

**RIPABLIK BLONG VANUATU
SANTO / MALO AELAN KOT
(LAND DISPUTE)**

Land kes namba 03 blong 2000

**BITWIN: WARTES ISHMAEL
Original Kleman**

**MO: NAHAN MO FAMILY
Kaonta Klemant 1**

**MO: FAMILY LAVA
Kaonta Klemant 2**

Coram:

Aking Jif Majistret Laloyer. A. B

Justis Jif Petro Rite

Justis Jif Sam Vula

Justis Jif Victor Andre

Aeland Kot Klerk: Anthony Lessy

Deit blong hearing: 03-04 Septemba 2020

Deit blong Jajmen: 05 Septemba 2020



JAJMEN

THELENPES KASTOM GRAON

Komposision blong Kot

Long Amendment Act No.35 blong 1989, Parliament i bin pasem se anda long seksen 2 blong Aelan Kot Act, CAP 167, taem we Aelan Kot e sitaon blong harem dispiut long land bae wan Majistret e mas sitaon wetem trifala Aelan Kot Jastisis. Anda long seksen 2(a) blong Act ia, wan Majistret olsem bae ino save sitaon sapos Jif Jastis ino kivim authoriti long hem. Folem hemia Kot i wandem talem long ol patis se olgeta we oli deal wetem kes blong Thelenpes land oli qualifae evri wan.

KASTOM BLONG THELENPES

Long graon we dispute istap long hemi oli followem bladlaen.

Kastom blong area we Thelenpes e stap long hem hemi:

- (a) Kastomeri land onaship hem e follem patrilineal system;
- (b) Exception long rule blong patrilineal. Woman e save tekem raet ia sipos e nomo gat bladline blong man istap;

KES BLONG ORIGINAL KLEMEN – WARTES ISHMAEL BASIS BLONG KLEM BLONG HEM.



-Hemi klem kastom onaship blong Nwarmorar we hem e wan woman Thelenpes.

- Fes occupancy mo kastom graon tenure emi start long Nwarmorar e kam kasem olgeta descendants blong hem.

-Hem e klem follem bladline blo woman.

PRESENTESEN BLONG KLEM

Spokesman blong Wartes Ishmael hemi Philip Nare. Wartes Ishmael hem e klem wan kastom graon long North East blong Santo we nem blong graon hemi Thelenpes. Wartes Ismael hem e klem graon se hem e graon blong bubu woman blong hem Nwarmorar.

Lol e gat wan gel nem Velur. Velur e maretem Iurhn mo tufala e gat pikinini gel Nwarmorar we hem e woman Thelenpes. Nwarmorar hem e mama blong Tice Ishmael. Nwarmorar hem gat bel long Tice Ishmael taem we Papa blong Tice Ishmael e ded. Tri manis afta ded blong papa blong Tice Ishmael, Nosoc, Nare e askem Nwarmorar mo maretem hem. Tice e grow up long bush. Nare e ded nao namba tu adopted papa blong Tice Ishmael nem blong hem Nev Turket e lukaotem Tice Ishmael kasem 1931. Tice Ishmael e go daon long Hogharbour e stap wetem ol missionary afta missionary e askem Tice Ishmael blong ko long skul nao ol missionary oli pem klos blong Tice Ismael blong ko long skul. Long 1942 Tice Ishmael wetem Tommy Wells e go long Wol War II. Tice Ishmael e stap long Wol War II blong wan yia afta Tice Ishmael e kam bak long Hogharbour mo stap go wok long Matevulu. Long 1945 war e finis. Long 1946 Tice Ishmael e stap long Hogharbour. Long 24 Julae 1947, Tice Ishmael e maretem Nwarpore we e pikinini blong Ruben mo N'warhovre. Long 1948, Ruben e givim graon long Tice Ishmael blong wok long hem. Long 1953 Tice Ishmael e go wok long wan masta nem blong hem Culong from Tice Ismael e wantem gat wan masket. Long 1957, Tice Ishmael e maretem fes woman we nem blong Nwarpore. Tufala e stap long Hogharbour. Long 1963 Tice Ishmael e maretem nambatu woman blong hem Devi long church.



Description long notis blong Kot hem e stret b map nao mi no save. Creek we e stap andap long hill mo e ron e kam daon long flat ples mo creek ia hem e separetem language blong L'Gen mo Thalp.
Inogat surviving bladline blong man blong Thelenpes.

BOUNDERI

Thelenpes e stat long ples we hill blong Jurinbukar mo crik blong Petere e mit long hem long South mo follem crik igo kasem ples we tufala criks e mit long hem (crik blong Petere mo Thelenur) long east. Thelenpes folem crik we e bounderi wetem Theleur mo L'Race e met long hem long North. Ples ia e gat wan Nambanga tri e stanap long hem mo folem crik we bounderi wetem L'Race mo Laveremal e go kasem ples we Male Crik e mit wetem hill blong Jurinbukar long West mo folem hill ia e kam daon kasem crik blong Petere bagegen long South.

EVIDENCES.

Witness No.1 –John Warsal. Hem e talem se kastom graon Thelenpes e blong papa blong hem. Hem e blong tribe blong Thalp. History man e no save changem. Bifo Lava wetem ofala blong hem oli sherem mo salem graon. Tufala e salem graon insaed ia long Thelenpes. Igat wan Crik we e separetem language blong L'Gen mo Thalp. L'Gen mo Thalp hem e tufala tribe we oli stap long area ia. Tribe blong Thalp e onem graon ia. Man long tribe blong Thalp e no save klemem kastom properti blong L'Gen.

Witness No.2 – Brian Ishmael. Hem e pikinini blong Wartes Ishmael. Crik e separetem graon blong L'Gen mo Thalp. Hem e no save eni kastom identity blong Original Klemen long Thelenpes.



KES BLONG KAONTA KLEMEN – LAVA

BASIS BLONG KLEM BLONG HEM.

-Hem e klem kastom onasip blong Vataro we hem e wan woman Thelenpes.

- Fes occupancy mo kastom graon tenure emi stat long Vataro e kam kasem olgeta descendants blong hem.

-Hem e klem follem bladline blo woman.

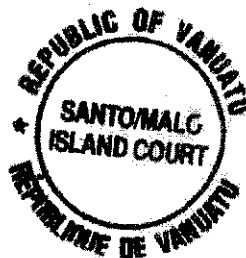
PRESENTESEN BLONG KLEM.

Spokesman blong Kaonta Klemen Lava nem blong Loui Leon. Klem blong Lava e stat wetem Vataro we hem e woman Thelenpes. Inomo gat man Thelenpes from bifo black magic e killim evri man long Thelenpes mekem se tedei klem blong Lava e follem woman nomo. Inomo gat bladline blong man be bladline blong woman nomo e stap. Lo kastom blong L'Gen woman e save klem graon ia from inomo gat bladline blong man. Long Thelenpes, Lava e gat Rarok we hem e wan hill mo tabu ples. Rarok hem e joinem Malel we Creek e ron long medel blong tufala. Sipos yu luk pikinini blong pidgin e ded nao olgeta pikinini blong yu tu bae e ded. E gat wan rop we nem blong hem Aepothori. Rop ia hem e nogat stamba blong hem. Taem hem e wok long wan man e mekem toktok blong man ia e nogat stamba blong hem.

Igat wan bigfala hol we nem blong hem Rukpore. Hem e hol blong snake.

FAMILI TRI

Vataro hem e maretem Stongora. Tufala e gat wan boe nem blong hem Lava. Lava e maretem Komelek mo tufala e gat wan gel mo wan boe. Nem blong tufala pikinini ia Annet (gel) mo John (boe). John e maretem May mo tufala e gat wan pikinini boe mo nem blong hem Ricky Lava.



BOUNDERI

Long South, Thelenpes e bounderi wetem graon blong Thalamborjo. Long North, Thelenpes e bounderi wetem Malel. Long West, Thelenpes e bounderi wetem Juribokar. Long East, Thelenpes e bounderi wetem Petere.

EVIDENCES.

Witness No.1 – Har Hansen . Hem e talem long Kot kastom storian blong hill ia Rarok. Rarok e language blong L'Gen. Rarok hem e wan tabu ples. Sipos man e wokbaot e luk wan snake we blad e kamaot long nus blong hem bambae wan man e shutum man ia. Sipos man e finem wan pikinini blong pigin we e ded finis bae man ia too bae olgeta pikinini blong hem bae e stap ded wan wan. Rarok hem e stap long Thelenpes. Bigfala creek ia we e stap long Thelenpes e separatem tribe blong L'Gen mo Thalp. Hem e luk wan woman Thelenpes mo pikinini boe blong hem bifo oli ded mo tufala e usum language blong L'Gen. Graon ia hem e blong tribe blong L'Gen.

WOKBAOT WETEM OLGETA PARTIS

Long wokbaot blong Kot wetem olgeta partis. Philip Nare hem e shoem wan kokonas tri we hem e talem se ples blong olfala bubu blong hem e stap. Wan flawa we e stap e shoem se e bin gat wan haus long ples ia. Hem e shoem creek we e separatem Malel wetem Thelenpes long North mo long South creek we hem e bounderi wetem ol pipol blong L'Gen Tribe.

Loui Leon hem e shoem creek we e separatem hill blong Malel wetem Thelenpes. Tugeta partis oli agri se bounderi long West hem e bounderi wetem Jurinbokar mo long East e bounderi wetem Theleannur.



FINDINGS BLONG KOT.

Santo/Malo Aeland Kot e bin sidaon blong tu days long kes ia. Afta long lukluk blong Kot long klem blong tufala parties Kot ia hemi bin harem ol evidences ikam from 2 parties wetem 3 witnesses blong olgeta. Kot hemi notem olketa particularities blong land kes ia se:

1. Follem everi toktok blong tufala parties insaed long Kot mo aotside long taem blong wokabaot long graon ia. Bounderi blong Thelenpes long North blong Thelenpes graon ia e bounderi wetem Malel. Long Saoth graon Thelenpes e bounderi wetem graon ia Petere. Long West Thelenpes e bounderi wetem crik before Jurinbokar. Long East Thelenpes e bounderi wetem Thelenur.
2. Lo wokbaot ia Kot e finem se tugeta parties e nogat enaf evidence blong shoem olsem nakamal, olfala village o kastom identity blong tufala.
3. Folem family tri blong Original Klemen Tice Ishmael we hem e kam aot long Telenpes mo bubu woman blong Lava we hem tu e kamaot long Thelenpes e shoem e klia se tufala blong Thelenpes kastom graon.
4. Long kastom blong L'Gen mo Thalp taem we e nomo gat bladlaen blong man e lif e stap bae woman e save kam bak long kastom graon.

DEKLERESEN BLONG KOT.

Kot e deklarem se Tice Ishmael mo Lava tugeta nao olgeta last surviving bladline blong ol stret man long graon ia Thelenpes. Kot e deklarem se Tice Ishmael mo Lava oli kastom ona blong Thelenpes.

Eni development o rental blong graon we e kamaot long Thelenpes bambae tugeta parti e sherem equally.



Eni development o rental blong graon we e kamaot long Thelenpes bambae tugeta parti e sherem equally.

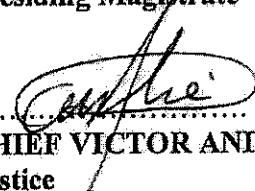
Eni wan we e no hapi long desisen we Kot ia e mekem hem e gat rait blong mekem appeal anda long section 20 blong Island Court Act bifo long 30 deis.

Judgment ia Island Kot hemi mekem long Satede 5 Septemba 2020.

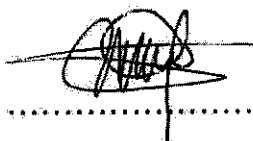


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ACTING JIF MAGISTRATE LALOYER.
A. B
Presiding Magistrate




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CHIEF VICTOR ANDRE
Justice



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CHIEF SAM VULA
Justice



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CHIEF PETRO RITE
Justice

