

**IN THE ISLAND COURT (LAND) OF
THE REPUBLIC OF VANUATU –
Isangel, Tanna
(Custom Land Jurisdiction)**

Case No. 21/3525 IC/CUST

**IN THE MATTER OF: Section 45 of Custom Land
Management Act No. 33 of 2013**

AND IN THE MATTER OF: Newasu Custom Land, South Tanna

**AND IN THE MATTER OF: A decision of Esmatanis Nakamal
Tribunal, dated 19th March 2021**

**BETWEEN: Family Lawawa
Family Moso
Family Nio Koniamek
Family Nerewra
Family Nawaraw
Family Sakama
Family Kuran**

Tanna

Applicant

AND: Esmatanis Nakamal Lands Tribunal

Tanna

First Respondent

AND: Family Aite Koniamek

Tanna

Second Respondent

Coram:

Senior Magistrate B. Kanas Joshua, Chairlady

Justice Tipalo Ianavir

Justice William Loumai

Justice Jocelyn Namaka Usua

Justice Benjamin Kuao

Justice Sam Naiu (Observer)

Ms Collyne Tete Maki (Registrar)

Counsels:

Mr Michel Lawawa for the Applicant

Mr L. Huri, for 1st Respondent

Mr W. Kapalu, for 2nd Respondent



MINUTE & ORDER

1. Mr Michel Lawawa appeared for the applicant. His legal representative is Mr Macreveth in Santo. Mr Macreveth could not be reached by his client or the Court. Mr Lennon Huri appeared for the first respondent. Mr Willie Kapalu appeared for the second respondent.
2. Both respondents have filed a response for both applications.
3. Mr Lawawa raised his concern that he has not received any response. The Court informed him that in the last session of ICL in Tanna, the submission by Dominique

Kauraka Mosso, is to be regarded as Dominique's response to the Application for Review. Dominique Kauraka Mosso is confirmed by the justices to be Aite Koniamek.

4. The contents in the court file are as follows:

Applicant	<ul style="list-style-type: none"> - Application for Review - Sworn Statement of Michel Lawawa in support of Application of Review - Sworn Statement of Michel Lawawa in support of Application to Review out of time - Sworn Statement of Massi Gregoire in support of Application to Review - Sworn Statement of Eric Kapioko in support of Application to Review - Sworn Statement of Robert Rivai in support of Application to Review - Sworn Statement of Marcellin Koniamek in support of Application to Review
First respondent	<ul style="list-style-type: none"> - Response/Submission in relation to the Application for Review out of time and the Application for Review
Second respondent	<ul style="list-style-type: none"> - Submission regarding legal representation

5. In addition to the documents filed by the parties, the Court also has access to the documents from the Customary Land Management Office regarding this case.
6. Mr Michel Lawawa raised the issue of chiefly title of Koniamek that the second respondent is using. The Court will use this name on the second respondent only because that is the name that is supplied to the Court. Until there is some sort of determination from a competent authority regarding this chiefly title, the second respondent will be referred to by this name.

Direction Order

THE COURT hereby makes the following direction orders:

- a) That the response of the second respondent must be served on all parties.
- b) The matter is adjourned to **22nd July, 2024**, at **2:00pm** in the afternoon, for hearing.

Dated in Isangel, Tanna, on this 17th day of July, 2024

BY THE COURT



B. Kanas Joshua (SM)
CHAIRLADY





Justice Tipalo Ianavir



Justice William Loumai

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Justice Jocelyn Namaka Usua



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Justice Benjamin Kuao