

**IN THE TANNA ISLAND COURT
OF THE REPUBLIC OF VANUATU**

(Customary Jurisdiction)

Civil Case No. 20/1705 IC/CHFL

BETWEEN: FAMILY NOCKLAM KAPIEL
Original Claimant

AND: FAMILY NOCKLAM APEN
1st Counter Claimant

AND: FAMILY KASSO NOANIKAM
2nd Counter Claimant

AND: FAMILY NOCKLAM ASIM
3rd Counter Claimant

AND: FAMILY NAIEU HENRI
4th Counter Claimant

Jastices: Benjamin Kuao
Samson Naias
William Loumai

Clerk: Joel Jacob

Date of Hearing: 11th December 2023

Date of Decision: 14th December 2023

**MATTER: Dispute over chiefly name, "Ieramarah in the Lamlu
supreme nakamal"**

JUDGMENT

case ia ikat 5 parties ikleim lo chiefly title blong kastom king or Iaramera.

Clerk blong Tanna Island Court ibin listim case ia (1705/2020 IC/CHFL) blong kot hemi sidaon mo arem mo complitim long namba 11th December 2023 long 11:00AM long morning.

Laws mo accepted kastom rules we istap long Tanna:

1. Section 10 blong island court act cap 167 application of customary law. Subject to the provision of the act and island court shall administrator the customary law prevalling within the territorial jurisdiction of the court so far



as the same is not conflict with any written law and is not contrary to justice morality and good order.

2. Customary right inheritance true long patrilineal system from father to son.
3. Kamep or last surviving bloodline. Woman hemi save inheritance customary right from father we hemi only survivor.
4. Adoption. Adopted pikinini long custom hemi save inheritance customary right (adoption hemi must follow bloodline)

Niko Letan Constitution.

Paragraph 5 existence no criteria blong Heni Niko.

Art 27: Yeni Niko Hemi stap we istap bifo we bifo olketa.

Art 28: Yeni Niko hemi kamaot nomo lo bloodline blong Yeni long saet blong man.

Art 29: Yeni Niko hemi olem special custom name mo custom title blong bikfala tribe

Art 30: Yeni Niko Hemi no wan (a) Yeramara, (b) Tupunes, (c) Nies, (d) Kautkasua, (e) Iaruwagen (Police) mo (f) ol narawan

Chapter 4 traep kaonsel.

Art 68: Nikoledan island counsel blong olketa Yeni nomo imandate blong approvum ol tribe long Tanauta mo registarem olketa folem olketa criteria ia:

- a) Wan tribe imas kat wan Yeni Niko
- b) Wan tribe imas kat wan Yeramara
- c) Wan tribe imas kat ol Tupunus blong hem
- d) Wan tribe imas kat Iaruwagen (Police)
- e) Wan tribe imas kat ol nimanine (people)
- f) Wan tribe imas kat wan land boundary
- g) Wan tribe ikat name blong hem we wan long trifala ia nao isingaotem Karapanumun (Wingen) or Ksasau Kaniapnin (stone)
- h) Wan tribe ikat wan supreme Imaim mo kitjin imaim blong hem (Tupunus)
- i) Supreme imaim ia istap under long wan supremacy blong wan Yeni Niko long wan bikfala tribe
- j) Ikat samfala sub tribe we man nomo imekem long taem blong nimurukwem kauwiameta we hemi stap under long bikfala tribe
- k) Wan bikfala tribe imas kat kastom rod blong nakawiar or toka

Art 69: olketa sub tribe mo ol clan oli approve under long article 68 oli under long bikfala tribe.

Findings:

After long hearing blong case ia, folem ol dispute blong ol parties concernem Lamlu nakamal, Lamnatu mo Iwel.

Olketa parties ikat Nocklam Kapiel (OC), Nocklam Apen (CC1), Kasso Noanikam (CC2), Nocklam Asim (CC3) mo family Naieu Henrii (CC4).



Nao folem ol decision, ol cross examination, mo ol custom singsing (Natatau) ibing kamaot long this honorable kot, and Tafea Island kot hemi faenamout se family Kasso Noanikam (CC2) mo family Naiu Henri (CC4) blong lwel we hemi wan long ol 12 supreme nakamal blong Numirukwen kaowiameta we hemi stap insaet long wan tribe we oli kolem Naoalaneim tribe folem wan judgment blong civil case no.4 of 2014 blong land claim Lengowgen long white grass Tafea province. Date blong claim of register 6th October 2014.

Judgment blong Kasso Noanikam, we ibing stap under long nem Kasso Inam, kot ibing declarem hem blong kobak long lwel supreme nakamal blong hem, mo governem olketa people blong hem long tribe blong hem "Noalanem" tribe. Wetem judgment we ibing kamaot long nem blong Kasso Inam konsenem land claim blong Lenegonem, this honorable Tafea Island court, bambae hemi no save mekem any judgment over wan judgment we wan higher kot of law hemi bing mekem finis.

Kot hemi fanemaot se Noklam Apen hemi stap klemem wan laramara long Naliaune tribe, Noklam Assim tu hemi stap klemem wan narafala laramara long Naliau tribe and Noklam Kapiel hem tu istap klem long wan narafala laramara long Naliaune tribe. Custom blong Tanna insaet long wan tribe ikat wan (1) laramara nomo. Mo kot hemi faenamot se ikat wan Noklam nomo long Naliaune tribe, inokat 3 Noklam. Kot ifaenemaot se Noklam Assim ibing sentemaot Noklam Apen, blong kobak long North Tanna (Lamakaun) mo lwel ibing witnisim hem long kot se nakamal blong hem nao iolem taet Noklam Apen kasem today.

Long saet blong Nakebak or Noklam Kapiel, kot hemi considerem wan confirmation letter we ikam long chairman lamtiu Wilson Nukula tribe, chairman chief Tom Kota Niusek area mo family Nakepak Makum Lough oli bing saenem mo kliarifaem long letter we hemi dated 21st January 2021 se family Nakeipak long Lamlu ino connect long Nakepak blong Nukula tribe.

Folem olketa findings ia, mo law and kastom rule we hemi stap long Tanna we kot ia hemi talem andap, kot hemi tekem law mo applyem kastom rule ia, mo hemi mekem declaration olsem:

ORDER & DECLARATION


- Tanna Island court hemi stap declarem se Lamlu nakamal hemi supreme nakamal blong Naliaune tribe mo hemi kat own kastom coverninig system blong hem.
- Kot istap declarem se leremara blong Lamlu supreme nakamal hemi Noklam Kapiel mo bikfala Yeni Niko blong hem hemi lato.



- Noklam Kapiel, Yeni Niko Yato, mo Noklam Apen, yufala imas performem wan bikfala kastom reconciliation iko long Lamlu supreme nakamal blong bringim bak peace mo order between yufala inside long Naliaune tribe.
- Reconciliation ia hemi mas done within long 4 manis taem stat today iko.
- Sipos eniwan long tuketa patis ino klad long dicisen ia, hemi kat 30 deis blong apil iko long Majistret kot stat tudei iko.

Deidet long Isangel kot aos, Tanna Island this 14th of December 2023.

BY THE COURT



Samson Naias

William Loumai

Benjamin Kuao