

**BETWEEN:** Remy Kunuan  
Claimant

**AND:** Wilson Andrew  
First Defendant  
Humphry Tamata  
Second Defendant  
Republic of Vanuatu  
Third Defendant

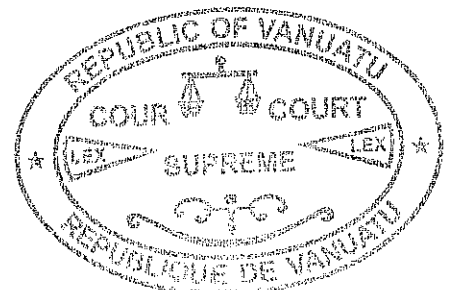
*Date:* 18 August 2021  
*Before:* Justice G.A. Andrée Willens  
*Counsel:* Claimant in person  
No appearance by or for the Defendants

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**Judgment**

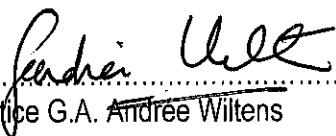
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1. An application for Judicial review has been filed on 12 July 2021. It has today been passed to me for case management.
2. The application refers to a judgment of the Court of Appeal in Civil Case No. 19/1600 dated 20 February 2020, a Land Ombudsman's determination of 17 July 2020 and a Memorandum of Agreement dated 8 April 2021.
3. The application seeks a mandamus order directing Mr Andrew and Mr Tamata to issue a Certificate of Registered Interest over Enkahi land at Port Resolution, Tanna island to Mr Kunuan. Alternatively, the application seeks a declaration order that Mr Kunuan is the custom land owner of that land.
4. The application must be dismissed.



5. Firstly, there is no provision in the law for Judicial Review of a Court of Appeal decision. In certain limited circumstances, Court of Appeal decisions may be re-considered where there is ambiguity of meaning. However, in most instances, the Court of Appeal decision is final.
6. Secondly, Custom ownership of land is not an issue the Supreme Court can determine.
7. Thirdly, the remedies sought, and the manner in which the matter is put before the Court do not comply with the laws of the Republic of Vanuatu.
8. It may be that Mr Kunuan has some legal issue capable to resolution by the Supreme Court. He is advised to seek legal advice if he wishes to pursue these matters, and any such issue will have to be filed with the Court in appropriate form. Regrettably the present material filed does not fit that description.
9. The application is dismissed, and the file is now closed.

Dated at Port Vila this 18th day of August 2021  
BY THE COURT

  
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Justice G.A. Andree Wiltens

