

IN THE TANNA ISLAND COURT
OF THE REPUBLIC OF VANUATU

2000

(Civil Jurisdiction)

Land Case No. 1 of

BETWEEN:

FAMILY YALULU

Counter Claimant 1
Spokesperson: Mr. Luke
Sawia

AND:

FAMILY NALAU
NIATGNEI

Counter Claimant 2
Spokesperson: Mr. Komi
Niatgnei

AND:

FAMILY MAUH-KAI

Counter Claimant 3
Spokesperson: Mr. Thomas
Iaru

AND:

FAMILY IAMAK &
FAMILY HETUKEI

Counter Claimant 4
Spokesperson: Mr. James
Iamak

AND:

FAMILY IOLU & HIWA
APENG



Counter Claimant 5
Spokesperson: Mr. Kalip
Roger

AND:

FAMILY TAFLA

Counter Claimant 6
Spokesperson: Mr. John
Nasse

AND:

FAMILY IOULU NGARE

Counter Claimant 7
Spokesperson: Mr. Willie
Lomai

AND:

FAMILY IATA NAUHA

Counter Claimant 8
Spokesperson: Mr. Freeman
Kolou

AND:

FAMILY LOMAI APEN

Counter-Claimant 9
Spokesperson: Mr. Tony
Hiwa

AND:

FAMILY LOUGHMAN
KAUNPUSIN

Counter Claimant 10
Spokesperson: Mr. Peten
Frank

AND:

FAMILY NIMIP
LOUGHMAN

Counter Claimant 11
Spokesperson:



AND:

FAMILY KOUH

Counter Claimant 12
Spokesperson: Mr. Stephen
Iawilik

AND:

FAMILY IAKA & TAULA

Counter Claimant 13
Spokesperson: Mr. Albert
Iaruel

AND:

**FAMILY LAVA
LALMALU & HIWA
APENG**

Counter Claimant 14
Spokesperson: Mr. Charlie
Iawantak

AND:

**FAMILY IAKAPAS
LOUKAIAP**

Counter Claimant 15
Spokesperson: Mr. Siri Ames

AND:

FAMILY IATHIW

Counter Claimant 16
Spokesman: Mr. Tom Hiwa

*Coram: Senior Magistrate Moses Peter
Justice Lina Tamanu Sam
Justice Samson Naes
Justice Anna Julienne Kawai*



Date of Hearing: 2021, 2022, 2023, 2024

Date of Judgment: 30 September 2024

JUDGMENT FOR ISLA LAND CLAIM

A. Introduction

This hearing concerns a land known as 'ISLA' situated on the western part of Tanna Island which appeared to be disputed by sixteen Claimants. For ease of its specification, the land boundary has its western side towards the sea and from both creeks at Ikwanpir on the South side and Lenami on the North side extending at both sides along the creek to Iokenasawen at mountain Katangnamaliken

It transpired in the court record that all claimants claimed distinct land boundaries of ISLA land with several disclosing their rights to be limited to 'use' only while majority of the claimants claimed ownership rights.

B. Chronology of the case

- The initial claim was registered in the Tafea Island Court in year 2000 with eight parties.
- The Tafea Island Court sat and issued Judgment on 10 July 2006 declaring rights of ownership to all the claimants in different parcels of land within ISLA Land.
- The Judgment was appealed to the Supreme Court and on 5 November 2010 the Court remitted the case to the Tafea Island Court for fresh hearing on the ground that the Judgment appealed against including its accompanying notes and documents went missing and are believed to be destroyed by fire in the Supreme Court building in 2007.
- The Court Tanna Island Court convened on 27 August 2018 and considered oral applications by claimants who were present in Court



about their intentions to have this case dealt with under the Land Management Act.

- Family Iamak and Hetukai appealed the decision of the TIC to the Supreme Court and on 21 August 2019, the Supreme Court quashed the order of the TIC and order the matter be heard in the TIC as ordered by the Supreme Court on 5 November 2010 on the ground that consensus has not been reached by all parties for the claim to be dealt with under the Land Management Act.
- The Original Claimant and other claimants filed an application to appeal out of time to the Court of Appeal but their application was declined because it was unsupported by a Notice and Grounds of Appeal. Moreover, there was no right of appeal as the matter before that court relates to an appeal from the Island Court.
- On 29 October 2021, parties are directed to reconstruct their claims with supporting documents. It appears ten new claimants have paid fees and registered their claims increasing the number of parties to seventeen.
- On 12 December 2021, the TIC struck out the Original Claimant's claim under Rule 4 (1) (c) of the Island Court Civil Procedure Rule of 2005 for deliberately and tactically failing to present himself in Court as a way of preventing commencement of the proceeding.
- The Court proceeded to hear the claimants' claims on 6 December 2021 and continued twice once or twice on subsequent years until 19 April 2024.
- On 17 April 2024, the Court struck out Catholic's claim (Counter-Claimant No.17) on the ground that their claim relates only to an agreement to use the land but not a claim concerning perpetual rights to use the land.
- The Court proceeded again with Land Visitation from 16 to 27 July 2024.

C. Law, Custom and History

Law

Article 73 of the Constitution of Vanuatu (1980) states:



'All land in the Republic of Vanuatu belongs to the indigenous custom owners and their descendants'.

Article 74:

'The Rule of custom shall form the basis of ownership and use of land in the Republic of Vanuatu'.

Article 75:

'Only Indigenous citizens of the Republic of Vanuatu who have acquired their land in accordance with the recognized system of land tenure shall have perpetual ownership of their land'.

Article 95 (3):

'Customary law shall continue to have effect as part of the law of the Republic of Vanuatu.'

Island Court (Amendment) Act No.35 of 1989, section 3 (4):

An Island Court shall be properly constituted-

Where the matter before such court concerns dispute as to ownership of land, when the Magistrate nominated under section 2A with three justices nominated by the Clerk are sitting... "

Section 10 Island Court Act [CAP 167]:

"Subject to the provision of this Act, an Island Court shall administer the customary law prevailing within the territorial jurisdiction of the court so far as the same is not in conflict with any written law and is not contrary to justice, morality and good order."

Island Courts (Civil Procedure) Rules 1984, Order 18:



"Both the plaintiff and the defendant shall be entitled to call five witness each to support their claim".

Order 18 (9):

"In every case where the claim is in respect of land, the court shall visit the land before reaching a decision in the case".

Tanna Custom (Niko Letan Konstitusen)

Article 78. Every land long aelan blong Tanna oli blong indigenous Tanna Kastom Ona.

Article 79. Olgeta Kastom Land ona oli stap under long Authority blong Yeni.

Article 80 olgeta rule blong kastom oli shud fomem basis blong onasip mo use blong land long aelan blong Tanna.

Article 1 Land, Ieni and every thing in connection with custom originate from the mountain and rock and run down to the sea. Iani has authority over land and people.

Article 2- Ieni and Iarama emerges from stone. Ieni has authority over everything in custom on behalf of the Iaramara (big chief).

Article 87 All land in Tanna Island belong to indigenous Kastom owner of each tribe.

Article 88 Custom land owner remain under the Authority of a Yeni who is responsible for the big tribe.

Article 89 Custom rule will form the basis of ownership and use of land in Tanauta Island.

Chapter 8 – Tanauta Kastom Land Law

(a) Article 91: B

- 1) Adoption must follow true bloodline of family and custom governance of Tanauta.*
- 2) It is prohibited to adopt elsewhere (including foreigners) in different tribes, different places and bestow on a person a different tribal name which one knows is not appropriate.*
- 3) Adoption must not happen between big ship and small ship.*



- 4) *Adoption may only happen if there is no male surviving bloodline of the custom owner of the land. In such situation, a surviving blood can be drawn from the surviving blood of a woman.*
- 5) *In cases where there is no surviving blood at all (dead land), the big tribe that have Yeni Niko may place man and woman in the dead land. The Yeni Niko of each adjacent tribes shall facilitate the adoption through custom road -Nabang Toka.*

D. Claim Summary for Family Yalulu (Counter Claimant 1)

The claimant presents a distinct version of his family origin compared to other claimants tracing his ancestry back to the beginning of creation when no human being has ever existed on the land. This was during the era of stones (Lao Nimanaweteng). Stones were moving around in the form of human being and plants. Yukenasawan nakamal was created in this period with the black taro tupunis as the captain followed by yam kolei Nyuh, Lulu and Ramar.

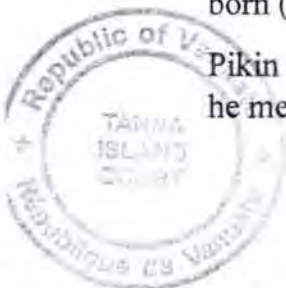
In the second era (Lao Niprow, his ancestor namely Yalulu emerges from the stone Lulu with his wife Bitinamu of Enkahi. He attains authority as a Yelmalu and his governing jurisdiction starts from Ilpanak to the sea. His laws are kept at Louinio and police at Imanmatautu. His superior nakamal is at Yenauhia and he would invite the sea to appear at his nakamal. A natiawah was planted to seal the hole after using the salt water.

His tribe is Nikimluah. This tribe travelled three times around the Island of Tanna. First during Lao Kaplalao. Yalulu travelled in the Southern direction (Iuiaker, Ienmarai) where he had his first son Pikin 1. He then moved to Imarkak, Ieneai, Lautapus (Imareu-ne).

Second travelling was during Lao Numrukwen/Kawiemeta. He formed 12 Nakamals and bestowed on people governance titles/ranks. Yalulu left yenauhia and went east past Swatuk to Iakupen, Lamanoknapah, Ienkahi, Lowpunpas, Lenakwily then return to Yenauhia (Ilpanak). Pikin 1 sought for command from his father Yalulu and the war Numrukwen /Kawiemeta began. Yalulu died and was buried at Yenauhia (Nikimlua-Ne tribe. Pikin 1 gave Apu Kalpi, Lao Numrukwen and to Apu Sawia Lao Kawiemeta.

Bitinamu was buried at Ienakwili. Pikin 1 moved to Ipikel where Pikin 2 was born (Imakepen) then to Ifaineai (Yekupen).

Pikin 1 met first foreign contacts namely Mr. Bouganville in 1760 and in 1772 he met Captain James Cook on his boat Adventure at Ifaineai, Yekupen.



Pikin 1 and his wife died and were both buried at Ienakwily. Pikin 2 took over his father' authority and returned to Yenauhia.

On that same time, Nalau Neatgnei of Iekwilpow, Nimatautu tribe came through at night and Pikin 2 accommodated them until the next morning, they continued in their journey to Ioun-Ne Tribe.

Third traveling was during Napang Ihi (Hol blo Nawita). Pikin 2 resides at Sangalier and Family Nalau Neatgnei were residing at Iapangtuai.

Nalau's wife Natuman went down to the sea to collect shells and saw an octopus. She tried to catch the octopus and in doing so, enlarged the hole. Some men who are Nikimlua-Ne tribe were angry at her so they insulted her. Natuman was upset so she cried and went home and reported the matter to her husband Nalau Niatgnei. Nalau was very angry so he requested Iakukak through Kasim and Kasekase to kill Pikin 2 and his people.

Meanwhile Nalau Neatgnei also requested Nimanian Yapatu Apen of Larkam to go and burn his house at Iapangtuai as he had moved out of Iapangtuai with his family. Pikin 2 was alerted about the plan to kill him and his people so they also left Sangalier and went passed Iapangtuai and found out that Family Nalau Neatgnei had left. Pikin 2 and his people went passed Swatuk Nipaksaol /Napakloan to Ketengnimel Iken and met Family Nalau Neatgnei. Nalau Neatgnei told them not to follow them but they refused. Pikin 2 then went to Lounilosinamha. He called nakamal Letukletuk and then they moved to Ieniawia.

Custom songs and audios were presented in court to support the history of the claimant. When Pikin 2 died, Nanua took over his father's authority and remained until arrival of first Presbyterian Missionary at Port Resolution. When Presbyterian Mission was introduced to various places around Tanna, it formed Presbyterian Trust and later on Tanna Law with the aim of converting the natives into Christianity and also set a pathway for Traders to occupy the native lands. Nikimlua land was occupied by Traders and when Apu Nanua heard about this he returned to Nikimlua-mene and allow the government to set up on his land as a way of securing his land.

E. Claim Summary for Family Nalau Niatngei (Counter Claimant 2)

The claimant deposed in their claim that they are claiming part of Isla land known as Nikimlua land. Their land shared adjacent boundaries with Namal Nalpai. The boundary mark starts from Loukahuain and runs along the creek towards Lakuanpir at the sea coast. As depicted in their family tree, the claimant



claimed the right of his descendants Nalau. The claimant has eight generations altogether.

The claimant traces his history to their first settlement at Nasipmene and then to Yapangkauta. At the time, Isla was a new land and had no one living in it.

The Spokesperson Steve Dan said in cross examination Neprow is first ship. It was a peaceful time. Ancestors then moved southward during Kapakol. After this ship, then we have Nimrukwen Kawiemeta.

He said many of the claimants arrive in the land of Isla during Christianity and Napang Ihi occurred before Christianity. A song was presented to relate the fight. As a result of the fight, his family moved to the eastern side of the Island.

He said the second fight involves people from Rakatne who came and took over their land. This involves some claimants who are in court. He further said Isangel is for Nikiuluah and after their return, they took government to Isangel. Nalau has totem Yum at Leneai which is the tupunis for Lapangtuai Supreme Nakamal. He said Lapantuai means 2 ships.

The claimant refused to accept that Yamak has his custom basket and that he circumcised his grandfather and gave him woman to marry. He also refused to accept that payment for Nalau's death was given to Yamak. He said there is a lizard stone at Louapekmeta which was placed by new settlers who came from Rakatne. Concerning Tom Nakat, the claimant said he does not know why he left them and went and support James Iamak in his claim, however the family have agreed to disown him.

The claimant did not explain with clarity the real story behind Napang Ihi. It was put to him that Natman was raped by Niruas and was given to Yamak to marry.

Claimant said initially in year 1980 there were only two disputing parties- Lapangtuai and Leneai. He said there as a dispute with Lenauhia concerning boundary mark with Leneai and the Presbyterian Church so Apu went to Port Resolution and brought Seventh Day Adventist Church.

The first witness is Peter Nikiatu. He is Ieni at Louinio. He said Nikimluah is only one tribe and he came to witness Nalau leaving the land due to Napang Ihi fight and told him to take care of his land. He said his father made copra in the land in 1970's to pay for his school fees. His father adopted Tom Nakat through
John Kelete.



Second witness is Loughmain Yam. He is Ieni at Larkam. He said Napang Ihi is first fight in year 1700 followed by Benben. He said during the Napang Ihi fight, Nalau sought assistance from Larkam to take care of his land. He said in Nalau's absence, (Mani and Hiwa) warriors at Larkam, sold Isangel Land to Trader Henry Rose Lewin.

The third witness is Chief Willie Kasekase. He is Ieni Nies in Kwipek Tribe. His kitchen is Iepinawan at Jakotoatoa. He said he killed at Nikimlua which is from Lenauhia down to the sea. He killed Namaka and Narua and took them and show Nalau at Lapangtuai. He killed because people were raping Nalau's wife.

He said his father told him that before the devils named the land Isla, it used to be called Nikimlua. He disagrees that Lenauhia is Supreme Nakamal. He said Nalau is Paramount Ieni and his nakamal is at Lapangtuai.

Final witness is Iamniko Laohnou. He said he knew there were only two tribes in the land. Namal Nisei Nipina and Nikimlua. He only knew Nalau in the land. His custom governance is Lapangtuai.

F. Claim Summary for Family Mauh Kai (Counter Claimant No. 3)

This claimant deposed in his statement that the land they are claiming is Namalmene within Isla land. Boundary mark starts from mountain Katangnamaliken meaning putum man (Namal language). This includes people and tupunis- yam,taro,banana etc. it then extents down to the sea.

Iakunesawan is the Head Nakamal forming the beginning of Namalmene land. The claimant also claim land at sea called Kuategetahing ime namal-asulmene (solwora blong Namal-asulmene). The small nakamals are Laukauwahin, Nakuatana, Imai, Ianauhia, ikutengteng, Iapuntuai, Ilpanak, ianeiah, Lounapkamim. These nakamals were formed in connection with history and formation of Namalmene land but later became head nakamals in the creation of custom roads. The custom road connecting these small nakamals is Iamul Kamtang. This claimant participated in 14 Toka dances from 1800 to the recent one in 2020. He also participated in 10 Niel ceremonies from 1939 to 2005. The spokesperson said he claim part of Isla Namalmene land as some other parties. The claimant said the first Toka was organized to bring people back after the fights. The second custom event to restore peace is Niel ceremony. He said Ieni and Iaramara owns land for their people. As to the allocation of the land boundaries, the claimant said as depicted in his map, the first land along the seacoast is Kuataren, followed by Makomas, Nimiarup, Matekeiu, Mananup, Manelpalup, then anakul and nasapel which leads to Whitesands. These roads



are to trade and many claimants enter Isla land through his land. The claimant said he is the paramount chief of Isla land from mountain to sea.

G. Claim Summary for Family Iamak and Family Hetukai (Counter Claimant No.4)

The claimants part of Ramar land boundary at Isla land. He said he shares boarder with Hetukai and Yathew at Nikimlua Tribe and his boundary mark starts at Loukahvia at seacoast to Mango Sweet and to Nakavika tree then to Urnak stone and follow public road to Kasai Nikariang then to Letewalou nakamal then to Lounapikmeta nakamal then Katengnim Ikin then along public road to Aid Post and follow the road to Noanim then to Mango tree at Tan Riprip and then turn north towards the side of Lenauhia nakamal going towards creek then further extend to stone Lenamia and then down to the sea.

Yamak first arrived at Lenauhia and cleared nakamal and planted nabanga Kota and Yamak. Kota and Tabahan left and moved south. Sometimes later Yerisoa came through Louinio into Lenauhia and also planted his nabanga Nisoa.

Yaramara Yamak gave his child Lawhva to Yerisoa to take back with him to Louinio. When Natiowas came to Isla, Yaramara Yamak cleared his nakamal and make him prepare kwera or crown for Yaramara Yamak. Hetukai then also came to Isla and Yamak told him to plant a nabanga at Lenaohia and named it Hetukai. Yamak appoints Hetukai as his Ieni. Yamak then moved down and cleared his new nakamal at Yelpanak and planted nananga and lived there until today.

Hetukai then sought permission from Yamak and went down and cleared a nabanga tree and settled at Letoualheow until today.

Family Iaka also ask Yamak and clared nabanga and settled at Ikunuwingen and then to Leneai as his second settlement.

He said Yathew was accused of practising withcraft at Nikimlua so Yamak requested Nauri-mene at Tan Asul to come and kill everyone at Nikimlua tribe. Yamak then took over all Yathew's land at Nikimlua but luckily, Robert is claim live blood.

Ialulu first came to Lounapekmeta then followed by Nalau to Lounapkaramara to protect Family Yathew's land. Nalau came and married to Napalam and took care of Loumai Apen's son with Napalam. Nalau made peace with Yamak through baby Liwa Mim and is happy to allow portion of land at center of



Ramarne Tribe land to be owned by Family Hetukai. This is why Tom Hiwa and Family Hetukai are currently residing at Lounapkamim as the head nakamal in order to practice weather and fish for Ramar mene tribe. Following the agreement Tom Hiwa's sons are given Nikimlua names like Nalau Situ, Mahau, Mangao, Maema. Their other sons were given Ramar names- Tom Hiwa, Kateina Niki, Katty and Kaukau. Tom Hiwa is blood Ramar through Famiy Hetukai and Lomai but was adopted by Nalau of Nikimluah and his wife Napalam.

Yamak circumcised Nalau Niatnge who originated from Yanapang-Tan Asul in Nuipar nakamal and named him Nalau. He also prepared food for his wife Niras. Nalau is son of Iakapas Kangiantuan of Ianapang. When Nalau died his burial was paid to Yamak. In custom it shows Yamak's authority over Nalau. Yamak also circumcised Hiwa Semsem (Kalip Rogers father). Yamak also gave the woman namely Noakei to Kalip. When Hiwa Semsem died, he was paid to Yamak also. This also showed that Yamak took care of Kalip.

Yamak said he had arranged for Hiwa Semsem to return to Imun at White Sands but Nalpin Joe kept him. Yamak also Hiwa Mim to go and fetch Iolu at Nariangen and bring him to Leneai. The name Family Iolu Nangrei belonged to Whitesand. He also said Lomai is son of Loughman Joe of Larkam. Lomai and Kapera were circumcised by Tom Hiwa. He took care of them until there are fully grown and performed custom payment for their wives.

Iawilik Stephen came with Nanua Sisi and live at Lapangtuai under Yalulu (Family Yathew). Shem Nakaut/ Yata Nawha is from Louinio. He is king or Yaramara of Lafna. Kapera is not true blood of Loughman Kwan Pusin.

FAMILY HETUKAI

He arrived after Yamak at Lenauhia. He planted nabanga to mark his arrival at Lenauhia and named it Hetukai. Yamak and Herisawa gave his wife Tuwai and a piece of land to stay at Tahwelau at Imanam area. He has 3 sons- Hiwa Mim, Iolu Kapitau and Hetukai. Yamak made Hetukai his Ieni and puts him at Telahleu, Iolu at Leneai and Hiwa Mim at Lounapkamim.

Hiwa Mim marries Konateng who is family Yathew and they raised Lomai Apen who is called the Hero of the New Hebrides.

Lomai's father was shoot dead by Hiwa Mim so Lomai ran away to Australia (Black Birding) but then Yamak went and took him back and brought with him Luwi Mango which is now a popular mango in Tanna.



In the Presbyterian Mission, Loumai was an elder. One day they did an outreach to North Tanna and Nimanian Frank was shot and died. North Tanna then gave Napalam as a replacement. She was taken to Lounapkaramara church compound and Loumai impregnated her. Loumai was afraid because of his title as an elder in the Presbyterian Mission so he arranged for Nalau to marry Napalam.

This arrangement was accepted by Yamak and Yathew and they have reconciled their past differences through this arrangement. The boy was called Tom Hiwa and was looked after by Nalau as his own son. The name Tom Hiwa is from Ramar tribe. Tom Hiwa played tupunis role at Ramar Mene tribe as the weather man and person responsible for fish Mumus.

H. Claim Summary for Family Ioulu and Family Hiwa Apeng (Counter Claimant No.5)

The claimant claim the name Iolu as the Ieni or chief and Hiwa Apeng as Iaramara or King within the land boundary of Nalpai Apengmene within Isla Land. Land boundary starts at Iankuaneni stone at Ianami at seashore and runs south to Iakuanpir creek and follow creek inland to Lautapus nakamal (Football field near USP) and runs north to Iakunenemul tree then down to creek Ianami and to Kuaneni stone and back to seashore.

Iolu means Nilu or Ollu meaning "yu save talem?" Iolu acquired Nalpai Apengmene land through these names. Hiwa means 'come' and Apeng means "black" in Nawal language. So literally Hiwa Apeng means black man. Other custom names include Tru and Iasua. Tru is responsible for fish and Iasua and Kapalu are responsible for Tamava (tekem kava).

Small nakamal for these totem is Iakareait and the sea area for these totems is Ianami and the stone is Iautu. Custom practises for totem breadfruit, turtle and Uiak is at Irunaip nakamal (second settlement for Iakuneroman village). Claimant and his siblings were born at Ianuwur village. He is circumcised there also. Claimant's father is born in Imalh at Nakulamene tribe above Bethel (7 Generation in Family Tree). Other generations (5 & 6) were born in Iakuneroman village (second settlement at Leneai Palm Resort). First, Second, Third, and Fourth generation were born at Iapelepeleg. In 2006 he took part in Toka at Ikunala, 2012 at Ianpenawan and 2020 at Lafna.

I. Claim Summary for Family Tafla (Counter Claimant 6)



The claimant claimed part of Isla land namely Lownapkamim as the head nakamal of Ramarne tribe and Tafla as its Ieni. Prirany is the Ialmalu and his title is Tut Apen. His residence is at Irunaip and his feather worn during Toka is short feather called Merou Pienou. His boundary mark starts at Ekwanpir and runs along the creek to Lekwakwai and then across to Leitapus then to the creek at Lenesei and back down towards Lekawiemeta.

The boundary marks were created by stone or tupunis and not human being. Ramar means "the last". The Tupunis left Enkahi and travelled to Enimilin and the 'last ones' left and came to Isla and then their leader travelled to sea and sat at Iekawiemeta.

Nasse left Niko Iasipi Iouiaker and brought his people with him. Talfa went to Ipkangien and reside at Loutapus with Kalip of Iakwang and Konali of Lamatarkarek. The tribal fight started and he met Yamaki of Enikahi and they had a son namely Natuman.

Tafla was unaware of a fight that started in the Southern part of the Island to the middle of the island and others who came from the northern side and killed everyone at Ramarne and recorded their numbers on the branch of a nabanga tree at Letukletuk on the request of Soute.

At Whitesands, Tafla followed Family Iauniwan of Letekeren to return to Ramarne. He decided to bring his wife and children but the elders stopped him because Yamaki is the only surviving bloodline of Enkahi. So he left them but agreed with them that a future son of Natuman must return to Ramar to be with him and inherit his land. Following the agreement, the elders changed the name Natuman to Ialasawa which means a root connection is being made between Enikahi and Ramarne.

At Letakeren, family Iaunivan accomodated Tafla because of the tribal fight at Ramarne but over time Tafla became homesick so he was taken to Lounapkamim.

Meanwhile Nasak and his son Iopa run away to Whitesands and live at Loutapus because of the fight. Nasak heard about the agreement Tafla had with the elders concerning Natuman's sons so he tried to bring Iatek Ialasawa's son back but it did not work out.

Talfa send an axe to his son inviting him to come and build his house at Ramar but there was no response. Sometimes later Peter Iatek was arrested for drinking kava and was taken to custody in the French Government Prison. Nasak then



sought for his release to the French Government on the reasons that the land belonged to his grandfather (Tafla).

When Peter Iatek was released, he was accompanied by other men namely Nasak, Joe Nalpir of Isini and Kalpapen of Iounanen and was shown the land boundary of Ramarne land.

So in 1954 by Nasak, Peter Iatek and a man from Aneityum went and settled at Enipir. Unfortunately their homes were destroyed in 1984 so they left.

Kalpapen of Iounanen also took part in showing the land boundary because when Tafla returned to Lounapkamim, Natonga and other men from Leneai wanted to kill him so he ran away and live at Ienpinawan at ship Kawiemeta. Tafla died and was buried at Lavung Nipiou.

J. Claim Summary for Family Iolu Ngare (Counter Claimant 7)

The Claimant claimed part of Isla land called Ramarne. He said land and stone existed first and human settlement takes suit. The formation of the land begins at Nasipel and then extend after the movement of the stone to their current locations. As the stones were coming down, their discussions Meaiea (float). The name was given to Leneai nakamal. Some of these stones travelled down to Matu, Nuapau, Kauchia and Napis.

Iolu Ngare is the big Ieni of Leneai nakamal and his kitchen nakamal are Lenipir, Isangel, Lounapkamim and Irunaip. At Leneai, Iolu Ngarei is Ieni and Nasak is Iaramara and Tupunis is Iaka.

Iolu Ngare first settled on the coastal area but moved later to Lounapkaramara. Iolu moved with his sons Lomai and Kouh. Their final settlement was at Lapangtaua at Leneai. While at Leneai, tribal war started so he ran away with his son and daughter to Lenkurming at Nariakene. Other people came and occupy the land during tribal fight and some occupied land during Christianity.

There was only a surviving blood of Iolu Ngare at Nariakene. With agreement of four nakamals- Lenuhia, Ipanak, Imanam and Leneai, the surviving blood of a woman was taken back to Leneai. The claimant presented some facts and activities that shows Iolu's presence at Lenami before he moved to his new location at Leneai Nakamal.

K. Claim Summary for Family Iata Nauha (Counter Claimant No.8)

The claimant deposed in their statement that during the first settlement Iata Nauha settled at Irunaip Nakamal in his village of Loupatueruer. He and his wife Nuvignan had two children Noukout Kafka and Nehep. Iata Nauha is Ieni

at Irunaip while his son Noukout Kafka practices Tupunis at Loukasepen. The tupunis practices did not continue as an incident occurred so he left Irunaip with his son and followed kastom road Nuatiutiu to Leneai and left the turtle tupunis at Leneai and then returned to Lafna nakamal at Louinio.

Noukout Kafka died and was buried at Lafna nakamal. Iou remained at Lafna until Numanian Iatuapen raises the Niko for Kowiameta so Iou ran away and went to Nawialang ne and was given name Iou Pusin with Iaramara feather (Kweria). He was also given a woman- Iatam. Iou left Lamtaekel and went to Lafna with his wife and son and remained there until Christianity landed at Lenakel.

His son Numanian Nueriang was the first to convert into Christianity and was shot and died at Lounupatpat at North Tanna in year 1899. His wife then marries a man from Aniwa -Tousi who took her and their two children (Iata Nauh and Makia) to Aniwa. After some time the children returned to Tanna and Makia marries Iakapas Raprap. Iata Nauha went to Lafna and marry a woman from Iakukak namely Iawilum Pian Isakwai and had four children. Numanian Frank and his wife Nipina Annie from Aniwa raised seven children. One of the children is Shem who was bestowed with name Nokout Kafka by Kapera at Leneai and Numanian Kalesiawen as rightful bloodline of Iata Nauha and was taken to reside at Irunaip nakamal.

L. Claim Summary for Family Lomai Apen (Counter Claimant No.9)

The claimant deposed in their statement their claim under the name of Lomai Apen at Leneai Nakamal, Ramar-mene tribe at Isla land. Lomai Apen is son of Iolu Ngarei of Lapangtaoa at Leneai nakamal and he has a sister namely Kouh who is married to Lonelapen. Their mother is Nasueiu Ieko of Louinio. Lomai Apen's father is Loughman Kwanpisen1 and his mother is Kaweiko. Lapangtaoa is village for Lomai Apen as Ieni of Leneai and is Kawiemeta. Loupatapata is the Ieramara's village and is Numrukwen.

The Tupunis for Leneai nakamal is Yam Kauhia and Nalemnu (long yam). The yam are prepared and cooked at Leletu nakamal. Iaramara of Leneai is Loughman Kwanpisen and his village is Loupatapata where he prepares and eat turtle head.

The turtle would come from Irunaip nakamal through noatiutiu custom road. The turtle would be sent on the same custom road also to Louinio. Ieni for Loughman Kwanpsen is Natonga at Loupatapata (Nimruken) and on the other side is Lomai Apen as his Ieni at Lapantowa (Kawiemeta). During the tribal

wars, Loughman Kwanpisen 2 and his brother Iolu Ngarei witnesses tribal fights. First fight saw these tribes Kahau-ne, Nasak-Mal, Nisko-Ne and Yewan Nimanik who sought refuge with Loughman Kwanpisen 2 and then moved South to Iwiakel. When fight ended, they return to Lounepkamim nakamal under protection of Loughman Kwanpisen 2. A Toka was organised at Irunaip to connect the ships (Kamatik Niko) before these people from Iru and Tan Lavinu were able to return to their places. As part of the ceremony, a woman was gifted to Loughman Kwanpisen (Nasueiu Silan).

Not long another fight started at Leneai and Loughman Kwanpisen was shot and died. His wife Kavvia and Nokout Wangru were taken to Louinio and remained there. Nokout Wangru then returned to Leneai after some years and live there to this day. In that fight, Iolu Ngarei run away with his son and daughter (Kauh and Lomai Apen). Kauh was married to Iokauto Kasekase of Lounelapen but his son Lomai Apen returned to Leneai.

After Lomai Apen's return to Leneai, he went to work in the Sugarcane Plantation in Queensland, Australia and returned sometimes later. During the arrival of the Presbyterian Church at Lenakel, Lomai Apen was converted into Christianity and became a pioneer in the Mission work of the church. He facilitated the road from Loukatai to Loaneai and erected a stone. He also assisted Doctor Nicholson to establish Lenakel Hospital in year 1903. He died on 3 December 1916.

When Lomai Apen was working with the Missionaries, another fight broke out that involves people from Nassip-Mene so they fled and went to Iounanen so Lomai Apen went and took them to Imanam. In appreciation, they gifted him with two women (Tonga and Nuvignan). Nuvignan was given to Iavis as his wife and he took Tonga as his wife.

Lomai Apen had a book written about him called "Lomai of Lenakel, A hero of the New Hebrides"

Tupunis at Lenami sea is Mangru and was practised by Kapera at Leneai Nakamal and Joe Malpin. Other Mangru fish were gifted to Loughman Kwanpisen by people from Aneityum in appreciation of his hospitality over them.

The spokesperson in cross examination said Irunaip is kitchen nakamal for Leneai and not Lounepkamim. He said Iata Nauh is not Iaramara of Ipikangian but went and died there because of the Presbyterian Mission work. He also said Benben fight occurred first and was facilitated by Luke Sawia and James Iamak

as it involves poison (witchcraft). After the fight, was Nabang Ihi. At the time, he was Irunaip and gave Nalau's wife- Natuman Kudman to Yamak as his wife.

Before the Traders came, Iata Nauha had gone back to Louinio. On his way he left his turtle tupunis at Leneai. His tupunis at Irunaip is breadfruit and turtle.

In his family tree he did not include Shem Nokout's brother because he is Iaramara at Lafna (Iou Nokout).

After some time, Shem Nokout was accepted back by Loughman Kwanpisen to Irunaip. He could not recall if a ceremony was organised by the nakamals to accept him back. He also confirmed a man in Lafta sent for Numanian Frank to be killed in North Tanna because of his title as Iaramara. Napalam was then given by North Tanna as his replacement.

The first witness is Loughman Papauk. He said he was the first person to settle at Leneai before Christianity came. He also said Nokout Wangru remained at Leneai and Nokout Kafka was at Irunaip.

He said it was Nokout Kafka who gave place to British Government to settle at Isla land. He said Benpen is the first fight and then Napang Ihi. Napang Ihi occurred right next to Irunaip.

He said dispute in the past was between his father Kapera and Luke's brother at Ikurakus, Ikutingting and not with Luke Sawia. At the time Sam Kapera was spokesperson for many parties who are in Court today. This resulted in a ceremony in 1983 where Sam Kapera installed a kettle as an effort of settling the disputes with the parties. He said when Iata Nauha left to go to Luinio he left toktok at Leneai. He does not know if Shem Nokout is Iaramara at Irunaip but he knew his brother Iou is Iaramara at Lafna.

He agrees that Iameau initiated fight Benben which is why he came and settle at Irunaip. He also said he was at Leneai when he saw Kota and Iamak coming down. He also confirmed Iakapas as a warrior with gun, shot Trader Rose Lewyn.

Second witness is Samson Bernard. He said he came to confirm custom ceremony for Nokout Kafka at Isini and refused to answer other questions. He refused to answer questions concerning Nokout Kafka's involvement in the fight of Napang Ihi and possession of land at Isla. He said there was not ceremony performed when Sam Kapera took Shem Nokout to Irunaip.

M. Claim Summary for Family Kouh- (Counter Claimant No. 12)



The Claimant claimed Part of Isla Land only starting at Lenauhia Supreme Nakamal at Tanripip (separating Namalmene with Isla) across from creek to creek and extending down to Lenami seashore and across to Ikonpir. Lenauhia Nakamal is the Supreme Nakamal known for performing Nakouiar. First Ieni is Koumeta and Lavai Ialvalu as Iaramara.

The kitchen nakamals are Ikuningen, Ilpanak, Leneai, Iahmei-Nikini and Lamankolau. Iamei-Nikinihup is another kitchen nakamal of Lenauhia Supreme Nakamal and is occupied by Yolu and Iameuh. Lamankolau kitchen nakamal at Isangel Area is taken care of by Yaka whose nemon or village is Lautapus.

Tupunis Kualei-niu prepared by Lavafil at Ikuningen kitchen nakamal with assistance (leaf kava) from Iavil and Iawantak. Kauhia is prepared by Nasack and Namaka at Lananikolou at Isangel Area. Nasack from Mankawa is responsible for digging kauhia and preparing kava for tamafa. These two yams are connected and their stones are white in colour. When performed, people responsible must collect white sands from Lenaparpar to add on top (taow) of the yams. The special water for preparing yam Kualei-niu is at Ipanak under responsibility of Iakapa Loakeap.

The spokeman said in cross examination that he first settle at Lenauhia after coming through Namalkaiapam kastom road through Iakenasawen. At Ikanesawen, he saw Mauh Kai. There was no one at Imai and Iuknotana. The nakamals put by Nemtit from mountain to sea are Lenauhia, Ilpanak, Leneai, Letauatau and Lounapkamim.

Those who were in these nakamals were Iakapas at Ilpanak, Taho, Hiwa Mim and Yamtio at Leneai and Nalau at Lapangtuai. At Ikutingting he saw Sam Louamtan and at Lounapkamim he saw Iolu (original Iolu of Nalpaemene. These people all died during the fight Benben.

He said Isla land is named by Kasasau and Kaniapnin. With regard to Tribe names, he said Nari al Asul is put by Nemtit at Ikonesawen. He also maintained that devil spirits exist first before Kasasau and Kaniapnin. He also confirmed a Toka was held at Lenauhia and Loukauain. At the Toka ceremony, Kou presented a pig called Namiarip. The spokesperson also described Iokenasewen nakamal as a sub supreme nakamal. He said there are two stones that belonged to Lenauhia on the sea and was looked after by Namaka (Enkonneniel) and at another one (Nasaminik) is looked after by Iata Nauha. Lenauhia is Imakmelu for sea and mountain. The Claimant first settle at Lenauhia according to sharing of Koumeta during ship Lau-Ata (Ship transporting passengers and food). This

is before other claimants moved into Isla land. Claimant had occupied the land before the tribal wars and observed every activity that occurred in Isla land.

Claimant wants other claimants to be safe while performing their custom activities within their respective kitchen nakamals without disturbances however, they must show respect to Kou as custom owner of Isla land and Ieni of Lenauhia Supreme Nakamal.

N. Claim Summary blong Family Iaka mo Taula- (Counter Claimant No. 13)

The Claimant claimed Part of Isla land only. Boundary mark starts at Leneai Creek extending towards Kwanpir at seacoast and extend north to Natum stone located at Leneai Palm Resort. It then extends eastward towards Kahau Ruatiken and then past Pulengluleng further extending towards Isangel Nemon (current location of Public Prosecution's Office) and further extends towards Lounapatata Nermon at Leneai. Nasak, Iaka, Daola, Ioba Ioam, Iatik Napasis and Namaka Tahik are considered the original people who settled in the part of Isla land as depicted in the land boundary mark for the claimant.

Custom Nemon and Practises at Leneai Nakamal- Neuk Suka, Kawia, Narafenua and Koleniu. Person responsible for leaf kava for these yam tupunis is Nasak. At Lautapus Nakamal- Natum (Nantao). Person responsible is Iopa and Iatika Napasis. These individuals (Tupunis) also assist Namaka Tahika and Taola at Irunaip. At Irunaip Kwataren Kastom Rod- Iuiak (bigbel fish), Turtle and Nuawau (breadfruit). Taola is responsible and Namaka Tahik is the leaf kava for ship transporting these practices. Their nemon or kitchen nakamal is Iapangmamik.

Taola first settled at Isla (Irunaip, Loutapus and Leneai) during Nupro under custom practices and governance of that time. However they had to run away and find safety in other tribal villages due to fights in ships such as Kalpa, Kapial (fight using rifle), Penpen and Napang Ihi. As they left, they travelled east past Leneai then to Ioknesawan and then to Ipenien and Nikiasau Milmiliapeng allowed them to settle at Lenauiar. At this place, a Toka dance was performed to seal and approve their movement and settlement at the new location. The dance also goes to show their gratitude to the chief and people of Ipenian for accepting them into their land.

Before leaving Ienauiar, they performed a ceremony (tying of ship) and gave away a girl namely Nawia as a token of appreciation to Ienauiar. They then travelled past Ianimah Anta under the command of Nakiasu Milmiliapeng



towards Ipkangian. Because fight at Isla has not stopped, Nikiasu sought permission from Natonga to stay at Ipkangian and to which he agreed.

Kalpa fight has ceased and Daola had to return alone to Isla to find out if the fight had ceased. He returned and settled at Launapkaueuh Nakamal and met with Iarpitang who is the gateway into Nukulwoh and then went through Lafna Nakamal. He then travelled through Laus which is the gateway of a nakamal and then settled at Irunaip alone for several years.

Whilst at Irunaip another fight called Napang Ihi broke out which involved people from Numanmatautu. The warriors then almost killed Taola to death because they think he is also from Numanmatatu. He then run away again and settle at Lonukialeng with Kasu for several years again before moving to Launakarieng and settle there with Kota Namaka for many years before he died and was buried there.

After many years peace had spread across the entire island of Tanna so the chiefs of Supreme Nakamal of Iakukok then requested Natonga to release Daola's family to return to Isla Land. A custom ceremony was performed with pigs and kava presented Natonga to thank him for taking care of them while settling at his land. They then travelled to Ipenian passed Katang Nimaliken and then to Iakukok then to Leneai and Lautapus.

Second Settlement and Custom Activities shows that Daola's family upon their return to Isla land retained the custom practises (stone and leaf for Tupunis). In 1979- Nial Custom Ceremony with assistance from Numatautu and Isla Namalmene through their chiefs to recognise their return to Isla Land (Namalmene). In 1996 to 2006, Namaka Tahik took part in Toka dance at Ikunala and presented overgrown turtle (pupu totel) in exchange of pig. Further exchange of yam koleniu with yam Nuke Suka at Imanmatatu Nial ceremony. The claimant also participates in Toka dances in Ipenian 1970, Laukawahin-1984 and Ianpina van- 2012.

Family Tree- Daola marries Yalele and raised two boys namely Nasak who marries Purei of Aniwa. Nasak and Purei raises a son namely Iopa wo marries Waiwai. Their son is Namaka who marries Lawawia. Their children includes Iatika Napasis who marries Harriat and raised four children. There are six generations from Daola.

**O. Claim Sun mary blong Family Lava Ialmalu and Hiwa Nang
(Counter Claimant No. 14)**

The Claimant's land boundary covers part of Isla Land. Starts at Ianamiauh and extents south past Iatan-riprrip to Lousapiwan creek and extends west to Ienpinakel creek. It then extents north to Iapangtuai kitchen nakamal within Nalakanag-mene land and continued north to Iamalmal creek stone kakil.

Custom Nemsets are Lauha Ialmalu and Hiwa Nang. These names bind their tribe and Lenauhia as the Supreme Nakamal of Nalpaie-mene and Nalakuang-mene within Isla land.

Working class name sets are Iameuh Matua, Sumak, Sapa, Iasul, Iavil, Lauhia, Lauhafil and Lauha Kapapahm. Lauha is Ieni and in nauhal language meaning good ship depicting an era called Nupro where people lived peacefully with great respect and love towards each other. When custom practices of tupunis yam, taro, fruits and fishes are performed, they must be stored in a small canoe or a basket in order to give significance to these practices. This resulted in prosperity in the livelihood of the people with strong custom governance.

However, challenges came about on the life of the people due to fights on these timeline (ships) such as Kalpa (nalnal), kapial (rifle). After decades of uncertainties, Nimrukwen and Kauiameta emerged as a way of restoring peace amongst the people. The news spread to Lenauhia and was revealed him as Lauha as Ieni and captain of good ship for good governance of the Isla people.

Custom Nemon (Kitchen Nakamal) and Custom Practises: Yam (Koleniu/ Nek Suga) Iatil (banana) Natum (Nantao) Mumus (Fish mangru), turtle and Nuauau (breadfruit). These are practiced in kitchen nakamals such as Ilpanak, Ianeai, Lounapkamim. The practices of these tupunis sets the dawalai (custom land boundary) with each nakamals. Therefore, it is not appropriate in custom for a tribe to own a land from land in the mountain to the sea.

Lauha head the tupunis at Lenauhia Supreme Nakamal and ordains and bestow names on name sets to practice these tupunis in Isla land. Pupu Yam Koleniu (woman) is at Ikuningen nakamal Nalakuang-mene. Stone is Nakawakawa is is practiced by Lauhafil. Custom authority is Hiwa and Sapa (Iakilkial) Iavil and Lauha assisted in this practice (leaf blong kava). Their nemon is Lapnuman and Loutapus.

Pupu yam (man) Neksuka is at Iktinting kitchen nakamal and was given as a gift to his daughter Iawilum. Person responsible is Lauha Kapapahm. His nemon is Ianamlamil. Tupunis for controlling weather by making rain to water the crops is taken care of by Iokauh and Iasul is responsible for sun. Their nemon are Iokne Katai and Ionkenapan-alap. For wind Nepalap is located along



the sea coast at Ieniman. Prior communications must be made with Iaka at Ieneai and Iolu at Lonapkamim so they know that the special pool at Ieniman is ready for weather practice to start.

At Kwataren custom road- tupunis is fish (Mangru and Tautau) under responsibility of Iolu and Hiwa Apeng, turtle and breadfruit under responsibility of Iaka, Daola and Namaka Tahik who resided in their nemon at Irunaip.

Lenauhia Suprene Nakamal has authority over all yam tupunises as it will commence clearance for new yam planting first before other kitchen nakamals- Imouh, Ipanak and Ieneai can follow.

Movement and history for Lauha and Hiwa: Arrived at Lenauhia after Nasuman (stone blo kaikai). It was during ship Nupro when custom governance is strong and there was peace. Other fights immersed distorting governance systems forcing formation of new names like Lauha becoming Lava, Iolu, Ieameuh and Hiwa. During fight kapial (rifle) many people came in through Lenauhia Supreme Nakamal to seek refuge. Some came to fight and steal our land. When Family Iamak and Kota run away from the eastern side to Isla, Iamak made trick and left a stone from nahak to kill Nakou Matua who is Lauha Ialmalu's brother. When Iamak settled at Larkam Nakamal, he accused Lauha of Lenauhia for performing sorcery killing people. Consequently, Mahn and Iameuh Parua shot Lauha Ialmalu (Second generation in family tree).

After the incident, Numan at Imanamatautu, Iaknauka nakamal took Hiwa and Iakapah and put them in a cave at Tenakou until peace has settled during arrival of the Missionaries. The individuals namely Iakapas and Hiwa Nang went and saw Lomai who introduced them into Christianity. At that time, Mauh Kaih authorized them to return to Lenauhia nakamal. Upon their return, people from Namal-mene made their first custom basket to sing Nupeau and Hiwa started to sing Nupeau. This goes to show the existence and custom authority of Lauha with creation and with nature.

P. Claim Summary blong Family Iakapas Loukaiap (Counter Claimant No. 15)

The Claimant claim Ipanak Nakamal within Isla Land. Boundary mark starts at Lamalmal and extend Southward towards Natapoa Tree at Aid Post then extents westward along creek towards Lakwalkwal near Imanam and towards Latipraio and then extends further north past Lakalis towards creek.

Custom Namesets- Iakapas Loukaiap who is Iaramara of Ipanak. Working class namesets are Iobil Kawiameta, Lous Niawiar and Kalip Numnum.

Custom Nemon (Kitchen Nakamal) and Custom Practises- Same as other nakamals within Isla, they own and practice Yam and Nantao. These practices connect Ipanak with Lenauhia as the Supreme Nakamal and Leneai and Launapkamim Nakamal. The custom practices of these tupunises also sets the basis of owing land with the land boundaries (dawalai) set out in their claim.

Kalip Numnum and Iampiu are responsible for yam. The stone for performing practises is Nepek and water is drawn from pool Numra within Ipanak land. The custom authority is Iakapas and the residence for Kalip is Lamkialial at Lateuwalau which is known today as Imanam, a subtribe of Ipanak.

At Imanam, custom practises are for long yam Nolikolei under responsibility of Niauiar and Jimmy Puluk is responsible for yam Nusuwa.

Custom authority owning yam tupunis at Ipanak and Lateuwalau is Iakapas Loukaiap. Lous Nauwiar is responsible for leaf kava for custom practises of yam and nantao and his village or residence is Imauh.

Iobil Kauiameta is responsible for Nantao and water is drawn from Numra pool. Custom Authority is Iakapas and his residence or nemon is Lanuipar. The claimant asserts that his family still practise these tupunis today.

Custom Road- connects Ipanak yam tortem with other nakamals of Lenauhia and Imai under responsibilities of Lauhafil (Lenauhia) and Nimisa Waimesu (Imai) Parties representing these villages are Nauka Nimisa and Family Lauha Ialmalu and Hiwa Nang. The western side custom road which runs towards the seacoast saw similar practises which connects Ipanak with Latauwalau which is yam Nusua and Nolikole and Lenlong Kwataren custom road which is under responsibility of Family Iolu and Hiwa Apeng who are also claimant in this court.

Movement and history for Iakapas Loukaiap- First settled at Ipanak during ship Nupro. At that time, there was peace in Isla land. Custom governance custom practises were solidly embraced. Overtime, other ships (Niko) occurred such as niko kapiak (masket) so family Iakapas and other tribes had to run away and sought refuge in other places (societies). This causes changes in the way of life at Isla land where strangers were able to move into Isla land and settle and started to inherit the name sets of Iakapas Loukaiap.

When Family Iakapas (First in Family Tree) returned to Ipanak, he went down one day to Lenami and saw that a stranger namely Kapera was taking over the responsibility of Mumus (Mangro Fish). He was so disappointed by that



because Kapera was taking over a responsibility that binds Ilpanak and Lounapkamim through their custom road for fish mumus. So as the Tautau or fish Karong was chasing the mangru fish to the beach, Iakapa Semi speared the karong fish and took it away to his home. Kapera took revenge against Iakapa Semi so he sought assistance from Nimatautu-ne, Niman and Nowus who are warriors. These warriors then approached Iakapas and shoot him with a rifle. Apu Iolin then took Iakapa Semi away and placed him in his house but saw that he had died. Apu Iolin then told the people to bury Iakapa Semi at Latahauwale and further instructed Nasipne tribe to look after his grave. Iakapa died leaving his wife Katuan and their daughter Maina.

This Iakapa is the same person who shot Lewin Ross (Trader) for mistreating the natives in the Cotton Plantation at Isangel.

Katuan remarries Lewus at Lowia. Unfortunately Lewus and his brother Kauh were shot dead by the warriors. Katuan then remarries Ierisoa of Lafna. Katuan took her daughter Maina with her to Lafna where she grew up and got married to Iameuh Parua of Lamanian and they had a daughter namely Nasuaiu. When apu Iolin conceived his son, Maina adopted him and named him Iakapas so that he could inherit the rights of Ilpanak.

Maina's adopted son- Iakapas Loukaiap then returned to Ilpanak with his wife Katua of Lafna and their son Lous Niauwiar. At the time, some strangers like family Yamak through Kaliwak had already settled at Ilpanak.

This family had acquired land at Ilpanak without perform any custom practices but were causing problems instead.

Lous Niauwiar currently resides in his village (nemon) Lenuipar and Imauh with his wife Kali and their two sons Iakapas Loukaiap and Iopil Kauiameta. Iopil Kauiameta was bestowed the name by Iakapas Raprap (big Ieni) and bloodline of Lauha at Lenauhia head nakamal. This binds agreements to accept them back into Ilpanak land.

Q. Summary of Family Iathiw (Counter Claimant No.16)

Land Boundary- Nikimlua-mene land under Supreme Nakamal Lounapekmeta. This claim derives from a chiefly title dispute which was declared to him in the case Famili Iatiu v Family Yalulu in civil case no.1139 of 2019. The unsuccessful party is represented by Luke Sawia who is the first claimant in this land dispute claim. It is deposed by Luke Sawia that the Island Court decision has been appealed and is pending determination in the Magistrates' Court.

The claimant says the matter has been decided (*stare decisis*) and that this Court must enforce the decision of the Island Court declaring him as the Iaramara of Nikilua-mene in Lounapekmeta Supreme Nakamal.

Movement and history for Iathiw- Since year 1600 Iathiw, Yalulu, Ishut, Peken, Ialunerep were moving from place to place in era of (ship) Kapakol and then settled at Iaunanen. Within Isla, they were the original settlers of Lonapikmeta Supreme Nakamal with other ancestors through traditional custom governance.

Population increases slowly until year 1700 when explorers arrived followed by traders who traded rifles with the locals. With locals acquiring rifles, fights escalated between Nimrukwen and Kauwiameta over custom authorities such as Iaramara, Ieni and tupunis.

These groups took their tupunis from Iapankauta at Melon in a nakamal called Iaunanen and took it to Isla and first settle in a area in Isla they also called Iaunanen. The tupunis they brought with them are Kawi (woman yam) and Lulu (man yam), Namambe metal and Namanbe Paiko.

After their settlement at Iaunanen, some of them moved to Lounapekmeta Supreme Nakamal and Iathiw and his group moved to Nuipar. At Nuipar, Iathiw practised Tupunis Lulu and Kawie. It is at this time when the name Nikimlua transpired. This is depicted in the boundary mark attached to his claim.

Peken gave tupunis stone Kawie to his daughter Nakis who took it with her to her husband Iakapas. They have two sons- Konatenk and Iameuh Peaua. Iakapas had an affair with Iamak Iawilem's wife and she got pregnant and conceived Kaliwak whose wife is Natuman Apen. Their children are Iamak, Namat, Iameuh, Kataina and Charlie Nulak.

At that time, the tribe Ramar-mene was formed through the Kawia stone given to Nakis. Iathiw and Peken divided the Nikimlua land and gave the other portion to his daughter Nakis and they called their portion Ramar-mene.

Konateng married Hiwa Mim and they had a son who is known as Lomai the Hero. Lomai marry Nawapom and had two sons who both died. Lomai then had an affair with Napalam of North Tanna and was fearful when heard that she got pregnant because he was an elder of the Presbyterian church so he gave Napalam to Nalau Situ who is related by blood to Nauru. Napalam conceived a son whose name is Hiwa Mim who is native of Ramar-mene at Isla land and their village is called Ipanak.

From then the two tribes- Nikimlua and Ramar are connected in that they are in-laws (Tawi).



The claimant's claim is through his bloodline connection with Nauru who is the surviving bloodline of Nikimlua after the tribal fights.

Iathiw is married to Iata Kisia and their only son Peken is married to Rihinamu and they had Naks and Yalulu. Yalulu married Kauaiu and raised Iathiw and Nauru. Iathiw died leaving Nauru as the surviving blood of Nikimlua. Nauru married Kuanpiken and had Iasu, Kiel Kalo and Nalau Situ.

This claimant has no witness but it is accepted by all parties that Nauru is the surviving blood of Yalulu who was killed by the command of Louinio.

This claimant maintained in cross examination that he owned Supreme Nakamal Lounapekmeta. His tupunis is yam and namambe. Yam went missing, he only had yam. The poison killing was the first fight and it involves his Apu Yalulu and Siri of Louinio. They killed many people including Yamak's family.

When his apu Yalulu was killed in the fight, Yathew and Nauru survived.

All the claimant's maintained that Yalulu was shot using a gun but the claimant said he was killed using nalnal. He also refused to accept that Yalulu is from Rakatne and that his head was sent to Rakatne but someone in Louinio ate him. Other claimants said they are familiar with a stone described as being used to cook Yalulu of Rakatne. This claimant refused to accept that.

At cross examination, this claimant does not show any custom trading link it has with Yamak and Hetukei. Yalulu and Yamak were enemies during the fight but were somehow friends through this claim.

R. Discussion :

Family Yalulu

Yalulu lived up to the second era (Lao Neprow) where he was Yelmalu at Ilpanak. He died and was buried at Lenauhia. No grave was shown during land visitation. Piken 2 returned and to Lenauhia and not Ilpanak. He lived in Sangalier during Napang Ihi. He died in East Tanna, His son Nanua returned during Presbyterian Mission Trust and during creation of Tanna law to defend his rights in Isla land. (Declaration of Custom Ownership of Isangel Land by Tanna Custom Chiefs, Declaration of Custom Owner representatives by Minister Donald Kalpokas, Agreement by Nikimluah Land Committee to sell Isangel Land to colonial government, Letter to Nikoletan Council of Chiefs for endorsement of Custom Chiefs of Tanna's declaration of 1983). A custom ceremony was organised at Ikutingting to accept them back into Isla. A coconut

tree was planted (Itonga) to warn them not to move elsewhere or they will be eaten by the devil. The exhibits tendered in Court showed Nanua Sisi has presented himself as a representative of Nikimluah land in many transactions concerning Isla land.

The evidence received in Court by other claimants and their witnesses comes to show that there are other tribes within Isla land. The claimants that claimed to represent Nikimlua tribe are Family Yalulu and Family Nalau Niatgnei. Witnesses and claimants expressed that these two claimants were engaged by the other claimants who were not educated and confident at the time to defend their land against the traders and the Presbyterian Mission Trust. The evidence of Family Lava Ialmalu and Hiwa Apeng revealed that in 1954 when James Henaiu was disputing the land with Iavis Nikiatu, Iapakah Raprap, Hiwa Nang, Nasu Namangan and Ieameuh Heiau were at Lenauhia and Ikuningen but he did not notify them because he wanted to claim the land for himself and also because these individuals were uneducated at the time.

We agree because these two claimants have indebted customary knowledge about the entire Isla land from Yoknesawen Nakamal to Irunaip and Lounapkamim Nakamals but the tupunises and custom ceremonies of these respective namakals were shown by each respective claimants representing these namakals. Their engagements with the colonial government led to their employment which resulted in them residing within the precinct of Isangel land until this present time. (Evidence of Yamak and Tom Nalau Manakel).

We also agree that Nikimluah land does not connect directly with the sea. If it does, they could have shown that they have sea access anywhere along the sea. The evidence showed their sea access (Ples blong drink solwota) is at Ikwanpir and is basically the area where the sexual assaults of Natuman Kudman occurred resulting in the Napang Ihi fight. Moreover, in 2006 Island Court Judgment the Court seriously considered the reasons as to why John Kalatei who claimed to own Isla land in the area of Leneai had to pay 20 Pounds to Iaka to secure a piece land for a place to stay upon returning to Isla land after Napang Ihi. The serious questions we must ask also is why that payment was not disclosed in this hearing.

While we agree that each of these two claimants acquire important customary responsibilities and have participated in many custom ceremonies including Toka and Niel ceremonies, we are of the view that they are doing so in representation of their respective nakamals (Lapangtuai and Ikutingting) but not the entire Isla land.



Family Mauh Kai

The claimant's nakamal is located on the mountain peak as the first nakamal on Isla Land. The land is called Namalmene. While the claimant claimed he owned highest nakamal taking charge over all the nakamals on Isla land, we disagree with him because the evidence received in Court showed that a nakamal cannot override the authorities of other adjacent nakamals. It is also accepted by majority of the claimants and their witnesses that Iokenesawan is not the Supreme Nakamal however, this nakamal and the land is recognised by everyone as the gateway for everyone travelling in and out of the land to the Eastern part of the island.

Mauh Kai is given great respect for being involved in many custom Toka's and Niel ceremonies. It is accepted that as part of the efforts to address tribal wars he participated with other Ieni's of each nakamals to organise custom ceremonies to put an end to tribal wars. Mauh Kai has tupunis for black Taro and receive fish mums from Iolu at Lounapkamim. We observed Taro and its tupunis stones during Land visitation.

Family Yamak / Family Hetukai

He claimed first settler at Isla land. He entered through Lenauhia and planted nabanga and named it Kota/Yamak. Kota and Tabahan left and moved South. Yerisoa came and planted his nakamal and left. None of these planters dispute Isla land. If planting these nabanga were of significance in ownership of the land, families of these individuals could have also filed their claim:

Yamak did not explain where he travelled from into Lenauhia. Other claimants maintained that Yamak and Yalulu originate from Rakatne and to mark their arrival, they have planted coconut trees at Lenauhia. In land visitation, we also observed a grave which Robert Iathiew said belonged to his great grandfather Yathiew.

Yamak and Yalulu are described by every claimants as warriors using witchcraft (Natik) and they would kill settlers in a land and take over their land. This was supported by evidence that James Yamak's apu created used Lapun Island to kill people.

After settling at Ilpanak, he allowed Hetukai to clear land and live at Letouelheow and Iaka at Ikunignen and Leneai. This authority was not felt nor seen when the Court visited these nakamals. It is also not clear as to why Yalulu was considered an enemy for Yamak due to his authorisation to Naura-mene to

kill everyone at Nikimluah. He maintained that he compromised through Hiwa Mim who is Lomai Apen's son.

If Nalau had come to occupy Yathiew's land at Lounapekmeta, we saw no evidence of it as the land was abandoned and covered with bush.

Other claimant's showed discontentment to this stating that Lomai Apen never impregnated Napalam before she was married to Nalau. We are reluctant to accept that Hiwa Mim is Lomai Apen's son as no witness was called on behalf of family Hetukai to support that deposition. Nothing was shown also during land visitation to confirm their involvement in custom activities except Tupunis stones for mumus fish which were dug out of the ground and shown to us. While no one disputed that it was Yamak's grandfather who brought the Mango Luwi, we are hesitant to accept that he went to Australia just to bring Lomai back to Tanna.

Yamak however showed us his Iaramara stone for turtle and graves of his family and relatives. Ipanak nakamal where custom ceremonies are organised. Yamak also participated in Toka ceremonies as a Yaramara. While we can observe the disunity in Ipanak with Family Iakapas Loukaiap (Siri Ames) we are satisfied that each of these families are assigned with important custom ceremonies to play in Ipanak Nakamal. Family Iakapas Loukaiap performed Tupunis for weather and Nantao and Yam (neuk suka). This is observed during land visitation.

Family Iolu and Hiwa Apeng

The claimant has presented documents as exhibits showing his involvement with land sale in Isla land along the Kwataren area (Traders, Catholic Church, Bahaii Temple).

The evidence received by many claimants and their witnesses confirmed that Iolu is responsible for Tupunis mumus (fish mangru). While others disputed that the Tupunis he is practising does not belong to Isla land, the Supreme Nakamal of Lenauhia and Iokenesawen nakamal confirmed trading fish mumus with Iolu at Lounapkamim nakamal. Despite critics that the claimant is adopted into Liuinio and that he practises Tupunis for mumus under the name of Joe Nalpin, we observed that the stone to prepare mumus is on the edge of Isla land boundary towards Louinio but the fish pool is at Isla side. The claimant has participated in number of Toka dances (2006 at Ikunala, 2012 at Ianpanawan, 2020 at Lafna) and engaged in custom Niels on behalf of Lounapkamim nakamal.



While observing few disagreements from claimants, we agree that Lounakamim is a Supreme Nakamal in the Kwataren custom road connecting with other Supreme Nakamals of different lands.

He was adopted in to the land because the it was considered a deadland as everyone had been killed in the tribal fight. During his father's birth Joe Nalpin asks for his return to the land and the agreement was reached by Leneai, Ilpanak and Lenauhia. This follows the Toka of 1939 which was performed to allow everyone who had escaped during tribal war to return. As part of the agreement for his grandfather to return, Leneai gave a woman Nasiau and his grandfather came back. James Henaiu want and took him at Small Isangel to Ilpanak and he grew up under Yanak. A woman, Masi was given as payment to James Henaiu. He said during his father's adoption he was called 'Niwa' meaning fish.

His generation has been practising tupunis for fish mumus and at some point Iata Nauha asked Charlie Tukama to practise fish mumus but then an incident happened and the fish stung and was not eaten. Whilst in Ilpanak, Yamak circumcised his father. He left and stayed with Joe Nalpin at Isini before he returned to Lounakamim to assume role as Ieni and Tupunis. In 2012 a ceremony was organised at Lenemy to thank Kouh for taking care of them. He also said the land across to Irunaip is Nalpaemene tribe and is for custom activity. He also confirmed Yamak killed pig at Lapangtuai people killed pig for natik but it does not mean he is the only person on the land because people have returned after the fight.

It was revealed by Stephen Iawilik that a ship has run aground on the reef peninsula outside Lenami and the efforts of floating it was successful so Lenauhia requested this claimant to bring pig and Ikonesawen to bring kava and after performing a custom ceremony, the was able to come off.

Family Tafla

It is not clear as to why Tafla had decided to return alone to Ramar. It could be that the tribal fight hasn't finished but it appeared he had returned and the fight was over but his grandson did not wish to come and occupy his land. It is not clear as to why Nalak's attempt to bring his grandson back did not succeed. Their involvement in the land started only when Tafla's grandson namely Peter Iatek was imprisoned in the French Jail at Isangel. He was released because the authorities were informed he is the owner of Isangel land. The elders then showed him the boundaries of his grandfather's land. That deposition was never supported by any witness. Moreover, the claimant failed to show he had adequate knowledge and there was no involvement whatsoever for any custom

activities at Ramar land. When we observe the land, he did not not show any tupunis he may have nor any custom features that connects his family with Isla land.

Family Iolu Ngare

This claimant was declared the custom owner of Isla land in the 2006 Island Court Judgment. The claimant deposed that stone and land exist before human being comes into existence. These stones began their travelling from Nisipel and at Leneai, they 'meaea' or float. That is how Leneai earned its name. Iolu Ngare is the big Ieni at Leneai, Nasak is Iaramara and Iaka is Tupunis. It is not disputed that the claimant through Iolu Ngare first settled at the coastal area before moving inland and settled at Leneai. It is accepted in custom that those living in land are allocated areas along the coast to access marine resources. The claimant accepted in his evidence that Lenauhia is the Supreme Nakamal and Nikiluah tribe is at Tanpus. In land visitations we are able to observe Leneai Supreme Nakamal. The claimant amongst other claimants (Family Lomai Apen, Family Loughman Kwanpisen and Family Yamak & Hetukai) were able to show other kitchen nakamals- Loupatapata, Lapangtowa, Napanga Naoka Kamoi planted by Charlie Iawantak's father to stress peace and corporation between parties despite dispute, Tafla's kettle, Nakamal Lutuklutuk, tupunis stone for Kauhia (yam), grave for Kateina Niki, circumcision bamboo white one remained. Black had died. Grave for Tom Hiwa's second wife, Tom Hiwa's coconut plantation, grave for Loughman Kwanpisen, Nabanga for Loughman Kwanpisen. Tupunis stone for Iata Nauh.

It is accepted in evidence that there was no surviving blood at Leneai so the nakamals (Lenauhia, ilpanak, Imanam, Leneai) agreed for a surviving blood to be brought out from Nariakene to Leneai. It is supported in evidence that Yamak and Hetukai are also involved in the customary process of bringing the surviving blood back to Leneai.

The Court is satisfied that this claimant is directly connected with Loughman Kwanpisen 1 through daughter (Kouh) of Iolu Ngare and his wife Nasueiu.

Family Iata Nauha

This claimant deposed that Iata Nauha is Ieni and his son Nokout Kafka is Tupunis for turtle. Other tupunis is breadfruit. The spokesperson said an incident occurred at Irunaip forcing Iata Nauh to leave with his sons and travel through Nuatiutiu road to Leneai and left his Tupunis stone for Turtle at Leneai



and went to Louirio. He said Iata Nauha had left before the Trader Henry Rose Lewyn came to Isingel. As a result, he did not sign any documents like others did. It is evident during land visitation that Iata Nauha had left his Tupunis stone for turtle at Leneai. When questions were directed at him concerning Numanian Frank's son namely Iou Pusen who is not included in the family tree, it became clear that Iou Pusen is currently assuming role of Iaramara at Lafna. It is therefore questionable whether it is appropriate in custom for immediate family members to assume custom authority roles in two different land. The claimant could not assist also when questions were directed at him concerning any custom ceremonies that were performed by nakamals to allow Shem Nokout back into Irunaip nakamal. In the land visitation, the turtle tupunis placed at Leneai by Iata Nauha remained to this day. With regard to Irunaip as kitchen nakamal for Leneai as stated by the claimant, we disagree. Irunaip is in the Kwataren kastom rod and in custom should remain under the authority of Lounapkamim as the supreme Nakamal for the Kwataren Kastom Rod.

When questions were put at him concerning the origin of Iata Nauha as originating from Fort Resolution and that he was chased away by Luke's apu, he refused by Steve Sawia sung a natatau to relate it.

It is revealed by witness Loughman Popouk that there was a land dispute between Luke Sawia's brother at Ikutingting (Ikurakus) with Sam Kapera who was speaking at the time on behalf of many of the claimants who are in court today. It was Sam Kapera who asked Shem Nokout to return to Irunaip. Apparently Shem Nokout returned during Christianity and did not intent to practise tupunis for turtle as it appears the Tupunis stone left by Iata Nauha at Leneai remained there now.

A document presented in Court by Yamak showed that in the 2006 Court case on this dispute, Shem Nokout who was spokesperson for Iolu Ngare said Iolu, Loughman, Nokout are all related.

Family Lomai Apen

This claimant shared the same Family Tree with Family Iolu Ngare. It appears they were supporting his claim in year 2006 resulting in the declaration of Leneai Nakamal granted to Family Iolu Ngare. However, they were denied some rights over their use of land at Leneai nakamal so they decided to file a separate claim in this proceeding.

Nothing more will be explained with regard to this claimant because he has one Custom Basket with Counter Claimant 6 and 9.

The Court is satisfied that this claimant is directly connected with Loughman Kwanpisen 1 through son (Lomai Apen) of Iolu Ngare and his wife Nasueiu.

Family Loughman Kwanpisen

This claimant shared the same Family Tree with Family Iolu Ngare. It appears they were supporting his claim in year 2006 resulting in the declaration of Leneai Nakamal granted to Family Iolu Ngare. However, they were denied some rights over their use of land at Leneai nakamal so they decided to file a separate claim in this proceeding.

Nothing more will be explained with regard to this claimant because he has one Custom Basket with Counter Claimant 6 and 8.

The Court is satisfied that this claimant is directly connected with Loughman Kwanpisen 1 through his second son Loughman Kwanpisen 2 who is married to Kawia..

Family Nimip Loughman

This claimant has expressed his rights in Isla land as usage only. On that basis, we will not discuss his evidence further.

It was confirmed by Charlie Iawantak in cross examination that Lenauhia as the Supreme Nakamal is aware of claimant's father's settlement at Leneai.

It was also revealed by Stephen Iawilik that Iaka brought Nakohama to Leneai and he again took Claimant's family there.

Family Kouh

In the Reconciliation Toka of 1954, Kouh presented the pig Namiarip. During land visitation, the claimant was able to present custom features and nakamals together with Charlie Iawantak. He appeared to present sensible custom facts concerning events and practises along the journey of our land visitation from Iokenesawen to Lounpapakamim.

It is revealed by this claimant that Napang Ihi fight only concerns people from Nikimluah tribe and not everyone were killed during the fight. During this fight, Lenauhia was safe. The claimant said he came from Nasipmene after Numrukwen Kawiemeta fight when people were accorded ranks and then are free to settle.

While we observed the wealth of customary knowledge acquired by the Claimant, we can observe the differences he has had with Charlie Iawantak whom he both claimed Lenauhia. When questions were put to him by Iamak, he



accepted that he and Charlie are connected and that they should have supported each other in filing only one claim. Charlie Iawantak said he invited this claimant to see him about filing a claim together but when he arrived in Tanna, he went to Whitesands. It appears some of the claimants relatives are buried at East Tanna Nahi went to Larkam, Iaka went to Whitesands and some other families left because Lenauhia cuts Nabek and the situation was intense so they had to leave but now the situation has normalised and there are free to move back and forth.

The claimant disputes Charlie Iawantaks legitimacy of acquiring the superior custom ranks because he said he when his grandfather returned from Queensland, he disembarked at Irunaip and adopted a Tongan named Nasu to become Kou's brother. However, Nasu marry their sister Parailmaga. The claimant Charlie Iawantak said there was no evidence of it. The Claimant Kouh said the evidence is in the colour of the skin. This is an observation that the Court gave notice to it also. If this is true, the it will have an impact on how titles are acquired in accordance with the provisions of the Niko Letan Konstitusen.

Family Iaka and Taula

The claimant also said Nasak and Iaka are at Leneai are not Nikimlua tribe but Nalpaemene Tribe. It is accepted by everyone that Daola went to East Tanna and that when his family returned (claimants) they have not assumed responsibility of turtle tupunis because Iata Nauha is settling at Irunaip and that the fight has not stopped.

This claimant has the same claim under the name Taula /Tafla but are both referring to the same person. They both have similarities in their story about Tafla returning to Whitesands and left his family there and returned alone to find out if the fight had stopped and that he went and live at Lonukialeng and then died and was buried there.

The difference is that they claimed to originate from Nalpaemene tribe and not Ramar as Counter Claimant 5. It is accepted by the claimant that Irunaip is the kitchen nakamal for Lounapkamim Supreme Nakamal and not Leneai. Claimant also state that Ialukak and Tanasul arranged for their families to return. In 1979 A Nial ceremony was facilitated by chiefs of Isla (Loukipita, Numan, Nasse) for accepting the n back into Isla. They also presented a pig in that ceremony. None of this ceremony was accorded to Counter Claimant 5. Moreover, the claimant said upon their return, she gave her sister to Iavis to thank him for taking care of their land while they went away. This was disputed by Frank

Beten. Nonetheless, we observed that the claimant have engaged and participated in ceremonies signifying their acceptance back into the land. Namaka was practising their tupuna until 2017 when he died. In their family tree it shows that they have been using the nameset of Taola before the 2006 Isla Land Dispute hearing in TIC.

It is however raised by other claimant's that while Taola was out on his journey, Tepita who originated from Samoa impregnated his wife Yalele and she conceived Nasak. It appears that big Ieni of Iakukok had requested Natonga to release his family back and a custom ceremony was organised and pig and kava were presented to Natonga and the Claimant's family returned and travelled past Ipenian and to Katang Nimaliken, to Iakukok and then to Leneai and Lautapus. While the Court is not certain on the blood connection of the Claimant and Taola, we are satisfied that the ceremonies are performed in satisfaction of Article 91 B 5. of the Niko Letan Konstitusen.

Family Lava Ialmalu

This claimant assumes the role as the Ialmalu of Lenauhia Supreme Nakamal and his tupunis practises are for yam koleiniu and neuk suga. He has traded women with Iokenesawen (Isou and Kehin). He confirmed organising a Toka at Lenauhia so to allow those who fled during tribal fights to return (Louinio & Louklamene). He also organised a Nial ceremony to Mauh Kai to take tupunis stone for yam Koleinuh back to Lenauhia. There is Loutapus at Lenauhia, Lounapkamim and at Isangel in order to connect garden Nasuman.

He stated in his oral evidence that the Nikimlua tribe uses Irunaip as 'ples blo drink solwota' and lenauhia has access to Ieniman as their place blo drink solwota.

Luke asked him if his father has signed with Apu Nanua some document concerning Isla land but he said it was not his father Lauha Riki who signed because he was uneducated and could not write. His Apu Lauha is Ieni at Lenauhia and could not speak blongblong so he asked James Henaiu to speak on his behalf. It transpired in evidence that prior to Independence in 1979, the officers of the colonial government at Isangel recognised Lenauhia as the Supreme Nakamal of Isla land and surrender all vehicle and office and building keys for their possession as preparation takes place for the country's independence.

The boundaries for Nalpae and Nalakwang was put by nemtet Nau while Ramar was installed by Ioupas to fight Jimmy Iakapas at Nikimlua. When questions



were asked as to why there are similar tribes Nalpaemene on eastern part of Tanna said he don t know.

He said power of Jarangen made sea appear at Lenauhia and Apu Iameuh Matua saw it. We observed that place during land visitation. We were also shown his nemon. tupunis for Yam, his nakamal, grave sites, napanga planted by his grandfather, Neuk suga yam and the boundary mark of Imai and Lenauhia called Tanriprrip, Sao Pakluan starts at Ioknesawen to sea at Stone Napis and is the road they would follow from Lenauhia to sea. In coming past Namal Asul, Claimant showed the Tabu hole which no one can enter. If you do, you will suffer itchiness.

The claimant said his apu Ialmalu was shot so two elders went and hide in a cave and then return to attend to Christianity and were taken back to Leauhia by Mauh Kai. Apu Ialmalu gave stone Yam to his daughter Paramaramara. 1854 Reconcilliation Toka was between Louinio and Louklemene fight stops. Persons responsible were Iameuh who malin kweria (wore feather).

Family Iakapas

It is clear in evidence that following Iakapas' dead, his wife and daughter went across to Lafna where Katuan remarried and some times later her daughter Maina also got married. She then adopted Iolin's son in order to send him back to Ilpanak to inherit the rights of that nakamal. He was unhappy to see that the land was occupied by some strangers like Family Iamak. Ilpanak nakamal is now occupied by Iamak and Iakapas. While Iakapas is adopted into Ilpanak through woman, he has continued to perform significant custom responsibilities in Ilpanak Nakamal. He is responsible for Tupunis for weather (rain and sun), Yam and Nantao.

Family Yathiw

The claimant's claim is through his bloodline connection with Nauru who is the surviving bloodline of Nikimlua after the tribal fights.

Iathiw is married to Iata Kisia and their only son Peken is married to Rihinamu and they had Naks and Yalulu. Yalulu married Kauaiu and raised Iathiw and Nauru. Iathiw died leaving Nauru as the surviving blood of Nikimlua. Nauru married Kuanpiken and had Iasu, Kiel Kalo and Nalau Situ. He refused to accept that Yalulu is from Rakatne and that his Apu came into Isla through Iapangkaota, Ilowin, Tanasul then to Imai.

This claimant has only one witness but it is accepted by all parties that Nauru is the surviving blood of Yalulu who was killed by the command of Louinio.

This claimant maintained in cross examination that he owned Supreme Nakamal Lounapekmeta. His tupunis is yam and namambe. Yam went missing, he only had namambe. The poison killing was the first fight and it involves his Apu Yalulu and Siri of Louinio. They killed many people including Yamak's family. When his apu Yalulu was killed in the fight, Yathew and Nauru survived. It was confirmed by Charlie Iawantak that Lounapekmeta is a tabu nakamal where Yalulu cuts bamboo and call out names of people.

All the claimant's maintained that Yalulu was shot using a gun but the claimant said he was killed using nalnal. The Claimants say his carcasses was sent to Rakatne but someone in Lounapkaouaio ate him. Other claimants said they are familiar with a stone described as being used to cook Yalulu of Rakatne. This claimant refused to accept that.

At cross examination, this claimant does not show any custom trading link it has with Yamak and Hetukei. Yalulu and Yamak were enemies during the fight but were somehow friends through this claim. He said it is normal for a brother to fight with his sister but no specific answer was given on that question by claimants. When questions were put at him as to why boundaries were set between him, Yamak and Hetukai. He could not answer too but the claimants think they were trying to protect a Lease which was granted in favour of Tom Hiwa covering where he currently resides. He could not give a clear answer. It is wrong in custom to do this as Tawalai's are marked based on the custom governance in terms of tupunis. Apparently, Yamak revealed he instructed the killing of Yalulu due to disputes he had with him concerning Iauanen. It is revealed in his oral evidence that Lounapekmeta has no napangtoka. Also he said he never took part in any toka. This means that nakamal is not a Supreme Nakamal but only a kitchen nakamal for tupunis. He admitted involving in sorcery activities with Siri which is why his Apu was killed at Laiukwan. It is clear in the evidence also that Yalulu assumed superior rank in his nakamal and it would be inappropriate in custom to eat such a person of rank but in the event that someone is considered a trouble maker, he can be consumed.

It is observed also by the Court that this family has some similarities in name sets and tupunis practises. We are also aware that a claim was filed disputing bloodline of Yalulu and that the blood connection of Yalulu is declared to this claimant by the Island Court in another proceedings and an appeal of that decision is yet to be determined by the Magistrates 'Court. In 2010, his grandfather Sam Yalulu died and was asked to be buried outside this land and it prompted the claimant to file the claim in the Island Court.



This claimant thinks he owns Nikimlua land as the first settler. He travelled during the Kaplela era but when he was asked where he was during Neprow, he does not know. It was put to him by Luke Sawia that some sets of Nemtets were travelling from the east like taro, yam and banana. When arriving at Lounapekmeta they started to bleed. The claimant does not know.

The only witness for this claimant is the paramount chief of Ipkangien who has no knowledge about the custom practices of Isla land. The Court asked if he had in his capacity as Iaramara facilitated movement of people who fled during tribal wars to return to their original places he confirmed doing so with certain people in the Southern part of Tanna Island.

Findings

- The Court took into account and apply evidences which are only relevant for the purpose of finding the rights each parties are entitle to in custom. Much of the evidences which we find irrelevant are not considered.
- The Nakamals that have superior powers of supporting the trading links between each nakamals are Lenauhia which is positioned in the Namiarip custom road. The centre supreme nakamal of the land is Leneai nakamal which is positioned in the Makaomas custom road and lastly Lounapkamm nakamal who sits in the Kwataren custom road.
- Through these nakamals, in the highest peak of Isla land is Yokenesawen who trades taro with other nakamals and Family Mauh Kai (Counter Claimant 3) has proven themselves to be the custom owner of Yokenesawen Nakamal based on these custom practises.
- The Supreme Nakamal of Lenauhia trades yam kolei nhiuh, kwalkal for yam neuk suga and Famioly Lava Ialmalu has proven themselves to be the custom owner of Lenauhia Nakamal based on these custom practises.
- The nakamal of Lapangtuai trades yam kauhia, neuk suga with other nakamals and Family Nalau Niatgnei has proven themselves to be the custom owner of Lapangtuai Nakamal based on these custom practises.

- The nakamal of Ikutingting trades Navel, Yam, namambe, and has lizard tupunis as their security, and Family Yalulu has proven themselves to be the custom owner of Ikutingting nakamal based on these custom practises.
- The nakamal of Lounapekmeta who has namambe, and has lizard tupunis as their security, Family Yathiew has proven themselves to be the custom owner of Lounapekmeta nakamal based on these practises and through family bloodline.
- The Nakamal of Ilpanak who trades Yam, Nantao and is responsible for weather, Family Yamak has proven themselves to be the custom owner of Ilpanak Nakamal based on these practises and through family bloodline.
- The Nakamal of Leneai who trades Yam neuk suga and is responsible for distributing turtle and fish to other nakamals, Family Iolu Apen has proven themselves to be the custom owner of Leneai Nakamal based on these custom practises.
- The nakamal of Irunaip who trades turtle and breadfruit, Family Taola has proven themselves to be the custom owner of Irunaip nakamal.
- The nakamal of Lounapkamim who trades fish mumus, Family Iolu and Hiwa Apeng has proven themselves to be the custom owner of Lounapkamim nakamal.
- The Court is mindful of the fact that there are a number of tribal fights and that people were killed at some point in time and in other cases, people have escaped and sought refuge in other parts of the Island.
- Overtime, negotiations had taken place and in the agreement of the nakamals concerned, many of these people have returned and custom practises had been performed to recognise their right over Isla land and to accept them back into the land.
- This is evident in the Reconcilliation Toka which was performed in Lenauhia, followed by other ceremonies particularly in the case of Family Nalau and Family Yalulu at Ikutingting, Family Iolu Ngare at Leneai, Family Taola and Iaka at Iakukak, Family Hiwa Apeng and Family Iakapas at Ilpanak.



Declaration

Having heard the claimants and their respective witnesses pursuant to Order 6, Rule 11 of the Island Court Civil Procedure Rules (Amendment) Rules No.1 of 1993, **IT IS HEREBY THIS DAY DECLARED THAT:**

The land boundary of Isla land starts from both creeks at Ikwanpir and Lenami and extends at both sides along the creeks to Iokenasawen at mountain Katangnamaliken.

1. The part of Isla land known as Iokenasaan is owned by Family Mauh Kai and their descendants (Mananup Custom Road).
2. The part of Isla Land known as Lenauhia is owned by Family Kou and their descendants (as Ieni) on behalf of Family Lava Ialmalu (Iaramara) and their descendants (Namiarip Custom Road).
3. The part of land known as Ilpanak is owned by Family Iamak and their descendants (Namiarip /Maukomas Custom Road).
4. Right to Use of Ilpanak Land is granted to Family Iakapas Loukaiap and their descendants (Namiarip / Maukomas Custom Road).
5. The part of Isla land known as Lapangtuai is owned Family Nalau Niatgnei and their descendants (Nabanga at Lenauhia adjacent land to Dawalai with Ikutinting Nakamal and across with adjacent boundary of Lenauhia)
6. The part of Isla land known as Ikutinting is owned by Family Yalulu and their descendants. (Boundary is dawalai with Lapangtuai to two mountain side (Tanrus).
7. The part of land known as Lounapekmeta is owned by Family Iathiew and their descendants (dawalai with adjacent nakamals).
8. The part of land at Isla land known as Leneai is owned by family Lomai Apen (Ieri) and their descendants on behalf of Loughman Kwanpisen (Iaramara) and their descendants.



9. Right of Use of Leneai land is granted to Family Iolu Ngare and their descendants and Family Hetukai and their descendants and Family Nimip Loughman and their descendants.
10. The part of land known as Lounapkamim is owned by Family Iolu and Hiwa Apeng and their descendants (Kotaren Custom Road).
11. The part of land known as Irunaip is owned by Family Taola and their descendants (Kotaren Custom Road). (Counter Claimant No. 13).
12. Right of Use of Irunaip land is granted to Family Iata Nauha and his descendants.
13. Rights to Use is granted to Parties on parts of seacoast from Ikwanpir to Lenami as recognized in custom as 'ples blong drink solwota'.
14. Dismissed Parties including those not declared but are currently using the land must make adequate arrangements with the declared owner of the said land for the accommodation of their continuous use of the land.
15. Any party aggrieved by the decision of this Court has the right to appeal in 30 days period from the date of this judgment.
16. For ease of reference, boundary mark of Irunaip starts at Leneai Creek to Ikwanpir and extents north to Natum Stone, then extents eastward to nemon Kahau Ratiken to Pilengpileng and extents to at Prosecution's Office and then to nemon at Loupatapata.
17. Boundary mark of Lounapkamim nakamal starts at Iankuaneal Stone to Natum Stone and extents east to Kahau Ratiken and to Pilengpileng and extents to Isangel nemon at Prosecution's Office to Loupatapata nemon at Leneai and then turn north to Ienkunamel tree and then down to the sea at Kuanemel Stone.



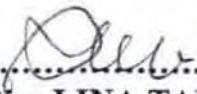
1. Any party aggrieved by the decision of this Court has the right to appeal in 30 days period from the date of this judgment.

Dated at Isangel this 30th day of September 2024

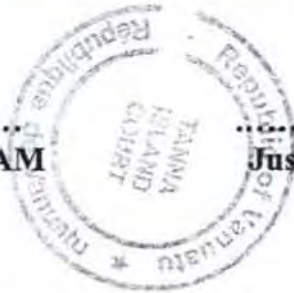
BY THE COURT



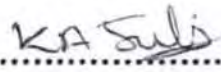
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MOSES PETER
Presiding Magistrate



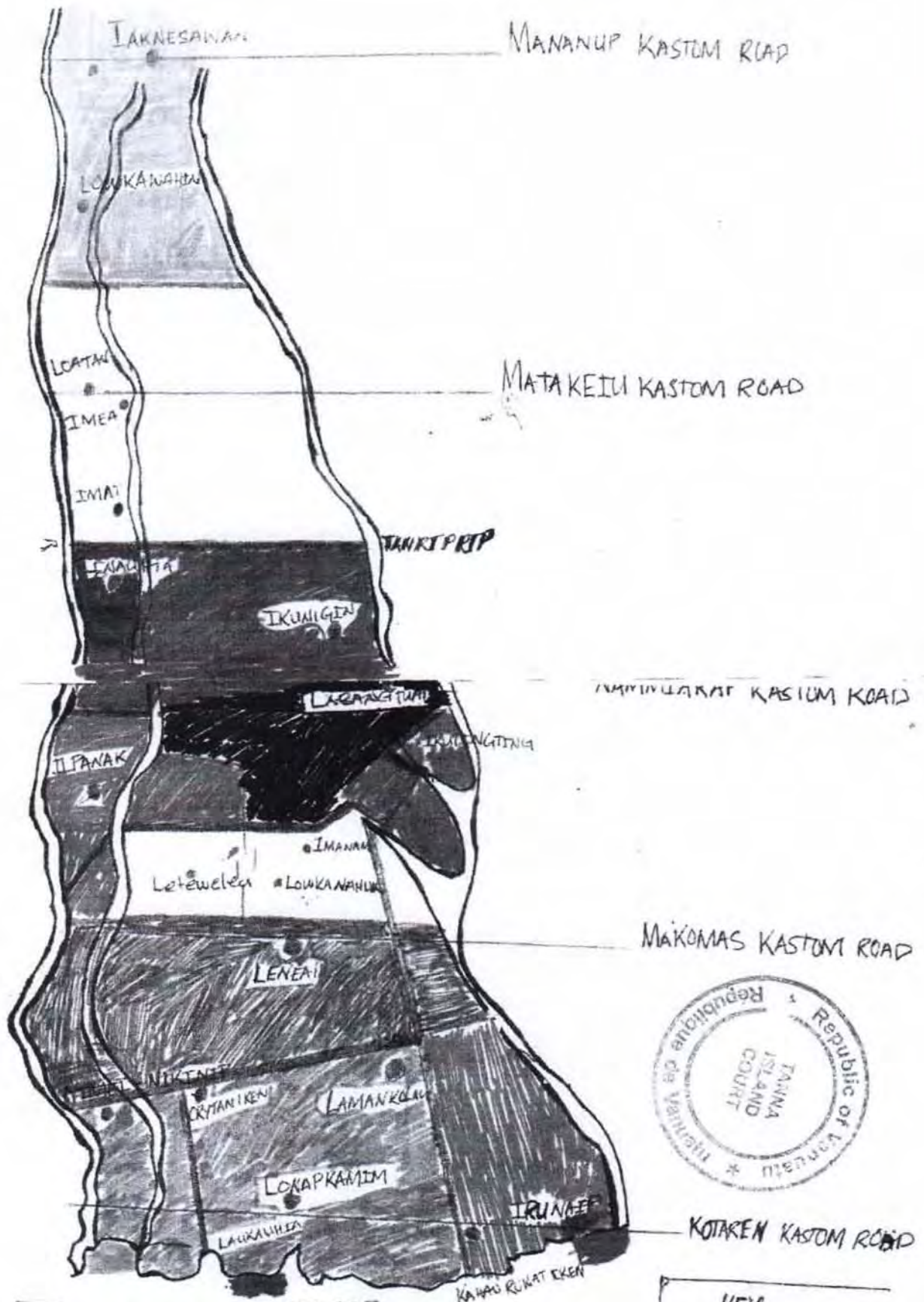
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Justice **LINA TAMANU SAM**



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Justice **SAMSON NAES**



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Justice **ANNA JULIENNE KAWAI**



- CC3
- CC12
- CC14
- CC4
- CC15
- CC16
- CC2
- CC11
- CC5
- F-HETUKU
- CC13
- CC8



KEY

- : NAKAMAL
- : KASTOM ROAD
- : TIAWALAT DANIMBA