

**INSAED EPI AELAN KOT BLONG**  
**RIPABLIK BLONG VANUATU**  
(Land Jurisdiction)

Civil Kes No. 01 blong 2009

**BITWIN:** TOM HARRY  
Applicant

**MO:** ORAH PETER  
Respondent

**Coram :** Senior Magistrate Edwin Macreveth  
Island Court Justice Benjamin Korah  
Island Court Justice Atis Willie  
Island Court Justice Andrew Avio

Parties in person

**Clerk:** Jona Mesao

**JUDGMENT CLARIFICATION**

Applicant, Tom Harry I stap mekem wan application I kam long kot ia blong sikim sam clarification ova long decision we hemi dated 17 Octoba, 2003 inside Land kes no. 1 blong 2000. Kot I bin sidaon long Rovo Bay long namba 12 blong manis March, 2010.

Kot afta hemi harem olgeta party, I stap ansarem ol issues we ol parties I raisem olsem.

**1. Who I karem onsip blong kraon blong Velague mo Bourgue we Lamem Bay community I stap live mo occupaem .**

Ansa long question ia, written judgment blong kot ia, I mekem i klia gud, se kraon ia blong Velague mo Bourgue I consists long fourfala (4) nasaras hemia Lumuwi, Lokalie, Lour mo Umba. Peter Orah nao I bin representem olgeta fourfala nasara ia long kot blong namba 17 blong manis Octoba, 2003 olsem spokesman. Kot I talem hemia long pej 2 long end blong judgment hemia long namba tri paragraph from las sentence.



**2. Wanem nao right blong wanwan pipol o family follem decision blong Kot ia long namba 17 blong Octoba, 2003.**

Kot decision we hemi rifea long hem above i diklerem se kraon we Lamén Bay community I stap live mo occupaem hemi stap anda long olgeta four (4) nasaras. Each nasara I kat own kastom bandry blong hem. Ol bandry ia, bae ol fourfala nasara ia yet bae oli tes determaenem folem ol history blong olgeta.

Yumi mas berem long mind se, aot long wanwan family, man or woman we I memba blong ol kastom ona I kat equal right long ol resource mo use blong kraon inside each nasara. Hemia bae I dipend bigwan long whoia nao bae I mekem allocation blong pis land ia I ko long ol nara memba blong kastom ona. Hemi issue o duty blong wanwan head chief blong ol kastom ona ova long kraon blong nasara blong olgeta.

Suprim jif mo ol elderly pipol long wanwan nasara I mas rimemba se wan memba blong land owning unit (kastom ona) I kat raet long kastom mo loa blong usum, reside, occupae mo mekem karen long kraon ia. Hemi I includim use blong resource olsem pikim fruit tri, fishing mo ol narafala interests long kraon. Hemia yumi kolem olgeta *secondary right* beside onasip we hemi *primary right*.

**3. Peter Orah I kat right long which kraon mo nasara.**

Peter Orah nao I bin representem olgeta fourfala nasara ia long kot blong namba 17 blong manis Octoba, 2003 olsem spokesman. Long narasaed tu, respondent I stap representem ol kastom ona blong kraon blong Lumuwi.

So sapos, olsem long kes blong yumi, Peter Orah I wantem mekem sam development long declared land, bae hemi save mekem nomo long kraon blong Lumuwi, we hemi originated long hem. Hemi no save issuim ol notis I ko long eni nara man o woman we I live long bandry blong olgeta narafala nasara. Beside hemia, hemi mas rimemba se ol pipol ia beside ol kastom ona I kat sam existing raets we I stap finis from propati o development blong olgeta.

I nidim consensus bitwin ol memba blong wan group blong kastom ona bifo wan I save wantem mekem ol kaen development long kraon. Hemi important blong notem se kraon I no own personally be hemi own communally (klan or group blong pipol).



**4. Wanem right nao blong olgeta we I live long ol eria blong each nasara I kat afta decision blong namba 17 Octoba, 2003 I kamaot.**

Hemi important blong andastanem se pipol I no save tekem se declaration blong kraon blong 17 Octoba, 2003 hemi blong Lamén bay community. Olsem kot I clarifaem finis, decision hemi blong fourfala nasaras we Orah Peter I stap representem olgeta.

Hemia I minim se, eni family we I live mo occupaem sam kraon finis inside eni long ol four nasara ia, I mas mekem ol necessary arrangements follem kastom o loa wetem ol kastom ona blong ol kraon ia. Exampol, man i save lisim kraon ia I ko long ol kastom ona blong hemi continue blong usum kraon. Sipos, ol kastom ona I no save allaowem hem I continue blong reside mo wok long land then, oli save compensetem hem long eni development we hemi putum finis I stap.

**5. Attempt blong muvum pipol long ol declared land ia.**

Respondent, Peter Orah I no kat eni absolute right blong askem wan loa blong raetem leta I ko long eni pipol mo askem olgeta I muvaot long kraon. Olsem kot I mensenem finis, respondent I no onem kraon hem wan. Kraon blong wanwan nasara mo hemi communally or jointly own. Hemi kat sam limited right mo interests nomo long kraon blong Lumuwi. Long narasaed blong hem, hemi mas sikim tingting blong ol kastom land ona bifo hemi save mekem eni action or development.

Kot hemi satisfae se hemi bin issuim sam vacation leta we Andrew Bal long offis blong Pablik Solicita I bin mekem I ko long certain memba blong public long Lamén Bay eria. Ol notis ia, I bin distebem mo putum bigfala confusion long ol pipol. Follem situation ia, Kot I stap restrainem Orah Peter blong no moa distebem pipol blong Lamén Bay community long eni mana we babae I save kosem pipol I fraet mo disteb unless hemi usum stret mo proper channel follem loa wetem correct information.

Wetem olgeta discussions ia antap, kot I stap mekem remarks se, bae kot ia I no save mekem any formal decision long olgeta issues ia antap, unless I kat kes we ol concerned I askem kot blong mekem tru long wan civil action. Kot I notem tu, se issue as to how o hamas bae each memba blong ol kastom ona I save kat long sharing blong ol benefit, right mo narafala interest oli problem blong kitchen blong wanwan nasara mo nakamal.

Kot ia today hemi stap mekem clarification nomo follem mosen we applicant, Tom Harry I bin faelem. Blong rimaedem ol party, samary I ko olsem;



1. Onaship blong kraon blong Velague mo Bourgue I blong ol fourfala (4) nasaras hemia Lumuwi, Lokalie, Lour mo Uмба. Peter Orah nao I bin representem olgeta four fala nasara ia long kot blong namba 17 blong manis Octoba, 2003 olsem spokesman nomo.
2. Ol memba blong land onasip unit (kastom ona) I kat equal interests long kraon olsem kot I explenem antap.
3. Olgeta non kastom ona oli kat right long propati blong olgeta, mo oli kat right blong continue occupaem ples we oli stap provided, oli mekem necessary arrangements olsem lis follem kastom o loa I ko long ol kastom ona blong ol fourfala respective kastomary land.
4. Orah Peter I mas stop blong tretenem, mo distebem ol pipol we I live long Lamén Bay community, unless ol notis blong hem I justifiable mo I folem loa.

Ol party I pem own cost mo expenses blong olgeta.

Dated long Lakatoro long 19<sup>th</sup> dei blong manis March , 2010.

ODA BLONG KOT IA

  
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Edwin Macreveth  
Presiding Magistrate

