

**IN THE EFATE ISLAND COURT**  
**HELD AT PORT VILA**

Civil Case No. 8 of 2009

*(Civil Jurisdiction)*

**BETWEEN:**           **CHIEF CHARLEY KALMET MPAKUS**  
                                  **NMAK – MARIK NMAK V**  
                                  **Claimant**

**AND:**                   **SUAL KALMARI**  
                                  **First Defendant**

**AND:**                   **DENNY SAKARI**  
                                  **Second Defendant**

**Coram:**           **Justice Joshua Harry [Chairman]**  
                          **Justice Jerry Shem**  
                          **Justice Sam Marpakoa**

Clerk: Jona Mesao

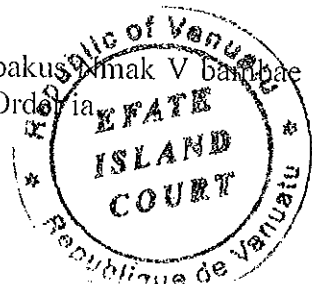
Date of Hearing: 14th April 2010

Date of Judgment: 11th June 2010

**JUDGMENT**

Dispute we istap bifo long Kot ia emi concernem appointment blong Claimant, Charley Kalmet Mpakus Nmak long 3rd September 2006 olsem successor mo Paramount Chief blong Erakor. Spokesperson blong Claimant Mr Timteo Kalmet emi askem honorable Kot ia blong mekem olgeta rulings mo declarem se:

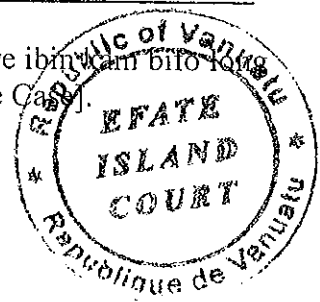
1. Appointment blong Claimant Charley Kalmet Mpakus Nmak V long 3rd September 2006 olsem successor mo Paramount Chief blong Erakor emi valid, lawful mo folem acceptable kastom blong Erakor mo Efate olsem se i established finis folem law tru long Efate Island Court Case No. 1 of 2002.
2. Folem appointment blong 3rd September 2006, Charley Kalmet Mpakus emi immediately thereafter kam niu Paramount Chief blong Erakor wetem everi necessary power olsem Chief mo emi kat full raet blong karem ordination blong em blong confirmem title blong em olsem Marik Nmak V.
3. Folem point 1 mo 2 antap, Kot emi mekem ol Odas olsem:
  - a) Ordination blong niufala Chief Charley Kalmet Mpakus Nmak V basibae imas be done insaed long 3 manis from date blong Order ia



- b) Niufala Chief Charley Kalmet Mpakus Nmak V emi mas mekem custom fasin blong talem tankiu long family blong late Chief Waya Tenene from service blong em olsem Chief blong Erakor wetem pipol blong em mo bambae imas be done long taem blong ordination blong niufala Chief.
- c) Keys blong Erakor Community centre imas be handed iko long Chief Charley Kalmet Mpakus Nmak V immediately mo eniwan we ikat possession mo stap occupaem centre imas vacate immediately mo no moa disturbem wok blong Chief we bae ikariaot long centre ia.
- d) Tufala parties blong Waya Tenene mo Sual Kalmari mo agents blong tufala inogat raet blong rimuvum, convertem or distroem ol assets we istap long centre we i includim filing cabinets, office desks, telephone, table, chairs, kitchen accessores mo ol narafala items we istap long vicinity blong centre.
- e) Parties blong Chief Charley Kalmet Mpakus Nmak V mo Waya Tenene wetem Sual Kalmari imas mekem wan reconciliation ceremony within wan manis from date blong Oda ia mo trifala parties ia oli mask at wan kastom meeting wetem discretion blong Marik Nmak V blong appointem wan assistant Chief mo wan GMAU (Head Security) blong Chief sipos tufala position ia istret wetem kastom.
- f) Copies blong ol Odas ia oli mas servem long offices blong Efate Vaturisu Council blong ol Chiefs mo Malvatumauri National Council blong Chiefs. Tufala offices ia imas mekem sua se Oda 3(a), 3(b) mo 3(e) ikariaot olsem we istap long Oda ia.
- g) Ol following stamps imas surrendered iko long Sheriff blong Court blong oli distroem. Waya Tenene stamp, Sual Kalmari stamp, John Kaluaat stamp, Kaloruk Lalie stamp mo eni narafala person we ikat possession mo stap usum eni stamp or Seal olsem Paramount Chief blong Erakor.
- h) Copies blong Odas ia imas ksasem office blong Police Commissioner, Police Southern Command mo office blong Sheriff blong Court mo olgeta ofis ia oli kat duty blong mas mekem sua se ol Odas 3(c), 3(d) mo 3(g) imas kariaot olsem we istap long Oda ia.
- i) Bambae inogat eni Oda long saed blong Costs.

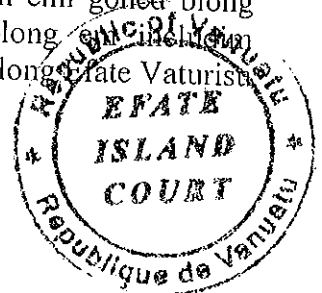
**OL REASONS WE OLI FORMEM BASIS BLONG APPLICATION IA**

1. Erakor chiefly dispute emi wan long outstanding matter we ibin wan bifo long Efate Island Court under Case No.1 of 2002 [Chiefly Title Case].



2. Afta lengthy hearing blong determinem ol issues we i involvem appropriate practice blong chiefly appointment mo blong diclarem Paramount Chief blong Erakor thereafter, Kot i bin mekem ol following findings mo declarations long 7th August 2002 mo 16th April 2001 se, stret rod blong folem blong karembak title blong Chief emi tru long olgeta first bloodline blong man i mit tugeta mo putum wan man we olgeta everiwan i agri long em. Ol parties blong Case No. 1 blong 2002 oli agri se stret bloodline blong Chief nomo isave kam Chief folem kastom mo man we imas kam Chief emi first born blong Chief. Fasin blong pass undermit long coffin tu emi ritual blong folem in order blong karemaot paowa blong Chief we ided.
 

Chiefly title emi wan kastom samting we oli pasem aot from wan man iko long narawan, and emi kastomary samting we imas pass on folem first bloodline blong man nomo mo inogat wan narafala kastom blong pasem chiefly title apart long emia we stret Chief nomo ishud pasem daon long next succeeding Chief. Long saed blong fasin blong jusum wan niufala Chief, imas kamaot long wan mitting blong first bloodline blong man we oli agri tugeta long wan long olgeta blong karem position blong Chief be ino blong mekem election. Furthermore, long kastom bambae bloodline blong first pikinini boy blong Chief Nmak we i olfala Kalmetabil Nmak nao itek ova wok blong Chief. Tru long ol findings ia, Kot i identifiaem Kalmetabil Kalmet Nmak (Marik Nmak IV) olsem stret man blong karem Chief mo diklerem em ikam Paramount Chief blong Erakor.
3. I bin kat ol appeals agensem ol findings we Efate Island Court imekem wetem ol Final decision blong 2004 we Island Court ibin reconfirmem bakagen ol previous finidings we idiklerem first applicant Kalmetabil Kalmet Nmak, mo ol numerous unsuccessful appeals ia oli no bin nullifyem or quashem ruling blong Island Court blong 2002 mo 2004.
4. Folem emia, late Chief Kalmetabil Kalmet Nmak wetem capacity blong em mo pursuant long findings, declarations mo Orders blong Efate Island Court dated 7th August 2002 mo 16th April 2004, emi entitled blong appointem successor Chief blong tekemap position blong Paramount Chief blong Erakor wetem airman blong family members blong first bloodline blong Chief Nmak mo em nomo emi kat raet blong transferem chiefly title we i bestowed long em.
5. Late Chief Kalmetabil Kalmet Nmak emi bin kasem longfala illness we i mekem se emi mas retire mo emi disaed blong appointem Chief Charley Kalmet Mpakus Nmak olsem successor Paramount Chief blong Erakor tru long announcement long fored blong ol families blong first bloodline blong Chief Nmak long 3rd September 2006.
6. Afta long appointment ia, Claimant wetem counsel blong em emi gohed blong mekem ol various woks mo emi performem ol duties blong em emi gohed blong participation long various activities long Erakor Village mo tu long Efate Vaturistu



Council blong Chiefs mo Shefa Province mo wetem ol programs blong National Government mo ol narafala agencies.

7. Long 26th September 2007, Efate Vaturisu Council blong Chiefs emi endorsement appointment blong Claimant mo bakagen long 15th May 2009, President blong Efate Vaturisu Council blong Chiefs emi maintainem endorsement blong Claimant.
8. Long 15th August 2008, Chief Kalmetabil Kalmet Nmak folem longfala illness emi pass away mo oli berem em long 17th August 2008 long Erakor.
9. Long 2nd July 2009, folem Enforcement application long chiefly dispute case we Senior Magistrate Steve Bani emi bin directem blong Efate Island Court emi mas givim ruling blong em kwiktaem about validity blong appointment ia, since chiefly dispute case emi wan closed case finis mo Chief Kalmetabil Kalmet Nmak olsem declared person long case emi ded finis mo successor blong em emi no bin party long case ia.
10. Folem Sworn Statements in support blong Timteo Kalmet, Chief Charley Kalmet Nmak mo Amos Waiane mo Kami Ben we oli filed wetem application ia mo folem everi findings blong Efate Island Court in relation long Erakor Chiefly Title dispute long Case No.1 blong 2002.
11. Eni narafala grounds blong perfektem kastom value blong Erakor we Honorable Court ia iting se emi stret blong addressem.

Long response, First Defendant Sual Kalhari emi talem se Charley Kalmet Mpakus emi no save kam Chief blong Erakor Village from se Erakor Village emi kat kastom, culture mo tradition blong em blong folem blong putum Chief blong Erakor Village. Charley Kalmet Mpakus emi no respectem bloodline blong Chief Kalmetabil Kalmet Nmak mo emi mekem wan bigfala dispute mo raorao blong who nao itekem ples blong Chief Kalmetabil Kalmet Nmak. Oli stap disrespectem bigwan Oda blong Kot ia long Case No.1 blong 2002, point 5 wei italem se imas kat wan customary meeting. Efate Island Court, Chiefly Title Case No.1 blong 2002, Oda 8.2 emi stap enforcem raet blong putum Chief tru long bloodline blong man. Charley Kalmet Mpakus emi no save tekem from se ikat wan boy blong Chief Kalmetabil Kalmet Nmak we i laef yet mo stap live long Erakor Village tedei. First Defendant emi emphasaesem tu se Timteo Kalmet emi no save continue blong act olsem spokesperson long behalf blong Chief Kalmetabil Kalmet Nmak we emi ded finis. Chief Kalmetabil Kalmet Nmak emi kat boy blong em we emi save toktok long case ia mo emi mared finis. Chief Kalmetabil Kalmet Nmak emi ded finis mo no passem or kivim chiefly taetel blong em iko long Charley Kalmet Mpaku. Hemi soem clear nomo se Chief Kalmetabil Kalmet Nmak ino wandem eni wan blong tekem Chiefly taetol ia from we ino kat wan special handing ova long em we Village blong Erakor iwitness long em or ol family Nmak. Chief Kalmetabil Kalmet Nmak emi kat strong save se Charley Kalmet ibin stap wantem tumas Chiefly taetol ia mo stap mekem some strong action we Chief Kalmetabil Kalmet Nmak ino agi tumas long em.



Mr Sual italem tu se appointment blong Charley Kalmet Mpakus ino bin tekem ples wetem Chief Kalmetabil Kalmet Nmak. Fasin blong appointment Charley Kalmet Mpakus emi no stret mo istilim raet blong fes born bloodline blong Chief Kalmetabil Kalmet Nmak. Appointment blong wan Chief ishud done long presence blong community long Village mo long presence blong ol disputing parties olsem we point 5 blong Oda blong Efate Island Court italem.

Second Defendant Denny Zakarie emi talem se emi fes born blong late Chief Kalmetabil Kalmet Nmak mo mama blong em, emi Leman Zakarie. Hemi talem se long 16<sup>th</sup> August 2008 emi stap wetem papa blong em late Chief Kalmetabil Kalmet Nmak mo late Chief ia emi givim every toktok long em, from emi askem tufala brata blong em, Timteo Kalmet mo Charley Mpakus be tufala ino wandem kam from we tufala harem se mi mo some family istap wetem papa. Denny Zakarie emi continue blong talem se emi still part blong family Nmak mo claimant emi no save putumaot em. Second Defendant emi confirmem bakagen long Court ia se Charley Kalmet Mpakus ino save tekem Chiefly title ia from we em [Denny Zakarie] stret pikinini blong late Chief Kalmetabil Kalmet Nmak i life yet. Appointment we Charley Kalmet Mpakus emi tekem ino stret mo ino folem custom procedures from papa ino wandem kivim Chiefly taetol ia long em.

### SUBMISSION BLONG CLAIMANT

Hemi talem long honorable Kot ia se, long findings blong Court ia long 7<sup>th</sup> August 2002, especially long issues 2, 3 mo 4 ol Justices blong Court ia oli save faenemaot se wan stret bloodline blong man nao igat raet blong claimem Chiefly title mo rod blong folem emi should be tru long olgeta stret bloodline blong man. Olgeta nomo oli save meeting tugeta mo putum wan man we olgeta everiwan iagri long em mo emia ol first bloodline blong Nmak Kalsaur we emi laen blong ol descendants blong olfala Kalmetabil [first born son blong Nmak Kalsur] nomo oli save mekem bisnis ia blong setemmap niu Chief. Narafala bloodline long saed blong man ino stret blong overridem desisen blong stret or first bladline taem we decision ikamaot long fes bloodline ia. Court isave recollem Charley Kalmet Mpakus Nmak se emi bin ansarem Court wtm stret fasin mo diligence mo emi nogat eni doubt wetem em.

Claimant i demonstratem long Court se emi save gud stret fasin blong kastom blong Erakor blong appointment blong wan Chief motu emi talem se emi agri fulwan mo adoptem established practice we Efate Island Court decision blong 2002 i settlem finis. Hemi pruvum long Court se emi kamaot long fes bloodline blong man long laen blong olfala Chief Nmak mo emi bin karem appointment blong em long late Chief Kalmetabil Nmak long 3 September 2006 mo ol fes bloodline family oli bin present mo agri long appointment ia. Hemia emi stret practice we mifala ifolem, folem issues 2, 3 mo 4 long Island Court Judgment blong 7<sup>th</sup> August 2002. Finally emi pruvum long Court ia se afta long ded blong late Chief Kalmetabil Nmak, Claimant emi bin performem kastom ceremony blong pass undernit long coffin blong late Chief ia. Motu ikat evidence we i soem se late Chief emi marret long wan woman we nem blong em emi Jocelyne ol tufala ikat tri (3) boys, be unfortunately oli ded everiwan finis. Claimant emi talem tu se evidences we First Defendant emi produicum long Court ia oli inconsistent mo



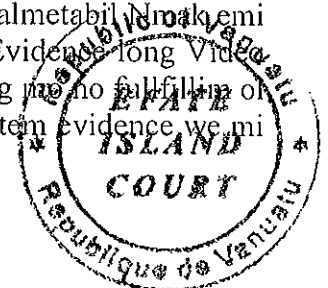
uncorroborated everiwan from inokat any supporting statement or witnesses long em. Claimant emi talem tu se First Defendant emi wan loosing party long original Chiefly dispute long Civil Case No. 1 blong 2002, mo reason we emi stap bifo long Court ia emi basically blong traem kat wan namba tu Janis blong traem mekem se Court ia ishud luksave em mo acceptem ol submissions blong em we irelate long ol issues olsem blong karem case iko bak long Erakor Community blong decidem we isame argument nomo we ol previous decisions blong Efate Island Court mo appeal Court decsions thereafter oli sakemaot finis.

Hemi clear finis long Court ia long 2002 se Kalomatak emi no fes bloodline blong Nmak Kalsaur, therefore emi no save overidem decisions blong fes bladline we emi laen blong offala Kalmetabil. Hemi shud clear tu long this proceedings se John Kaluaat mo Kaloruk Lalie istap traem blong stilimaot birthright blong offala Kalmetabil. Denny Zakarie emi failed blong satisfaem Court se emi save inheritim title blong late Chief Kalmetabil Kalmet Nmak mo even emi talem tu long Court se emi no kam long Court ia blong Claimem Chiefly title. Claimant italem se ol stret bladlaen blong man nao oli bin stap tugeta wetem Chief Nmak IV long 3 september 2006 long miting we Chief Nmak IV i appointem Charley Kalmet Mpakus olem Chief Nmak V. Efate Island Court Judgment blong 7 August 2002 emi purely simplifaem meaning blong fes bladlaen blong Chief Nmak Kalsaur long saed blong man mo long case ia, fes bladlaen blong saed blong man emi laen blong offala Kalmetabil we emi fes born son blong Nmak Kalsaur.

Efate Island Court emi exhaustem finis findings blong em abaot issue blong kastom about Chiefly title blong Erakor mo emi faenemaot finis se long normal fasin Chiefly title emi pass from father to son, be isave possible tu se long exception case olsem emia. Fes bladlaen families we li stret bladlaen oli save jusum wan long olgeta blong karem Chief mo emi possible long wei ia se brata isave passem iko long brata, we ifolem stret issue namba 2, 3 mo 4 long Island Court decision blong 7 August 2002, provided se brata ia ikamaot long bladlaen blong fes bladlaen blong Chief Nmak Kalsaur long saed blong man. Long Case iaemi simple blong honorable Court ia i luksave se late Chief Nmak IV emi no kat legitimate son mo emi mekem tingting blong em wetem stret bladlaen blong appointem Chief Nmak V we emi Charley Mpakus Nmak we Vaturisu Council blong ol Chiefs oli confirmem mo we wan executive member blong Vaturisu emi performem passing undernit long coffin ritual blong late Chief Nmak.

### SUBMISSION BLONG FIRST DEFENDANT

First Defendant emi talem se Charley Mpakus Kalmetemi no save tekem successor long late Chief Kalmetabil Nmak from se emi no folem kastom mo tradition blong stanemap wan Chief blong Erakor Village follem Efate Island Court Order blong 7 August 2002. Custom fasin blong jusum wan niufala Chief blong Erakor Village, Island Court emi bin declared finis long year 2002 w emi stret follem custom blong Efate. Ikat bigfala weight blong evidence bifo long Court ia se fes born boy blong late Chief Kalmetabil Nmak emi life yet mo emi stap olsem Second Defendant long procceding ia. Evidence long Vidio we Claimant emi soem long Court emi no pruvum eni kastom meeting mo no fulfillin ol kastom we procedures we Island Court emi declarem long 2002. Wetem evidence we mi



soem long Court ia, late Chief Kalmetabil Nmak emi no kivim any raet nating long anyone blong tekem or inheritim Chiefly title blong em. Defendant emi continue blong talem se ol Orders blong 7 August 2002, point 5, 6, mo 7 oli no bin fulfilled mo Claimant appointment blong em emi no follem nating ol points ia. Claimant emi no soem enough evidence long Court ia blong soem se passing undernit long coffin blong passem raet or inheritim wan chiefly title emi custom blong Efate.

Defendant emi talem tu se Family blong late Chief Kalmetabil Kalmet Nmak oli no agri long Claimant Charley Kalmet Mpakus blong ikam successor long chiefly title ia blong late Chief Kalmetabil Nmak. Late Chief Kalmetabil before emi ded emi no kivim any raet long fes born son blong em, Denny Zakarie mo Charley Kalem Mpakus blong oli inheritim Chiefly title blong em. Hemia isoem se emi no decide blong kivimaot long anyone. Evidence we ikam before long Kot isoem se tufala brata blong em Charley Kalmet mo Timteo tufala ino wandem kam luk em taem we ufala iharem se fes born boy blong em Denny Zakarie istap wetem em, even though late Chief Kalmetabil isendem toktok iko blong tufala ikam blong emi kivim last toktok blong em. Defendant emi talem se Claimant emi kat wan strongfala intention blong confusum family blong Chief Kalsaur we mifala tu ibloodline long em mo stap traem blong denaem ol customary raets blong mifala.

### SUBMISSION BLONG SECOND DEFENDANT

Second Defendant emi talem se emi stret mo fes born son blong late Chief Kalmetabil Kalmet Nmak mo emi no agri long meeting blong 3 September 2006 from emi no stret. Reason from, meeting ia emi plan outside long family Nmak, mi olsem fes born son blong late Chief mi no aware long meeting ia mo plante member we oli saen long taem ia oli no ol members blong family Nmak. Long every evidence se Claimant emi produsum ineva soem se family Nmak oli full stap or present long every activities we ihappen long ol different occasions. Defendant emi confirmem bakagen long this Court se legitimate son we Claimant emi stap claimem, emi istap soem nomo se emi wandem ignorem mi olsem stret son blong late Chief mo wandem still or passem raet ia iko long Charley Mpakus. Defendant, Denny Zakarie italemaot long Court tu se emi laef wetem papa blong em late Chief Kalmetabil Kalmet Nmak for nine (9) years taem late Chief ilego em, sista mo mama blong em mo ko long Noumea long 1971.

Defendant emi emphasaesem tu Timteo mo Charley Mpakus ino wandem nating se late Chief iko long haos blong em. Everi taem tufala imas ko karemaot em long haos blong em. Taem papa or late Chief Kalmetabil emi sick istap long hospital, Timteo mo Charley imas ko mo tekemaot em mo livim em istap long haos. Tufala iwandem nomo se late Chief Kalmetabil ided mo tufala istillim ol raets blong em. Late Chief ineva kivimaot chiefly title ia long Timteo nor Charley Mapkus. Mi wandem talemaot long Court ia se late Chief emi bin sendem toktok iko long tufala bratas blong em, Timteo mo Charley Mpakus blong kam long haos blong emi kivim last toktok blong em bifo emi ded, be tufala ino wandem kam from tufala harem se mi stap, therefore late Chief and Charley last toktok mo emi jusum Chief finis bifo emi ded. Defendant emi talem se ol letter we late Chief Kalmetabil Kalmet Nmak imekem, emi mekem unda long present blong tufala



brata blong em, Timteo mo Charley Mpakus. Defendant emi wandem letem Court ia isave se long period taem we ol activities ia istap happen, late Chief Kalmetabil emi stap sick finis.

### FINDINGS BLONG COURT

Afta long ol toktok we ikamaot long olgeta parties, Court ia i harem long case blong Claimant se Family Nmak i appointem Charley Kalmet Mpakus long 3 September 2006 ikam successor blong late Chief Kalmetabil Kalmet Nmak long Erakor Village. Court i harem tu se after long appointment ia long 3 September 2006, Charley Kalmet Mpakus emi immediately thereafter kam niufala Paramount Chief blong Erakor Village wetem necessary power olsem Chief mo emi kat ful raet blong karem ordination blong em anytime blong confirmem Chiefly title blong em olsem Marik Nmak V. Court i witnessim tu long video camera, evidence we Claimant emi soem blong provum se Charley Kalmet Mpakus i pass undernit long coffin blong late Chief Kalmetabil Kalmet Nmak olsem saen blong tekemaot Chiefly title ia. First Defendant mo Second Defendant emi no agree long ol statement ia mo talem se Charley Kalmet Mpakus emi no stret man blong inheritim or tek ova long Chiefly title ia.

Court ifaenemaot tu se First Defendant emi kamaot long Family Kalmari we emi stret bloodline blong Chief Nmak Kalsaur mo Litong be emi no save ova raetem ol stret bloodline blong man we emi Claimant. Long case blong Second Defendant Court ifaenemaot se Second Defendant emi stret bloodline blong late Chief Kalmetabil Kalmet Nmak. Court emi faenemaot se late Chief Kalmetabil Kalmet Nmak emi stap wetem wan woman nem blong em Lamén Zakarie mo tufala ikat wan only boy we emi Denny Zakarie we emi Second Defendant long proceeding ia. Court ifaenem tu upon long evidence bifo long em se Lamén Zakarie mo late Chief Kalmetabil Kalmet Nmak ino mared mo afta late Chief Kalmetabil Kalmet Nmak emi lego woman blong em Lamén Zakarie mo Denny Zakarie blong ko long Noumea. Long ples ia nao late Chief emi jes faenem lawful woman blong em Jocelyn Kalmet Nmak. Court ifaenemaot tu long evidence se late Chief mo wife blong em Jocelyn Kalmet Nmak imaret mo kat three (3) boys mo Court iharem se evey pikinini boy blong late Chief ia wetem Jocelyn Kalmet Nmak oli ded everyone.

Court ia iwandem explainem olsem se, long Custom, long situation blong case ia Second Defendant Denny Zakarie emi still kat raet blong tokbaot ol custom bisnis blong papa blong em late Chief Kalmetabil Kalmet Nmak, weta emi born outside long lawful mared blong late Chief mo Jocelyn Kalmet Nmak be emi still stap olsem stret fes mo pure bloodline blong late Chief Kalmetabil Kalmet Nmak wetem Lamén Zakarie. Hemia emi realliti mo ino kat wan man or wan family isave denaem. Second Defendant emi shud be part long ol discussions blong appointment we emi bin tekem ples long 3 September 2006 wetem Family Nmak. Therefore Court ia imas talem se Second Defendant Denny Zakarie emi stret pikinini mo bloodline blong late Chief Kalmetabil Kalmet Nmak mo emi shud be part long ol discussions we Family Nmak istap holem with long olgeta long Erakor Village blong fullfilim ol Oders blong 7 August 2002. \*





Afta we Court iharem olgeta toktok mo ol evidences blong olgeta Parties, mo afta ridim olgeta submissions blong olgeta parties; Court imekem Declaration mo Orders olsem:

## DECLARATION

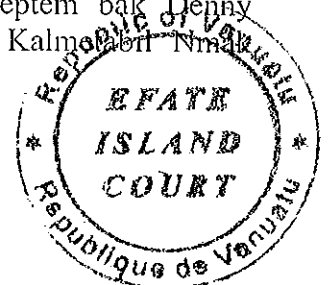
Kot ideclarem se appointment blong Claimant Chief Charley Kalmet Mpakus Nmak V long 3rd September 2006 olsem successor mo Paramount Chief blong Erakor Village emi unlawful mo ino fully complitim Oda blong Kot ia long 7<sup>th</sup> August 2002.

Kot ia ideclarem tu se Second Defendant Denny Zakarie emi stret pikinini mo first born son blong Chief Kalmetabil Nmak [Deceased] we Kot ia emi declarem em olsem Paramount Chief blong Erakor long 7<sup>th</sup> August 2002.

Kot ideclarem tu se Chiefly issue ia emi custom property nomo blong family mo descendants blong Chief Kalmetabil Nmak [deceased] we tedei Charley Mpakus Kalmet ihed long em we oli live istap tedei long Erakor Village blong oli tokbaot inside long kitchen blong Nmak mo Kot ia ino kat raet blong intervia inside long custom bisinis ia.


## ORDERS

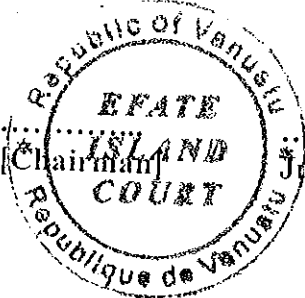
1. Kot ia isendem bak case ia iko bak long Family blong Chief Kalmetabil Nmak [Deceased] we naowia brata blong em Charley Mpakus Kalmet [Claimant] ihed long em including Denny Zacharie blong decidem or jusum who long olgeta nao ishud successor or tek ova long Chiefly title ia blong Chief Kalmetabil Nmak [deceased].
2. Ol stret bloodline nomo blong Chief Kalmetabil Nmak [deceased] long saed blong man nomo oli kat customary right under long custom blong meet tugeta mo jusum who nao within long bloodline Nmak blong isuccessor or tek ova long Chief Kalmetabil Nmak [Deceased] includim Denny Zakarie.
3. Ol narafala family mo decendants blong Chief Kalmetabil Kalmet Nmak tru long bloodline blong woman [naflak] oli no kat raet blong intervia long meeting we Charley Mpakus Kalmet isigaotem olsem hed blong family blong jusum who within long olgeta blong itek ova long title ia.
4. Kot ikivim three (3) manis. from date blong Oda ia, blong ol family mo descendants blong Chief Kalmetabil Nmak [deceased] we Charley Mpakus Nmak ihed long em tedei, blong appointem mo ordainem wan niu Chief blong ikam Paramount Chief blong Erakor Village.
5. Kot ikivim two (2) manis long Charley Kalmet Mpakus Nmak mo families mo relatives blong arangem wan custom ceremony blong acceptem bak Denny Zakarie olsem stret pikinini blong brata blong em Chief Kalmetabil Nmak.




[deceased] insaed long family blong em mo recognaesem em olsem stret bloodline blong Nmak olsem we Court ideclarem antap.

6. Kot ikivim raet tu, long tufala party's blong appeal within 30days sapos tufala ino happi long decision ia.

  
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Justice Harry Joshua (Chairman)

  
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Justice Sam Marpakoa

  
.....  
Justice Jerry Shem

DATED long PORT-VILA, long 11th June 2010