem blong hem, hemi putum: "*Mi wandem makem kleim ia akensen Famili Boblang from we mi biliv strong se mi nao stret kastom ona blong kraon we Title 1940 istap long hem*".
3. Long orda blong Aelan Kot desisen blong 13 March 1998 hemi refer long "*bert raet long graon ia titol 1940*"

Bambae Kot ia hemi settle long kastom nem "Title 1940-KARNGO" - about 41 hectares 23 ares igat 130 lots insaed.





COMPOSITION BLONG KOT

Taem kot hemi openem trial long 16 June 2009, Original klemant mo olketa kaonta klemants oli no object long olketa Justices we oli sitdaon.

Olketa parties long taem ia:

1. Famili Boblang,
2. Famili Kalter Felix,
3. Famili Kalsilik,
4. Jif Tarisaliu;
5. Famili Manasakau,

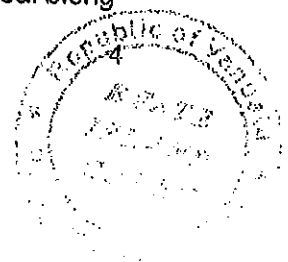
after long 1 week trial mo before end olketa ia, oli join:

6. Famili Sarau (16 June 2009)
7. Paramount Jif Marakimantapu Timatasomata Tariwer, (18 June 2009)
8. Famili Marakipulemata & Marakitere (4 August 2009)
9. Jif Tarinuamata and Jif Tariwer (29 June 2009)
10. Jif Tinapuamata Masoeramanu Matariwora (13 August 2009)

Kaonta klemants 5 kasem 10, oli new klemants. Igat some comment ikamaot long some long olketa initial Parties se Kot ino should acceptem new parties.

But ino gat wan legal provision blong Kot ia istanap long hem blong stoppem any parties blong submitim klem. In fact Kot of appeal hemi confirmem principle blong "every persons we oli gat some or any interest over wan land, nowia or long future blong oli must be given opportunity blong presentem case blong olketa". Principle ia istap inside long desisen blong Court of appeal blong

KARNGO/1940.



Vanuatu long 27 October 2000; long case blong Raupepe v Raupepe Civil Appeal Case 12 blong 1998; paragraph 13 hemi talem olsem:

*It is a fundamental procedural requirement in Court proceedings concerning the ownership of land that **all people who Claim, or are likely to claim, an interest in the land be before the Court.** There were two reasons for that. The first, is the natural justice reason to ensure that those whose interest might be affected have the opportunity to be heard at the trial and to put whatever information they want to put in support of their position or against somebody else's position. The second reason **is** that the judgment of the Court, because it determines for the world at large who owns the land, must be one that binds all those people who might have an interest in the land. A judgment would not bind those people unless they are before the Court as parties".*

Furthermore section 22 blong Aelan Kot Act Cap. 167 italem se, mi quotem long English: ...

(1) **Any person** aggrieved by an order or desisen of an Aelan kot may within 30 days from the date of such order or desisen appeal therefrom to-
(a) the Saprim Kot, in all matters concerning disputes as to ownership of land;...

Section ia, hemi no allowem olketa "**parties**" nomo long wan case, blong oli lodgem appeal but "**any person**".

So, Kot ia bambae ihearem everyone we iwandem klem interest blong hem long land "Karngo title 1940".

PROCEDURES:

Kot hemi explainem procedure we bambae hemi followem blong harem kes ia. Bambae each klemant ipresentem **statement blong kes** blong hem, then hemi produsum olketa evidences through long olketa **witnesses**. Bambae olketa klemants oli testem olketa evidences/information through long:

- Examination in Jif,
- Cross examination mo
- re-examination.

LAWS:

1980, CONSTITUTION OF THE REPUBLIC OF VANUATU:

Article 73. All land in the republic of Vanuatu belongs to the **indigenous kastom owners and their descendants.**

Central element mo land policy long Vanuatu taem hemi kasem independence long 1980, hemi blong returnem every land igo back long Indijenous kastom onas. Every pre-independence freeholds mo leaseholds oli stop. Freeholders we oli registered olsem "alienators" oli entaetel blong kasem wan lease long commercial or residential rates or blong receivim wan compensation long improvements we oli been makem long land in kwesten.

KARNGO/1940.



Article 74. The **rules of kastom** shall form the basis of ownership and use of land in the Republic of Vanuatu.

Blong findem kastom onas, Kot of law hemi must usum kastom law mo Rules blong usum land long Vanuatu.

Article 75. Only indigenous citizens of the Republic of Vanuatu who have acquired their land in accordance with a recognised system of land tenure shall have perpetual ownership of their land.

Olketa Ni Vanuatu we kastom onas blong kraon ia oli givim raet over long kraon ia long olketa nomo oli gat raet blong holem free taetel.

Aelan Kot Act Cap 167

Aelan Kot civil procedure Rules

Role blong Aelan Kot under section 8 blong Aelan Kot Act hemi blong applaem kastomeri law blong area we disputed land hemi located long hem. Decisen blong hem, hemi no must conflict wetem any written law. Mo too hemi no must stand againstem spirit blong justice, reality mo good order. Kot hemi gat power too blong mekem orders ia:

- a) Money olsem compensation;*
- b) Restitution blong property*
- c) Use mo occupation blong land igo long any party long dispute,*
- d) Prohibitim or restraining use blong land by any long olketa disputing parties*

Case cited:

BUE MANIE KENNETH KALTABANG -V-SATO KILMAN (1980 -1994 blong Vanuatu Law Report page 343.

Raupepe v Raupepe Civil Appeal Case 12 blong 1998

Kastom of Efate-particularly South of Efate.

Long Kastom blong Efate, raet blong onem wan land hemi pass followem bladlaen blong man or Patrilineal mo olketa exceptions blong hem we Kot hemi tok about long case blong Eléo-Eurakot (Land case 5 of 1993 between Famili Kalpram Cooke Maseiman v- Nawi Natongrau and 18 others we kot ia hemi disaed long March 2009).

Long area we dispute ia istap long hem oli followem bladlaen. Dispute ia hemi involvem olketa following aspects blong onaship blong land long kastom blong Sout Efate, olsem :

KARNGO/1940.



- A. Kastomeri Land onaship hem based generally long Patrilineal system;
- B. Exception long rule blong patrilineal. Woman isave tekem right sapos inomo gat bloodline blong man istap;
- C. Occupation mo use of land. Hemi minim man we istap long kraon for longfalla generation, mo olketa we oli leavim land for a long period of times.;
- D. *Napumas or Pumas* (will); man or woman isave ownem Land through long gift or present.

Kastom blong Shepherds:

- E. Kastom ownership hemi followem Patrilineal system;
- F. Jifly title iattached long land (taem wan man hemi receivim wan title, igat wan pis land too we hem igarden long hem or "hemi kakae long hem" mo pem *nasautong* igo long high Jif.

KASTOMERI LAND TENURE:

a) Bigfalla Jif hemi controlem, managem mo protectem olketa interest over lands blong olketa people we oli stap under long jurisdiksen blong hem.

b) Head blong Tribe: Hemi minim olketa assistants blong big Jif we Jif hemi givim specific kastom duty long olketa. Olsem *warias, Munuwei...etc.* Olketa ia oli head blong tribe we oli kamaot long side blong ol "man" long famli bladlaen blong big Jif or yumi save talem se olketa "brothers" blong hem.

c) Head blong Klan: hemi minim olketa Jifs blong Naflak. Olketa oli head blong Jif blong Naflak we oli kamaot long saed blong olketa uncle blong Jif. Yumi save talem se olketa "tawian" blong hem.

STANDARD OF PROVE:

Standard of prove hemi long Probability.

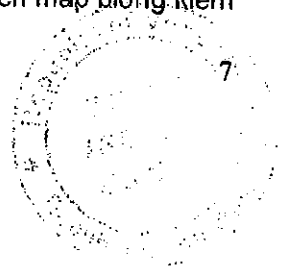
Hemi duty blong Kot ia blong showem se hemi followem stret Constitution blong Vanuatu, 1980. Bambiae hemi must applaem kastom olsem basis blong onaship blong kastomeri land raets, however desisen blong hem bambae hemi no must be inconsistent (igo against) wetem Article 73 mo 74 we hemi talk about onaship mo Perpetual onaship blong land.

INTRODUCTION:

Afta we Kot hemi hearem evidences from 10 parties mo around 45 witnesses, Kot hemi notem olketa particularities blong land dispute ia se:

1. Baondri hemi **no clear**; from baondri blong original sketch map blong klem hemi lus, mo olketa parties oli no putum back;

KARNGO/1940.



2. hemi involvem 1 bigfalla title we oli refer long hem olsem title 1940, we Aelan Kot hemi visitim finis long 1998 we hemi limited nomo long title we Saprim Kot hemi talem se oli no need blong Issuem Pablik notis bakeken;
3. Olketa Kaonta klemants oli kamaot long Eton, Forari, Tongoa, Emau, mo Buniga long Shepherds.
4. People blong Shepherds oli startem histri blong olketa from origin blong olketa long Efate. Eventhough histri ia hemi far back, section 25 blong Island Court Act Cap 167 imandatem Kot blong must admitim mo considerem.

LAND VISITATION:

From we Saprim Kot hemi order se oli no sendem Pablik Notis bakeken, kot ia hemi must followem same boundary we Efate Aelan Kot hemi followem long 1998.

Hemi istart down long sea mo ikrosem main rod blong north Efate ikam antap long bush mo krosem narafalla rod we igo long Forari velij. Baondari ia ikontinue stret mo katem kross long bush igo kasem fenis blong "La Cressoniere"; igo insaed long cattle project kasem end blong fanis. Ikontinu igo long main rod bakeken.

Kot itekem appearance, everyone istap mo oli depart long kot long 9 am, long 24 August 2009 igo long kraon. Plante people oli accompany Kot, but olketa parties mo spokesperson blong olketa nomo oli allowed blong go luk any particular kastom sites. Visitation hemi tekem wan dei nomo.

Ibeen kat plante toktok blong kritisoesem way we Kot istap lukluk long wan title nomo blong disaed long wan Kastom kraon. Plante long ol parties oli raisem konsern blong olketa se olketa kastom sites blong olketa oli stap outside long boundaries we Kot hemi walk about long hem. Unfortunately Kot hemi no save changem walkabout ia from boundary ia now oli putum Pablik notis long hem, mo Saprim Kot hemi sendem ikam bak mo oli no republishing.

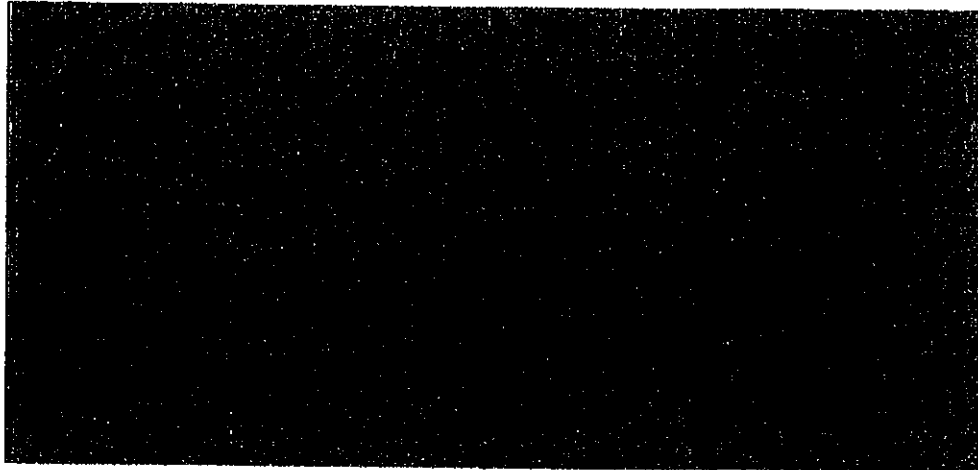
SAMARI BLONG EVIDENCES BLONG OLKETA PARTIES

CASE BLONG ORIJINOL KLEMANT FAMILI BOBLANG:

Original file ibon long faea, hemi filem new documents bakeken

Boundary:





Hemi produsim istri blong hem long half page blong wan smol buklet mo olketa witnesses blong hem oli confirm istri ia mo oli answer long olketa examinations.

Long saed long famili tri blong hem; hemi nambarem olketa male descendants blong hem nomo. Hemi no putum olketa narafalla members blong families blong olketa ancestors blong hem.

KLEM:

Spokesperson hemi basem klem blong hem long:

1. **PATRILINEAL KASTOM BLADLAEN** blong Jif Menour ikam daon long hem;
2. **ANCESTRAL KASTOM LAND BAONDRI BLONG EMTAANG.**

HISTRI:

Famili blong hem we oli laef today oli kasem 11 generations long kraon ia Emtaang.

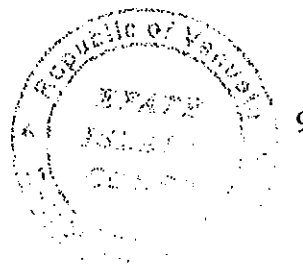
Hemi relae plante long desisen blong olketa Jifs blong wan meeting long 14 April 1987. Meeting ia iblong findem out true kastom owner blong Forari. Long taem ia igat 3 parties:

1. Famili Boblang,
2. Famili Takes, mo
3. Famili Kaay.

Desisen igo long Famili Boblang from histri blong hem mo from olketa relatives blong hem oli signem lease.

Boblang hemi gat 5 pikinini: **Kalses, Kalsaopa, Kalangis, Kaltakae mo Kalfau.**

KARNGO/1940.



First witness blong Boblang, hemi **Jif David TARPOLEPUL**, hemi gat 62 years, written statement blong witness ia oli filem long 11 June 2009. Hemi start olsem "Mi Kalomut Kalses"..., mo igat 2 sentences; signed jif Taripoalepul.

Jif Taripoalepul hemi Jif blong Pangpang Velij. Hemi related long Boblang through long tufala sisters Toutar mo Tougaga. Tougaga imarrem Boblang mo Toutar imarrem Jif we ibornem witness ia. Boblang hemi owner blong kraon from hemi followem line blong man. Emtaang hemi nem blong bigfalla area; mo igat smol smol lands insaed long big area ia mo title 1940 istap insaed long hem.

Bigfalla nasara blong "Emtaang" hemi "Melae". Emtaang hemi minim eyes blong me istap long land blong me.

Second witness **Timothy Kalses**, written statement blong witness ia oli filem long 11 June 2009. Hemi start olsem "Mi Kalomut Kalses"..., mo igat 2 sentences; signed **Timothy Kalses**.

Witness ia hemi tekem oath mo hemi confirmem olketa toktok. Mo hemi talem se hemi last born blong Kalses. **Boblang imove igo long Eton after 1845 taem Christinaity hemi kasem Eton.** Hemi no sure long taem blong ruling blong Boblang, hemi no save date blong death blong hem, be hemi save se oli berem long Eton nomo. Oli live long Eton mo oli mekem garden long disputed area ia.

Third witness **Kalomut Kases**, written statement blong witness ia oli filem long 11 June 2009. Hemi start olsem "Mi Kalomut Kalses"..., mo igat 2 sentences; signed **Kalomut Kases**. Hemi gat 68 years, hemi tekem oath mo hemi confirm histry ia mo hemi talem se Kalter hemi bloodline blong Toutar. Toutar we Jif Taripoalepul hemi stap tok about hemi different woman long hemia we Kalter istap refer long hem.

Fourth witness **Pierre Kalses**, written statement blong witness ia oli filem long 11 June 2009. mo hemi start olsem "Mi Kalomut Kalses"..., mo igat 2 sentences. Mo hemi sign **Pierre Kalses** hemi tekem oath mo hemi confirm histry we oli talem finis. Hemi talem se hemi save se Kalter Felix hemi under long ruling blong Jif Boblang. Boblang hemi Jif, Munuwei mo Mau. Oli ordainem hem long area ia nomo, mo stone we oli ordainem hem long hem istap long Pang pang.

(see analyses on page 50 & Declaration page 64)

KAONTA KLEMENT NAMBA 1 - FAMILI KALSILIK

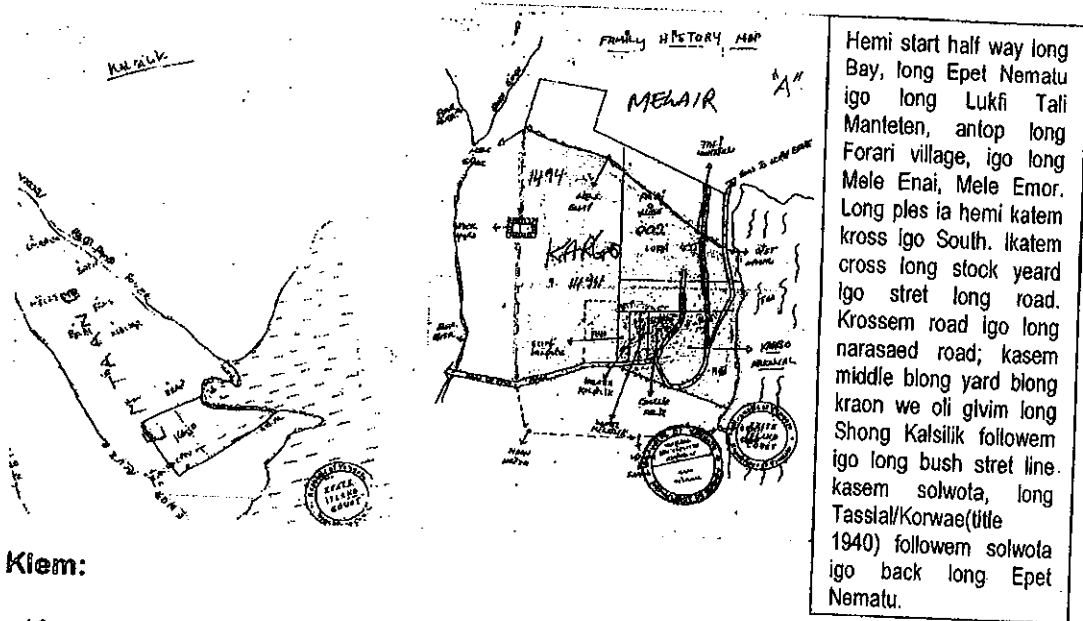
Original files ibon long faea, hemi filem new documents

Spokesperson blong kaonta klemant ia hemi Mr. Shon Kalsilik

Boundary:

KARNGO/1940.





Hemi start half way long Bay, long Epet Nematu igo long Lukfi Tali Mantelen, antop long Forari village, igo long Mele Enai, Mele Emor. Long ples ia hemi katem kross igo South. Ikatem cross long stock yeard igo stret long road. Krosssem road igo long narasaed road; kasem middle blong yard blong kraon we oli givim long Shong Kalsilik followem igo long bush stret line. kasem solwota, long Tassal/Korwae (title 1940) followem solwota igo back long Epet Nematu.

Kiem:

Kaonta klemant hemi basem klem blong hem long:

1. Bloodline blong OFFAPONG,
2. Ancestral Kastom boundari blong Karngo.

HISTRI:

Hemi startem klem blong hem blong talem se igat wan bigfalla boundari blong kraon long Eton we oli kolek EPUEN. Boundari ia istart long RENTAPAU RIVA iko kasem long PANGPANG RIVA. Insaed long bigfalla boundari ia, ikat ol smol smol pis kraon or nakamal; mo ol smol smol pis kraon or nakamal ia oli kat ol jifs mo ol kastom owners blong olketa.

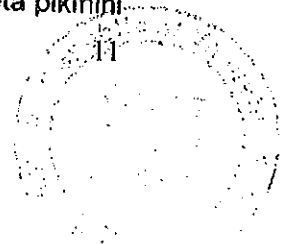
Kot istap deal wetem 2 long smol smol pis kraon ia or nakamal ia today. Tufalla ia MELAIR mo KARNGO. Taem Gospel ikasem area blong olketa long Eton, owners blong tufalla kraon ia oli, move igo long Eton. Tugalla ia: Famili Boblang blong Melair mo Famili Takes blong Karngo.

Karngo idivided long 2 pis bakeken: Karngo down mo Karngo up. Famili Kalsilik oli klemem karngo down.

Tufalla families ia tufalla ibeen identifiaem kastom boundaries blong tufalla finis long 1978 mo 1979. Inside long kastom boundaries blong Karngo igat 3 different titles:

- Full title 1940;
- Part title 1494 mo
- Part title 002.

Long 1980/81 Kalsilik Senior hemi disaed blong markem out one pis kraon inside title 1940 we istap insaed long baondri blong Karngo mo givim long olketa pikinini KARNGO/1940.



blong hem; sametime ia hemi markem wan pis kraon ia mo givim igo long Kalter Felix. Taem ia Kalter Felix hemi wan party nomo wetem famili Kalsilik.

About 1983 mo 1984 Kalter Felix istap blong causem problem wetem late Kalsilik. Long 1992 late Kalsilik hemi callem wan meeting long Eton velij land komiti about kraon ia bakeken. But Kalter Felix ino stop blong mekem disput, mekem se long 1995 famili Kalsilik iregisterem dispute blong hem long Aelan Kot.

Witness namba 1 Shong Kalsilik, hemi tekem oath mo hem answerem olketa kwestens olsem:

Karngo hemi nem blong nakamal blong Jif Offapong. Karngo hemi minim se '*mi harem*'. Jif Offapong hemi pupu man blong Kaltertemat. Kraon ia hemi pass long Jif Offapong igo long Takes, then igo long Kaltertemat, mo Kaltertemat hemi passem birth right blong hem igo long ol boys blong hem; (one hemi Kalsilik); mo oli passem one pis kraon igo long Kalter Felix we hemi pikinini blong Letong, sister blong Kaltertemat.

Hemi clarifaem long Kot se taem gospel ikasem area blong olketa, Takes hemi dead finis. Kaltertemat nomo istap yet. Hemi related long Boblang mo Kalter Felix. Hemi no related long olketa narafalla kaonta klemants.

Witness namba 2 Kalopa Kalsilik, hemi tekem oath.

Written statement blong hem iconfirmem main statement blong Kalsilik, mo hemi answerem olketa kwesten se:

Offapong hemi minim "people oli stap underneath long hem". Hemi wan Jif. be Kalsilik hemi no wan Jif.

Hemi clearem long Kot se olketa wetem olketa pikinini blong Siff oli work long same area. Mo famili blong Siff oli stap supportem famili blong Kalter Felix. Long Kastom famili Kalsilik oli gat more right then famili Shiff. Be oli luk save olketa famili Shiff. Hemi confirm se oli gat nakamal, grave yard, Namele mo Nabanga long area ia today.

Witness namba 3 Kalkot, hemi tekem oath.

Long written statement blong hem hemi confirm olketa toktok we istap long klem blong Kalsilik. Hemi talem se hemi stap wetem olketa famili taem oli identifiaem land ia long 1978; mo oli settem boundaries between Melair mo Karngo. Hemi ibeen attendem olketa meetings we oli holem long 1979, 1983 mo 1992.

Offapong hemi wan assistant Jif. Hemi elaborate long meaning blong nem blong Offapong se hemi wan white sea bird we neck blong hem ilongfala. Hemi kavarem nakamal mo ol people blong hem wetem wings blong hem.

Kaltertemat hemi born long Erueti long 1868. Taem ia Takes mo wife blong hem, tufalla igo long Erueti from Jif Bilak blong Erueti iarrangem wan kastom KARNGO/1940.

ceremony blong mekem peace. Jif Bilak igivim nem ia Kaltertemat long hem, from hemi born long taem we oli stap blong mekem peace. Kaltertemat imarretem Lesei mo bornem Kalsilik, Kalsek, Georges, Leitong mo Leipagor.

(see analyses on page 51 & Declaration page 64)

KAONTA KLEMAN 2 KALTER FELIX

Original file ibon long faea. Long 16 June 2009 taem Kot ichekem olketa documents hemi no filem any documents yet:

Hemi askem adjournment blong 21 days. Kot hemi refusim aplikesen blong adjournment. However kot hemi allowem olketa narafalla kaonta klemants oli presentem case blong olketa before hem (Kalter Felix); so that hemi save gat taem blong preparem olketa documents blong hem.

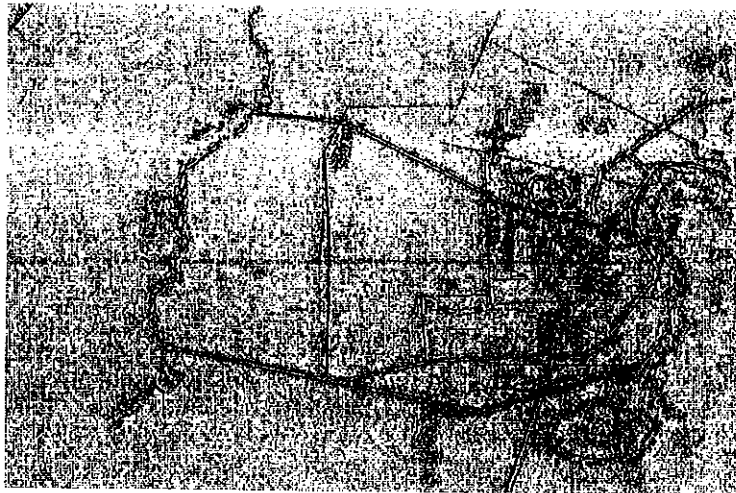
Kalter Felix famili hemi just presentem case blong hem after long Jif Tarisaliu mo Manasakau, long 23 June 2009.

Before hemi startem case blong hem, hemi raisem some important issues long case ia. Mo kot ipropose blong putum out olketa relevan issues long ples ia:

1. Efate Aelan Kot hemi disaed finis long 24 April 1984 over long boundary blong kraon blong Eton. Desisen italem se stret nem blong boundary hemi Epuen we igo finis long Rentapao River –
2. Long 28 October 1988 Famili Boblang oli filem Dispute blong olketa long Efate Aelan Kot over title 1940;
3. Long 22 November 1994 Famili Kalter Felix oli filem case blong land ia long Efate Aelan Kot;
4. Kalter Felix hemi agree wetem backkraon blong case ia long page 2. But hemi talem se hemi konsern long way we Efate Aelan Kot ia hemi open up case bakeken blong allowem ol parties outside long desisen blong Saprim Kot oli kam inside.
Kot ino wandem go back insaed long issue blong allowem new parties. Olketa we oli konsern long issue ia oli should refer long page 5.

BOUNDARI:





Istart long road long solwota long Epetrik; igo long Laketali Negsontiam (forari village); iron igo long Melatuel; iconinue igo long Neitan. Ifollowem riva igo long Selaskei. Igo back long solwota long Tafne Melas; after igo long ELwai Point.

KLEM:

Famili Kalter Felix hemi klem mo settle long kraon ia Karngo title 1940 istap long hem long year 1974. Oli developpem bigwan mo value blong development blong olketa today hemi over long 100 million vatu (100 000 000 vatu).

Long 15 June 2009, kaonta klemant ia hemi kam wetem wan statement blong klem, we iklem under long famili AKAU

HISTRI:

Histri blong Famili Kalter Felix I start long Akau we hemi klem kastom ownership blong kraon blong Karngo.

Famili tri blong hem:

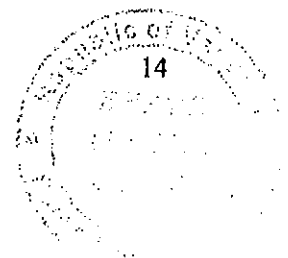
- ❖ **KALTAP** hemi marretem *Leiper* mo tufalla ibornem:
 - **HALALU; hem** imaretem *Leirut* mo tufalla ikat 2 pikinini AKAU mo MELES;
 - **AKAU; hem** imarretem *Leidia* mo tufalla igat 6 pikinini: **Felix**, Kalosa, Leitapang, Kalmat, Leah mo John;
 - **FELIX; hem** imarretem *Leitong* (girl blong Kaltertemat mo Leisei) mo tufalla igat 9 pikinini: **Kaltertemat**, Delma, Kaltemat, Leiman, Leiser, Morrison, James, Tounar mo Alick;
 - **FELIX KALTERTEMAT; hem** imarretem *Touta* (girl blong Siftertemat mo Logae) mo tufalla igat 7 pikinini. (2 long olketa: **Andrew Felix** mo **Thomas Felix**).

Hemi presentem 2 witnesses.

Witness 1 **KERSON SIFTERTEMAT**, hemi gat 68 years, hemi takem oath, mo hemi talem se:

Hemi kam blong givim histri olsem we hemi save long **Siftertemat** wetem **Kaltertemat** mo wanem connection bitwin **OFFABONG** mo **AKAU**.

KARNGO/1940.



Hemi continu blong talem se olketa famili insaed long Kot ia we oli blong Eton, oli wan nomo. **SIFTERTEMAT** mo **KALTERTEMAT** tufalla iwan nomo.

Long cross examination, hemi talem se:

Papa blong hem, Siftertemat. Brother blong Siftertemat hemi Kaltertemat. Papa blong Siftertemat mo Kaltertemat hemi Kates. Papa blong Takes hemi Offapong. Hemi ino save "Maribong"; mo whether Offapong mo Maribong hemi same man.

Hemi confirm se Kaltertemat mo Shiftertemat tufalla i born long 1 papa, be 2 different mama. Kaltertemat Felix hemi marretem Touta. Touta hemi girl blong Shiftertemat junior. Famili Akau oli connect long famili Kaltertemat through long girl blong Shiftertemat.

Witness namba 2 **KALTEMAT AKAU** hemi tekem oath.

Hemi tok about histri blong famili Akau mo kastom right blong famili Akau long kraon Karngo. Involvement blong famili Akau long ol kraon blong Epuen, Efate.

Hemi start blong talem **BOBLANG** mo **TAKES** mo hem (**AKAU**) oli kamaot long one tri nomo wetem plante branches. But hemi think se Famili Akau nomo igat one detailed famili tri.

Offapong hemi servant blong **Halulu**. Famili Akau now hemi big boss. Hemi confirm famili tri blong Akau.

Hemi continu blong talem se papa blong Kalsilik hemi uncle blong hem. Long 1967 hemi leadim wan group oli go long surveyed land ia mo pulum out over 1000 pegs mo putum long road.

Hemi no save good kastom baondri blong Karngo, Akau hemi connect long Karngo from hemi road blong hem (Akau) blong go long solwota.

HALALU hemi kamaot long Pollow. Pollow hemi stap long middle blong Efate. Antop long area we oli stap dispute long hem.

Hemi konfirmem se hemi been klem same kraon ia under Naflac. Hemi been winnim case blong hem, mo Kot italem se famili Kalsilik oli should stap under Akau famili. Long taem ia ino been gat wan map. Mo famili Akau hemi appeal. But Today hemi come back followem bloodline. Kalter Felix hemi settle long area we istap long dispute ia since 1974. Kalter Felix hemi brother blong hem (witness ia). Oldfalla Kalsilik iadoptem hem olsem first born boy blong hem. Kalsilik ia hemi papa blong shon (spokesman blong Famili Kalsilik).

Uncle blong hem **Kalsilik** hemi sharem kraon insaed title 1940 igo long olketa boys blong hem mo igivim one long **Charlie Felix**. Hemi confirm se igat some house we Kalter Felix ibuildim outside long boundri we Kalsilik imarkem.

KARNGO/1940.



Kalter Felix mo Kalsilik oli one. **Kalsilik hemi good uncle blong witness.** Hemi think se problem long ples, se olketa famili Kalsilik oli no wandem group blong witness ia long kraon ia.

Igat wan nakamal long Karngo nem blong hem **Eloak.** Hemia hemi no same wetem Aloara. **Eloak istap insaed nomo long Karngo.**

Hemi no save meaning blong Karongo. Be taem spokeperson blong Jif Tarisaliu hemi putum long hem se Karongo iminim listen. Hemi agree. Mo hemi agree se Karongo hemi nem blong wan tamtam we taem oli killim long disputed area ia, ol man ihearem long Purao/Tongoa.
Hemi agree too se **Offapong mo Maripong** tufalla nem blong same man nomo.

Halulu, Offapong mo Akau oli blong Buffa mo oli lukaotem area blong Forari mo Maniura. Eloak hemi oldfalla velij blong olketa mo hemi outside long disputed boundary blong Karngo. Eton hemi wan new velij we istart long 1867.

Hemi confirm se ino gat nem Offapong long Famili tri blong Manasakau we hemi presentem olsem **Manasakau Tarisaliu.** Hemi never hearem about bloodline blong hem long saed blong Akau se iconnect wetem **Manasakau mo Tarisaliu.** Ino gat intermarriage between Tarisaliu mo famili blong hem long Eton.

Hemi clearem se kastom ceremony we famili blong hem oli mekem wetem famili blong Tarisaliu hemi blong openem road nomo, from John Roy (blong Tongoa) itekem wan lease long area ia.

(see analyses on page 52 & Declaration page 65)

KAONTA KLEMAN 3 JIF TARISALIU

Spokesman blong Kaonta Kleman ia, hemi Jif Joseph Dick Manamuri. Long 16 June 2009,:

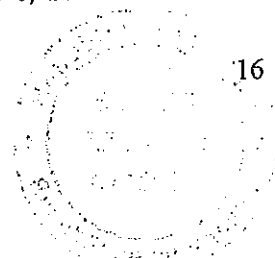
Original file ibon long faea. Long 16 June 2009 hemi no filem olgeta documents blong hem

However klemant hemi ready blong proceed wetem klem blong hem.

Before hemi start hemi raisem some serious issues about olketa parties. Hemi disappointed over office blong Registry blong Vanuatu Kots long how oli handlem case ia long foret blong Kot ia today. According long record blong olketa (Tarisaliu), Saprim Kot hemi no permittim blong admitting anymore party. Alick Louis Manasakau hemi no should be allowed blong presentem case blong hem today. Hemi strongly askem Kot, blong hem rectifaem error we Efate Aelan Kot imekem, taem hemi sendem notis blong hearing igo long Alick Louis. Mo, hemi threathemen blong takem legal action against office blong Registrar blong Kots blong Vanuatu.

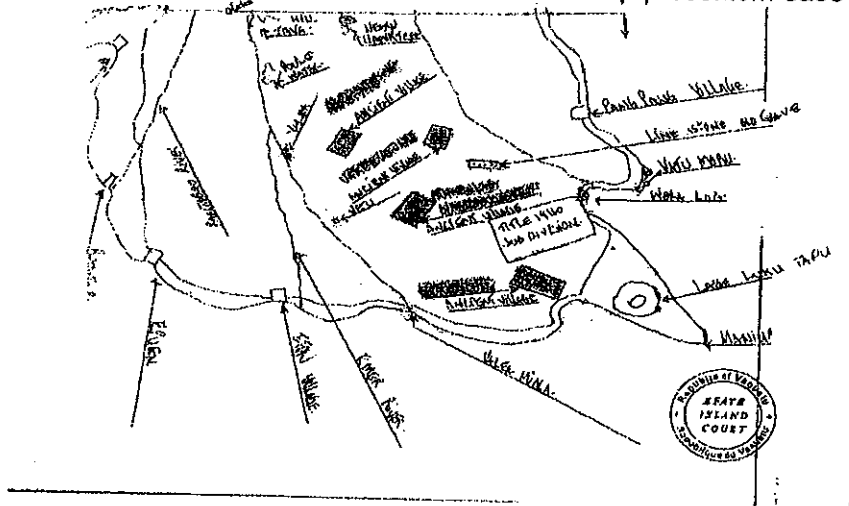
Kot itokabout issu blong joinem olketa parties finis long *page 5*; bambae hemi no go back long issue ia long ples ia.

KARNGO/1940.



BOUNDARI:

Oli presentem map below long Kot taem oli stap presentem case blong olketa.



Klem:

Hemi klem se Jif Tarisaliu hemi paramount Jif blong Efate mo hemi originate long disputed area ia. Jif ia hemi ordained long area ia before hemi go long Tongoa

Histri:

Jif Tarisaliu hemi paramount Jif blong Farelapa Nampangasuduku long Purau Velij mo hemi holem ful paoa blong administration over long affairs blong Velij ia.

Toktok blong hem ibase long mama loa blong Vanuatu. Followem Consitution Article 73 Chapter 12 italem se kraon hemi blong indigeneous Kastom owners mo ol descendants blong olketa mo Article 74 italem se rules blong kastom nao mbae ibasis blong determinem ownership.

Jif Tarisaliu mbae ishowem se through long kastom, hemi true kastom owner blong kraon ia.

Wan long olketa rules blong kastom blong determinem ownership blong kraon hemi kastom NEMS blong ol places mo nakamal or long lanwis oli talem se farea *manga* or *natusuma*.

Nems blong kastom place we ground title 1940 istap long hem, hemi **FOURARE** mo insaed long hem igat Farea Aloara, Valeamiala, Farea ni Tafa, Farelapa Nampangasuduku, Lukutapu mo woralao, mo olketa important marks we istap insaed long kraon ia too igat ol olfala graves (*matingo*) blong ol olfalla blong olketa, igat ol stone (*wondo*) we ol Jif oli stanap long hem long taem blong ordination.

KARNGO/1940.

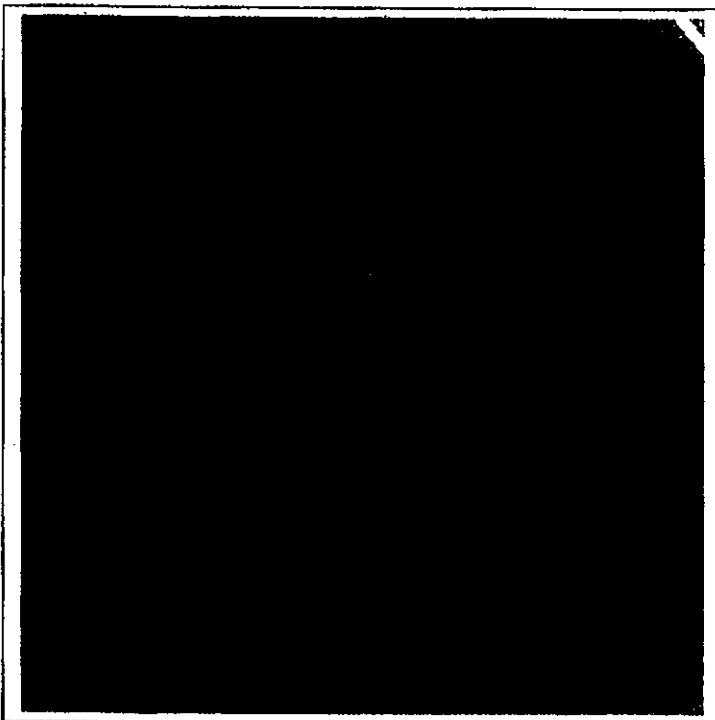


Kastom rule namba 2 we ideterminem ownership blong kraon followem kastom blong Tarisaliu hemi base long Patrilineal fasen o kraon istap long saed blong papa be ino mama. Raet blong karem wan title blong Jif ifolem fasen ia too. Wan long olketa witness blong Jif Tarisaliu mbae isoem famili tri blong hem stat long bifo kasem tedei. Olketa evidence we ishowem se Jif Tarisaliu hemi blong Efate wetem ol descendants blong hem.

Kastom rule namba 3 we ideterminem ownership hemi ol traditional songs long place ia. Two long olketa traditional songs we ol pupu blong olketa istap singsing long hem taem oli ordainem ol chieives long ples ia hemi "Taorere", "Efate Efate" .

Kastom rule namba 4 we hemi determinem kastom ownership hemi boundary or kastom Kokoi long kraon ia. Boundary blong kraon ia istat long end blong "La Cressonniere Riva' Long solwota (Faleamiala) igo kasem wan stone we istap antop long eria blong "La Cressonniere" station. Long ples ia boundary hemi extend igo long bush igo kasem wan cave mo iconinue blong ko kasem wan pool blong wota we istap antap; afta igo round kasem wan stampa blong Oak tri (Nearu) ikam down kasem riva blong Pangpang. Same boundary igo kasem wan stone long solwota we oli kollem "Fatumoru" we hemi stap kolosap long Woraloa.

Last Kastom rule Olioli or caretaker over land blong kastom owner we hemi muve out long ples blong hem. Hemia wan man we istap long Efate blong representem Tarisaliu, taem hemi go long Tongoa. Evidence blong olketa Efate Jifs we oli go long Tongoa oli stap engraved long marble stone, nems blong Jif Tarisaliu 1 kasem 11 (Printed by Andrew Bros, Sydney Australian). Oli produsim marble stone olsem wan exhibit; ineedim 4 man blong karem ikam insaed long Kot.



Picture ia clerk hemi tekem taem oli presentem marble stone olsem evidence long kot



TEA MIDOAKI MANASAKAU NAWOTA NI PURAO (IN MEMORY OF JIF MANASAKAU, JIF OF PURAO). NAWOTA WAINA EPAE EFATE URAI (JIF WHO CAME FROM EFATE)	
1. TEVIVI TARISALIU	
2. KIASA TARISALIU	EFATESE
3. LOKIA TARISALIU	EFATESE
4. TAMAU TARISALIU	EFATESE
5. KALO TARISALIU	EFATESE
6. NATAKOKONA TARISALIU	EFATESE
7. MANUTALO TARISALIU	EFATESE
8. VAKALORANA TARISALIU	EFATESE
9. MAKALI TARISALIU	EFATESE
10. VAKALOTOWO TARISALIU	EFATESE
11. MANASAKAU TARISALIU	EFATESE
WAINA EMATE OCTOBER 1903 (WHO DIED OCTOBER 1903)	

Reproduction
 blong Marble
 stone.
 (version
 Tarisaliu)

Hemi talem se Jif Tarisaliu mo ol people blong hem, oli invest plante long South mo South East blong Efate 400-500 before oli go long Tongoa. Piles blong informations we hemi submitim ikam long Kot oli refer long Efate long very general way; oli no relevant long issue before Kot.

However, hemi presentem line blong olketa pikinini blong Jif Tarisaliu we oli Jif long Tongoa (page 15) blong pleading blong hem;

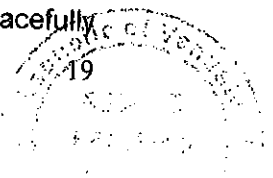
Long document blong hem dated 2 March 2006 hemi presentem wan well known picture we istap long cultural center mo talem se i blong Jif TARISALIU wetem wife blong hem LEILASA mo smol boy blong tufalla LAWO MARIBALANGA MANASAKAU. Wan artist we ipass long taem ia, long ship blong captain ERSKINE ipaintem. Mo pikja ia tudei hemi appear long Coat of arms blong Vanuatu. Artist ia hemi givim wan axe, (Tangoto) olsem present (oli presentem axe ia long Kot).

Witness 1 Jif Joseph Dick Manamuri; spokesman blong klemant, hemi takem oath blong answerem any kwestens we oli relate long klem blong JIF TARISALIU.

Hemi talem se Jif Tarisaliu iregisterem klem blong hem long 19 January 1981; (hemi produsim long Kot wan letter we oli writem igo long one Mr. Michel Bernast long Rural land Department over dispute blong Land long Efate). Letter ishowem se Jif we iaot long Efate igo long Tongoa hemi TIVIVI.

Hemi talem se, originally Jif Tarisaliu hemi Efatese, mo hemi highest Jifly Title. Title ia, hemi passed long generation ikam down long 18th Generations. Varea Nambangasuduku hemi ples blong Jif Tarisaliu, Varea Aloara hemi nem blong Nakamal (meeting house) blong hem: (olsem Malvatumauri) mo varea Nitaoa, hemi wan smol nakamal wetem wan smol head Jif. Symbole blong Jif Tarisaliu, hemi one white rooster. Ol man Efate oli save good, mo oli no stap killim white rooster taem oli meetim one long bush. Hemi igo long Tongoa; long year 1400s before eruption blong Kwae oli move out long Tongoa mo oli go back peacefully

KARNGO/1940.



long disputed area ia. After long eruption, taem every place I green good bakeken oli move igo back long Tongoa; mo nowia oli wandem kam back long original ples blong Jif Tarisaliu.

Fourari oli changem igo long Forari. Fourari hemi nem blong wan spirit blong Jif Tarisaliu we hemi save hidem road blong man long bush, sapos man imekem something we hemi no likem. Olketa nems we oli stap long sketch map blong olketa, oli ol nems blong Efate, oli tekem ol nems ia igo long Tongoa, mo usum some long olketa too long Tongoa.

The fact that plante man Efate oli save language blong olketa ishowem se oli been out long Efate; be ino gat plante man isave language blong Eton. Hemi save minim too se ol man ia oli "man-kam" (migrate). Hemi true se original klemant hemi putum some nems blong hem long olketa boundaries, be hemi fail blong definem or identifiaem olketa nems ia wetem olketa areas we hemi placem olketa nems ia long hem.

Hemi proudly talem se Jif Tarisaliu ino go back blong luk baondri blong olketa be oli memorisem ol kastom sites blong olketa, followem storian we olketa ancestors blong olketa oli stap storian long olketa. Oli no save meaning blong "Emtaang" mo hemi wan foreign language.

After long independence oli go back long Eton blong tresem famili blong olketa mo oli findem se Kalter hemi Olioli (caretaker) blong Tarisaliu. Oli representem Tarisaliu long area ia; but oli no entitle long title "Tarisaliu".

Lake Lukutapu hemi wan tabu water we olketa Jifs oli stap ordained long hem. Igat kastom song we igo wetem ordination blong olketa Jif. Ordination blong Jif, iolsem wan baptism. Mo igat too kastom song blong olketa taem oli leavim Aelan blong Efate. Lake Lukutapu hemi outside long klem ia, but hemi kastom site blong olketa.

Witness namba 2 ESAU MANAMURI, hemi takem oath

Hemi singim 2 kastom songs: "TOARERE" mo "EFATE-EFATE".

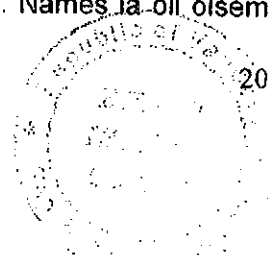
Boblang hemi kwestenem lanwis blong songs ia. Witness hemi insist se song ia oli singim long lanwis blong Efate. However Kalter Felix mo Kalsilik too oli no understandem lanwis blong song ia.

Manasakau hemi putum long witness se song ia hemi blong every Jif blong Tongoa oli singim taem oli ordainem wan Jif.

Witness namba 3 Alick Matapu hemi takem oath:

Hemi confirm every toktok we Jif Tarisaliu iputum long foret blong Kot. Nems blong olketa man we oli been leavim Efate mo been go settle long Tongoa istap long wan marble stone we oli treasurem istap long Tongoa. Names ia oli oisem

KARNGO/1940.



wan famili tri mo oli carvem long stone ia olsem evidence (prove) se oli kamaot long "EMATANG".

Hemi continu blong talem se LOKIA TARISALIU mo LEIMOK tufalla blong EMATANG. Title blong Tarisaliu, oli givim long Efate, long wan ordination long Ematang mo stone blong ordination istap yet but sori we kot ino save go luk from hemi stap outside long disputed boundary.

MALBONGI hemi same man we olketa long area ia oli stap refer long hem olsem OFFABONGI. Hemi minim white sea bird mo TARISALIU hemi white rooster. OFFABONGI hemi papa blong TAKES olsem we kaonta klemant 1 istap talem. TAKES hemi papa blong KALTERTAMAT we imaretem Toutak. Hemi save se Kalter igat wan nakamal long Karngo mo Karngo istap long Ematang.

Taem Kalter Felix hemi needim help, hemi stap lukaotem Jif Tarisaliu; mo long 1988 hemi approachem witness ia (Alick Matapu). Witness ia itekem Kalter Felix mo Andrew Felix (spokesman blong kalter Felix) mo Thomas Felix oli go long house blong Jif Tarisaliu. Long 1992 tufalla famili ia imekem pig killing ceremony, blong showem se tufalla "ONE".

Hemi confirm se taem Kalter Felix igo luk hem (witness), oli findem out se KALTER FELIX mo Jif TARISALIU tufalla kamaot long 1 famili tri nomo long saed blong woman. Mo famili Manasakau mo Tarisaliu tufalla ikamaot long wan line nomo; be Tarisaliu ino stap long marble stone. Long taem blong Ceremony long 1992, famili KALSILIK, Jifs blong Eton, Pangpang mo ol surrounding areas oli no present.

However hemi talem se Kalter Felix now isould talem long ol Jifs blong oli ikam long ceremony; hemi no responsibility blong hem (witness ia);

Hemi confirm se OLIOLI blong Jif TARISALIU hemi KALTERTEMAT, be hemi no save se which year oli leavim olioli ia long disputed boundary ia. Hemi confirm se NGNATIKA hemi go long Tongoa mo hemi bornem twin one long tufalla hemi TEVIVI.

(see analyses on page 52 & Declaration page 65)

KAONTAL KLEMAN 4 – FAMILI MANASAKAU

Spokesman blong kaonta klemant 4 hemi Alec Louis Pakoa Manasakau.

Long 16 June 2009 taem kot hemi ready blong hearem land case ia; Kot ichekem olketa documents blong hem mo findem out se:

Hemi no filem olketa document long 16 June 2009 taem kot istart.

However long 17 June hemi openem case blong hem; hemi presentem wan binding blong ol documents blong hem entitled "The evidence of the Evidents". Binding ia icontainem:

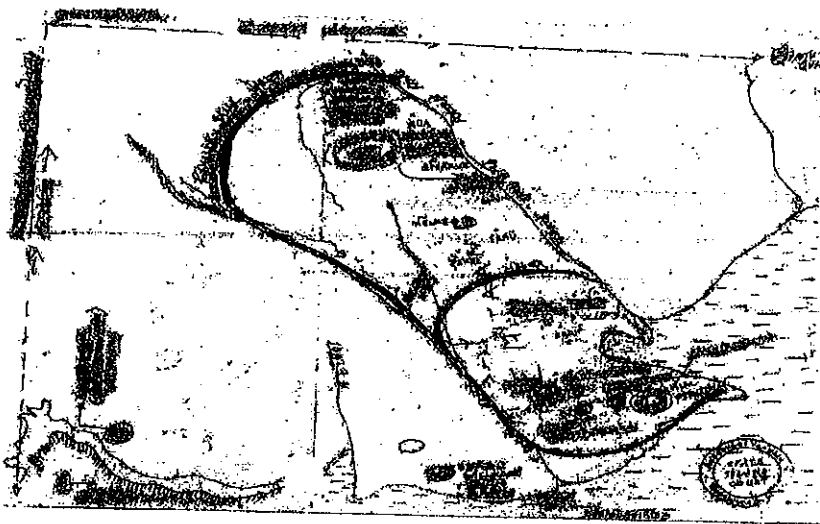
KARNGO/1940.



1. Interim report blong wan survey long 2005 long disputed area. Survey hemi done followem report blong Jif Malulu, Jimmy Ben Ataviranan, Davidson Nalae mo Philimon Masae-manu; purposely blong assistim Kot blong determinem ownership blong land ia.
2. Hemi producim wan map wetem ol different nems blong ol Vareas or Nakamals around dispute land (luk boundary below); mo hemi talem se hemi Kastomary Land blong Jif Manasakau.
3. Hemi explainem ol Process or procedures or rules blong Varealapa Napangasuduku Nakamal mo emi tok about ol cultures, traditions and kastom practices, we Manasakau ileavim Efate wetem mo oli stap praktisim long Tongoa;
4. Plante other documents we oli no relevant long case ia;

Particularity blong kaonta kleman ia, hemi long saed se Alec Louis Pakoa Manasakau hemi been spokesperson blong Jif Tarisaliu long 1988 mo hemi witness blong Kalter Felix. Plante long olketa documents we hemi filem oli still bearem nem MANASAKAU TARISALIU.

BOUNDARI:



KLEM:

Mansakau hemi originate long disputed area. Hemi leavim ples ia around 1600- hemi go long Tongoa.

HISTRY:

Histri blong hem istart after long flood (long taem blong Noah – Bible). Manasakau hemi originate long Mesopotamie (Irac) around 1000 – 1200 BC). Hemi descendant blong Ham. Ham hemi wan long trifalla boys blong Noah. Ham hem wan black man.

Taem God hemi confusim olketa man we oli stap buildim tower of Babel, olketa man oli divided so:

KARNGO/1940.



- hemi leavim ples blong Tower of Babel igo
- long Eupratese river, igo
- long Persian gulf, icontinu igo
- long Indiana Ocean, igo cross
- long Equator, igo
- long Madagascar (Manakara) igo
- long Pacific ocean, igo
- long New Zealand (Tu Mauri) mo go shore
- long Furare (East Efate)

14th Century or long around 1400s Manasakau ikasem long Furari long VETE / EFATE. Taem Manasakau hemi kasem long area we istap long dispute hemi luk 2 giants samting olsem Gorilla or *Mangi*; hemi askem. nem blong tufalla: Female hemi Maniura mo male hemi Fourari.

Oi descendants blong hem igo kasem famili Manasakau tudei; mo ALEC LOUIS PAKAO MANASAKAU hemi true bloodline blong MANASAKAU.

Famili tri ia ishowem se Alec Louis Pakoa Manasakau hemi pikinini blong Pakoa Ahma Manasakau Maribalanga wetem Leisale. Iluk olsem Leisale hemi girl blong Masori Laewia Robin we hemi brata blong Leituk. Leituk mo Masori Laweia Robin tufalla pikinini blong Manasakau Manakaramu wetem Leirarua.

Manasakau hemi leavim area ia long around 1600s hemi go kasem Mangaliliu. Long 1853 hemi go long Tongoa long Purao velij. Hemi kam Christian long 1890 mo hemi ded long 1903 mo oli mekem marble stone blong commemoratem death blong hem. Marble stone ia Tarisaliu hemi prodiusim olsem evidence, but ino gat nem blong hem long Marble stone ia.

Reproduction blong olketa nems we istap long Marble stone. Long ples ia hemi changem from Jif Tarisaliu igo long Manasakau. Olketa high Jifs we oli leavim Vete long 1853.

TEA MIDOAKI MANASAKAU NAWOTA NI PURAO (IN MEMORY OF JIF MANASAKAU, JIF OF PURAO). NAWOTA WAINA EPAE EFATE UMAI (JIF WHO CAME FROM EFATE)	
1. TEVIVI MANASAKAU	EFATESE
2. KIASA MANASAKAU	EFATESE
3. LOKIA MANASAKAU	EFATESE
4. TAMAU MANASAKAU	EFATESE
5. KALO MANASAKAU	EFATESE
6. NATAKOKONA MANASAKAU	EFATESE
7. MANUTALO MANASAKAU	EFATESE
8. VAKALORANA MANASAKAU	EFATESE
9. MAKALI MANASAKAU	EFATESE
10. VAKALOTOWO MANASAKAU	EFATESE
11. MANASAKAU	EFATESE
WAINA EMATE OCTOBER 1903 (WHO DIED OCTOBER 1903)	

Reproduction
blong Marble
stone.
(version
Manasakau)



However hemi talem bakeken se 11 paramount Jifs ia oli berem olketa long of kastom sites blong olketa long disputed area ia; olsem:

- Varea;
- Danong Kraon;
- Old graves;
- Varea-Aloara;
- Purao Loa ancient velij;
- Tradition Lake Lukutabu;
- Tatua Aelan;

Hemi producim 5 witnesses:

Witness 1 – KOLAU MANSALÉ-Sworn and states:

Hemi kam blong talem se hemi save se Samuel Tarisaliu hemi no paramount Jif. Manasakau now hemi paramount Jif.

Hemi answerem Boblang se Manasakau hemi gat right long title 1940. But hemi no save olketa descendants blong hem. However hemi save se Manasakau hemi kastom nem blong Efate. Be hemi no save meanin blong hem. Hemi no save who hemi givim right long Manasakau over land ia.

Papa blong hem wetem papa blong Tarisaliu oli same bloodline, be hemi no save connection blong tufalla famili

Hemi continue blong talem se hemi save se Jif Tarisaliu hemi blong Purao Tongoa, Manasakau hemi blong Efate be hemi no save velij blong hem long Efate. Oli ordenem Manasakau long Tebakor School. Hemi no killim pig.

2nd witness PHILIMON ESAU MASAMANU-Sworn and states:

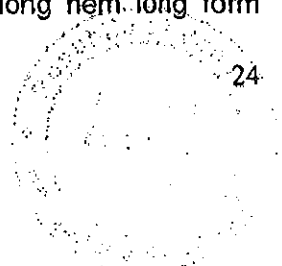
Manasakau hemi explorer hemi travel plante since 1400s kasem 1600s mo hemi fight, conquerem olketa ples mo hemi move on. Ino gat man long Efate yet taem hem settle long Efate. Manasakau hemi paramount Jif blong Forari. Manasakau too igivim title ia "Tarisaliu".

Nem ia "MANASAKAU" imean: SAKAU rif from hemi wan traveler, hemi lukaotem rif blong olketa Aelan blong iproctem olketa lands.

Oli ordainem current "Manasakau" long Tebakor long ples blong Taripoamata we hemi elder brother blong Alec Louis Pakoa. Oli no killim pig. Igat olketa Jifs blong Shepherds long ordination, be hemi no sure sapos igat Jifs blong Efate too long ordination ceremony.

Long stori blong hem, taem Manasakau iarrive long disputed area, hemi luk 2 persons; hemi talk long tufalla long Nguness language. Nguness hemi language blong Efate. Tufalla person ia tufalla ispirit mo tufalla iwelkamem Manasakau peacefully. Spirit ia hemi followem Manasakau long trip blong hem long form blong wan rooster.

KARNGO/1940.



3rd Witness DICK NALAE sworn states:

Hemi talem se Manasakau hemi blong Madagascar. Oli been settle long area ia around 1400s. After long Independence constitution hemi givim right blong oli klem back lands blong olketa. Marble stone hemi evidence blong ownership blong lands long Efate mo tittle 1940 hemi one of them.

Taem hemi answerem Kalsilik hemi contradictim hem mo talem se Manasakau hemi blong Maniuro hemi no blong New Zealand or Madagascar. Ordination blong Manasakau hemi simple nomo mo oli never ordanem wan Manasakau long Efate, hemia hemi first one.

4th witness JIF ATAVIROTO JEHU DICK Sworn -states:

Hemi clearem se olketa we oli givim histri mo ol nems we oli engravem long marble stone oli:

- Manasakau Malulu long Purau velij,
- Billy Marea long Kurumambe velij we hemi Presbyterian Mission Secretary,
- Songi Sasamaki Matapesu long Purau velij,
- Masori Dick Ataviroto we ibubu blong hem (witness) mo
- Magaru Lologoso we hemi boy blong Manasakau Lawo Nasu.

Manasakau hemi pikinini boy blong Jif Manasakau Maribalanga we hemi Jif blong varea Abara mo hemi blong protectem rif. Hem (witness ia) ino save language blong Eton. Hemi talem se Manasakau hemi blong Mesopotamia long Middle East then hemi changem bakeken blong talem se hemi blong Furare. Hemi no save meaning blong Furare. Title 1940 istap insaed long Karongo. Karongo hemi language blong olketa long Tongoa.

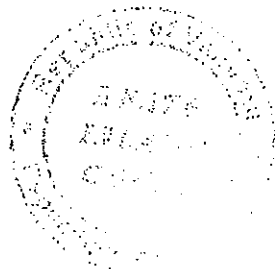
Hemi save gud stori blong Manasakau. White rooster hemi totem blong Manasakau. Hemi wan spirit we istap leadim Manasakau long every traveling blong hem. Tufalla ileavim Mesopotami long 1200BC mo tufalla ileavim Furare bakeken blong go long Tongoa long 1600AD. Long 1453 Manasakau istap long Forari mo long 1853 hemi go long Tongoa.

Long 1982 taem Alec Louis istap long Vila, Pakoa Ham iordainem Samuel wetem title ia "Tarisaliu". Manasakau hemi Jif blong Tongoa. Hemi refer long histri blong olketa we oli givim long Saprim Kot. Tarisaliu mo Manasakau tufalla iblong same bloodline. Experience hemi showem se last nem, hemi important title: so Manasakau Tarisaliu hemi showem se Manasakau hemi nem blong person mo Tarisaliu hemi title blong Jif.

5th Witness RICHARD WILFRED RORY - sworn states:

Witness ia hemi kam blong provum se Manasakau hemi Jif blong Efate mo nem ia hemi associated wetem land.

KARNGO/1940.



Statement blong witness ia hemi well presented mo hemi mekem wide research. Famili tri we hemi presentem ibringim some light long Famili tri blong Manasakau we ihelpem court bigwan:

Hemi traem best blong hem mo hemi confident long wanem hemi ibilifi long hem; particulary hemi traem blong showem long Kot how language hemi changed.

Summary blong hem igo olsem:

- Finally tudei iwan time blong everyone imust faced wetem truth blong findem who hemi kastom owner blong title 1940;
- Hemi grand son blong Esau Ma-nambatira last oldfalla blong Efate we hemi gat 100 years nowia. Oldfalla ia hemi live yet tudei. Hemi stap long Efate 40 years ipass finis. Oldfalla ia now, hemi storian long histri blong olketa blong Efate we oli travel igo long Tongoa.
- Malulu Manasakau we hemi leadim exodus igo long Tongoa long 1853, hemi great grand father blong Alec Louis.
- Title "Manasakau" hemi never changed since we oli ordainem hem long Manura lake "Tatuta" tabu wota. Title ia oli passem long blood generation kasem tudei.
- Manasakau Malulu hemi ded long Tongoa long 1903 taem hem kasem 203 years.
- 5 generation after great great grand son blong hem Alec Louis iordaine blong continue wetem nem blong hem
- Olketa ancestors blong hem oli travel between Tongoa mo Efate kasem 1868 taem Missy istopem blong travel to an fro.
- Marble Stone hemi prove beyond reasonable doubt se Manasakau hemi settle long Efate first before oli go long Tongoa.
- Jif Manasakau Tivate arrive on Vete (Efate) before, so Manasakau Alec Louis ientitle blong klem any land long Efate including Furar.
- Archeological findings hemi showem too se olketa man we oli settle long ples ia oli bigfalla man; sem size blong Atavi warriors blong Manasakau. (Teouma). Hemia hemi stret wetem stature blong olketa tudei we oli olketa bigfalla man.

Hemi confirm se Tarisaliu mo Manasakau oli 2 different persons. Hemi hearem about Malulu Manasakau be hemi never hearem Tarisaliu Manasakau. Forari mo Manura hemi 3rd settlement blong olketa ancestors blong Manasakau.

(see analyses on page 53 & Declaration page 65)

KAONTAL KLEMAN 5 – MARAKIMANTAPU TIMATASOMATA TARIWER

INTRODUCTION

Hemi registerem mo filem 1 statement long 18 June mo bakeken long 31 July 2009.

KARNGO/1940.

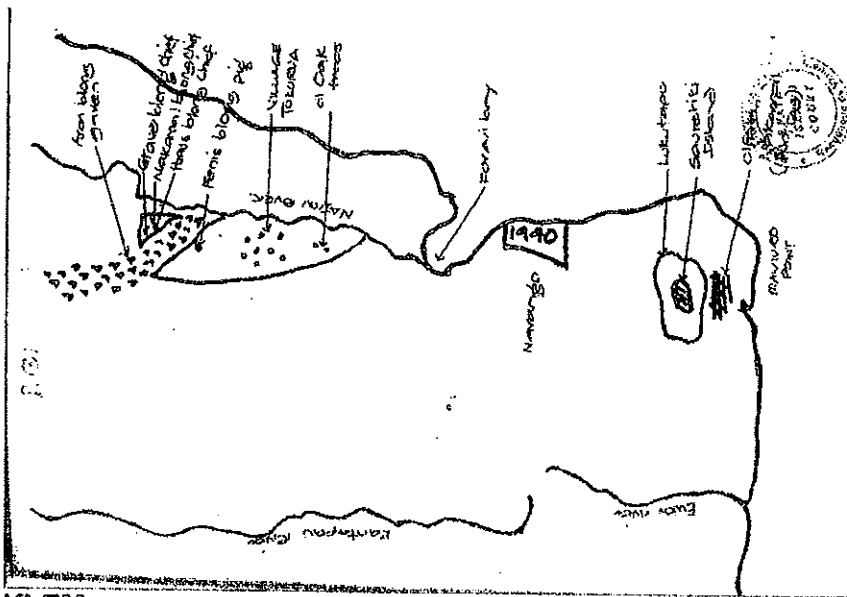


Maniura/Forari hemi birth right/ heritage blong Jif Timatasomata wetem Jif Timataso Luau mo Jif Timatasaroto we tufalla istanap behind long hem.

Paramaount Jif Marakimantapu Timatasomata Tariwer hemi last Jif blong leavim ples ia, afta we hemi witnessem ol re-settlements mo movement around long Efate Aelan.

Before hemi sail out, hemi ordainem wan man long Tribe blong hem, **MARIPILAKE** wetem Jifly title ia: **TIMATASAROTO**. Ordination ia itekem ples long nakamal blong hem long "Malair" long Maniura/Forari. Paramount Jif ia italem long **Jif Maripilake Timatasaroto** se: "bae yu stap lukaotem Maniura/Forari, Tapumara long Takara mo yu go stap long Lausake long Emau. Mi bae mi go behind long ol narafala Jifs we oli sail aot finis long canoe - BUT WAN DEI BAE MI KAM BAK BAKEKEN".

BOUNDARY



KLEM

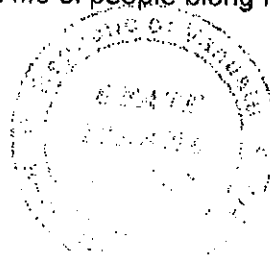
Hemi klem under Paramount Jif Marakimantapu Timatasomata Tariwer we hemi indigenous and original owner blong area we istap long dispute. Hemi gat 3 titles:

- o Timataso Mata
- o Timataso Luau, and
- o Timatasaroto.

HISTRI

Paramount Jif **MARAKIMANTAPU TIMATASOMATA TARIWER** hemi leader blong thousand people. Hemi gat ol hed Jifs blong hem mo ol people blong hem.

KARNGO/1940.



Hemi gat 2 velijs, first falla settlement blong hem istap closap long solwota. Hemi stap long smol aelan we istap long middle blong *Lukutapu wota*. Nem blong velij ia hemi *Woit* mo nem blong small aelan ia hemi *Sauriniki*.

From we smol aelan is ismol tumas, Jif I disaed blong createm narafala velij antap long hil. Nem blong hem Tokorua. New fala Nakamal hemi callem "Malaira". Jif istap performem every functions blong kastom long Nakamal "Malaira"

Plante Jifs oli stap committim adultery wetem wife blong hem. But Jif ia hemi no panishem olketa be hemi talem long Maripatok mo Tariwer I baptaesem everywan long Lukutapu or Tapu wota or Holy water before oli go wan wan through out long Efate mo ol narafala outer Aelans includim Shepherds group.

Wota we Jif Maripatok mo Tariwer I baptaesem ol Jifs ia long hem, oli callem.

Planty long olketa Jifs ia oli mekem ol new settlements or velijs long Efate mo plante oli katem ol kenu mo oli disaed blong mekem new discoveries mo settlements blong ol smol smol aelands outside long Efate go kasem Shepherds aelans mo beyond.

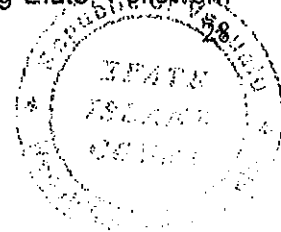
Taem Paramount Jif Marakimantapu Timatasomata Tariwer isail aot long Maniura/Forari, Jif Timatasoroto I out wetem hem ikam shore long Takara, bigfala pases. Oli sail igo shore long Lausake long Emau. Long ples ia Jif Timatasoroto igo shore long hem. Kenu blong Paramount Jif Marakimantapu Timatasomata Tariwer, hemi *Kaumataso*.

Since we French klem long Forari/Manura itekem ples Jif Maripilake Timatasoroto stap visitim Forari/Maniura nomo ino save settle long hem. Hemi passen some time long Eton Velij. Hemi gat ol families long Eton includim late Jif Kaltong Kolou. Jif Kas Kalou isave gud Jif Kalowia Timatasoroto wetem papa blong hem mo tu isave gud histri blong Forari/Maniura se rightful kastom land owner hemi Jif Timatasomata, Timataso Luau mo Jif Timatasoroto.

Hemi confirm histri ia mo hemi talem bakeken se:

- Jifs Timatasomata mo Jif Timataso Luau oli leavim Forari/Maniura from olketa Jifs oli stap mekem trouble wetem wife blong Paramount Jif Marakimantapu Timataso Tariwer;
- Before tufalla ileave tufalla iordenem Jif Timatasoroto blong hem lukaotem land blong olketa long Forari/Maniura.
- Long 1948 Jif Timatasoroto, late Jif Kaltong Kolou mo Jif Sepeta Timatasoroto oli tekem approval blong Jif Timatasomata before oli diggim manganes;
- After series blong meetings during 1958, 1963, 1972 mo 1980 between Jif Timatasomata mo Jif Kaltong Kolou blong Efate; Jif Timatasomata hemi should go back long land but wan French national we istap lukaotem Maniura long taem ia, ino allowem people ilive long area ia from oli stap diggim manganes.

Finally long independence 1980 "Tanakoro" we hemi wan political party hemi stopem ol man outside long Efate blong oli klemem land blong Efate. Followem KARNGO/1940.



thinkthink ia Jif Kas Kalou blong tudei, wetem land trust blong hem oli ignorem rights blong Jif Timatasomata we papa blong hem Jif Kaltong Kolou hemi recognisem.

Witness 1 Jif David Dick Satearoto, sworn state

Hemi talem se long 1972 hemi wan young man, hemi stap school long DSS. Hemi remember se hemi followem:

- o Papa blong hem Dick Kares Satearoto;
- o Uncle blong hem Samson Tapangatoara;
- o Jif Timatasoroto Luwo,
- o Pakoa Fred Malae;
- o Geoges Peres Thomas, mo
- o Jif Timatasomata blong Meriu velij long Tongoa oli go long Eton velij blong mitim Jif Kaltong Kolou, papa blong blong Jif Kas Kolou from land we istap long dispute.

Jif Kaltong Kolou hemi showem boundary blong land blong Timatasomata long olketa. Boundari ia start long river blong "La cressoniere". Hemi hearem Jif Kalou italem long Timatasomata se: *"Nakamal we you stap talem, hemi true tumas, be istap antop tumas, yumi no save go"*. Then oli go back kasem wan river we stap between Forar mo Pangpang.

Long cross examination hemi talem se hemi paramount Jif blong Meriu Tongoa tudei. Hemi no save nem blong wife blong Jif Kas Kolou.

Witness 2 Jif John Kalotap Maribalang, spokesman, itekem oath:

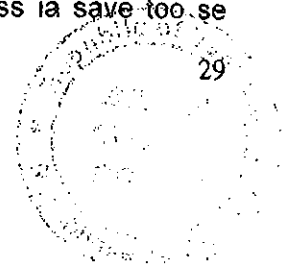
Hemi confirmem stori blong klem blong kaonta kleman ia.

Long 16 June 2009 long 5.30 pm Jif Kas Kolou hemi callem hem long telephone blong talem se Jif Marakimantapu Timatasotama Tariwer imust putum case blong hem long Efate Aelan Kot blong klemem land blong hem; mo hemi talem se bambae hem (Jif Kolou) bambae ino save go wetem hem long Kot.

Witness italem se hem ino save good kastom blong Efate. Be hemi save se Jif Kas Kolou ibloodline blong jif Kaonta Klemant ia; be hem (Jif Kas Kolou) ifraet long olketa people blong Eton. Olsem example blong fraet ia: Kaltamat (witness blong Kalter Felix) italem, ol man Eton oli burnem haos blong hem, hemi run away ikam long Vila. Jif Kolou ino traem blong tekem back hem kasem tudei. Hem (Jif John Kalotap Maribalang) now ilukaotem hem (Kaltamat Felix) taem hemi run away ikam long Vila. Hemi continu blong talem se Kaltamat italem se: *"Klosap mi ded. Olketa people blong Eton oli talem se sapos anyone imekem olketa man Shepherds ikam long Eton, bambae oli talem long ol man Tanna blong kilim hem..."*

Bloodline ia hemi coverem up famili Sarau through long mama blong olketa we oli sisters. Brothers blong tufalla oli Sepeta mo Sepa. Witness ia save too se

KARNGO/1940.



Kaltuk Tariwere imarretem Bell Kolou, Jif blong Eton long time ia mo hemi gat 5 girls. Wan long olketa girls ia hemi Leituk.

- Leituk imarretem Saipiri blong Makira. Girl blong Leituk mo Saipiri hemi mama blong Espella. Espella hemi mama blong Jif Fanny.
- Narafalla girl long Leituk hemi Leitang. Leitang imarried igo long Meriu mo line ia ikam down long hem (witness); imekem se hemi related long Jif Kolou through long Kaltuk Tariwere. Famili tri ia istap long page 6.

Oldfalla Eddy Kares too hemi save se Jif kaonta klemant ia oli kastom owners blong ples ia. Hem now imekem arrangement blong oli meet. Oli been mekem meetings mo agreements wetem late Jif Jimmy Kolou (papa blong Kas Kalou) be oli no gat pruv blong olketa agreements ia from long kastom ino gat written agreement, mekem se taem oli stap mekem olketa kastom agreements wetem late Jif Kolou blong Eton, oli no writtem.

Olketa ancestors blong hem oli leavim ples ia between 1700s mo 1900s. Jif Marakimantapu hemi Jif blong area ia. Langwis blong area ia ilus finis; oldfalla Kalsilik nomo isave langwis ia. Oldfalla Kalsilik hemi save kaonta klemant ia mo hem igivim wan pis land long olketa blong oli plant long hem.

Long save blong hem, kraon ia nem blong hem "Narango" be ino "Karngo" or 'Korongo'. Narango hemi nem blong ol woods we oli putum andanit long kenu blong pulum kenu igo shore. Narango hemi passage blong olketa; taem wan man istap long sandbeach mo spotem wan kenu, bambae hemi singaot: "Narango, Narango"... bambae oli tekem "Narango" (wood blong pullum kenu long hem) igo long solwota blong wait long kenu we istap kam. Maniur hemi minim passage. Nem ia, oli stap usim yet tudei;

Forary hemi minim sacrifice – stret nem hemi Virare. Oli gat 2 nakamals long area ia: WOITAS mo MELNAIR (MBWELEIR).

Hemi no save boundary we iseparatem Forari mo Maniura.

Witness 3 Stephen Ishmael sworn and states:

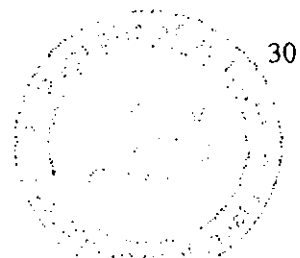
Witness ia hemi kam blong confirmem long sworn evidence se Jif Kas Kolou, hemi been call long 16 June 2009 olsem we previous witness ibeen talem, mo hemi askem blong toktok wetem spokesman blong kaonta kleman mo hem (Stephen) hemi passem mobile phone igo long John Kalotap Maribalang. Samting we tufalla Jifs itok about long time ia, previous witness italem finis.

Witness 4 Edson Georges sworn states:

Hemi kam blong producim wan letter we hemi writem igo long Alick Kalmelu Motoutorua, Coordinator blong Land Tribunal Office Department of lands, over long issue blong Maniura and Forari Kastom Lands Ownership. Long letter ia hemi talem se hemi (witness) hemi chairman blong KALWAS FOUNDATION.

Kalwas Foundation hemi wan organization we olketa descendants blong original Jifs we oli migrate from Maniura/Forari Efat, igo long Shepherds Aelans mo Tongoa.

KARNGO/1940.



Long letter ia chairman blong Kalwas Foundation hemi askem Alick Kalmelu blong hemi endorsem:

- Jfs Kalowia Sepa Timatasoroto,
- Jif Pakoa Wia timatasomata mo
- Jif Daniel Timataso Luau Tariwer olsem original and rightful kastom land owners blong Maniura mo Forari, inline wetem part 6 section 1 blong Land Tribunal Act, 7 blong 2001.

Long cross examination hemi talem long Sarau se Kalwas hemi pupu blong hem mo papa blong hem Harry Kalwas. Hemi tracem histri blong hem followem woman but grand father blong hem hemi first born long famili.

Witness 5 MARIKEMBO, sworn states:

Hemi confirmem histri blong klemant mo hemi talem se itrue famili blong hem oli descendants blong ol woman, igat 5 everyone. Mo hemi save se kraon ifollowem man.

Hemi confirmem se Jif Kolou hemi papa blong olketa kaonta klemants ia, be oli gat right blong klem againstem papa blong olketa from kraon blong olketa. Jif Kas Kolou. Ino gat Nakamal long title 1940.

Olketa ancestors blong oli leavim disputed area between 1700s-1900s. Long 1980 oli wandem go back be ol man Eton oli ronem olketa.

(see analyses on page 58 & Declaration page 65)

KAONTAL KLEMAN 6 - FAMILI SARAU

INTRODUCTION

Hemi filem klem blong hem long 16 July 2009, but hemi just servim lo parties around 18 August 2009.

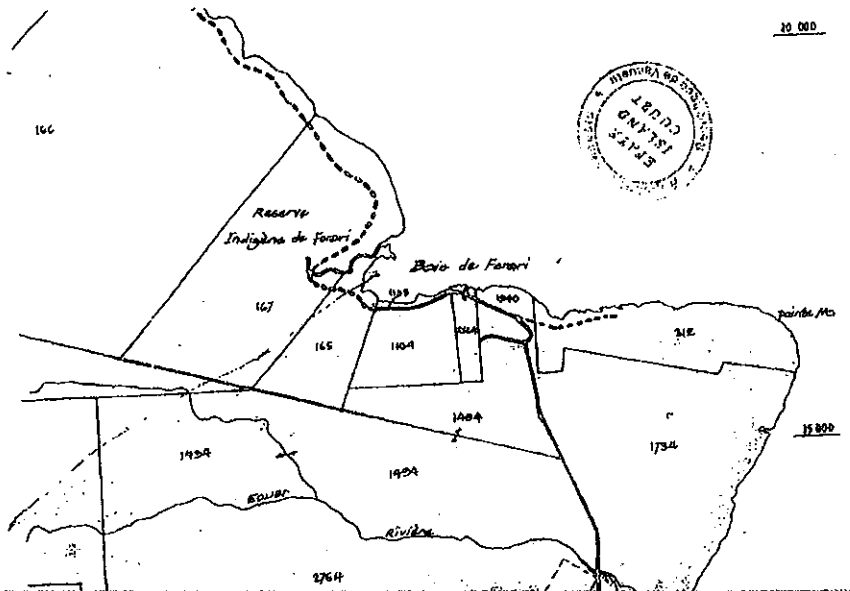
Spokesman mo main witness blong olketa hemi Edmond Jonas. Hemi talem se **SARAU** hemi stret kastom owner mo native blong Maniura,

Hemi klem kastom owner blong boundary land we icoverem map **Maniura mo Furari**.

BOUNDARY

Boundari blong klem blong hem ikaverem big portion blong land – Maniuro go kasem half way bay blong Forari.





KLEM

Korongo title 1940, hemi birth right land blong ancestors blong hem SARAU; hemi wandem Kot identifiaem hem olsem indigenous kastom owner.

Hemi klem olsem wan individual person. Hemi possible se SARAU hemi no wan Jif, but hemi owner blong land ia. Insaed long wan land, igat Jif wetem jurisdiksen but wan wan man igat right long ownem land blong hem.

HISTRI

Long taem bifo great great grand apu blong Sarau, hemi jif, native mo kastom ona blong Maniura land. Kastom velij blong olketa nem blong hem Elako, hemi aot igo long Emau from dysentery blong survive from kolosap every man long velij blong hem long Elako oli ded from sik ia.

Taem Jif Sarau itekem canoe blong hem mo sail igo long Emau hemi ko soa long Lausake mo bigfala jif blong sauwia Jif Timataso Matua itekem hem igo stap wetem hem; Jif Timataso Matua igivim onli girl blong hem Touman blong Sarau imaretem. Tufalla igat 4 pikinini Kaloas Sarau Timataso we hemi karem Jifly title blong apu blong hem, Salegoro, Leituk mo Kalnaure we ided.

Kaloas Sarau Timataso imarretem Leimoma we hemi girl blong Jif Napmauliu blong Malato long Lausake mo tufalla igat 2 pikinini: Harry Kaloas mo Leirere Kaloas.

Harry kaloas imaretem Toumara we hemi girl blong Jif Mastopoupule blong Malatol, tufalla igat 7 pikinini: Ester, Sepa, Leilang, Nelly, Sepeta, Lepela mo Sennie we hemi ded.

KARNGO/1940.



Charley Kaloas pikinini blong Touta we hemi sista blong Jif Sarau hemi maretem Leirere mo tufala igat 1 boy Kalmelick be hemi ded. After we Kalmelik ided mama blong hem Leirere isori tumas long hem mekem se istap sick gogo ided. Charley imaretem Palet blong Bankis mo tufalla igat Kalon. Kalon hemi marretem Minna tufalla igat 4 pikinini, Palet, Kalfili, Charley mo Philip. Olketa oli gat pikinini mo oli stap live nowia long Eton.

Taem Jif Sarau hemi stap kam oldfala hemi stap talem long Kaloas Sarau Timataso blong mas go stap wokabaot long kraon blong hem long Maniuro. So long wantaem Jif Sarau itekem pikinini blong hem Kaloas Sarau Timataso wetem Leimona igo blong workabaot long kraon blong hem. Long taem ia nao hemi showem kraon, boundary, nakamal mo ol tabu ples. Semtaem tu Jif Sarau hemi givim rait blong property long kraon blong Maniura igo long Kaloas Sarau Timataso.

After long visit blong olketa, wan native woman Maniuro named Leitangi hemi folem olketa igo back long Emau. Leitangi hemi relate long Sarau. Leitangi hemi marretem Kaloas Sarau Timataso olsem second wife blong hem.

Kaloas Timataso Mata wetem Leimona igat 2 pikinini: Harry Kaloas mo Leirere Kaloas. Leirere igo back long Maniuro mo imarretem boy blong Touta we hemi sista blong Jif Sarau.

Hemi producim witness.

Witness 1 Edmond Jonas, sworn and states:

Hemi confirmem histri we oli putum long kot mo answerem examination in Jif : Timataso hemi blong Emau be Kaloas Timataso hemi kam from Efate. Kaloas Timataso hemi ded mo oli berem hem close up long Kitchen blong olketa long Lausake, Emau.

Bloodline link blong hem wetem area ia hemi through long Touta. Touta hemi sister blong Sarau mo mama blong Charley Kaloas we hemi marretem , Leirere, girl blong Kaloas Timatas. Bloodline descendant blong Leirere ino gat, but Charley Kaloas imarretem Palet mo tufalla ibornem Kalon. (long way we olketa parties blong Eton oli cross examinanem hem iluk olsem oli save histri ia. Kalter Felix italem se Kalon igat wan sista...)
Sarau hemi livim Eton hemi wan Touta; sista blong Sarau hemi stap behind. Sarau hemi flee from sick dysentery igo long Emau; imarretem girl blong big Jif blong Emau mo bornem Kaloas we Jif blong Emau iordainem hem Jif Timatas (KALOAS TIMATAS). Kaloas hemi gat 2 pikinini: Harry Kaloas mo Leirere. Harry Kaloas igat 6 pikinini wan long olketa hemi Sepeta we hemi papa blong Peter we istap long kot tudei; mo hemi kam blong givim evidence ia on behalf blong hem.



Hemi continu blong talem se ino gat bloodline link between Timatas mo Tarinu. Tarinu hemi wan person we oli go long Queensland mo long return blong hem oli dropem hem long Makira. However nem ia hem iblong Lausake. Hemi clearem se main witness blong Tarinu (klemant No 8) hemi kamaot long Leilang we hemi namba 3 girl blong Harry Kaloas mo Toumara.

One long recent even we hemi save provum linkage blong hem wetem land in dispute hemi oldfalla woman Leirere we hemi go marretem Charley Kaloas,. Leirere hemi ded mo oli burem hem long Eton. Olketa relative blong hem oli go back settle long land ia long 1983 mo olketa blong Tongoa too oli go long 1993

Hemi continue blong talem se Sepeta now hemi signem consent blong diggim Manganes, but unfortunately oli no save provum toktok ia from every document blong Mines oli bon long fire long 27 June 2007 taem Joint Kot ibon.

Hemi talem se Leitangi hemi bordem kenu blong Kaloas Timataso long passes blong title 1940; ples ia hemi no wan velij. Velij blong Sarau hemi stap antop more long Elako, Nakamal blong hem istap close up long title 1940 be ino stap insaed. Igat 6 nakamal everyone long area ia:

- Jif Pako long Elako. Hem now igivim land ia long Sarau; be hemi no save se who iordainem hem
- Jif Nasop long Nahan Etal;
- Jif akon long Narfon; mo Tuktuk
- Jif Masmal close up long title 1940...

Oli klem under famili nem blong Sarau we igat 7 generations tudei. Sarau hemi no wan title blong Jif; hemi wan inhabitant blong Elako under long Jif Pako. Jif Pakoa hemi givim land we title 1940 istap long hem, igo long Sarau. Hemi clearem long bench se hemi no save se Elako istap where stret, be hemi save nomo se hemi stap long ples we ol man wallis oli stap occupaem tudei.

Hemi klerem se Tarinu hemi wan Jif smol nem blong hem Seule, hemi been go long Queensland, taem hemi kam back oli droppem hem long Makira.

(see analyses on page 59 & Declaration page 65)

KAONTA KLEMANT 7 - FAMILI MARAKIPULEMATA & MARAKITERE

INTRODUCTION

Spokespersons Sandy Kalo mo Amos Kalo. Hemi registerem mo filem klem blong hem long 8 August 2009

Maraki Pule Mata istap lodgem klem blong hem wetem ol hed jifs mo ol witnesses blong olketa ikam long Aelan Kot followem Chapter 12 blong National Constitution we istated se:

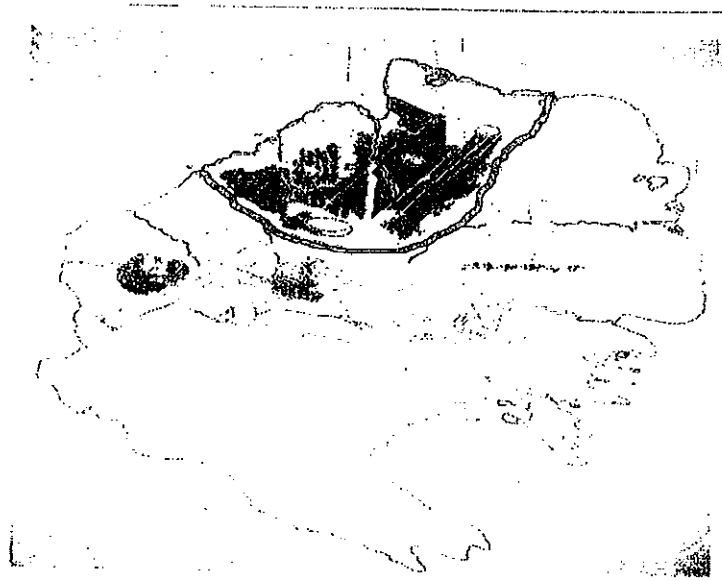
KARNGO/1940.



All land in the RePablik of Vanuatu belongs to the indigenous kastom owners and their descendants".

BOUNDARY

Land klem blong Paramout JIF MARAKI PULE MATA wetem ol hed Jifs blong hem we oli exist long Efate oli klemem whole kastomary boundary blong Maniura, Firari mo igo kasem Epau.



KLEM

MARAKI MARA MANU hemi originate long Garden of Eden. After we Taowa (tower) blong Babel ibroke, then hemi start travel ikam kasem ples ia we yumi stap long hem tudei.

HISTRI

Histri italem se Maraki Mara Manu itekem sam man we oli loyal long hem mo oli travel tru long sam kantries long Europe long Kenu. Kenu ia nem blong hem "*Emala Mata Makali*" we iminim pikfala pidjeon we igat sharp eye Maraki Mara Manu hemi kam pass-tru sam Pacific kantries olsem New Zealand (Mauri), New Caledonia, mo ol aelans ia Aneityum, Tanna, Erromango mo arrive long Maniuro, long Efate.

Maraki Mara Manu itravel wetem wife blong hem Sinna mo tufalla spirits long form blong stone (*Vatusiru*) istap long foret blong kenu mo kenu istaon long hem mo pidjin (*Tapesu Pule*) hemi stap flae antap long skae mo direcktem kenu blong hem.

Hemi stop smol long Erromango. Before hemi move from Erromango ikam long Efate, hemi changem nem blong hem igo long Maraki Urepara Manu. Nem ia KARNGO/1940.

hemi stap long lanwis blong Erromango mo hemi gat same meaning nomo wetem lanwis blong Tongoa.

Vaturisu mo *Tapesu Pule* tufalla imekem saen igo long Maraki Urepara Manu long form blong lighting se igat wan more Aelan. So oli move out long Erromango mo travel ikam. Maraki Urepara Manu hemi nemem olketa Aelans start long Tanna kasem Efate. Then hemi luk wan Aelan we hemi luk like wan nest blong pidjin, then hemi callem Fete or Vete

Maraki Urepara Manu ikam shore long Maniura point mo hemi stap rule over long Maltavura (fes farea blong hem), Epau, PangPang, Epule, Eton mo Erantapau. Wan franis histri buk iconfemem mo hemi quotem:

...a partir de Forari la tradition devient plus minutieuse, citant des etapes plus courtes: sur la grande ile en face d'Erakoro, puis Tassiriki c'est a dire le Port Vila actual ou residait Maraki... (Jean Jaques Espirat, et all (1973), system de titres, electifs ou hereditaire dans les Nouvelles Hebrides p. 194)

First daugther blong Maraki Urepara Manu, we Jif Maraki Urepara Manu iordainem hem Leimanu, hemi marretem *Mati Velea*.

Then Jif Maraki Urepara Manu iordenem second born son blong hem olsem first Maraki Pule blong Efate, mo hemi rule over *Maltavurariki* or *Forari*, *Maniura*. Then Maraki Urepara Manu hemi tekem title "*Takurua*".

MARAKI PULE MATA hemi stanap long stone "Tatuta" mo iordainem ol hed Jifs blong hem we oli rule over long 6 nakamals. Two long olketa oli: Maltavura or Forari – Maraki Pule; mo Epau – Maraki tere. Same number blong nakamals iexist long Tongoa.

Hemi continue blong tok about recent similarities between olketa nems blong olketa Jifs mo velijs long Efate mo Tongoa mo olketa meanings blong olketa.

After we Maraki Pule hemi establishim governing system blong hem long Efate hemi mekem wan kastom ceremony blong tekem full title blong hem olsem MARAKI PULE MATA; then hemi move out long Epule mo continue long travel blong hem igo long Emau, hemi stanem ap some Jifs bakeken; one long olketa hemi MANLAWEIA or MALAE mo MATOKAI.

Hemi pass long Nguna mo kasem KUWAE mo hemi establishim 12 velijs. Namba 12 hemi number blong olketa head Jifs blong governing system blong hem long Efate.

Then Maraki Pule Mata ikam long Vete – Efate, hemi go live long Epau. During stay blong hem long Epau, hemi mestem mo shutum pidjin *Tapesupule*; wetem arrow blong hem. Pidjin igo ded long Erromango long "*Moru ni Tapesu*" (grave or hole blong *Tapesupule*). Stone istap long solwota long Epau kasem tedei.

Maraki Pule Mata itravel bakeken blong go back long Kwae blong stap but Tombuk we hemi nephew blong hem, iadvisem hem blong hemi move out long Kwae mo go back long Efate.

Maraki Pule Mata imove ikam long Efate. After explosion blong Kwae Maraki Pule Mata igo back long Tongoa..
Histri ia ishowem se Maraki Ureparamanu hemi stap long Efate before or around 1400s.

Hemi continu blong clarifae se Kastomary land tenure system blong MARAKI PULE MATA MATA hemi laef kasem tudei; where taem MARAKI PULE MATA MATA iordainem wan hed jif blong hem, otomatikali hemi entaetol long graon.

Oli lukaotem protectem, management mo ensua se oli kivim back nasautonga (Kastomari land lease) igo back long Paramaont Jif – Maraki Pule Mata Mata.

Hemi continu blong refer long ol Evidences, through long olketa nems we Maraki Pule Mata Mata hemi putum mo oli stap talem out meaning blong olketa around long Efate.

Oli produsum:

1. Wan pis blong kenu we oli talem se Jif ia hemi travel long hem (radiocarbon dating blong hem italem se wood ia hemi ded somewea long year AD1420-1650-oli think se hemi kenu blong Roymata, but oli no sure);
2. Pikja blong wan kenu olsem example blong kenu we oli stap travel long hem long taem ia;
3. Ol pejes blong wan french buk we Jean guillard iwritem mo publishim long 1973;
4. Etc...

Interestingly french writer ia hemi makem comment long page 265 se :

“La contradiction n’est donc qu’apparente et vient une fois de plus montrer combien le concept de titre est ici distinct en son principe de celui de transmission en lignee paternelle...”

mo

“...Les autres mythes destines a justifier les situations locales offrent moins d’aspects cataclysmiques...”

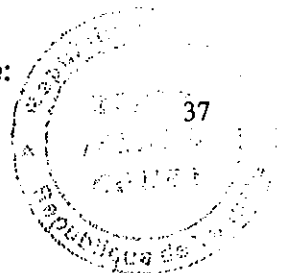
French writer ia hemi mentionem se igat contraction between how oli givim out Jifly title mo transfert blong Jifly title followem bloodline blong man.

Mo

Same writer ia hemi refer long olketa stories we hemi collectem long taem ia olsem ol “mythes” we people oli stap tallem blong justifaem situations mo circumstances we oli stap walkabout followem.”

Hemi presentem 3 witnesses:

Witness 1 KALO SANDY, hemi tekem oath mo hemi talem se:
KARNGO/1940.



Hemi kamaot long farea ni Vangasole long Pele Vilej. Hemi confirmem histri blong Paramount Jif Maraki Pule Mata. Mo hemi respond long cross examination se:

Maraki Pule Mata wetem more than 1000 man mo women oli leavim gardern of Eden mo kam long kenu (we oli prodiusim wan pis long kot) around 1400s. Hemi ordained long Lukutapu. Olketa kastom nakamals mo graves oli stap outside long title 1940. Oli stap long Efate gogo, igat tribal war mekem oli leave blong go long Tongoa.

Jif blong kraon hemi Maraki Pule Mata hemi ordainem jif Kas blong ilukaotem kraon long *Worantan*. Tudei title "Kas" istap wetem jif Kas Kolou. Wan representative blong Maraki Pule Mata igo long ordination blong jif Kas. Hemi no save meanin blong "Kolou", from after years, language hemi changed. Chief Kolou hemi gat own kastom land blong hem, hemi no stap or work long land in dispute

Witness 2 GAREK UMOU takem oath mo talem se:

Hemi blong Dillons' Bay vilej blong Erromango aelan. Hemi kam blong talem long kot long oath se Harry mo Johnson (tufalla blong Erromango) iko long Tongoa mo askem blong Jif Maraki Pule Mata blong sendem sam man Pele igo long Erromango blong occupaem kraon blong olketa long Erromango.

Ino gat cross examination long witness ia.

Witness 3 KAPERI MARAKI NARURU sworn mo states:

Hemi gat 58 years, Maraki Pule Mata iordainem hem long 1979. Duty blong hem towards chief Maraki Pule Mata, hemi blong preservem olketa kastom songs blong Jif. Olketa kastom songs ia oli singim taem oli mekem ordination. Kot ihearem songs ia. "Toarere", hemi same one nomo wetem Kastom singer blong jif Tarisaliu. Kalter Felix hemi kwestenem language blong song ia; from hemi no hearem save. Witness italem se: "language blong Efate".

(see analyses on page 61 & Declaration page 65)

KAONTAL KLEMAN 8 JIF TARINUAMATA AND JIF TARIWER:

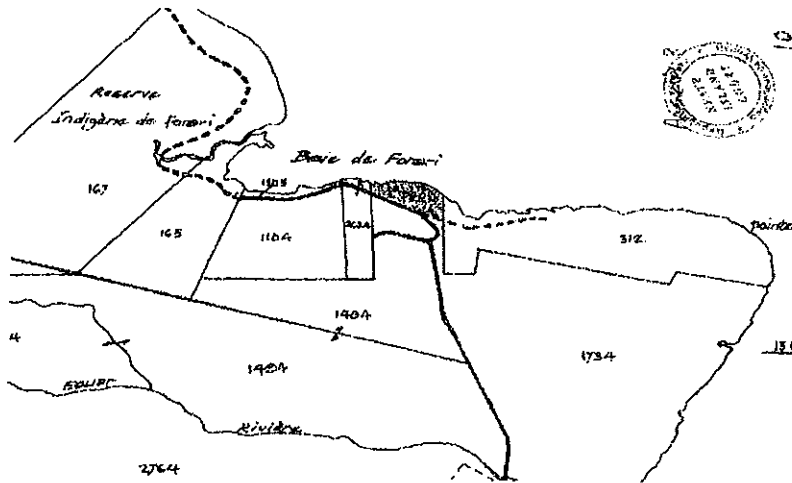
INTRODUCTION

Spokesperson hemi John Luen. Hemi registerem mo filem klem blong hem long 29 June 2009.

BOUNDARY

KARNGO/1940.





KLEM

Hemi klem se TARINUA MO TARIWER, tufalla I natural indigenous owners blong Maniura mo Virar or Furari we land title 1940 istap inside long hem. Area ia hemi stap long sea cost, nem blong hem hemi "Lakena Toto" mo antap lelepet hemi Korongo we istap insaed long erea blong Elako inside long bigfalla boundary blong Virara we istat long naimu river mo folem boundary blong Erang igo kasem boundary blong Pufa mo ifolem area blong Polown iko down kasem Rentabau river.

Mo hemi stret bloodline descendants blong Tarinua mo Tariwer Tarieru we tufala original owners blong Maniuro mo Forari.

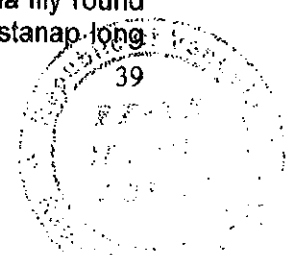
HISTRI

Long taem bifo igat 1 famili nomo oli ownem full Aelan blong Efate.

Long wan famili ia, Igat 2 bratas: Matokoal Narifon mo Malanga Vakarip Supuantano mo tufalla sista blong tufalla: Tukurakaskaswer mo Tukurakaspan. Original location we famili ia istap lif mo base long hem hemi Na-Vila-u Bueng. Tudei Kalvo store istap long hem. Famili ia oli kamaot long "Sangalengale: mo oli stap toktok long two kind lanwis we tufalla ioriginal lanwis blong aelan ia. Wan hemi "Namakur" mo "Naworantan". From Aelan ia hemi full long rock nomo oli nemem "Avat" or "Efate" we iminim "Rock" or "Stone" we tudei yumi kolem Efate.

Oi first falla people ia oli disaed blong break up long 2 grups. Oli go long Erapo mo oli "Ndairotarr" (askem magical power) mo oli singsing magical song blong Nama'ira Tutu (Sangalengal) oli holem hands blong oiketa mo oli fly over lan hill blong Putuet mo oli ko taon stret long maut blong Epule rivea mo stanap long ston we oli kolem Tavaririman. Oli singsing bakeken wan magical son mo oli fly long two grup.

Matokoal Narifon mo Tukurakaskasweir tufalla ifly round long Eastern part mo go long South mo Malanga Vakarip Supuantano no Tukurakaspen tufalla ifly round long Western side igo long South blong Aeland. Every wan oli kam stanap long KARNGO/1940.



wan ples nomo mo oli openem mouth blong olketa mo talem wan wod nomo we hemi Eraniau we iminim *blong me* mo oli singsing bakeken mo oli openem eye oli luk se oli stap long reef blong Erakor.

Oli followem lagoon igo back long Erapo mo oli fainem wan *Na-im* or *Namputu'um* or Punia we itan finis mo we oli kaveremap istap wetem taro leaves. Oli also finem plante young wota taro, wild yam we yumi kolem *Na Uvat* mo *Taumak* o Bovile we li no cookem yet istap round long punia ia.

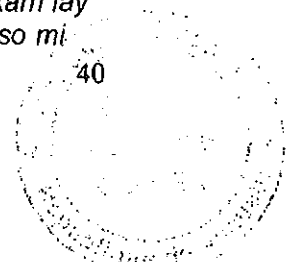
Afta oli putum ol young taro, Uvat mo Bovile aot, oli openem kakae ia mo oli finem wan ful pig istap insaet long em we tail blong hem ipointem East mo head ipointem West. Matokoal Narifon mo Tukurakaskasweir tufalla ikakae tail blong pig ia kasem belly mo Malanga Vakarip Supuantano mo Tukurakaskan tufalla ikakae belly ikasem hed. Malanga Vakarip Supuantano hemi hangem hed blong pig ia long wan hil mo inem hil ia "Pauna Pokas".

Afta we oli finis kakae, oli sakem ol young wota taro ya iko long East, *Ovat* igo long South mo *Taumak* igo long North blong aelan. Mo oli wokabaot pas tru long *Putuet* igo kasem *Tavaririman* bakeken, mo oli nemem bigfalla land mark ia we istap long Eraniau long Erakor aelan ikam kasem *Tavaririman* long Epule" *Nakor Lelelpule vatelam*.

After, Matokoal Narifon hemi karem Tukurakaskasweir olsem woman blong hem mo tufalla iko long Eastern part blong aelan. Malanga Vakarip Supuantano ikarem Tukurakaskan olsem women blong hem mo tufalla igo long Western saed mo setel long Mangas Malakoto. Matokoal Narifon mo Tukurakaskasweir tufalla isetel long Saurerik mo Woitas. Tufalla ibornem ol pikinini mo descendens blong tufalla hemi multiply kam kasem taem blong Vakaloas Matokoal Tarinua we hemi number 40th generation blong tufalla we oli naturally indigenous more original inhabitant blong aelan ia *Efat*.

Wan taem Vakaloas Matokoal Tarinua hemi disaed blong finem yearly season wetem movement blong sun espeselly blong determinem taem blong klinim bush mo taem blong plantem garden. Hemi stanemap two stampa blong blak palm long point blong Maniura mo every morning hemi go down, lay down long sanbij mo watchem movmen blong sun taem istap kerap. Igat wan woman we nem blong hem kaskasweir; hemi stap wajem Matokoal every morning taem hemi stap ko blong tekem solwota. Wan dei hemi talem long parents blong hem Matiangel Narifon more Tousras se mbae long next morning hemi go lukaotem selfis long solwota. Long next morning before sun ikirap kaskasweir hemi no ko lukatoem selfish be hemi go down mo hait long ples we sanbij islop igo down long solwota be inline wetem tufalla palms we Vakaloas Matokoal Tarinua istanemap istap.

Taem Vakaloas Matokoal Tarinua igo taon mo stap watchem sun istap kirap mo kam out long sefes blong solwota, kel ia tu istap muv iko antap sloslo folem movmen blong sun taem istap kirap. Taem sun ikam antap Vakaloas Matokoal Tarinua isek se sun ishaem wan woman we hemi stanap inline wetem tufalla black palm we hemi stanemap istap. Vakaloas Matokoal Tarinua hemi askem wanem hemi stap mekem so hemi talem long hem se " *mi look you stap kam lay down every morning mo lukluk igo long solwota so mi laikem you tumas so mi* KARNGO/1940.



kam long ples ia blong yu lukim me."

After tufalla imit tufalla imaret mo bonem Matokoal Tarinua wetem brata blong hem Tariwer Tarieru, mo tufalla sista blong tufalla Leiriki mo Leilapa. Blong keeping Jifly famili igrow, tufalla brata ia imust maretem twofalla sisters blong tufalla nomo. Wetem fasen blong respect blong tufalla girls ia, tufalla iwerem necklace blong *lulu nama'irr* mo tufalla isitdaon mo givim back blong tufalla ifacem tufalla brata blong tufalla; after oli singsing long song ia:

*" Tikituki vatu, vatu Leiriki Leilapa Leiriki Leilapa
Taura ni maro ni mar oleo sara wenuwenu
Leo sara wenuwenu ma le le nama lele
Sapo sapo Kaires kehe ?*

Wetem sing sing ia Leilapa emi talem nem blong Matokoale Tarinua mo Leiriki emi talem nem blong Tariwer Tarieru. Mekem se Leilapa I maretem Matokoale Tarinua mo Leiriki imaretem Tariwer Tarieru.

After we olketa ikam stap tugeta olsem hasbans mo waifs mo kat ol pikinini, oli disaid blo biltim wan nakamal we isave fitim population blong olketa. Oli katem every posts mo *Natokai* mo oli biltim bigfalla Nakamal ia stret long "Malair". Oli lif long nakamal ia mo stap preparem bigalla ordinesen we tufalla Jif ia Matokoale Tarinua mo Tariwer Tarieru bae ioganaisem.

Long taem blong odinesen, tufalla idressem up ol pikinini blong tufalla mo same extended famili blong tufalla lo ceremonial costumes mo ordainem olketa antap long Kamal Malair, after oli kam baptesem olketa long Lukutapu. After baptism oli karem ol Jif nems blong olketa. Then oli go back long ol area blong olketa. Be sam lo olketa ia we oli baptaes, tufalla isendem olketa wetem famili blo olketa blo go occupaem ol nara area long "Efat" mo ol aelan lo Central Vanuatu.

Matokoale Tarinua mo Leilapa tufalla ibonem Vakaloas Matokoale Tarinua mo sister blong hem Leimatuk. Tariwer Tarieru wetem Leiriki tufalla ibonem Pakoa Tariwer Timatas Matariman mo Toumara Leinavanua.

Vakaloas Matokoale Tarinua emi maretem counsen sister blong hem Toumara Leinavanua mo tufalla ibornem Vakaloben mo Vakaltulen wetem sister blong tufalla Leimanutapu.

Pakoa Tariwer hemi maretem counsen sista blong hem Leimatuk mo tufalla ibornem Kaltuk Tariwer, mo Leitong Leinapong. Kaltuk Tariwer hemi maretem Leimanutapu mo tufalla I bornem Leituk mo Leirango.

Vakaltulen mo Kaltuk Tariwer mo famili blong tufalla oli stap behind long Maniuro ko kasem taem we Black birding ships oli kam mo kidnapem Kaltur Tariwer, mo tekem hem wetem 10 narafalla people igo long New Zealand, ples we hemi go ded long hem. Vakaltulen emi jif long Matiangel area insaid long Maniuro. Hemi mov out long Maniuro taem we oli kaikai wan pig we hemi gat sick long body blong hem mo olketa we oli kaikai oli sitsits blood mo stap tet.

KARNGO/1940.



Vakaltulen hemi stopem every famili blong hem blong no kaikai pig ia mo tekem ol famili blong hem mo mov out long Matiangel. Oli out igo:

- long Karongo Moromavau (Maniuro) after go,
- long Malaripu (PangPang), after oli mov igo,
- long kamal Epong (Epau), after oli muve igo.
- long Varanangel (Ekipe), after Takararik, after igo,
- long Sarapong (Sara) after igo,
- long Tangelnearu (Onesua), after go,
- long Tapumara (Takara). From security reason, long night oli go stap sleep long Mangea Aelan mo stap come back long main land long day time. Oli mov out long Tapumara mo go,
- long Emau Aelan, long Lausake.

Wife blong Vakaltulen Tarinua we nem blong hem Leinapong emi drown long solwara taem oli stap go lukaotem selfish. Girl blong Vakaltulen mo Leinapong nem blong hem Leinamoma. Girl ia Marikoko emi come tekem hem igo long Sake velij. Hemi lukaotem hem koko taem we hemi bigwan Marikoko hemi tekem hem ikam back long Lausake mo givim girl ia long Kalore Timataas Mastapau blong imaretem. Tufalla I bonem Harry kaloas Mastapou wetem sista blong hem Leiweire. Harry kaloas I maretem girls blong Saipir Tarinua we nem blong hem Toumara. Tufalla ibonem Leilangi, Sepa, Timataso, Sepety, Espel mo Nelly. Leiweir I maretem Charlie Kaloas Sarau blong Eton Velij.

Namba two wife blong Pakoa Tariwer hemi Matetiro mo tufalla I bonem Roimata, Roimuri, Tuminikolau, Nakitau, Lenapong mo Letu'pi. Taem oli muve ikam long Bueng, Roymata, Roymuri mo Roimalo oli muve igo long Tukutuku mo Roimalo hemi go settle long Retok, Roymata hemi go settle mo take over long Namarakiana blong Masoerangi long Mangasi Malakoto.

Vakaloben hemi maretem Leimatuk mo tufala I bornem Vakaloden wetem Kalorip Tarinuatok. Narafala women we Vakaloben hemi maretem hemi Lapta blong Eruety mo Tufalla woman ia ibonem ol pikinini we oli settle long Eruety. Population blong olketa long Eruety ikam antap so oli mov kam settle long Rentabao kasem Teuma insaid long Bigfala boundary blong Bufo. After, oli mov ikam down long original place blong ol bubu blong olketa long Na-Vila-am Buen mo hemi kam mo settle long Sukuaki long Toroki insaed long boundary blong Loukpat. Hemi stap long Sukuaki mo ples blong feedim fowl blong hem long smol aelan Reriki.

Vakaloben Matokoal Tarinua hemi stap lo Sukuaki koko kasem taem hemi ded, mo boy blong hem Vakaloden Tarinua itake over lo Namarakean blong hem. Vakaloden, wife blong hem Leisara tufalla ibornem Sios Pakoa. From sekurity reason oli muve aot long Sukuaki iko long Tukutuku mo move igo long Mangasi. After oli mov igo long Lapo then mov igo long Sevak mo cross iko long Tassiriki Worearu long Pele after iputum wan brata blong hem Tarinua istap lo Pele, mo hemi muve igo lo ol Aelans lo shepherd mo setel lo Buninga. Be befo Vakaloden imove out long Sukuak, hemi talem aot kraon blong hem long tawian blong hem we nem blong hem Manarewo Mariatelang blong lukaotem kraon blong hem.

Vakaloden Tarinua hemi go long Makira mo muv igo long Buninga mo pikinini blong hem Sios Pakoa Tarinua itekemap namarakean taem hemi ded. Even tho hemi stap lo Buninga, hemi stap mekem ol regula Jifly visits ikam lo Makira, Pele, Mangas, Tukutuk, after istap kam stap long Sukuaki mo stap go gack. Taem hemi stap mekem ol visits ya hemi also stap maintainem Namarakean mo Jifly system blong hem. During wan long ol regula visit blong hem, hemi kam fainem wife blo hemi Leinagis blong Matas. Tufalla ibonem Tio Luen.

Tio Luen Tarinua too istap maintainem ol Jifly visits ya folem kastomary practis blong papa blong hem. Wan long recent visit blong hem, hemi lo mid 1940's taim hemi kam ordainem Kalson Tarinua lo Pele Aelan.

Tio Luen Tarinua hemi maretem Leisandy Bod mo tufalla ibornem Manu Luen Tarinua. Manu Luen Tarinua hemi maretem Leiwia Annie mo tufalla ibornem Tion Luen Tarinua. Tion Luen Tarinua hemi maretem Leisale Leimal mo tufalla ibornem Vakalnangis Eliu.

Witness Jif Etchin Masoeirangi hemi tekem oath mo hemi talem se:

Witness ia hemi confirm histri ia mo talem se Jif Tarinua, Tariwer, Tariar mo Tariworu oli related long famili blong hem.

fourfala Jifs ia oli stap long Maniura mo oli stap ordeinem ol pikinini blong olketa mo sendem olketa igo aot blong occupaem every land blong East Efate igo kasem Eraniau mo Epule mo olbaot long midel blong aelan bifo ol narafala Jifs oli just kam tru long Efate after long distruction blong aelan blong Kuae.

Pupu woman blong hem Leilangi Margret, hemi dota blong Harry Kaloas mo Toumara we tufalla ikamaot long Tarinua mo Tariwer. Leilangi hemi grow up long Eton wetem Marikolau mo Charley Sarau mo Ati Leiweir we hemi sista blong Harry Kaloas now italem storian long hem taem apu blong hem Sepeta hemi ko lukim hem long Meriu Tongoa. Mama blong hem Leipunua hemi grow up long Eton too wetem apu blong hem Walter mo ati Leisi mo Longai we hemi sista blong Walter mo tufalla kel blong hem Touskau we hemi maretem oldfala Kalsilik mo Toumanu I maretem Kalses. Mama blong hem italem se samtaem oli stap ko karem ol aelan taro long karen blong uncle Charlie Naviti Marakipule long Korongo, Morumavai we tittle 1940 istap insaed long hem.

Hemi talem se olketa famili blong Makira oli stop blong garden long Emer, Ewor, Kamaltap, Onarifon, Matiangel, Emat mo Korongo Moromavau since 1940 taem ol man america oli kam beis long Maniura mo Elako; hemia long taem blong Wol war 2.

Long 1960 before wok blong manganis istart, Jif Kaltong Marikolou long Eton isendem toktok ikam long apu blong hem Sepeta we istap long Emau mo hemi go luk hem from se ol white man oli wanden mekem work long Forari; mo hemi go luk uncle blong hem Kaltau long Marou vilej long emau.

Sepeta hemi go karem permisen blong Georges Morris Tarinua mo great grand father blong hem Jif Ambu Masevakal Marimanu we hemi go stap wetem Jif KARNGO/1940.

Timataso long Meriu, Tongoa. Taem ia grand mother blong hem Leilangi mo uncle blong hem Jimmy Timatas Luo-o Ismael Malesu oli kilim wan pig mo kukum blong pupu Sepeta. Pupu Ambu Mariman ikivim wan laif pig hemi tekem ikam back long Emau. After hemi spendem wan week wetem olketa long Tongoa. Then hemi go back long Eton blong passem wan agreeman igo long Kaltong Marikalou blong Eton mo Jif Kaltak long Pangpang velij blong wok isave go head. Since work igo head olketa famili oli never receivim any benefit long mining blong kraon blong olketa kasem tudei.

Long 1967 Sepeta we hemi uncle blong mama blong hem igo luk hem blong tufalla igo walkbaot long boundari long Forari; boundari start long Ewor river igo kasem Naimu river igo antap long bush long Kamal Malaira mo Kamal Tongtap. Welter igivim aot ol lans ia iko long ol pikinini blong pupu Sepa we hemi papa blong Kalowia wetem ol brata blong hem: Alon mo Sakari wetem sista blong tufalla unty Rubi..

Long 1973 ol jifs blong Eton mo Pangpang espesely uncle Jif Kaltong Marikolou blong Eton mo apu Jif Kaltak long pangpang tufalla isendem toktok ikam long ol jifs blong Makira we oli stap long Melcoffe blong oli igo back long kraon Maniura. Olketa people blong Makira oli contributim mat, rice, sugar, clothes mo kaliko mo oli go givim long tufalla Jifs ia. Jifs Jimmy Taripoamuri, Fred Aure mo Daniel Taripoaliu oli go wetem Jif Api Naviti Taripoawia oli tekem igo long Eton mo Pangpang.

Long Eton olketa we oli stap blong receivim olketa igat: Kaltong Marikolau, Kalsilik, Eddy Karis, Kalter mo ol famili blong olketa. Kaltong Marikolou hemi assurem olketa se every samting about land hemi stret. Land blong olketa istap mo olketa blong Makira oli save go any taem nomo blong resetle long land blong olketa. After small refreshman oli go long Pangpang. Oli meetim Kaltak wetem boy blong hem David wetem olketa famili blong olketa. Jif Kaltak hemi talem se: "I gud tufalla ikam kamaot long tete. Mbae yumi ko blong mi some boundary blong kraon blong yufalla".

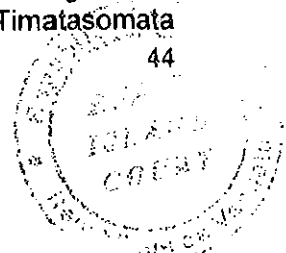
Boundari istart long river blong Naimu mo igo kasem river blong Ewor. Oli drink kava finish oli go back long Vila wetem wan head kava blong drink wetem olketa long Vila taem bambae oli storian about walk about blong olketa.

Taem oli stap plan blong go settle long land, be olketa famili blong olketa long Meriu oli go finis, mekem se olketa famili blong Eton oli no hapi mo oli raorao wetem olketa mekem se hemi hard blong olketa blong Makira oli go.

From problem ia, olketa famili blong Eton oli stap salem olketa kraon igo long ol foreigners.

Word ia "*Maniura*" hemi minim se *Mani-urah* we hemi meanmim "Kirah or welkam, yufalla ikam.

Seule Nampatir Malesu, hemi been tekem Lituk we hemi sista blong Kaltuk Tariwer igo long Tongoa mo mekem hemi marret wetem Timatasomata KARNGO/1940.



Wongiman blong Meriu. Timatasomata hemi no gat pikinini, hemi ded long Kamal Tevala Worariu. Leituki igo long Makira mo marrietem Saipir Tarinua mo hemi bornem Leitaumara we hemi wife blong Harry Kaloas. Brata blong Leitaumara hemi Jif Seule Manuriki mo Ambu Masevaka Marima mo tufala sista Nawa mo Leielo.

Taem Kaltulen Tarinua imouve aot long Maniura igo long Emau, ol famili oli continiu blong kam blong makem garden nomo mo go back long Emau. Wan long olgeta taem ia iluk Leikas we hemi wife blong Kaloas Bel ibornem wan boy long garden blong tufala long Maniura mo oli callem baby boy ia: Tom Maniura (Live 5 by J.G. Miller P. 218). Tom Maniura hemi bornem Maikel Maniura mo Maikel Maniura hemi bonem Sandy Maniura we tetei hemi Principle blong Lycee skol..

Long cross examination hemi talem long Boblang se Korongo istap under long wan Jif mo nakamal blong hem ino stap insaed long 1940. Oli no gat kastom title we ittached long land ia, but land hemi blong Tarinu mo tariwer.

Long wan answer long Kot hemi talem se: "occupant blong wan land bambae hemi gat better klem than one we hemi out mo traem blong tekem back land blong hem..."

Witness 2 John Lee Solomon Marak Timbining, hemi tekem oath mo hemi talem se:

Wetem traditional histri we ol pupu blong olketa oli stap identifiem from generation to generation mo oli stap talem se Marak Tibining ikam wetem Jif Marakipulemata from aelan blong Erromango wetem lanwis blong olketa we hemi nakanamanga or Ngunis. Taem oli kam Tarinua mo Tariwer mo ol famili blong olketa oli stap mo establish finis long Maniura mo Forari. Marakipulemata ijüst building Maltavura.

(see analyses on page 60 & Declaration page 66)

KAONTAL KLEMAN 9 JIF MATARIWORA MASOEMARAMANU TINAPUAMATA

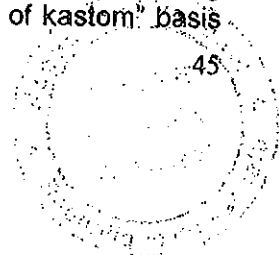
INTRODUCTION

Hemi registerem mo filem olketa documents blong klem blong hem long 13 August 2009, hemi no attendem Kot kasem 17 August 2009.

Hemi talem se hemi aware mo understand that the area in dispute hemi no kavaremap most long ol significant places we bae hemi mentioned long Kot ia, however historikol backkraon blong area ia hemi covered long wide area blong Maniuwora, Forari mo Eton.

Blong undetstandem the disputed part in kastom bae yumi must explainem the whole area. Hemi also understand that judgment bae hemi only deklared long area identified by the original klement however folem the "rules of kastom" basis

KARNGO/1940.



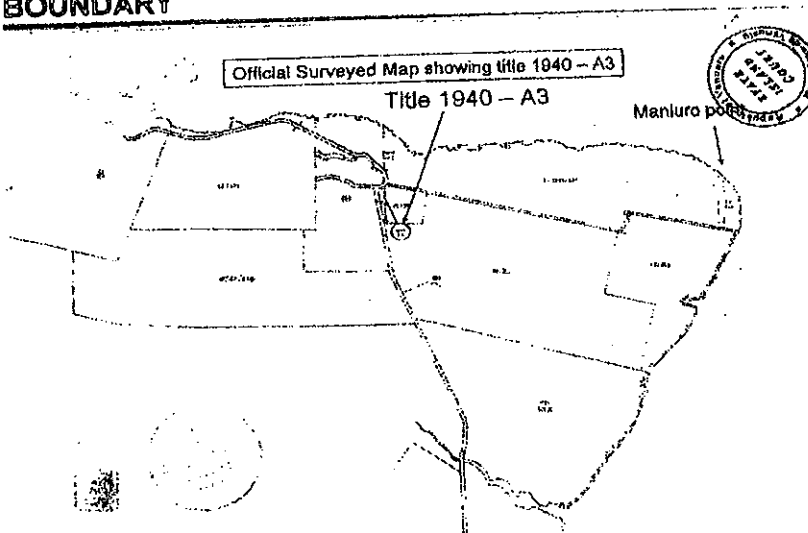
hemi very important blong tekem note long ol kastom evidences blong famili tri mo histri long area ia.

Blong deklarem wan title blong kraon hemi folem kastom , therefore hemi stap askem kot ia blong hemi considerem ol factual evidence we bae ikamaot long area blong Maniuwor/Forari/Eton bifor hemi mekem wan deklaresen long the disputed part refered to as title 1940 igo long appropriate kastom landowner.

Kot ia hemi considerem tufalla important factors ia before hemi mekem wan sound judgment:

1. Saprim Government Authority blong Paramount Jif;
2. Guardian Jif blong Maniuwora;

BOUNDARY



Histri hemi originate long area blong Maniuwora/Forari. Land ia hemi part blong Maniuwo/Forari, oli no save isolatem hem wan.

KLEM

Maniuwo ancient kastom Jurisdiksen blong Paramount Jif Ma-Tariwora MASOI MARAMAN Ti-Napuamata

Hemi basem klem blong hem long:

1. Patrilineal kastom bloodline blong first Paramount Jif Ma-Tariwora MASOI-MARAMAN Ti-Napuamata kam thru long ol descendants blong hem;
2. Original Establishment blong fas Kastom farea;
3. Original Establishment mo fas set up blong Kastom Jurisdiksen blong Paramount jif wetem ol hed jifs;
4. Establishemnt blong MASOI-LONGOR guardian blong Maniuwora land;
5. Lineage blong Jif MASOI-LONGOR we ikam thru long ol descendants blong hem long Eton.

KARNGO/1940.



HISTRI

Histri that hemi bin pass down from father to son hemi well recorded mo preserved long "kastom rope" until missionary period, oli just writem down blong preservem folem innovation blong literacy.

Maniuwora hemi birthplace blong histri blong Efate bifo ol man oli muv aut igo long other parts blong Efate folem rison blong population boom mo other risons we oli affectem olketa etc. Maniuwora itself hem minim ples we plante man oli brought up long hem (Maniu = heap or plante mo Wora hemi minim passage we plante man oli kam shoa long hem).

Ol area blong Maniuwora, Forari mo Eton oli should be considered blong kam wan deklared Cultural Heritage Site long near future.

Eton hemi also significant mo important place long histri blong Efate folem fas establishment blong wan kastom farea mo fas ordination blong ol traditional governing body blong ol jifs blong Efate we now ia yumi save hem ibecome a legal constitute body blong Efate Vaturisu Counsel of jifs. Eton hemi derived or come out long toktok ia "Etonea" we iminim ples we oli stanap long hem mo disaed se Farea bae istap long ples ia.

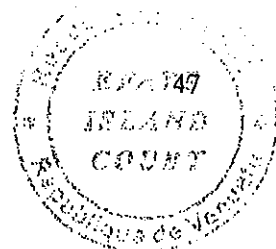
Long taem ia oli bin travel ikam wetem canoe we nem blong hemi "*Titinauri Namasileo*".

Paramount jif grand grand pupu blong mi Paramount jif Matamakali mo paramount Jif Ma-Tariwora oli kam shoa long Maniuwora shore long Aelan blong Fete mo settle long ples we hem Maniuwora/Forari/Eton. Population hem stap kam plante mo Ma-Tamakali hemi dead, after Ma-tariwora nomo hemi stap mo bornem 2 boys mo 2 girls mo ol tribes blong hem we oli 12 everywan olketa tu oli stap kam plante. Nem blong tufalla girls blong Ma-Tariwora, wan hemi Leilasa mo narawan hemi Epuser.

Jif Ma-Tariwoara hemi erectem wan bikfala nakamal long Etonea (we tuedei yumi kolemt Eton) mo hemi kat kastom nem blong farea ia. Long Nakamal ia, hemi mekem fas fala ordination blong ol Twele Jifs blong Efate we migration hemi resulitem olketa oli go as far as Tongoa mo Shepherds Groups ko kasem long Epi.

Ma-Tariwora hemi ordainem first born son blong hem se hemi "MA-TIVEALA" (minim Jif we hemi first long narafala Jif) mo second born son blong hem se "MA TOKO-RUA" (minim se nambatu chair or assistant blong Paramount jif mo semtaem head or leader blong ol warriors blong paramount jif) mo Ma-Tivelea hemi ordainem ol naraf 10 Jifs olsem ol head blong nara ten tribes. Hemia iformem embryo blong first traditional governing Jifly system blong Efate we tudei, yumi save olsem "Efate Vaturisu Council of Jifs". Some long ol titles ia oli lay dormant unaware long great significant blong olketa folem recorded histri

KARNGO/1940.



Paramount jif Ma-Tivealea hemi ordainem MASOI-LONGOR olsem guardian Jif blong MANIUWORA/FORARI/ETON. Chief ia igat instruction blong keep watch long ol latter immigrants we bae oli kam shore long Maniuwora. "Longor" hemi minim keep Watch. Masoi-Longor hemi jif we hemi stap keep watch. Masoi-Longor lineage hemi bin kam kasem Merak-fol we hemi jif blong Eton velij long taem immemorial. Merak-fol (Maraki) hemi minim man we istap work (fol fol) blong jif.

Hemi contitnu blong talem se Paramount:

- MA-TIVELEA hemi gat 11 sons. Be MA-TOKO-RUA istap killim olketa from hemi wandem tekem over powers blong jif MA-TIVELEA. --olketa people blong jif Ma-Tivelea too oli turned against hem mo supportem MA-TOKO-RUA.
- MA-TIVELEA hemi gat wan boy bakeken but hemi hidem mo hemi no even putum wan nem long last boy blong hem. Hemi fraet se sapos MA-TOKO-RUA isave about last boy ia, bambae hemi must traem blong kilim hem. So oli nemem hem "NGIE-TIKA" minim "No Nem".
- Taem Ngie-Tika hemi big wan, hemi tekem revenge against MA-TOKO-RUA. Hemi winim battle blong tufalla, mo papa blong hem Jif-Mativelea iordainem hem wetem title MASOI-MARAMAN, minim star we hemi reign over thousand people.
- MASOI-MARAMAN imove igo long Tongoa after long eruption blong kwae long 1453. Hemi go wetem crew blong hem mo Maraki-Pule, we hemi pikinini boy blong MA-TOKO-RUA long same kenu nomo.
- Taem hemi kasem Tongoa hemi marret mo bornem twins: TI-RURU mo TI-VIVI; tufalla boys ia oli nemem tufalla TI-NAPUAMATA MASOI-MARAMAN mo TARI-SALIU. Ti-naupuamata Masoi-maraman hemi take over paramount Jifly title blong papa blong hem Jif NGIE-TIKA MASOI --MARAMAN..

Hemi presentem 2 witness

Witness 1 Jif Michel Taripoa-Maria-Atu sworn mo states:

Hemi talem se hem (Michel Taripoa-Maria-Atu) hemi assistant blong Jif Taripoamata. Manabanga hemi gat wan girl Leipunua we hemi gat 2 boys mo 2 girls hemi kamaot long Sera, wan long tufalla girls ia now.

Kot ia hemi must locatem first paratmount Jif according long histri. First paramount Jif ia imust gat wan Farea.

Hemi bilif se olketa descendants blong big Jif Ti-napuamata oli tru kastom owners from olketa reasons ia:

1. Histri blong 1st Paramount Jif blong Efate;
2. Governing system blong hem;

KARNGO/1940.



3. Establishment blong olketa guardians blong Jifs tudei, start long MASOE-LONGOR.

Hemi start blong talem se duty blong hem iblong helpem Jif Tinapuamata blong tekem back kraon blong ancestors blong hem. Hemi talk about "Tuti".

"Tuti" hemi recording system long kastom. Hemi wan kastom rope we olketa oldfalla oli iusum blong recordem olketa important events long laef blong olketa. For example, long saed blong olketa we oli travel, oli stap fasem wan knot each time we oli set foot long wan dry land. After some time, oli stap revisem journey blong olketa. So oli sitdaon mo tekem out olketa knots we oli fasem. As oli stap tekem out knots ia, bambae oli stap recalleem olketa Aelans we oli been go shore long hem or oli passem during journey blong olketa. Long way ia now oli stap rememberem gud olketa passages blong olketa long Maniuro/Forari/Eton. Hemi go on blong tok about roles mo duties blong wan Jifs towards olketa people. Hemi clearem se role blong Jif iblong holem peace mo unity over ol people blong hem. Hemi appeal long everyone blong must be honest. Hemi tok strong se wan Jif blong narafala place ino save kam klem kastom kraon long nara ples. Sapos igat dispute between olketa people blong hem long any issue, hemi must traem blong solvem.

MATARIWORA isetem up LOSAK (rising sun) olem first nakamal long Eton, some oli kolek "ELOHARA".

Kastom linkage blong hem long Eton hemi through long MARAK-FOL.

MASOE LONGOR hemi watchman/guardian blong Eton, hemi wan member blong tribe blong Jif mo hemi assistant Jif too. Hemi last kastom Jif we igat authority over long area ia tudei. Descendant blong Jif Masoe-Longor hemi Kas Kolou. MASOE-MERMAN imean Jif we irule over 1000 man.

Long cross examination, hemi talem se farea blong Jif istap outside long title 1940. Hemi no save se grave blong Marik-fol istap where. Grave blong Jif Matamakali istap long eria blong Eton, Forari mo Maniuro.

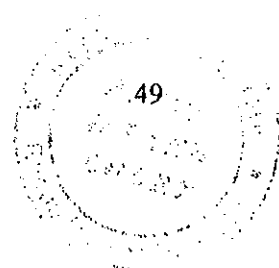
Masoe-longor mo ol narafalla chief we oli left behind oli been married be hem ino save nem blong ol wives blong olgeta. Hemi confirm se hemi save nems blong olketa chiefly titles nomo be hemi no save nem blong ol man we oli holem ol titles blong Jifs we hemi mentionem.

Taem hemi searchem olketa descendants blong Masoi-Longor hem ifindem Johna long Eton mo hem now igivim some information about Jifly titles ia.

Boblang hemi showem surprise blong hem long witness ia mo putum long hem se: *"olketa Jifs we yu stap givim nem blong olketa, oli recent Jifs nomo how now yu no save nems blong ol man we oli holem chiefly title we you stap mentionem?"* Hemi unfortunate se Johna (Assistant jif blong Jif Kas Kolou) ino givim evidence.

Witness 2 Jif Alick Fakau Namouri tekem oath mo talem se:

KARNGO/1940.



Hemi blong Tongoa, hemi kam mekem duty blong hem blong defendem Jif blong hem. Hemi kamaot long Sera. Hemi agree se hemi wetem spokesman blong klemant ia, tufala kamaot long saed blong woman.

Hemi confirmem klem blong Paramount Jif Ma-Tariwora. MASOE-MERAMAN Ti-Napuamata & Descendants. Ancestors blong hem ilukaotem Farea blong Masoi-merman taem Masoe-Merman imekem journey blong hem aut long Efate igo long Tongoa. Hemi bloodline blong paramount Jif Ma-Tariwora we ikam thru long Paramount Jif Ma-tivelea mo kam kasem Paramount Jif Masoi-merman. Jif Ma-Tariwora hemi no same person wetem Tariwer.

(see analyses on page 57 & Declaration page 66)

ANALYSES

After we kot hemi hearem evidences blong over 30 witnesses; hemi clear se olketa parties oli kamaot long 2 main groupings:

1. Olketa we oli live long ereas mo surrounding areas in dispute:
 - a. Famili Boblang;
 - b. Famili Kalter Felix; mo
 - c. Famili Kalsilik
2. Olketa we oli live long Shepherds Islands:
 - a. Tongoa:
 - i. Jif Tarisaliu;
 - ii. Jif Manasakau;
 - iii. Jif Marakimantapu Timatasomata Tariwer;
 - iv. Jif Marakipulemata mo Marakitere;
 - v. Jif Ti-napuamata
 - b. Buniga:
 - i. Jif Tarinuamata mo Tariwer
 - c. Emau:
 - i. Famili Sarau

Kot ipropose blong treatem case blong olketa, individually within trifala groupings antap.:

Olketa people blong Eton oli related through long intermarriages.

a) Famili BOBLANG:

Evidences long parties ia oli limited. Hemi clear from statement blong olketa witnesses se oli "cut & Paste". Signature blong witness nomo istap change. Mo too, Spokesman blong Boblang hemi no givim priviledges blong ol narafalla kaonta klemants oli cross examinem hem long histri blong hem. Plante information/evidences we isave helpem Kot ia, oli no kamaot. However long Cross examination kot hemi luk se:



- Boblang hemi stap work long surrounding area ia for 11 generations. Hemi klem "Emtaang": start long Eluk Nebou go kasem Neigot, Elouk Nebour kasem Tassial, Naimu river to Poloun.
- Emtaang hemi wan large Kastom land boundary, we istap within EPUEN. Igat smol smol kastom boundary within big boundary ia; mo title 1940 Karngo istap insaed long hem too; mo hemi close up or bitwin Elouknepou, Tassial mo Errip. Map blong hem inever been go long pablik notis.
- Boblang hemi wan Jif. Stone blong ordination blong hem ino istap insaed long title 1940. Oli ordainem Boblang long Melae or Melair, but Kot ino go luk stone blong hem or kastom sites blong hem from oli stap outside long title Karngo 1940.
- Olfala Boblang hemi marretem Tougaga we hemi sister blong bubu woman blong Jif Tarpolepu blong Pangpang. Boblang hemi move igo long Eton long 1853, hemi ded mo oli berem hem long Eton.

b) KALSILIK:

Relationship blong olfala Kalsilik wetem Boblang hemi through long Leiman we hemi mama blong spokerspersion tudei. : Leiman hemi girl blong Felix wetem Leitong. Mo relationsip blong olfala Kalsilik wetem olfala Kalter Felix hemi through Leitong girl blong Kaltertemat TAKES (we hemi born long 1868) mo Lesei. Kaltertemat Felix hemi marretem Touta we hemi girl blong Shiftertemat mo Logae, insaed long famili tri blong Kalsilik.

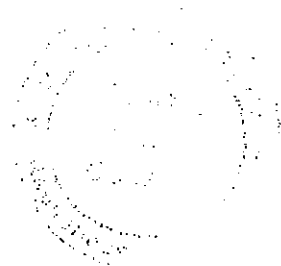
"Karngo" hemi wan land we oli dividem long 2 pis: "Karngo up" mo Karngo down". Title 1940 hemi stap long "Karngo down".

Offapong hemi wan assistant Jif blong velij blong "Karngo". Kaltertemat hemi born long 1868 long Erueti taem Takes mo Leituk igo attendem wan peace ceremony we Jif Bilak ihostem long Erueti.

Olfala Kaltertemat hemi papa blong Kalsilik mo Leitong. Kalsilik hemi papa blong Shon Kalsilik, mo Leitong hemi mama blong Kalter Felix, we hemi papa blong Andrew Felix mo Thomas Felix mo famili (kaonta klemant 1). After long death blong Takes, Leituk mo Touta. Kaltertemat hemi move wetem olketa famili blong hem oli go long Eton, blong joinem olketa Christian long area ia.

Sapos Offapong hemi wan assistant Jif blong velij blong "Karngo", then who hemi jif? Blong answerem kwesten ia; bambae Kot iusum Efate Aelan Kot desisen blong 1989.

c) KALTER FELIX



Tufalla families Offapong mo Akau oli closely related. Famili relationship blong tufalla istart wetem Charlie Felix mo Leitong; More recently Kaltertemat Felix mo Touta, girl blong Shiffertemat Junior.

Evidences blong kaonta klemant ia oli lelbet confusing; from oli talem se oli klem under Akau, but original parties we oli go long Efate Aelan Court long 1998, kasem Saprim Kot mo Kot of appeal long 2005 oli usum "Kalter Felix".

Furthermore evidences blong olketa ishowem se before oli klem under Naflac; tudei oli klem under Bloodline. Possible explanation we kot hemi kasem through long evidence (specifically long karngo title 1940 nomo), hemi:

- taem oli klem under naflac, oli stap klem under long Leitong mo Touta.
- Taem oli klem under bloodline oli under Kalter Felix. (hemi pikinini boy blong Leitong wetem Felix) we hemi marretem Touta girl blong Shifter Junior.

Last witness, hemi clearem some issues we ihelpem Kot ia isave understandem dispute:

Famili Kalter Felix ikamaot long Famili Akau. Akau ikamaot long Halalu. Akau hemi connect long "Karngo" from hemi road blong hem (Akau) blong go long solwota. Akau mo Offapong tufala ilukaotem area blong Forari mo Maniura. Velij blong olketa hemi "Eloak" be hemi stap outside long disputed boundary blong Karngo.

Recent facts long case ia ishowem probability se, the fact that Kalsilik hemi adoptem uncle (nephew) blong hem Kalter Felix oisem first boy blong hem, imekem se kaonta klemants ia oli bilif strong se oli gat right long land we Kalsilik hemi work long hem. Belief ia, hemi kam strong moa tudei, taem Kalsilik igivim one pis land ia igo long Kalter Felix. Kot hemi no hearem any evidence long saed blong saportem kastom adoption blong Kalter Felix

Kot ifindem se sapos Kalter Felix hemi no buildim house outside long boundary we Kalsilik imarkem mo givim igo long hem bambae inever gat disputes over long karngo -title 1940.

Olketa we oli live long Shepherds Islands:

Followem evidences, kot ifindem se olketa long Shepherds oli related long each other long bloodline followem intermarriages mo Jifly title.

Igat closeness long evidence blong Jif Tarisaliu, Manasakau mo Ti-napuamata

TARISALIU

Jif Tarisaliu hemi paramount Jif blong Farealapa Nampangasuduku long Purau. Velij mo hemi holem ful paoa blong administration over long affairs blong Velij ia: KARNGO/1940.

After long independence, hemi start blong klemem olketa lands long Efate we hemi strongly belief se oli blong hem. Long 1981 hemi write igo long Rural Lands Department. Then, long 1988 hemi registerem land case ia against Boblang.

Jif Tarisaliu iusum olketa nems we oli engravem long marble stone, blong showem se oli kamaot long Efate.: Mo

Recently hemi findem se Descendants blong Olioli blong hem, hemi famili Charlie Felix Kaltertemat. Hemi mekem some meetings mo ceremony wetem famili Kaltertemat Felix blong showem se oli wan. However igat some evidence ino clear:

- Kaonta klemant 1 hemi denaem se hem iwan wetem Jif Tarisaliu.
- Igat kwesten we oli stap without answers olsem:
 - ◊ ?First nem we iappear long Marble stone hemi nem blong first man Efate we iborn long Tongoa? or original Tarisaliu, we imove out long Efate?
 - ◊ Mo too, ?last nem we iappear long marble stone hemi man we hemi leadim exodus long 1853 igo long Tongoa or hemi last oldfala we isave histri blong exodus?

"Jif Tarisaliu' ino appear long marble stone. First nem hemi TIVIVI mo last Jif we ided long 1903 mo oli recordem long marble stone hemi MANASAKAU. I gat evidence we ishowem se TIVIVI hemi twin boy blong NGNATIKA. NGNATIKA HEMI PIKININI blong TIVELES TARISALIU. Tiveles Tarisaliu ia, imove igo long Tongoa mo imarretem Lesiksik ibornem twins Tivivi mo Tiruru. Tivivi hemi ordained Tarisaliu long Tongoa;

- Sequence mo leader blong olketa events hemi no clear too:
 - ◻ ?which oldfala iholem title Tarisaliu, ileavim Karngo igo long Tongoa,?
 - ◻ ?which oldfala iholem title Tarisaliu, ileavim Tongoa before eruption blong kwae, mo go back long karngo title 1940, mo?
 - ◻ ?which man iholem title Tarisaliu igo back long Tongoa long 1853?

Namba 3 witness blong Jif Tarisaliu hemi very clear long ol nems we oli engraved long stone, hemi even includim nems blong olketa wives blong olketa. But yumi no save why, taem ikasem last nem, we hemi "Manasakau" ichange igo long "TIVELE TARISALIU". Witness iconfident se Ngatika now igo long Tongoa or Kuwae, wife blong hem Leisiksik. Hemi just bornem Tivivi Tarisaliu mo Tiruru long Tongoa. But yet, memorial marble stone hemi read: *"In memory of Manasakau Jif of Purau velij; the Jif who came from Efate and who died in October 1903"*. Hemi difficult blong understandem why oli treasurem mo rely long wan marble stone we hemi no mekem any mention long "Tarisaliu". Hemia hemi wan mystery?



Long letter we Jif Tarisaliu iwritem long 1981 mo producim long kot tudei, igat wan attachment. Long attachment ia, hemi informem office blong Rural Land Corporation (Michel Bernast) se: Kiasa, Tumau, Lokia, Manutalo, Kalo, Vakalorana, Makali mo Vakalotowo oli ded mo buried long Efate. Oli continu blong writem se Jif we iaot long Efate hemi TIVIVI.

Tivivi, Matuasa, Manasakau, Lawo Balanga, Abel mo Akati oli ded mo buried long Tongoa. Hemi confusing in light blong olketa trifala kwestens antop. Kot ino save anything else about Ti-RURU

Kaonta Klemant ibase too long 5 kastom rules/laws blong identifiaem kastom owners:

Kastom rule WAN: Kastom NEMS blong ol places mo nakamal or long lanwis (*farea manga* or *natusuma*). Every nems we Jif Tarisaliu hemi givim long Kot oli stap long lanwis we olketa long Shepherds nomo oli save. Hemi no producim any witness blong South Efate blong hemi save confirm olketa minim blong olketa lanwis nems ia. Even alleged Olioli (Kalter Felix) ino save confirmem olketa nems blong olketa areas ia we kaonta klemant hemi talem.

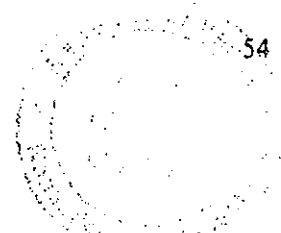
Kastom rule TWO: Kraon ibase long Patrilineal fasen. Raet blong karem wan title blong Jif ifolem fasen ia too. Kot hemi no recordem any evidence blong showem se bloodline blong current Jif Tarisaliu ifollowem man igo kasem disputed area we istap before Kot. Surprisingly last witness blong Jif Tarisaliu imentionem Kalter Felix, mo hemi talem se Kalter Felix ikamaot long saed blong woman, hemi last man or Olioli blong Jif Tarisaliu,;

Kastom rule THREE: Ol traditional songs blong place: "Toarere", "Efate Efate". Kot hemi hearem wan witness hemi singim tufalla songs ia during trial. Lanwis blong songs ia oli blong Tongoa. Ino gat evidence long anyone long South Efate we hemi save interpretem tufalla songs ia. Furthermore Manasakau we hemi same line wetem Jif Tarisaliu, hemi confirm se tufalla songs ia oli popular songs long Tongoa taem ol Jifs oli stap mekem ordination;

Kastom rule FOUR: boundary or kastom Kokoi blong kraon. Boundary blong kraon ia we kaonta klemant ia hemi prodiusim long kot hemi large, but kot ia hemi interest nomo blong luk boundaries insaed long Karngo-title 1940. Kot bambae hemi no save mekem any deklresen long boundaries outside Although witness 3 blong kaonta klemant ia hemi talem se oli ordainem Jif Tarisaliu long "*Emataan*" be hemi no save minim blong nem ia. . Hemi save se Kalter igat wan nakamal long Karngo mo Karngo istap long "*Emataan*". However every kastom boundaries we oli givim evidence long hemi oli stap outside long karngo title 1940.

Kastom rule FIVE: Olioli (caretaker). Kalter Felix idenaem se hemi Olioli blong Jif Tarisaliu; mo idisputim nem ia "Maripongi". Pig killing ceremony long 1992 hemi blong facilitatem daily laef blong olketa wetem community blong Tongoa we oli stap wetem Mr. John ROY we hem leasim wan title we istap close up long disputed land ia; but ino long issue blong land. Ceremony ia hemi no involvem olketa Jifs;

KARNGO/1940.



Kot inotem written submission blong Kaonta klemant ia, but igat some issues we oli no been putum long test. Olsem olketa letters, mo meetings we Kalter Fellix igat wetem Tarisaliu blong solvem some problem wetem community blong Wallis, mo too agreement blong buildim wan Nakamal...etc. So bambae Kot ino save usim new evidences we oli no testem long trial.

MANASAKAU:

Alec Louis ibasem klem blong hem long Famili Manasakau. Long beginning blong toktok blong hem, hemi traem blong talem long kot se igat 2 samtings: title blong Jif blong Tongoa mo man ia Manasakau we hemi man Efate. Towards end blong trial hem traem showem long Kot bakeken se "Manasakau" hemi nem blong wan title blong Jif blong Efate we igo long Tongoa. Taem Manasakau hemi stap long Tongoa oli givim title "Tarisaliu" blong hemi take care long hem.

Blong supportem toktok ia, hemi presentem tufalla famili tri. Tufalla famili tri ia ishowem se hem (Alec Louis) mo current Jif Tarisaliu, tufalla ikamaot long Manasakau:

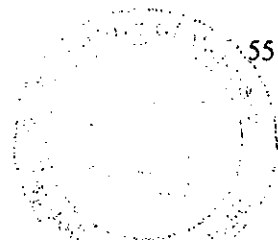
- Leituk, Masori Laweia Robin mo Harry Kalorana Matango-Manaroto trifalla ipikinini blong Manasakau Manakaramu wetem Leirarua. Pakoa Aina Maribalanga Manasakau, boy blong Leituk, imarretem Leisale girl blong Masori Laewia Robin, tufala ibornem Aleck Louis Pakoa;
- Akati, boy blong Leituk imarretem Leipunua girl blong Harry Kalorana Matango-Manaroto tufalla ibornem Samuel James we hemi ordained jif "Tarisaliu".

Hemi no denaem se current Jif Tarisaliu mo Manasakau tufalla ikamaot long 1 tri nomo, but hemi showem se title "Tarisaliu" hemi blong Tongoa, mo famili Manasakau hemi holem olsem caretaker nomo. Current Jif Tarisaliu mo spokesperson blong famili Manasakau (Alec Louis) tufalla istret cousin brothers, from tufalla mama blong tufalla istret cousins.

Olketa evidence ishowem further se Manasakau hemi wan explorer we hemi travel plante between 1400s BC mo 1600s AD. Hemi semtaem wan fighter mo conqueror. Name "Manasakau" hemi deal wetem proteksen blong rifs. Indeed work blong wan explorer hemi blong go out long solwota findem new lands (new rifs), fight from land, conquerem mo move on long next rif/land. Totem blong hem hemi wan white rooster.

Rooster hemi wan conqueror wan fighter. Followem description we oli givim long Manasakau; iluk olsem hemi pass through long olketa lands mo hemi finally settle mo mekem laef blong hem long Tongoa.

After independence hemi traem blong go back long olketa lands we hemi pass through long olketa during exploration taem blong hem; be ifesem resistance. Blong gat more power blong fight from olketa kraon ia, hemi must kasem ordination. So oli ordainem current "Alec Louis Pakoa Manasakau" long Tebakor long ples blong Tariipoamata we hemi elder brother blong hem. Hemi no killim



pig. Igat olketa or some Jifs blong Shepherds long ordination, be hem ino sure sapos igat Jifs blong Efate too long ordination ceremony.

Kastom wisdom hemi dictate se sapos title "Manasakau" hemi wan paramount jif blong Efate, bambae hemi more proper blong igat wan high level ordination we bambae involvem tufalla counsel of Jif (shepherds and Efate) mo too title ia bambae igo long first born or elder son. Evidence ishowem too se hemi first ever ordination blong title "Manasakau" long Efate.

Kot inotem se tufalla parties tufalla iunderstand gud famili tri mo histri blong tufalla. But way we tufalla ipleadim case blong tufalla long dispute blong land ia hemi no clear. Mekem se Kot hemi receivim olketa contradictory evidences.

Igat probability se Issue hemi fasfas long ples ia, from Samuel James hemi klem under title blong Jif "TARISALIU" mo LOUIS PAKOA MANASAKAU hemi klem under long famili MANASAKAU.

For example kot ireceivim 4 different famili tris long tufalla parties ia; be histri, hemi same wan. Blong further complicatem issues, tufalla iusum same evidence mo each time tufalla ideletem mo insertem nem "Tarisaliu" or "Manasakau" long olketa nems, better more sometime tufalla nems istap wan ples olsem nem blong wan person nomo "Manasakau Tarisaliu".

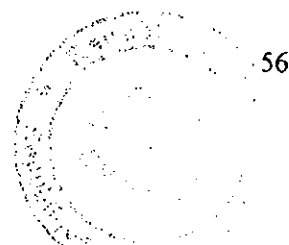
- ❖ Jif Tarisalu italem *Jif MANASAKAU TARISALIU, led exodus for Tongoa in 1853, was Christianised in 1891 mo died in 1903; be*
- ❖ Jif Manasakau italem *MANASAKAU NAWOTA*, ileavim Efate, be:
- ❖ Alick Matapu italem *NGATIKA* hemi livim Efate igo long Tongoa; bakeken
- ❖ Richard Wilfred Rory italem Paramount *JIF MALULU MANASAKAU (Efatese) (1853) odifaala ia ibeen live kasem 205 year. Hemi ded long 1903 (memorial marble stone).*

Sekond conflicting evidence hemi long case blong parents blong current Tarisaliu (Samuel James)

- ❖ Jif Tarisalu italem se Samuel James Tarisaliu hemi pikinini blong Akati Tarisaliu mo *Letuku*; be
- ❖ Jif Manasakau italem se James Tarisaliu hemi pikinini blong Akati mo *Leipunua*, mo bakeken
- ❖ Alick Matapu italem se James (Samuel) Tarisaliu hemi pikinini blong *Pakoa Usamoll* mo *Leisale*.

Third conflicting evidence hemi long case blong parents blong Alec Louis Pakoa Manasakau:

- ❖ Jif Tarisalu italem se Alec Louis Manasakau hemi pikinini blong Pakoa Hama *Tarisaliu* mo *Leisale*; be
- ❖ Jif Manasakau italem se Aleck Louis Manasakau hemi pikinini blong Pakoa Hama *Manasakau* mo *Leisale*;



Fourth conflicting evidence hemi over parents blong Maribalanga

- ❖ Jif Tarisalu italem se Mama blong *Land* Maribalanga hemi *Leisiksik*; be
- ❖ Jif Manasakau italem se mama blong *Nawo* Maribalang hemi *Leituku*.
- ❖ Alick Matapu italem se mama blong Lawo Balanga Tarisaliu hemi *Leitare*.

JIF TINAPUAMATA MASOEMARAMANU MATARIWORA

Evidence imekem kot hemi findem bakeken twin brata blong TIVIVI . TIRURU ikam Ti-napuamata. Relationship blong Jif Tarisaliu, Manasakau mo Ti-napuamata ikamaot long Ngie-Tika.

kleman ia hemi interesting, from hemi talem se hemi kam blong klemem kastom land long Maniuro/Forari from ancestors blong hem oli first disembark long ples ia mo igud blong mekem ples ia hemi kam wan historikol site. Sapos yumi followem histri blong Ti- Napuamata, establishment blong olketa first nakamals long Efate hemi well around 1453.

Long case ia oli mentionem bakeken se Ma-Tivelea hemi Jif long time ia; mo se hemi gat 11 sons. Ma-Tokorua istap killim olketa, but last born named Ngie-Tika itekem revenge, hemi conquerem Ma-tokorua mo oli ordainem hem "Masoi-Longor". Masoi-Longor Ngie-Tika igo long Tongoa mo ibornem twins sons: Ti-Ruru mo Ti-Vivi. Ti-Ruru hemi become chief Ti-Napuamata mo Ti-Vivi hemi become Jif Tari-saliu.

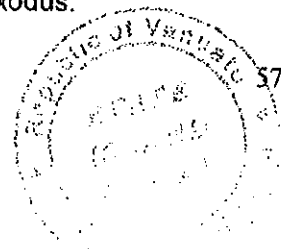
Klemant ia ikam closer long period blong yumi tudei, but kot iluk se hemi no sure or certain about olketa nems we hemi relatem ikam long Kot; ating, hemi from, ifollowem research blong hem, Johna (assistant blong chief Kas Kolou, 2009) ijust givim olketa names ia nomo?!

Kot hemi no save base long **researches nomo**. Kastom hemi samting to do wetem cultural practices mo traditions "**immemorial**" mo **chaines blong cultural practices ia ino must broke**. Chaines of practise ia oli run continiously start tudei igo back long past, kasem wan certain point we memori isave recordem particular cultural practices ia. Sapos chaines blong practices hemi broke, then kastom ichange. Any part we memori blong residents blong particular disputed kastom baondri, ino save appropriately recallem, hemi "**Myths**". Re-search ino save help long ples ia. Unless researches ia hemi blong complitim mo confirmem olketa current mo recent events or practices.

Olketa man Efate/Eton oli no save se Grave blong Jif Matamakali istap long eria blong Eton, Forari mo Maniuro.

Chief Tarisaliu hemi agri wetem evidence blong Kaonta klemant ia, be italem se Ngie-Tika hemi pikinini blong **TIVELES TARISALIU**; whereas kaonta klemant ia italem se Ngie-Tika hemi pikinini blong **MA-TIVELEA**. Furthermore Manasakau hemi agri wetem **evidence ia too** be hemi talem se **PARAMOUNT JIF MANASAKAU TIVE LE LESI** now hemi exist first before exodus.

KARNGO/1940.



Nem ia **TI-VIVI** iredced olsem first name long marble stone. Tarisaliu hemi talem: **TI-VIVI TARISALIU** mo Manasakau hemi talem **TI-VIVI MANASAKAU**. Kot istap hearem evidences blong Kaonta Klemant 10 se hemi kamaot long twin sons **TI-RURU**, we hemi become **TI-NAPUAMATA**. Evidence we ikamaot long klemant ia hemi showem long Kot se olketa klemants (James Samuel) **TARISALIU**, (Aleck Louis Pakoa) **MANASAKAU**, (Kalnasei) **TINA-PUAMATA** oli related long blood blong Tivivi mo Tiruru.

Jif Marakimantapau Timatasomata Tariwer, Jif Tarinuamata mo Tariwer mo Famili Sarau oli related.

JIF MARAKIMANTAPU TIMATASOMATA TARIWER:

Evidence ishowem se oli gat 2 velijs, first *Woitas mo second "Malaira"*. Tugeta names ia oli no stap insaed long title "1940 Karango". Maniura hemi no subject long dispute ia.

Olketa evidences blong kaonta klemant ia oli stret forward nomo mo oli traem blong convincim Kot ia se oli man Efate. Oli klem se oli no save voicem rights blong olketa from fear se bambae oli tekem over rights blong olketa people we oli stap long olketa kraon ia tudei. Igat heavy evidence blong reasonably showem se Jif Kas Kolou blong Eton istap under pressure blong olketa people blong hem. Hemia Kaltamat Felix too italem mo kaonta klemant ia iripitim se long independence 1980 "*Tanakoro*" we hemi wan political party istopem ol man outside long Efate blong oli klemem land blong Efate. Followem thinkthink ia Jif Kas Kalou blong tudei, wetem land trust blong hem, oli ignorem right blong Jif Timatasomata we Jif Kaltong Kolou hemi recognisem.

However, Jif Kolou hemi no been appear long trial nating. Mistery istap se from wanem Jif Kolou icalllem Jif Marakimantapu Timatassomata Tariwer blong talem long hem blong hemi must lodgem klem mo kam figthem court blong hem hem wan? Long way we olketa evidence oli kam long Kot, iluk olsem olketa parties we oli no residents around long disputed area oli desperate, mo oli findem ihard blong communicate wetem Jif Kas Kolou, olsem jif blong area ia tudei

Iluk olsem title "Marakimantapu Timatasomata Tariwer"; hemi regroupem 3 different titles. Ino clear se parti ia iklem "Karngo title 1940 "under which Jifly title stret.

Evidences we kaonta klemant ia hemi producim hemi followem last part blong histri blong Tarinuamata.

Evidence blong kaonta klemant ia wetem Jif Tariunamata:

- o Hemi agree long stori blong Pakoa Tariwer mo Toumara; Leinavanu.
- o Hemi agree about 2 nakamals long area ia: **WOITAS** mo **MELNAIR (MBWELEIR)**;

KARNGO/1940.



- Hemi agree se tufalla ired related long Kas Kolou;
- Hemi agree long baptism long Luku tapu.;
- Hemi agree se jifs oli go shore mo stap long Emau; mo
- Hemi agree se oli related long chief Kolou, relationship istap wetem Leirang, girl blong Kaltuk Tariwer we hemi marretem Bell Kolou. Hemi probable se Bell Kolou hemi same famili wetem Kas Kolou.

Hemi no mentionem Tarinuamata; but igat high probability se Tariwer we Tarinuamata hemi mentionem hemi same person nomo.

Hemi normal se longfalla time past we oli stap stori long hem imekem se olketa generation tudei oli confusim names blong olketa people involved long histri we oli stap relatem long Kot, hemia ino mean se olketa klemants oli kiaman. Main samting hemi histri about existence mo possession blong olketa people we oli mentioned once upon the time, long disputed area.

Hemi klem under Paramount Jif Marakimantapu Timatasomata Tariwer we hemi indigenous and original owner blong area we istap long dispute. Hemi gat 3 titles: Timataso Mata, Timataso Luau, mo Timatasaroto. But ino clear se hemi klem karngo title 1940 under which title stret.

FAMILI SARAU:

Kaonta Klemant ia hemi related long Jif Marakimantapu Timatasomata Tariwer through long Sepeta mo Sepa we Jif Marakimantapu Timatasomata Tariwer ibeen mentionem long histri blong hem.

Peter (Witness) we hemi stanap blong klem tudei hemi pikinini blong Sépeta in kwesten.

Histri blong hem ikam followem some very recents events: "Dysentery". Iluk olsem stori blong dysentery hemi stap kam olsem real stori from 3 parties oli confirm se oli run away from area ia long same reasons.

Tho kaonta klemant hemi startem histri blong hem recently iluk olsem event we ikosem dysentery ia hemi around late 1800s. Wan party long case ia hemi showem se dysentery ikam aot from wan pig we oli kakae.

Similarity between stori long side kaonta klemant ia wetem Marakimantapu Timatasotama Tariwer mo Tarinu:

- Tarinu italk about "black birdings ship" long New Hebirdes. Klemant ia hemi seems to remember wan taem we Tarinu igo long New Zealand ...;
- Tufalla iagree se oli kaikai wan pig we igat sick mo olketa we oli kaikai oli sitsits blood mo stap tet.
- Oli iagree se oli crossem solwota blong go long Lausake.
- Tufalla iagree se Mastapau ibonem Harry kaloas Mastapou wetem sista blong hem Leiweire. Harry kaloas I maretem girl blong



Saipir Tarinua we nem blong hem Toumara. Tufalla ibonem **Leilangi, Sepa, Timataso, Sepeta, Espel** mo **Nelly**. Leiweir imaretem **Charlie Kaloas Sarau** blong Eton Velij.

- o Tufalla italk about same area blong land too:
- o Tufalla italk about **Leilangi Margret**, hemi dota blong **Harry Kaloas** mo **Toumara**;
- o Tufalla italk about **Leiweir** hemi sista blong **Harry Kaloas**;
- o Tufalla italk about **Sepeta** se hemi wan instrument blong initialtem olketa process blong manganess;
- o namba 4 witness blong Marakimantapu Timatasomata Tariwer **Edson Georges** irefer long "**KALWAS FOUNDATION**".
- o Oli mentionem Jif **Kalowia Sepa Timatasoroto**

JIF TARINUAMATA MO JIF TARIWER

Kaonta klemant ia hemi wandem convincim Kot se ol ancestors blong hem, oli first inhabitant blong Efate. Hemi tok about over 50 generations. Oli originate long area ia through long "Salengaigal". Plante kastom histri blong Vanuatu; oli startem origin blong olketa wetem wan creature we hemi live long particular ples ia, before human habitation. Pattern blong stori blong hem hemi logical. Hemi start olsem wan "mythe" then hemi focus long olketa recent's names mo events we itekem kot igo long area ia mo corroboratem histori ia wetem Jif Marakimantapu Timatasomata Tariwer mo famili Sarau.

Apart from similarities we Kot imentionem antap long case blong Jif Marakimantapu Timatasomata Tariwer mo Famili Sarau; igat some recent events olsem long 1960 before wok blong manganis istart, Jif Kaltong Marikolou long Eton isendem toktok igo long Sepeta we istap long Emau (hemi Jif Edson Masoerangi); long 1967 Sepeta walkbaot long boundari long Forari; long 1973 Jif Kaltong Marikolou blong Eton mo Jif Kaltak long pangpang tufalla isendem toktok igo long ol jifs blong Makira...; jifs Jimmy Taripoamuri, Fred Aure mo Daniel Taripoaliu oli go wetem Jif Api Naviti Taripoawia long Eton mo Pangpang.. Long taem ia jif Kaltong Marikolau, Kalsilik, Eddy Karis, Kalter olketa blong Eton mo Jif Kaltak blong Pangpang oli receivim olketa mo Jif Kaltak ishowem boundary blong kraon blong olketa".

Movement blong exodus too hemi more realistic from hemi move around long land before hemi crossem sollwota igo long Emau Island.

Jif Edson Masoerangi iconnectem famili line blong hem wetem olketa man we oli live around ia tudei, olsem: Walter mo ati Leisi mo Longai we hemi sista blong Walter mo tufalla kel blong hem Touskau we hemi maretem oldfala Kalsilik mo Toumanu we imaretem Kalses.

Finally "Melair" we hemi mentionem hemi inline wetem information we kot hemi receivim. But Kot ia hemi no been visitim area blong Melair from hemi outside long Karngo. Karngo hemi wan smol pis land insaed long bigfalla title we includim Forari mo Maniura within boundary blong EPUEN



HOWEVER olketa Kastom boundaries such as blong "Melair", "Matiangel" wetem "Karngo" ino klea mo people we oli involved long recent events, oli chose blong no helpem Kot. Sapos olketa man Makira we oli go walkabout long boundaries, oli laef yet tudei, why oli no givim evidence long Kot? Instead Jif Masoerangi we hemi no been go long Eton mo Pangpang long taem ia, hemi givim evidence. Furthermore Jif Kas Kolou, hemi keepim silence.

Kot hemi receivim written submission we includim statement blong Kennedy Sepa, Jif Abbi Naviti Tariipoawia Woraru mo Kalowia Sepa Timatasoroto Tariwer, but olketa statement ia oli no sworn mo kaonta klement ia hemi no givim change long ol narafala parties blong oli cross examinem olketa allegations ia; Mekem se Kot hemi gat difficulty blong usum olketa statement ia olsem evidence.

Sarau igo back 6 generations, Marakimantapu Timatasomata, Tariwer igo back over 10 generations mo Tarinuamata igo over 50 generations.

mo Jif Marakipulemata mo Marakitere hem wan.

JIFS MARAKIPULE MATA & MARAKITERE

Igat evidence blong intermarriage between Maraki Pulemata Mata wetem Tarisaliu, Manasakau mo Ti-napuamata. Kot irecordem evidences blong Ti-napuamata se hemi move igo long Tongoa wetem Marakipulemata we hemi pikinini blong Ma-Tokorua. Kot hemi notem se histri we hemi stap hearem, hemi oldfalla, mo hemi possible se olketa parties oli mixim up olketa nems. But histri hemi seems to be the same.

Evidences we kot irecordem long Famili Maraki Pule Mata ishowem se **MARAKI MARA MANU** hemi originate long Garden of Eden. Mo hemi wan great traveller, mo explorer, olsem olketa narafala parties blong Tongoa. Hemi itravel wetem wife blong hem *Sinna* mo ol people blong hem.

Two spirits long form blong stone mo pidjin istap helpem hem long travel ia. Hemi no settle longfala taem long wan Aelan. Hemi changem title blong hem 3 times:

- **MARAKI MARA MANU**, taem hemi stap travel ikam from Garden of Eden igo shore long Erromango;
- **MARAKI UREPARA MANU**, taem hemi stap long Erromango mo before hemi move from Erromango ikam long Efate;
- **MARAKI PULE** hemi first ordained Jif blong Efate;
- **TAKURUA**, taem hemi stap long Maniuro, hemi ordainem second born son blong hem blong irule over Maltavurariki or Forari;

After we Maraki Pule (son) hemi establishim governing system blong hem long Efate hemi mekem wan kastom ceremony blong tekem full title blong hem olsem **MARAKI PULE MATA**; then hem too imove out mo continue long travel blong



hem igo long Emau, hemi stanem ap some Jifs bakeken; one long olketa hemi **MANLAWEIA** or **MALAE** mo **MATOKAI**. Maraki Pule Mata ino stop yet; hemi ipass long Nguna mo olketa smol Aelans blong **Shepherds** mo putum wan representatives blong hem; then hem igo long various pies long Tongoa blong visitem olketa man blong hem.

Bambae hemi difficult blong pruvum se Maraki Pule Mata hemi leavim gardern of Eden. Everyone long world includim Vanuatu oli descendants blong Adam mo Eve, so bambae hemi no realistic blong go back long histri kasem taem blong tufala. Kot ia hemi sitdaon blong findem Kastom owner blong wan piece land long South Efate. Kot bambae ifokas long histri around late 1800s blong traem blong testem thruth blong olketa.

Taem hemi stap travel across long olketa Aelan hemi settem up ol new jif blong olketa Aelans long **Shepherds**. Kwesten istap se taem hemi putum up olketa titles oli otomatikaly oli entitle long kraon? Maraki Pule Mata isave tekem back land blong hem or land hemi attached long title we ol jifs ia oli karem?

Kastomary land tenure system blong Maraki Pule Mata hemi laef kasem tudei; where taem Maraki Pule Mata iordainem wan hed jif blong hem, otomatikali hemi entaetol long graon. Olketa ordained jifs oli givim "Nasautong" igo long big Jif.

Unfortunately, kot hemi no hearem any evidences blong helpem, hem blong hemi disaed long how now jif hemi enforcem kastom law blong *Nasautong*. Kwesten se taem man or assistant jif ifail blong mekem *Nasautong*, whanem ihapen? Chief isave tekem back land ? mo long disputed area, oli stap givim nasautong igo long who initially?

DECISION

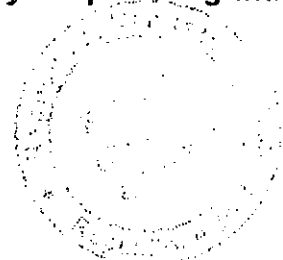
Kes ia hemi wan very difficult kes; mo olgeta klem we oli submittim before long kot oli involvem plante kind klem over long kastom kraon. Mo oli submittim plante relevant mo irrelevant documents mo information long kot.

Kot ia hemi believe se hem igivim ample opportunity long every parties we oli submittim klem blong olketa, blong oli presentem kes blong olketa fairly followem right we Constitution igivim long olketa.

After long trial, kot hemi analysem mo applaem loa long olketa evidences we hemi recordem decision blong hem igo olsem:

Consitution blong Vanuatu article 74 hemi talem se ... « *The rules of custom shall form the basis of ownership and use of land in the Republic of Vanuatu...* ». Rules of Custom long ples ia hemi rules of Kastom blong Vanuatu in general.

Island Court Act Cap 167 section 10, hemi talem se ... "*Subject to the provisions of this Act an island court shall administer the customary law prevalling within*



the territorial jurisdiction of the court so far as the same is not in conflict with any written law and is not contrary to justice, morality and good order".

Hemia, hemi narrowem General rule of custom igo long iparticular rule of Custom blong island blong Efate mo more specifically Rule of Custom blong South Efate. Decision hemi must base long realiti within territorial Jurisdiction blong Kot. Long case ia Efate Island Court. Kot ia hemi bound blong iusum kastom loa blong Efate. ~~Wan gud source blong kastom loa blong Efate istap long Valurisu kastom loa chapter 11 we italem se man island ing save ownem long Efate.~~

Saprim Kot hemi been discusem issues blong ol kastom sites (nasara, mo possession); within wan claimed kastom boundari long case blong: **BUE MANIE KENNETH KALTABANG -V-SATO KILMAN (1980 -1994 blong Vanuatu Law Report page 343. Judge Cooke hemi talem. se:**

'blong findem tru kastom owner kot Imust go back as far as hemi save go back . Ino enaf blong talem se Nasara hemi blong olketa ancestors blong wan klemant, be klemant ia hemi must provum se olketa ancestors blong hem oli buildim olketa nasaras ia.

Followem legal precedent ia Kot ia bambae hemi must lukaotem strong evidence blong pruvum se olketa ancestors blong olketa parties long Kot ia oli buildim olketa nasaras mo grave we oli stap talk about.

Taem Kot ivisitim land, Famili Boblang, Famili Kalsilik mo Famili Kalter Felix oli leadem Kot from oli work mo liv there mo oli save gud ples ia. Famili Kalsilik mo Famili Kalter Felix tufalla ishowem ples blong Nakamal blong olketa (*head blong nabanga*) mo grave site (*Offapong, Takes mo wives blong tufalla- wan big namwele tri Istep long hem*).

Famili Kalter Felix hemi kam back mo settle long kraon since 1974. Plante long olketa kastom sites we olketa narafala kaonta kleman mo original klemant oli talk about oli stap outside long disputed boundri blong Karngo 1940.

Kot ia isatisfae se Efate Aelan Kot ibeen disaed finis long kastom boundary blong EPUEN long 2nd June 1989 Land case No 9 of 1984. Mi quotem..

" Lukluk' bak long olgeta (7) seven poin antap Kot I wandem givim last disisen blong em naoia se: followem Kastom blong Epuen Land Dispute Kot ibiliv strong se stret mo tru kastom owner blong Erueti aelan hemi go long Hae Chif Kolou blong Eton velij mo evri famli we hemi representem mo semtaem oli anda control blong hem. Kot ibiliv strong tu se stret baontri we Epuen igo finis long em hemi long Rentabao riva mo kastom name hemi METENPAK be ino ENAM bay.

Finally Kot iluk save mo biliv strong se Famli blong chief Motoukas ikamaot from Ermasine mo semtaem Ernasine istap insaed baontri blong EPUEN we Hae Chief KOLOU iconrolem dedei...".



EPUEN istart long Pangpang river kam kasem Rentapao River. Case ia ino gat appeal long hem kasem tudei. Manuro mo Forari se tufalla istap insaed long Epuen. Karngo we title 1940 istap long hem istap between Manuro mo Forari.

Everyone oli agry long wan kastom principle blong ownem kastom land. Kastom principle ia se wan wan jif hemi masta blong land we oli ordainem long hem. Mo oli gat diuti mo responsibility over lands we oli stap under jurisdiksen blong olketa; mo hemi responsibilities mo duties blong olketa ordained jifs ia, blong luk se people oli gat kraon blong live long hem.

Hemi unfortunate too se jif Kas Kolou hemi no been kam givim evidences blong helpem Kot ia, blong hemi determaenem Kastom owna.

Followem toktok ia bambae Kot ia hemi mekem olgeta dekleresens ia:

Hemi clear se Famili Boblang hem iklem under wan diffrent Jif (Jif Menour we igo kasem Boblang tudei); whereas Famili Kalsilik mo Famili Kalter Felix tufala iklem under famili blong tufalla nomo. Oli stret forward wetem histri blong olketa igo back around 7, 8 or 10 generations kasem olketa we oli occupaem land ia kasem tudei;

Kot isatisfae se Kalsilik oli stap long smol pis land karngo title 1940, well over 10 generations. Oli born, work mo live long ples ia longfala taem finis. Oli descendants blong Assistant jif Offabong.

DEKLERESEN WAN:

KASTOM GROUND we title 1940 istap long hem, hemi **KARNGO DOWN**.

DEKLERESEN TWO:

KARNGO DOWN we kot imekem desisen ia long hem, igat about 41 hectares 23 ares igat 130 lots insaed (title 1940); (see Attached).

DEKLERESEN THREE:

FAMILI BOBLANG hemi wan assistant jif long area too, be land blong hem istap outside long Karngo title 1940.

DEKLERESEN FOUR:

FAMILI KALSILIK hemi Kastom owner blong Karngo down-title 1940.

DEKLERESEN FIVE:

SHON KALSILIK hemi representem olketa descendants' blong **Offapong** long kastomary land rights ia.
KARNGO/1940.

DEKLERESEN SIX:

FAMILI KALTER FELIX hemi owner blong wan piece land we ofdalla Kalsilik ibeen givim long ofdalla Charley Felix. Oli stap under direction blong Kalsilik.

DEKLERESEN SEVEN:

FAMILI KALSILIK ino save putum out famili Kalter Felix long area we oldfalla Kasilik imarkem finis.

DEKLERESEN EIGHT:

Title "TARISALIU", hemi wan title blong Tongoa (Purao). Kot ia ino gat enough evidence blong talem se Jif Tarisaliu hemi kastom owner blong Land "Karngo title 1940".

DEKLERESEN NINE:

FAMILI LOUIS PAKOA MANASAKAU, Igat some probability se Manasakau ikamaot long Efate, but ino clear se which part blong Efate. Kot ia ino gat enough evidence blong talem se Manasakau hemi kastom owner blong Land "Karngo title 1940".

DEKLERESEN TEN:

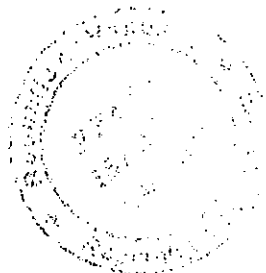
JIF MARAKIMANTAPU TIMATASOMATA TARIWER: Title Timatasomata hemi title blong jif blong peace. Title "Timatasomata" hemi jif blong Tongoa long Meriu, infact hemi paramount jif blong velij blong Kokoru, kasem tudei. Kot ia ino gat enough evidence blong talem se JIF MARAKIMANTAPU TIMATASOMATA TARIWER hemi kastom owner blong Land "Karngo title 1940".

DEKLERESEN ELEVEN:

FAMILI SARAU, igat high probability se hemi kamaot long area ia, followem histri blong **SEPETA**; but ino clear long where exactly. But klem over Karngo title 1940 ino save succeed;

DEKLERESEN TWELVE:

MARAKIPULEMATA & MARAKITERE, evidence about histri blong hem ino save gat corroboration wetem recent events or persons long disputed area. Ino clear se oli kamaot where long Efate. Kot ia ino gat enough evidence blong talem se Jif **MARAKIPULEMATA & MARAKITERE** hemi kastom owner blong Land "Karngo title 1940".



DEKLERESEN THIRTEEN:

Title "TARINUAMATA" hemi title blong Buniga we oli ordainem John Luen long hem long Emae. igat high probability se Tarinua mo Tariwer ikamaot long area ia, but ino Karngo title 1940.

DEKLERESEN FOURTEEN:

JIF MATARIWORA MASOEMARAMANU TI-NAPUAMATA

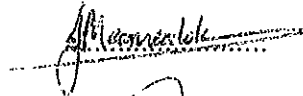
Title "MATARIWORA MASOEMARAMANU TI-NAPUAMATA", hemi wan title blong Tongoa. . Kot ia ino gat enough evidence blong talem se Jif MATARIWORA MASOEMARAMANU TI-NAPUAMATA hemi kastom owner blong Land "Karngo title 1940".

Followem desisen blong Efate Aelan Kot long 2nd June 1989 long case No. 9 of 1984, Jif Jimmy K Kolou irule over long Epuen start long Pangpang river kasem Rentapau River. Tudei Jif Kas Kolou itekem over jurisdiksen ia. Ino save gat 2 or more paramount jifs long wan sem area.

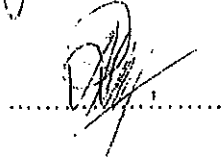
30 days blong mekem appeal.

Port Vila, this 16 October 2009

Justice/Jif Meameadola Jimmy:



Justice/Jif Marangoe:



Justice/Ann Karlo



Senior Magistrate Rita Bill Naviti:

