

**MALEKULA ISLAND COURT**  
**LAMAP, MALEKULA**  
*(Customary Land Jurisdiction)*

**BETWEEN:** FAMILY SAVA KOUBACK  
Original Claimant

**AND:** FAMILY JEREMIAH MELEUN  
Counter Claimant 1

FAMILY BONGMEME  
Counter Claimant 2

FAMILY DRALIKON  
Counter Claimant 3

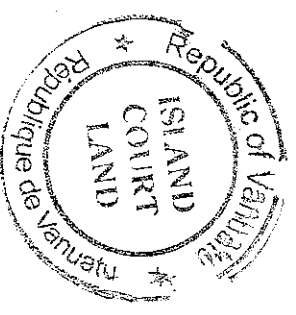
FAMILY KOKO  
Counter Claimant 4

FAMILY TOCTOC  
Counter Claimant 5

FAMILY LOCKVARO  
Counter Claimant 6

FAMILY HOUR  
Counter Claimant 7

Land Case No.04 of 1993



**FAMILY LEVIS**

Counter Claimant 8

Coram: Senior Magistrate Hannaline Nalau Ilo  
Island Court Justice Douglas Fardal  
Island Court Justice Esmon Saimon Makoumir  
Island Court Justice Walter Philip

Clerk: Collyne Maki Tete

Date of Hearing: 18<sup>th</sup> -30<sup>th</sup> August 2020 & 20<sup>th</sup> – 23<sup>rd</sup> October, 2020

**JUDGEMENT**

**1. BACKGROUND BLONG CLAIM**

Long 1993, Malekula Island Court I recievim wan klem blong graon long area blong Lamap, south Malekula we nem blong hem Libeubeu. Kleim blong graon ia ikam from family Koubac Sava.

Long 1996 Malekula Island Court I advertisem claim ia long public I go long ol interested parties. Ol Counter claimant I filem ol claim blong olgeia mo I tekem over long 27 year blong kasem long 2020 blong Kot I sitaon blong harem case ia mo hemia nao hemi finding, decision mo declaration blong Malekula Island Kot long kes ia.



## 2. LAW WE I APPLY LONG CUSTOM GROUND.

### 2.1 Constitution (Mama Loa)

**Article 73:** Every ground inside long Republic blong Vanuatu hemi blong ol indigenous kastom ona wetem ol disenden blong olgeta.

**Article 74:** Rule blong Kastom hemi fomem basis blong onasip mo use blong land long Republic blong Vanuatu.

**Article 75:** Ol indigenous Citizen blong Republic blong Vanuatu we oli witim ground folem wan recognized system blong land tenure bae I karem perpetual ownership long ground blong olgeta.

### 2.2 Land Reform Act, Cap 123

### 5. Application igo long Island Court taem identity blong custom owner hemi dispute

(1) Long any case taem we I gat daot lo custom ona long wan graond we wan alienator I occupaem, wan long ol custom groups we oli klemem graon ia I save apply igo lo Aelan Kot we Island Courts Act [Cap. 167] I establishim, blong hemi faenem onasip blong ground.

### 2.3 Island Courts Act, Cap 167

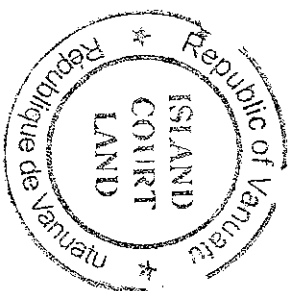
#### *Application blong customary law*

Folem provision blong law ia, wan Island Court bae hemi administerem customary law we i prevail inside long territorial jurisdiction blong hem so long as hemi no agensem wan written law mo hemi no agensem justice, morality mo goodfala order.

### 2.4 Custom Loa land blong South Malekula long Area blong Lamap

Customary law blong area blong South Malekula long Lamap we i relate long custom land tenure long Area ia follem storian blong ol parties long Kot blong ground ia, mo Court ia hemi stap Declarem olsem ol stret custom practice/loa blong Lamap Area or area we disputed land hemi stap long hem:

- 1 Right blong ownem ground hemi follem man
- 2 Woman isave gat right long graon sapos inomo gat man I laef long wan certain area.
- 3 Man I save karem ownership blong graon sapos we hemi berem last man we hemi ownem graon ia.
- 4 Custom adoption hemi wan recognised custom blong South Malekula



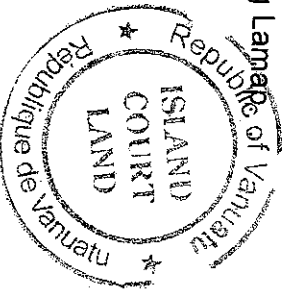
- 5 Only sapos inomogat stret/bloodline line pikinini hemi laef then adopted pikinini hemi gat right blong ownem graon
- 6 Right blong wan adoptem pikinini blong ownem graon hemi limited long right blong stret/bloodline pikinini;
- 7 Long custom governance system, inogat big fire mo inogat smol fire; mo inogat big nasara mo smol nasara
- 8 Igat however 4 kind Nagamal we oli kalem ghamar bon, ghamar Pisa, ghamar Botmau mo ghamar Jleu.
- 9 Original Nasara or Ghamar Mobao hem nao igat right blong ownem graon, ol man we oli kam settle long ol Ghamar Mobao oli acquirem ol user right nomo long land.
- 10 Wan wan nasara igat own custom land boundary blong hem.
- 11 Wan boundary isave gat wan or moa nasara inside long hem.
- 12 Inside long wan nasara, man narafala ples (senan) I save kam performem custom blong hem
- 13 Inside long wan nasara, I mas gat prove blong custom identity olsem custom stone, custom flag, language, custom story mo singsing, custom tevel, custom wota mo cutom basis.
- 14 Ol custom stone hemi ol stone stone we ol man I planem folem custom ceremony
- 15 Wan senand ino save ownem graon, from hemi karem right blong usim graon nomo
- 16 Wan senand I save karem right blong ownership sapos stret land owner hemi pasem right ia long hem

**3. BRIEF HISTORICAL BACKGROUND BLONG LIBEAUBEAU GRAON**

Folem klem blong Original Claimant, Libeaubeau graon hemi stap long South Malekula stret long area blong Lamap. Lamap hemi wan Mission area blong Catholicque church. Taem ol first settlers oli arrive lo Lamap, oli pem graon long mo mekem ol man I move out long Original nakamal we oli kalem Ghamar Mobao blong olgeta mo go settle long difren place. James Cook hemi arrive long Lamap Area long 1774 mo nemem ples ia Port Sandwich

Christianity ikam tru mo establish long Lamap long 1887. Wetem establishment blong Catholicque Church, Church I bin pemoot bigfala graon long Lamap mo stopem custom practices taem I tekem ol pikinini igo lo mission school. Plante man I move out to long ol Ghamar Mobao blong olgeta mo go live long Church mission. Long semak fasin taem ol white man traders oli kam pem graon mo setemap ol Agricultural business olsem Coconut, Cocoa, Coffee mo cattle plantation, oli tekem ol labourers blong olgeta long ol difdifen Ghamar Mobao long around long Malekula mo ol nearby islands olsem Maskelyn, Epi, Ambrym mo Pamma mo Pentecost oli kam work long ol plantation. I bin gat ol faet tu we I tekem place between ol white man we I mekem se ol manples I muvmuv olbaot

Volcanic eruption blong Ambrym long 1913 hemi also contribute blong sam man Ambrym I migrate ikam live long Lamap

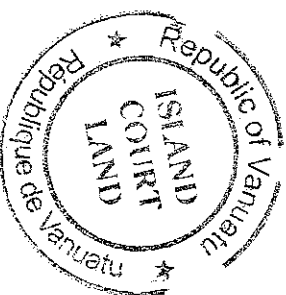


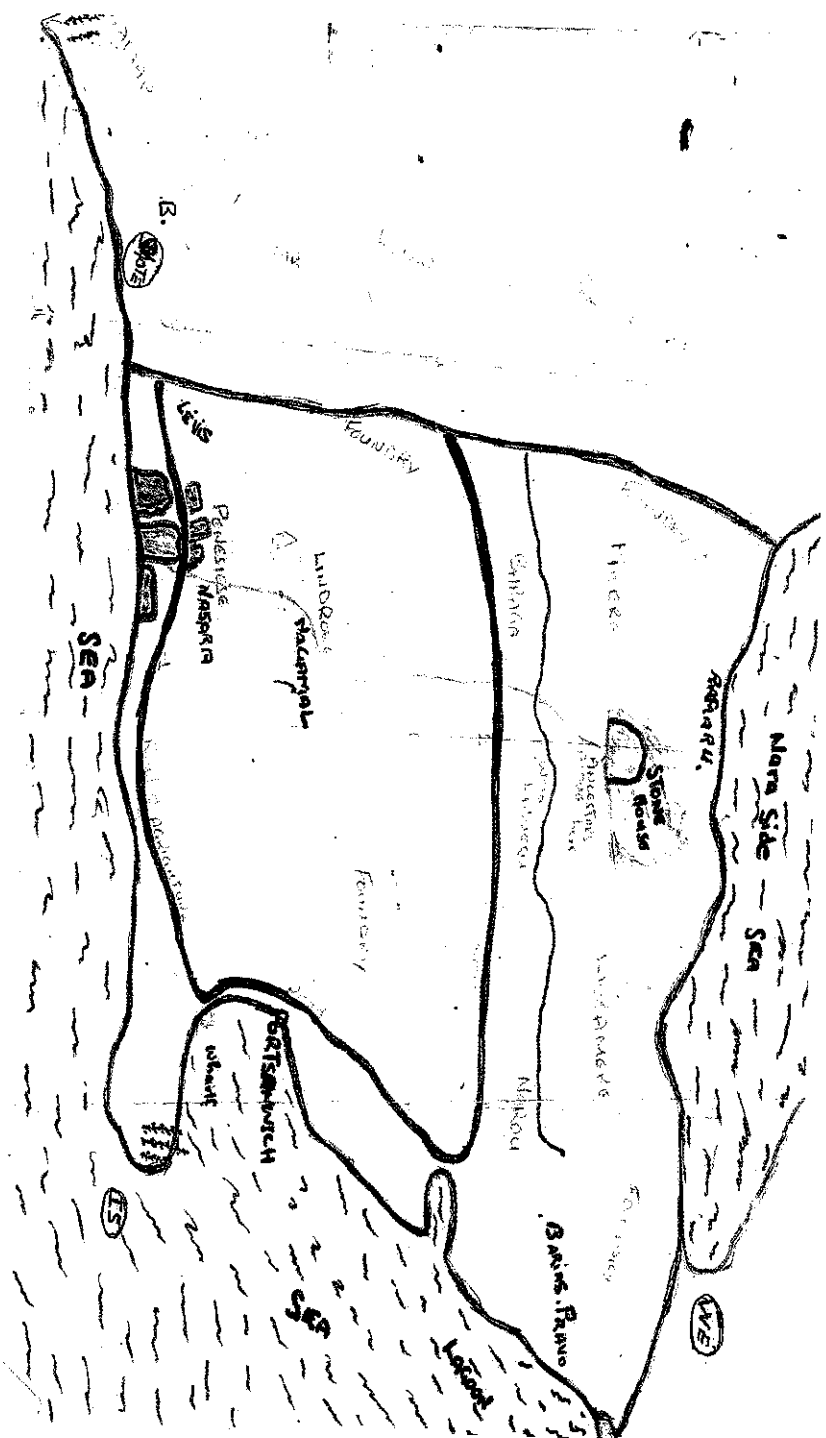
Movement blong ol people hemi fosem ol stret man ples oli nomo go back long ol ples blong olgeta, sam oli tet away, sam oli migrate igo lo nara ples mo long sem fasin man nara ples I bin migrate ikam settle long Lamap area. From generation to generation, movement blong ol man we oli kam blo settle oli establishim ol smol smol nasara blong olgeta we oli live long hem kasem tede. Effect blong movement, people I lusum stret custom mo culture blong olgeta we I look se stret fasin blong ownem graon tu hemi lose. Ol man oli tekem mo ownem ol graon we ol ofala blong wanwan Chammar Mobao igivm long olgeta; ol stret land boundary blong ol original custom graon I lus mo custom gavenans system tu inomo wok gud.

Plante yia I pass kasem long 1980 time Vanuatu I karem independence, Constitution blong Country I providem se ownership blong graon ikam back long ol indigenious people. Boundary blong custom graon we oli refer long hem olsem Lipeapeau hemi wan long plante custom graon around South Malekula we oli no faenem stret custom land owner kasem tede.

#### 4. DESCRIPTION BLONG LIPEUPEU LAND

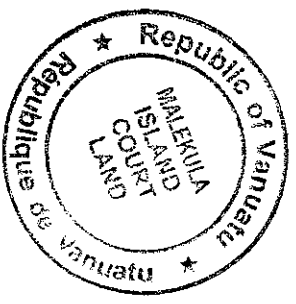
Follem storan blong Original Claimant, boundary mark blong Lipeupeu land hemi start long Lewis long South, I follem krik igo pas klosap long Piberre mo lko kasem Rasmaru long west ernia narasaed solwota mo follem seas coast igo kasem Arov river long North mo ikam daon long lagoon igo kasem wharf long East mo igo raon long Port Sandwhich Point mo kam kasem Lewis bakeken.





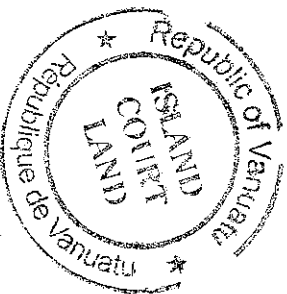
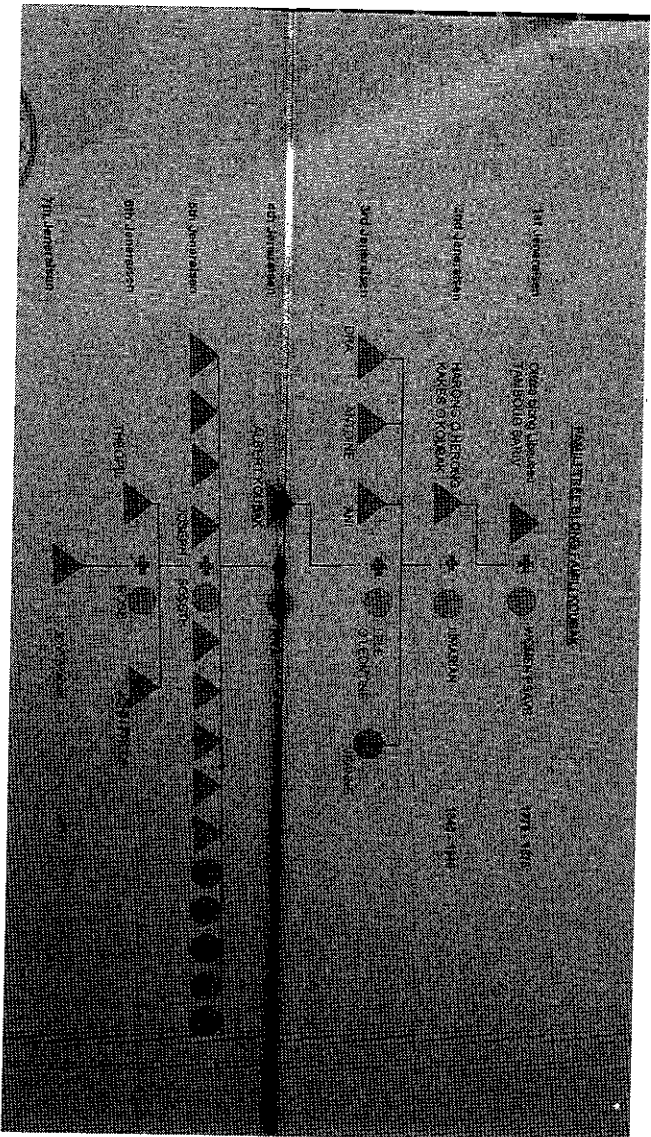
5. STORIAN BLONG OL CLAIMANT

5.1 Original Claimant Family Kouback Sava



Martin Kouback hemi spokesman blong family Kouback Sava

History blong family Kouback hemi start long 1775. Wan olfala man long Libeubeu hemi bon long 1775 mo I tet long 1875, nem blong hem Tamboug Bariv. Hemi maref folem custom wetem woman Psave mo tufala I gat wan pikinini boy, nem blong hem Harong. Harong I maref long Limarian mo tufala ikarem 3 boy mo 2 gel. Trifala boy ia nem blong olgeta Dra, Antoine mo Ani. Ani I marefem Lele o Leontine mo karem Albert Kouback. Albert I karem Rita mo tufala I karem Joseph we I marefem soseseth mo tufala I karem Theophil. Theophil I marefem Rose mo karem John Freddy.



Family Kouback I claim se hemi stret descendant blong paramount chief blong Libeubeu nasara we hemi Tamboug Bariv, oli stap claim custom ownership over long full custom land boundary blong libeubeu nasara. Family Kouback hemi claim se hemi paramount chief we hemi ownem Libeubeu Nasara mo I lukaotem smol chief blong hem we hemi Labotam (small fire).

OI custom identity blong Family Kubouck igat custom flag hemi wan leave we oli kolem beuh, tevel blong hem hemi Ramaj ghanbeau, mo wan tabu stone mo wota we I stap antap long bush.

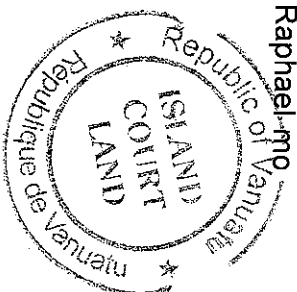
## 5.2 Counter Claimant 1 – Family Jeremiah Meleun

Jeremiah Meleun hemi spokesman blong family Germin Navo, family Diegone Vincent mo family Batick Tavo we ikamaot long wan nasara nomo nem blong hem Pravo Navar.

Klem blong Nasara Pravo Navar hemi stap inside long boundary ia we Kouback Sava I mekem. OI family ia oli bin defendem nasara ia long plante meeting mo custom kot mo naocia oli I stap defendem bakegen long Kot ia agensem Kouback Sava.

Boundary blong Nasara Pravo Navar hemi start long Parav igo lo Lasmaru iko pas long Lambong, igo raon long Parhumu, igo taon kasem long Lahuah mo kam lo Arov mo go back long pravo.

Family history blong family Jeremiah hemi bigwan mo Kot hemi mentionem one line nomo olsem: Wan man nem blo hem Lahavimal Meleun I maretem wan woman Okai, tufala igat 2 pikinini Koubackrites mo Velvel mo Meleuniver. Koubackrites I maretem woman Levis Bargihnsab nem blong hem Lemet, tufalalai karem wan 1 gel nem blong Lisingten, Velvel I maretem woman Psave nem blong hem Limbuas tufala I gat 4 pikinini, Frank, Hailong, Abel mo Mathieu (Massing Lele). Hailong hemi ded.  
Frank I maretem woman Lahrove nem blong hem Madeline, tufala I gat 2 boy mo 1 girl. Jean Marie, Raphael-mo Veronique.





Jean Marie I maretem woman Nae, nem blong hem Genevieve, tuala ikarem 6 pikinini; Batck, Anthanas, Patrick, Bernadette, Veronique mo Charlotte. Batck I maretem woman Dravail nem blong hem Beatrice mo tufala I bonem Louis Pierre, Asil, David, Joshua, Esther, Bernadette, Janet mo RuthLouis Pierre I maretem woman Bangre nem blong hem Honorine, tuffa I bonem Moise, Genevieve, Kreline

Igat 6 generation everiwan long family blong Jeremiah Melewun.

### **5.3 Counter Claimant 2 –Family Bongmeme**

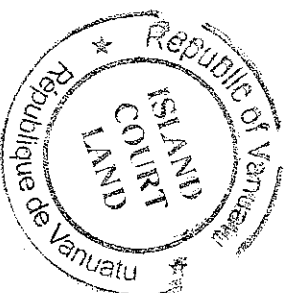
Patrick Bongmeme hemi representem family Bongmeme. Family Backloulou, family Nali mo family Luan. Olgeta oli disputim claim blong Original claimant mo talem se boundary we OC hemi claimem I kavaremap 2 custom boundary blong 2 original nasara or Gamar Mobao we oli save long tufala osem Maeuv mo Pravo. Family Bongmeme hemi stap defendem ownership blong Nasara Maeuv.

Bongmeme hemi biliv se hemi folem ol movement blong before ikam, ol descendant blong olgeta I bin settle feswan antap lo bush mo oli move igo taon long Coastal area. Bongmeme hemi claim blong kamaot long Ghamar Maeuv we I consist long 3 tribe (DRIM) igat Konove Malmaeuv, Meleun Ghagor mo Guigul Meleun.

Boundary blong land we oli claim hemi boundary wetem Ghamar Pravo long Western Side mo Ghamar Bangao long Eastern side

### **5.4 Counter Claimant 3 Family Dralikon**

Family Dralikon I claim long behalf blong Family Dralikno, family Habong Kekei mo family Tiopang.



Family Drailkon hemi claim againstem boundary blong Original Claimant mo talem se boundary blong Original Claimant hemi kavaremap 2 custom boundary Meuv mo Pravo. Family Drailkon I stap defendem boundary blong Pravo. Drailkon hemi providem wan map blong boundary blong hem mbe hemi no describem.

Family history blong blong Drailkon I start wetem wan Benam hemi blong Leufta hemi mared long wan woman Sasar, nem blong hem Liroulle mo tufala I gat wan gir, nem blong hem Misisang. Misisang I maret long wan man Lumeur nem blong hem Varatogale. Varatogale hemi blong Lumeur, mo tufala I karem wan gel nem blong hem Liman Lumeur. Liman Lumeur I maret long wan man Bangau nem blong hem Asong. Asong hemi blong Bangau Leras. Asong mo Liman Lumeur tufala I bonem 2 boy, wan hemi Bongmar, narawan nem blong hem Taso. Bongman I maret lo wan woman Denemiel nem blong hem Matalo, tufala I gat 2 boy mo wan gel. Tufala boy ia nem blo tufala wan hemi Drailkon mo narawan Aliuf. Taso hemi maret lo wan woman Pravo nem blong hem Justine, tufala inogat pikinini, tufala I adoptem wan boy walarano. Drailkon hemi maretem wan woman Bonai, hem blong hem Marien Angel, tufala igat 3 boy, Jacque, Cyrilo mo Romain

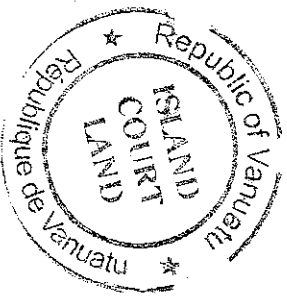
**5.5 Counterclaimant4 – Family Koko**

Family Koko I claim folem bloodline blong chief we I lukaotem 5 Nasara, Nasara Lumo, nasara blong Lockvaro Marisaf, nasara blong Levis, nasara rambuan mo nasara Ighov.

Family Koko hemi claim title blong bigfala chief Meleun Ngasngas

Family Koko hemi providem wan map blong boundary blong hem mo hemi listim ol name blong ol Area we hemi claimem oli Lakotong, Lambouvars, Limbour, Logheur Barvae, Lindraul, Barvae, Lambong, Leuar, Henbahu mo Lambotap. Inogat description blong ol land area ia.

**5.6 Counterclaimant 5 - Family Toktok**



Family Toktok hemi claim againsem Kouback Sava mo talem se hemi claimem right blong Original Claimant from hemi bin laef wetem papa blong Original Claimant. Hemi folem hem kasem hemi pemaot right blong kilim tamtam mo hemi claim tu se hem nao hemi stap wetem ofala Albert Massing Pouse kasem taem hemi ded, hem nao I berem hem.

Land boundary blong family Toktok istart long solwota long Merival Penesis (North East) igo long South West igo antap long Pinun igo taon long creek long river, mo I pass igo antap long Banga Naus Roghtech igo raonem bigfala hill blong Piper, I igo antap long hill blong Pervor igo kasem stampa blong Namambe long Labong naraside long Solwota. Afta I pass bakeken igo lo direction blong South west igo kasem stampa blong Natapoa long Rashmaru.

#### **5.7 Counterclaimant 6: Family Lockvaro**

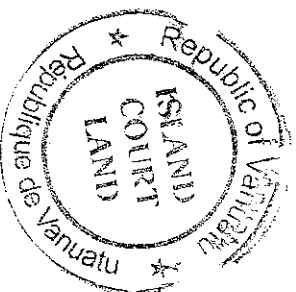
Family Lockvaro hemi claim se custom blong hem I laef stap wetem hem since long taem we oli sutum Rovaro long 1891 long Marisum, taem blood blong hem I ron long graon ia mo wetem poof we priest emil talem publicly (long book writing) se "oli kilim fren blong mi". Lockvaro hemi claim se hemi discoverem identity blong hem long 2009 mo hemi claim se haem nao em stret man Lamap.

Family history blong Lockvaro istart wetem Rovaro, I tekem woman Pevot nem blong hem Liven tufal ai bonem twins nem blong tufal aSubkon mo Barcles mo 3 gel. Subkone I tekem woman Tasmal I bonem 3 boy mo adoptem one. Denis I maret wetem Marie Rose mo bon Remond. Remond I maret wetem Gilda mo bone Denis mo 3 nara boy wetem 7 giri. Denis I maret long Annette mo bonem Remond, 3 nara brata mo 4 gel.

Igat 7 generation everyone kasem Remond.

#### **5.8 Counterclaimant 7 – Family Hour**

Family Hour hemi claim se hem nao hemi lidim ol people long movement blong olgeta start long Pravo, ikam taon long Meuv, ikam taon taon long Lamap mobao (flat ples) mo I continu go kasem area blong Hour Baribang.



Family tree blong hem hemi soem se taem Chief Massing Hour ikam settle long Lamav Mobao, hemi maretm woman Lamav Kekei blong hem Livus Naim. Tufala I bonem wan boy nem blon ghem Sibv. Sibv I maretem woman Labvvar nem blong hem Levat tufala I bonem wan boy nem blong hem Marcoth. Marcoth I maretem wan woman Lavruran nem blong hem Liwerie Marcoth, tufala I bonem 2 boy, Massing Ba mo Meliver. Meliver I maretem woman Lamav Mobao nem blong hem Rose tufala I bonem wan boy nem blong hem Marco. Massing Bae hemi bonem 2 boy nem blong tufala Thomas mo Andre. Generation I continue kas Guillame, Marcel mo Christian.

#### **5.9 counterclaimant 8 – Family Lewis**

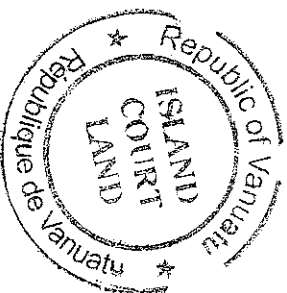
Family Lewis hemi claim long behalf blong family Litoung Lucien, fanily Litoung Aniceto mo family Litoung Hermandagainsem original Claimant mo I claim se boundary blong Lewis hemi gat own nasara blong hem we oli kolem Lewis mo igat own boundary blong hem.

Family history blong Lewis hemi start wetem wan man nem blong he Massing naigh blong Lewis Bavanao. Hemi mared long wan woman Vaneb Bargarribag nem blong hem Livuvus. Tufala igat wan boy ne blong hem Meleun Livus. Meleun Livus hem maret long woman Pnaoamb, tufala I gat wan boy nem blong he Raghragh (German Baptist name). Raghragh hemi maretem Leriv Buas, woman Baring Meauv, tufal ai karem 5 pikinini, 2 boy mo 3 girl we tufala I ded. Tufala boy nem blong tufala Tiosah mo Eli, Eli I ded. Tiosa I maretem woman Meuv (Marie Antoinette, tufala I gat 10 pikinini. First bon boy blong 10 pikinini hem blong hem Tiosah nem blong hem Roger Tiosah.

Family Lewis hemi providem wan boundary map be hemi no providem wan explanation long boundary.

#### **6. TYPE BLONG EVIDENCE WE KOT HEMI RELY LONG HEM**

Hemia nao ol type of evidence we Kot hemi rely long hem blo mekem decision.



**History:** From hemi wan decision blong custom ground, Kot hemi rely long ol evidence blong history mo custom blong ol claimant, family tri, language mo custom names mo meaning blong ol samting eg. stone. Kot hemi also rely long custom storian mo custom singsing we I linkim man igo long ground ia.

**Boundary Marks:** Kot hemi favorem ol boundary mark we olsem pasis, creek, hill, stone we yurni save luk save yet be hemi givim lelepet weight nomo long ol Tri from oli no save laef long time olsem stone mo creek.

**Witnesses:** Kot hemi also rely long ol storian blong ol Witness mo hemi rely moa long olgeta we igat plante witness; mo ol witness toktok we I consistent (talem sem story) wetem narawan.

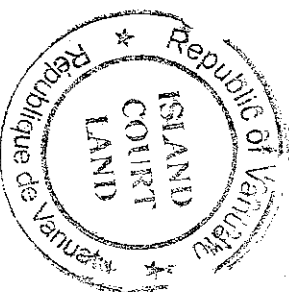
**Custom sites/Tabu Ples:** Kot hemi considerem ol custom sites, storian mo singsing we oli relate we I linkim ol claimant igo long graon we oli claimem.

**Prove blong Sale blong Graon:** Kot hemi also rely long any prove of sale blong graon eg. Deed of Sale blong pruvum ownership we nogat man I disputim.

## 7. FINDING BLONG KOT FOLEM OL EVIDENCE

**Finding No. 1:** Kot nemi taenemaot se long South Malekula long area blong Lamap, mo gat Big nakamal mo inogat Smoi Nagamal long chiefly system blong olgeta.

**Finding No. 2:** Kot hemi faenem se nasara Libeaubeu hemi no wan custom nasara. Libeaubeu hemi nem blong wan ples nomo, ples blong mekem Karen, mo ples blong wokbaot blong ol man we oli live long area ia. Physical setting blong area blong Libeaubeu hemi no matchem or folem custom blong South Malekula blong indiatem se hemi wan custom nasara. Ples ia hemi stap antap long wan top blong hill we inogat flat place blong shoem se hemi wan ples blong mekem custom long nasara. Stone we Original claimant hemi claimem olsem custom stone hemi no indicate se hemi wan ston blong nasara we wan tribe I planem/putum. Stone Cave we hemi stap naraside long bigfala ston hem tu inogat custom story we I link wetem



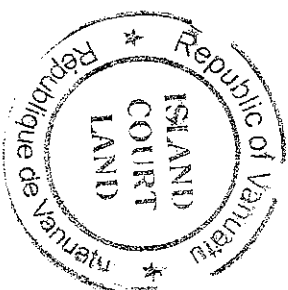
stone blong nature we original Claimant hemi claim se hemi nasara. Kot hemi no convince se physical setting blong ples ia Libeubeau hemi wan custom nasara.

**Finding No. 3:** Kot hemi faenem se folem finding namba 1, map blong boundary we Original Claimant hemi claimem igat two (2) existing original nakamal, we nem blong tufala hemi Ghamar Meuv wetem Ghamar Pravo. Folem storian blong ol party, ikam wan identified era or time blong before, pipol I bin stap live antap long bush long wan bigfala group then oli migrate sloslo blong ol custom sites ol coastal area mo settle kasem tede. Long wokabot long land, Kot hemi harem mo I witnessem ol evidence blong ol custom sites mo storian blong living blong ol tribes blong before long area blong Pravo olsem custom stone, ples/stone blong nakamal, stone chair blong bigfala chief, clump shell we I prove se ol man I bin settle long Pravo. Kot hemi also witnessem wan hole blong tevel mo harem custom storian mo singsing blong hem tevel we I bin kakae ol man mekem ol man I start blong ronwei antap long bush mo move ikam taon long solwota. Hole blong tevel ia hemi pruvum story we wan boy i bin play trick wetem tevel ia blong catchem hem, kilim mo bonem hem long hole we I stap kasem tede. Kot hemi satisfy se wetem evidence we istap long Pravo hemi prove se Pravo hemi wan original nasara (Ghamar Mobao) blong ol pipol blong area ia we igat custom boundary blong hem.

**Finding No. 3:** Kot hemi faenem se folem movement blong ol tribe ikam taon long Pravo, wan tribe I bin go settle long area blong Meauv. Long wokabaot blong kot lo graon, kot hemi bin witnessem evidence blong settlement blong ol tribe blong Meuv wetem ol custom stone identity, tabu ples we oli kolern tambuam mo harem storian blong wan man we I pispis igo taon long creek mo I formem tufala twin pikrini wan I white mo wan I black we oli bilivim se tufala igat power blong healing. Kot hemi harem storian blong wan yam we head blong hem olsem stone mo hemi tambu yam blong blong tribe bling Meauv. Wetem ol storian mo prove blong ol custom sites ia, Kot hemi satisfy se Meauv hemi namba 2 custom nasara we igat custom boundary blong hem.

Kot hemi harem mo witnessem wan place we oli kolern Logor Ghamar we wan tribe (Family Jeremiah) I bin leko ol tevel blong olgeta mo continue blong move iko taon long solwota.

Kot hemi harem mo witnessem tu storian blong wan tribe (family Koko) about wan lisepsep mo wan snake we hemi tevel blong olgeta we tufala I live antap long bush long boundary blong Penesis.



Kot hemi harem mo wintesem 2 nara tabu site/place blong wan nara tribe (family Toktok) wan antap lo bush mo wan we oli brekem head blong man mo sakem igo taon long creek.

Oi tabu place we Kot hemi visitim hemi ol simple prove se I bin gat movement blong ol man start antap long area blong Pravo ikam taon slow slow kasem ol area long Solwota we ol tribe oli laef long hem kasem tede.

**Finding No. 4:** Majority blong ol claimant oli claim agensem Original Claimant from oli no agree long boundary we hemi drowem ap we I kavarem ap boundary blong olgeta. Plante ol claimant we oli laef inside long wanwan boundary blong olgeta mo oli save gud wea ples boundary blong olgeta I start mo igo stop wea.

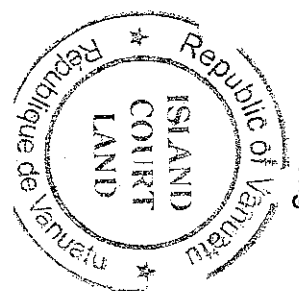
**Finding No. 5 – Original Claimant – Family Kouback:** Folem finding namba 1 mo 2 antap, Kot hemi also faenemaot se Family Kouback hemi part ol link long family Koko tru long custom agreement we tufala I save long hem. Despite lo hemia, i bin gat raorao between tufala we I mekem I lead igo long tufala I claim long graon seperate. However, evidence showem se plante time long ol custom ceremony tufala i wok wan place oisem tufala brata.

Kot I faenem se ol custom identity blong family Kouback wetem boundary we hemi drowem hemi no linkim hem folem custom igo long graon blong Lipeapeau.

Kot hemi faenemaot se Kobouck hemi bin claim graon long sam previous kot blong graon long Area blong Lamap wetem ol difaitren boundary mark. Long 1983, village Kot hemi sitaon blong harem wan claim blong hem mo bakeken long 1987, South Area land Committee I bin harem wan nara kes blong hem. Kaouback hemi proceed blong registerem wan narafala big boundary blong graon long semak area mo karem lease title number 09/1542/005. Hemia I mekem se ol nara interested party I apply igo long Supreme Court, Supreme Court hemi bin cancellem lease ia blogn wait long wan proper customary land determination.

Kot hemi no even satisfy wetem Family Tree we Kouback hemi providem from ino locatem hem long family tree ol year blong existence blong existence hemi no reliable.

Wetem hemia, Kot hemi faenem se Lipeupeu hemi no wan true custom land boundary mo inogat wan custom nasara blong libeubeu we I folem custom.



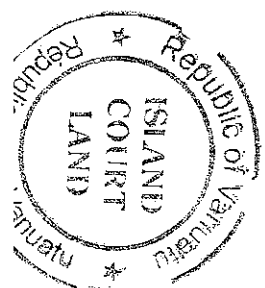
**Finding No. 6: Counter Claimant 7- Family Hour:** Kot hemi faenem se claim blong family Hour hemi gud from hemi prove se ol man l bin migrate out long bush ikam taon. Hour hemi claim se hem nao hemi bin tekem ol people mo travel wetem olgeta ikam taon, mo leko olgeta long ol difren settlemen go Kasem long solwota. Even though family Hour hemi gat wan custom flag mo tevel olsem custom identity blong hem, history mo custom identity blong hem ino linkim hem long ol difren nasara we hemi claim se hemi pass tru long olgeta mo lego ol pipol. Claim blong hem l fall short long customary evidence blong identifiem hem mo linkim hem long ol nasara we istap long graon ia.

**Finding No. 7: Counter Claimant 6- Family Lockvaro:** Kot hemi faenemaot se claim blong family Lockvaro hemi follem occupational right we hemi tekem through long Mission Catholique. Hemi claim se custom blong hem hemi laef start long taem we oli shutum wan descendant blong hem nem blong hem Rovaro mo taem ia Perre blong Catholique church hemi stap finis Lamap mo hem nao hemi talem publicly se oli kilim fren blong hem we hemi Rovaro.

Folem storian blong Claimant Lockvaro, long taem blong shooting, oli bin shutum tufala man, wan l tet mo wan hemi Rovaro we l bin ron go long river long Marivo Sargor mo taem hemi washem ol wounds/kill blong hem lo river ia, ol soa blong hem oli heal. Lockvaro hemi talem lo Kot se hemi no save se Rovaro hemi laef long wea ples mo who ia ol descendant blong hem.

Kot i faenem se history blong Lockvaro might hemi linkim gud hem long area blong Lamap we istap outside long boundary we Original claimant hemi drawem. Claim blong hem we igo kasem Marivo Sargo hemi fall short long custom evidence we l linkim hem igo long part blong graon we hemi claim. Apart long storian blong Rovaro mo River long Marivo Sargor ia, Lockvaro hemi nomo gat ol nara custom identity blong hem we l linkim hem long boundary we hemi claim.

**Finding No. 8: Counter Claimant 5- Family Toktok:** Family Toktok hemi claimem semak stone we original claimant family Kouback l stap claimem folem right blong burial blong papa blong Original Claimant. Kot hemi satisfy se even though claim hemi folem custom, Original claimant hemi object long hem from hemi claim se hem nao l berem papa blong hem from hemi laef istap so claim ia ino save stand. Court hemi faenem finis se nasara Lipeupeau hemi no wan true custom nasara.





Ol custom stone we Kot hemi visitim long area blong Lomo oli stanap kolosap long wan Kros we oli bildim blong markem centenary blong Catholique Church long Lamap. Long visit blong court long site, family Toktok hemi no kiarrem custom storian behind long ol stone ia. Aot long 3 fala stone we l stanap raon long kros, family Jeremiah hemi also claimem se hemi stone blong hem we l planem taem hemi kam blong live wetem oflala Bogal long ples ia. Tufala nara stone ia hemi ol stone oli bin pikimnap lo rod mo go stanemap olgeta wetem kros blong century blong catholique church.

Wan nara stone we l stap long Lichuang hemi stone blong ceremony blong karemaot head blong man. Family Bongmeme hemi disputim ownership blong stone mo custom storian ia mo talem se custom ceremony blong brekem head blong man plante nasara long area ia oli stap performem, mo groan ia hemi stap long boundary blong Meuv ino long boundary blong Lomo.

Family Toktok tu hemi no linkim gud hem wetem custom igo long boundary we hemi claimem.

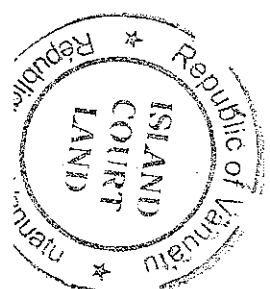
Folem ol finding ia, Kot hemi faenem se claim blong Family Toktok hemi no folem custom we l linkim hem igo long graon.

**Finding No. 9: Counter Claimant 1 - Family Jeremiah:** kot hemi faenem se ol family history mo custom storian blong Family Jeremiah l linkim olgeta igo long Nasara Pravo folem bloodline blong wan man nem blong hem Lahavimal Meleun we hemi maretem wan woman Okai. Kot hemi satisfy se even though Family Jeremiah hemi confuse long flag blong hem from hemi usim leave blong Ghoghai long maret blong wan daughter blong olgeta mo after oli claim se flag blong olgeta hemi stone, blood line blong Lahavimal Meleun hemi outweighem dispute about flag identity blong family Jeremiah.

Court hemi satisfy se right ia hemi folem stret custom blong South Malekula, therefore mifala l findem se Family Jeremiah hemi karem right blong ownership long Pravo land.

Kot hemi notem se family Jeremiah igat custom arrangement/Agreement blong kam stap live long Area blong Merivar long boundary blong Meuv mbe custom identity l linkim olgeta igo back antap long Pravo.

Kot hemi notem tu se family Koko we l karem right blong use long boundary blong Pravo folem ol custom arrangement/agreement we oli mekem wetem Family Jeremiah.



**Finding No. 10: Counter Claimant 3 Family Drailkon:** Family Drailkon hemi also establishim claim blong hem from Nasara Pravo follem ol custom storian mo singsing we hemi providem ikam lon Kot blong pruvim ling blong hem igo long Nasara Pravo. However follem custom family Drailkon hemi kamaot lo line blong wan woman Pravo. Therefore Kot hemi faenem se family Drailkon wetem ol descendant blong hem oli karem right blong Use blong land long boundary blong Pravo. Right blong use blong olgeta hemi subject long right blong ownership we I stap wetem Family Jeremiah.

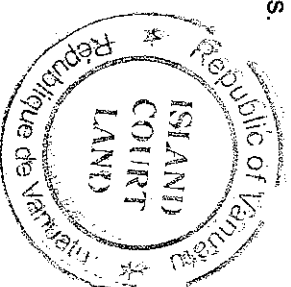
Kot hemi tekem note se Family Jeremiah hemi also acquirem right blong use blong graon inside boundary blong Meauv where hemi stap reside long hem follem custom arrangement we hemi mekem wetem family Bongmeme.

**Finding No. 11: Counter Claimant 2- Family Bongmeme:** Folem custom history mo customs sights mo storian we istap long finding no.2 mo 3 antap, Court hemi satisfy se family Bongmeme hemi linkim hem gud igo long Nasara Meauv. Therefore hem nao hemi gat ownership right long boundary blong Meauv mo Nasara blong hem.

**Finding No. 12: Counter Claimant 4- Family Koko:** Kot hemi faenem se folem custom practice blong South Malekula long Area blong Lamap, family Koko wetem ol custom storian mo identify blong hem, hemi pruvum long Kot se family Koko mo family Kouback igat right blong long graon mo Nasara Penesis. Family Koko hemi karem right blong ownership, mo family Kouback hemi tekem right blong use blong Penesis land.

**Finding No. 13: Counter Claimant 8- Family Levis:** Kot hemi faenem se folem storian mo history blong family Levis, Nasara Levis hem wan true custom nasara we igat ol custom stone mo storian blong hem. Wetem ol custom identity ia kot hemi satisfy long olgeta se oli linkim family Levis igo long boundary mo nasara blong Levis.

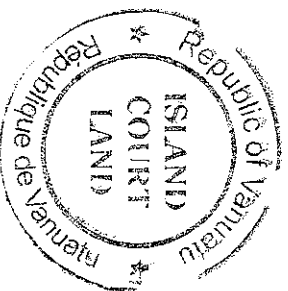
Follem ol finding ia Kot hemi awarдем ownership right blong boundary mo nasara Levis igo long family Levis.



## 8. DECISION

Follem ol finding blong Kot antap, Kot hemi mekem mekem decision olsem:

- a) Kot hemi dismissim Original Claim blong boundary mo narsara blong Family Kouback long area blong meouv wetem Pravo.
- b) Kot hemi decide se folem plante claim blong Family Kouback long ol previous Kot blong graon Kouback hemi assumim right blong use over long graon blong Lipeapeau. Kot hemi respectem right ia mo I givim liberty igo long family Kouback, family Koko mo family Bongmeme blong oli sitaon tuketa mo drowemap gud ol boundary mark blong olgeta we I save accomodatem Family Kouback long Lipeapeu area we istap inside long Nasara Meauv.
- c) Kot hemi dismissim claim blong Family Lockvaro follem ol finding blong hem antap.
- d) Kot hemi dismissim claim blong Family Hour follem ol finding blong hem antap.
- e) Family Lomo, Family Kouback mo Family Jeremiah oli gat right blong use mo right blong occupation long Nasara Meuv. Right blong olgeta hemi subject long right blong ownership blong Family Bongmeme.
- f) Family Drailkon, family Koko mo family Lewis oli gat right blong use long Nasara Meuv mo right blong olgeta hemi subject long ownership right blong Family Jeremiah.
- g) Family Kouback hemi gat right blong use mo occupation long Nasara Penesis; right blong hem hemi subject long right blong ownership blong Family Koko.



## 9. DECLARATION

Follem ol storian blong ol Claimant we Kot hemi considerem follem custom blong South Malekula, long Area blong Lamap Kot hemi stap mekem ol following declaration ia:

1. Kot I declarerem Jeremiah olsem tru custom owner blong Nasara Pravo,
2. Kot I declarerem Family Bongmeme olsem tru custom owner blong Nasara Meuv.
3. Kot I declarerem Family Koko olsem tru custom owner blong Nasara Penisis;
4. Kot I declarerem Family Levis olsem tru custom owner blong Nasara Levis

Ol party igat right blong appeal, igat 30 days right blong appeal I apply start long today igo.

Detern long Lamap, Southeast Malekula long 24<sup>th</sup> dei blong October, 2020.

MALEKULA AELAND KOT I MEKEM ODA



Hannaline Nalau Ilo  
Senior Magistrate



Chief Douglas Fadal  
Justice



Chief Esmond Makoamir  
Justice



Chief Walter Phillip  
Justice

