

**BETWEEN:** Family Sangari represented by Wilson Sangary  
Claimant

**AND:** Damien Boe, The National Coordinator, Customary  
Land Management Office  
First Defendant

**AND:** Family Vemol represented by Hellen Vemol  
Second Defendant

**Date of Hearing and Decision:** 16 April 2026

**Before:** Hon. Chief Justice Vincent Lunabek

**Counsel:** Mr. A. Godden for the Claimant  
Mrs. S. Aaron for the Second Defendant – State Law Office  
Mr. L. Tevi for the Third Defendant (he does not feel well, after  
Mr. Tevi communicated with other Counsel, he left.)

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**Decision on Rule 17.8 (3) of Civil Procedure Rules**

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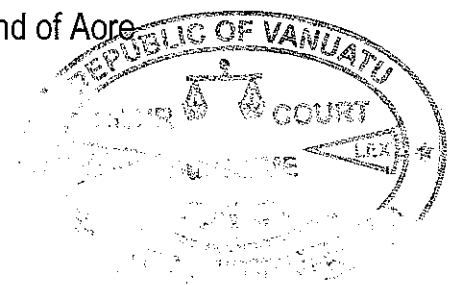
**A. Introduction**

1. An urgent Judicial Review claim in (Judicial Review case no. 3456 of 2025) was filed with a sworn statement by Wilson Sangari on behalf of the claimant's Family on 13 November 2025.

**B. Judicial Review claim.**

2. The Judicial Review claim was filed against a decision made by Mr. Damien Boe, the National Coordinator of the Customary Land Management Office (CLMO) in issuing a certificate of Recorded interest to Family Hellen Vemol on 23<sup>rd</sup> October 2025 over the customary land ownership of Buoro land located on the island of Aore

**C. Relief sought**



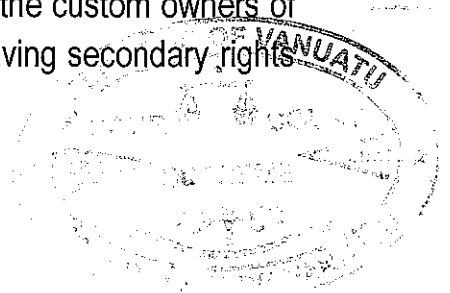
3. The claimant seeks the following relief:

- a) A quashing order, quashing the decision of the National Coordinator in issuing a Certificate of Recorded Interest to Family Hellen Vemol and executed by the National Coordinator on 23<sup>rd</sup> of October 2025;
- b) A quashing order, revoking the Certificate of Recorded Interest issued by the National Coordinator on 23<sup>rd</sup> of October 2025;
- c) A Prohibition order, restraining the National Coordinator from issuing any Certificate of Recorded Interest until the Island Court (Land) has finally determined the Land Review Case No. 52 of 2025, or until such time a competent Tribunal finally determined the issue of customary land ownership of Buoro customary located on the island of Aore;
- d) A Prohibition order, restraining Frank Vemol and his families, relatives, agents and or servants, from entering and carrying on logging within Buoro Customary land, and its surrounding leases, and threatening people who are currently residing within the parametres of Buoro customary land;
- e) A Prohibition order, restraining Frank Vemol or any other person within the Vemol Family to carry out or hold out himself/herself as the declared custom owner of Buoro Customary land;
- f) An order requiring Mr. Damien Boe and Frank Vemol to severally pay the cost of this urgent proceeding in the sum of Vt.300.000;
- g) Any other Orders the Court deems fit and proper.

D. **Grounds of the Judicial Review claim**

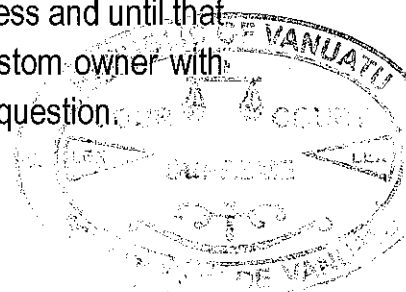
4. The urgent Judicial Review claim was made on the following grounds: -

- a) The Undu Boe Area Land Tribunal made a declaration on 17<sup>th</sup> December 2024, declaring Family Hellen Vemol the custom owners of Buoro customary land and Family Sangari as having secondary rights over Buoro customary land.



- b) After the decision of the land tribunal the claimant family filed in the Island Court an application for Review, the Island Court (Land) had scheduled the hearing of the case for the third time on 13<sup>th</sup> of November 2025;
- c) The Island Court (Land) had listed the matter on 2<sup>nd</sup> of October 2025, at which time the National Coordinator (Mr. Damien Boe) was present in Court;
- d) After the Conference of the Island Court (Land) on 2<sup>nd</sup> of October 2025, the First Defendant (Mr. Damien Boe), knowing full well that the Island Court (Land) is still in review of the decision of the Undu Boe Area Land Tribunal, executed a Certificate of Recorded Interest on 23<sup>rd</sup> of October 2025, to Family Vemol;
- e) The Review before the Island Court is still pending a determination;
- f) The Second Defendant (Family Vemol) having received the Certificate of Recorded Interest has carried out logging on both customary and registered leases which he was not a party to it, and also dealing with the land, also threatening everyone on his way;
- g) The claimant says that based on the decision of the Supreme Court in Ben Tunala v Eric John Tabir Republic of Vanuatu Civil case No. 313 of 2014 in which the Supreme Court held, there is no final determination of who the custom owner is:

The way in which the land system works in post-independence Vanuatu, pursuant to the Constitution and the subsequent establishment of the Island Courts and Custom Land Tribunals, and most recently of the process under the Custom Land Management Act 2013, is that it is for the courts or tribunal empowered under that legislation to determine customary ownership. Appeal rights are provided. Unless and until that process is completed, nobody is a finally declared custom owner with standing to challenge a registered lease of the land in question.



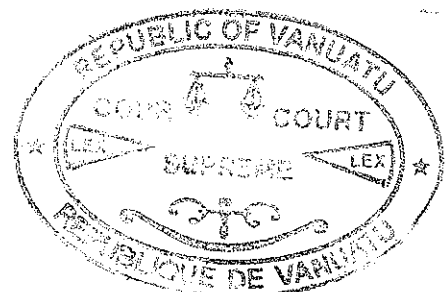
- h) The Claimant through Counsel has informed the National Coordinator but the National Coordinator has failed to revoke the Certificate of Recorded Interest based on irrelevant consideration.
- i) The Claimant family have no other remedy but to seek the Courts indulgence.

**E. Defence to the Judicial Review claim**

5. The First Defendant, the National Coordinator of the Customary Land Management Office (CLMO) filed a defence and a sworn statement on 13<sup>th</sup> April 2026.

6. The defence says in substance that:

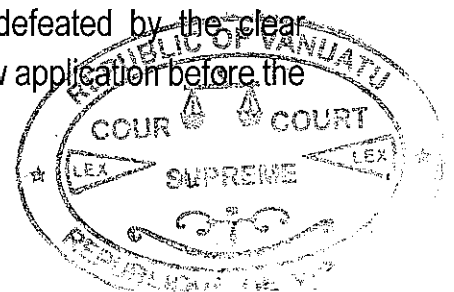
- a) On 19 December 2024, the Tribunal issued its decision and declared that (Family Hellen) Frank Molvatol are the custom owner of the custom land.
- b) The tribunal stated that the Claimant's Family is not the custom owners of Buoro and Vunatavoatungu custom land.
- c) The tribunal only recognised the claimant as a secondary user right to the custom land in accordance with the rules of the custom of South East Santo.
- d) On or about 15 January 2025, the Claimant filed an application for review of the decision of the Land Tribunal dated 19 December 2024 in the Santo/Malo Island Court (Land) in Review case No. 52 of 2025.
- e) The Island Court (Land) listed the Review of the decision of the tribunal on 2 October 2025 and 13 November 2025. There was no hearing as the matter was adjourned to a future date.
- f) The defence recognised that the Claimant's application for review of the decision of the tribunal dated 19 December 2024 was pending in the Island Court (Land)



- g) The First Defendant, Damien Boe, as the National Coordinator, was aware of the pending application of review of the decision of the tribunal 19 December 2025 and he was present during the hearing on 2 October 2025.
- h) On 23<sup>rd</sup> October 2025, the First Defendant issued the Certificate of Recorded Interest ("The Green Certificate), to the Second Defendant (despite his knowledge of the pending Review of the decision of the tribunal dated 19 December 2025 and despite his attendance on 2 October 2025 of the attempted hearing of the Review application of the said decision of the tribunal).
- i) The Defence says that the First Defendant exercised his discretion in accordance with section 19 of the Customary Land Management Act to issue the green certificate, to Second Defendant in accordance with the tribunal decision of 19 December 2019.

**F. Rule 17.8 Conference Hearing**

- 7. A Conference hearing under Rule 17.8 of the Civil Procedure Rule was set on Thursday 16 April 2026 at 10:30 am in the morning. Mr G. Avock appears for the claimant. Mr. S Aron appears for the First Defendant (National Coordinator of the Customary Land Management Office (CLMO)). Mr. Tevi did not appear but the Court is informed that he had earlier discussions with the two Counsels present before he left as he was unwell.
- 8. Mr. Aron informed the Court that he had discussions with the Second Defendant and the Claimant. The First Defendant conceded that, in the circumstance of the present case, there is an arguable case in the Rule 17.8 (3) (a); the Claimant's Family is directly affected by the decision of the First Defendant of 23<sup>rd</sup> October 2025 (Rule 17.8 (3) (b)); there has been no undue delay in making the claim (Rule 17.8 (3) (c)); and there is no other remedy that resolves the matter fully and directly (Rule 17.8 (3) (d)).
- 9. The concession is based on the common sense as the defence is untenable. The only defence that can be advanced was a technical one which is that the Claimant failed to stay the judgement of the tribunal of 19 December 2024.
- 10. Even if that technical defence exists in this case, it was defeated by the clear knowledge of the First Defendant of the existence of the Review application before the



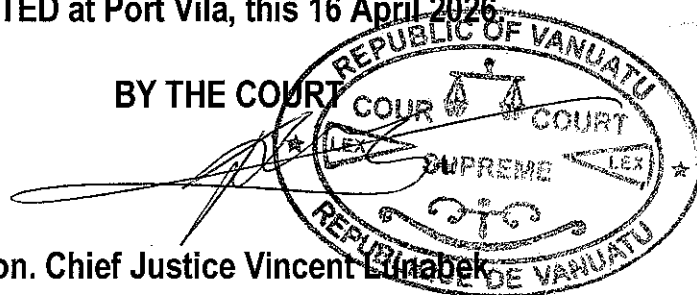
Island Court (Land) challenging the decision of the tribunal dated 19 December 2024, coupled with the conduct of the First Defendant when he attended the hearing of the Review Application on the decision of the tribunal on 2 October 2025. The First defendant should use his good sense not to issue a Certificate of Recorded Interest when the decision of the tribunal was challenged (and pending) and also to avoid any unnecessary costs.

**G. Decision**

11. Based on the concession of the First Defendant, the Court is satisfied that each of the requirements of the Rule 17.8 (3) (a), (b), (c) and (d) are met.
12. A Conference/Mention is set on Thursday 28 May 2026 at 9:00 am.
13. The costs are in the cause.

**DATED at Port Vila, this 16 April 2026**

**BY THE COURT**



**Hon. Chief Justice Vincent Lunabeke**