



IN THE SUPREME COURT OF NAURU

[APPELLATE JURISDICTION]
[LAND APPEAL]

Case No 18 of 2013
& 24 of 2014

BETWEEN	RALPH STEVENS & OTHERS	APPELLANTS
And	NAURU LANDS COMMITTEE	1ST RESPONDENT
And	DONEKE KEPAE & OTHERS	2ND RESPONDENT
And	JOSEPHINE JONES & OTHERS	3RD RESPONDENT

Before:	Crulci J
For the Appellant:	V. Clodumar
For the First Respondent:	J. Udit
For the Second Respondent:	D. Cecil
For the Third Respondent:	P. N. Ekwona
Date of Hearing:	7 September 2015, and then various dates to 22 June 2017
Date of Decision:	22 June 2017

CATCHWORDS:

APPEAL – Nauruan Lands Committee – Distribution of Land by Nauru Lands Committee – Determination of Land Ownership – Land Divided Between Two Competing Claimants - Appeal ALLOWED

JUDGMENT

1. This is an appeal pursuant to section 7 of the *Nauru Lands Committee Act* 1956, against the decision of the Nauru Lands Committee ("NLC") published in Government Gazette No. 86, dated 25th 1973, GNN 408/2014 in relation to land "Atai" portion 454 in Meneng District.
2. This case has had a checkered history with the addition of the Third Respondent's, the parties instructing different counsel or pleaders and significant ill health on behalf of one of the Respondents causing substantial delay of many months to the hearing of the matter.
3. Evidence was placed before the Court by way of affidavit, exhibits, and oral evidence from Ralph Stephens, Doneke Kepae and Iturinmar Diranga (Vice Chairman) for NLC.
4. The representative of the NLC conceded in evidence that the ownership of the portion of land in question was not so much 'determined' according to the 1928 Land Register Book and historical enquiry. Rather as there were two competing claims for the land before the NLC, the decision was to divide the land and award each claimant half the land portion. This decision was accepted by the NLC Vice Chairman to be erroneous.
5. That error having been conceded by the NLC all the parties are in agreement that the appeal should be allowed and the matter remitted to the NLC for a fresh determination taking all matters into account.
6. To this end the Court Record, the witness's evidence, affidavits and exhibits are to be made available to the NLC when they consider the matter *de novo*.

ORDER

- (1) The appeal is allowed.
- (2) The decision of the NLC published in Government Gazette No. 86, dated 25th 1973, GNN 408/2014, is set aside.
- (3) The NLC is directed to convene a meeting of all parties and reconsider the determination of portion 444 Meneng District, according to law.

(4) The NLC is to ensure that any members of the Committee who may have an interest in the portion under determination declare their interest to the parties if they are involved in the *de novo* determination.

(5) The NLC is directed to inform the interested parties of the decision at the time it is published in the Gazette.

