



IN THE SUPREME COURT OF
THE REPUBLIC OF VANUATU
(Civil Jurisdiction)

Judicial Review
Case No. 25/2201 SC/JUDR

BETWEEN: **Simon Kohia**
First Claimant

AND: **Maxim Kiap representing Family Kiap**
Second Claimant

AND: **Jack Kangaru**
Third Claimant

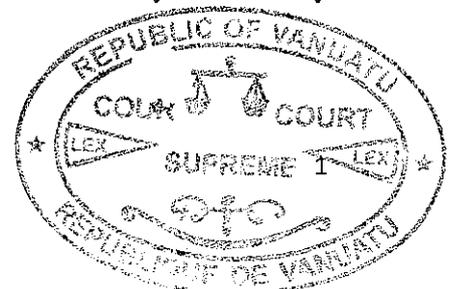
AND: **National Customary Lands Coordinator**
First Defendant

AND: **Attorney General**
Second Defendant

Date of Rule 17.8 Conference: 4 March 2026
Before: Justice V.M. Trief
In Attendance: Claimant – Mr D. Yawha
Defendants – Mrs M. Mala

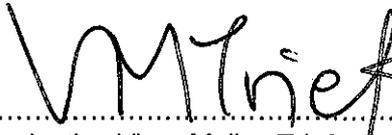
EX TEMPORE DECISION AS TO RULE 17.8 MATTERS

1. Judicial Review Claim filed on 31 July 2025. Sworn statements in support of the grounds of the Claim filed on same date of Simon Koia, Maxim Kiap, Jack Kangaru Hosea and Seth Kaurua.
2. Defence filed on 2 March 2026 and Sworn statement of Damien Denson Boe.
3. Rule 17.8(3) of the *Civil Procedure Rules* ('CPR') provides that the judge will not hear the claim unless he or she is satisfied as to all four matters set out in that rule:
 - (i) the Claimants have an arguable case (rule 17.8(3)(a), CPR);
 - (ii) the Claimants are directly affected by the decision under challenge (rule 17.8(3)(b), CPR);
 - (iii) there has been no undue delay in making the Claim (rule 17.8(3)(c), CPR); and
 - (iv) there is no other available remedy which resolves the matter fully and directly (rule 17.8(3)(d), CPR).



4. Having considered the pleadings, sworn statements, and having heard counsel, I am satisfied as to the following:
- a) That by the Claim, the Claimants are seeking judicial review of the decision dated 18 June 2025 by email of Mr Boe, Acting National Coordinator of the Custom Land Management Office ('CLMO') to halt and prevent any further nakamal meeting or area land tribunal meeting to determine the custom ownership dispute over Ikiti land at Tanna island. The Claimants' case is that Mr Boe's decision is *ultra vires* his powers under s. 10 of the *Custom Land Management Act 2013* (the 'Act');
 - b) The following is common ground between the parties:
 - (i) That in 2022, Custom Land Officer Wilson Nasawa organized meeting of the South West Area Land Tribunal, Tanna ('SWALT') to meet on 25 August 2022 as to pending dispute;
 - (ii) That the parties to the dispute before the SWALT objected to the composition of the tribunal, following which the tribunal adjourned its hearing;
 - (iii) That notice of conference was issued for the SWALT for conference on 24 June 2025; and
 - (iv) At the conference, Mr Nasawa informed the parties to the dispute before the SWALT that Mr Boe had by email dated 18 June 2025 instructed the SWALT and parties before it to cease its hearing of the dispute as to Ikiti land;
 - c) That the functions of the CLMO National Coordinator are set out in s. 10 of the Act;
 - d) That s. 10 of the Act does not confer a function or power of the CLMO National Coordinator to order a land tribunal to cease or halt its hearing of a dispute;
 - e) For the foregoing reasons, I am satisfied that the Claimants have an arguable case (rule 17.8(3)(a), CPR); and
 - f) Mrs Mala stated that it is conceded that the Claimants are directly affected by the decision under challenge (rule 17.8(3)(b), CPR), that there has been no undue delay in making the Claim (rule 17.8(3)(c), CPR); and that there is no other available remedy which resolves the matter fully and directly (rule 17.8(3)(d), CPR).
5. This matter must therefore proceed to hearing of the Claim **at 2pm on 12 March 2026** at the Luganville Court House and by video link to the Port Vila Registry conference room.

**DATED at Port Vila this 4th day of March, 2026
BY THE COURT**


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Justice Viran Molisa Trief

