

IN THE SUPREME COURT  
OF THE REPUBLIC OF VANUATU

Judicial Review  
Case No. 1268 of 2017

**BETWEEN:** Attorney General  
Claimant

**AND:** Minister of Lands  
First Defendant

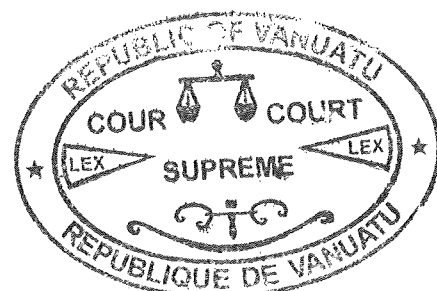
Philip Koroka, Elkem Tougen, Dominique William, George Shem, Rocky Adams, Marie Livo, Julie Andrews, Harold Moli, Alistair Arthur, Tonny Kanas, Gordon Willy, Richard Dick, Jay Hingue, Pauline Rii, Billy George, Martin Sokomanu, Rodson Aru, Stanley David, Josiane Shing, Caroline Asial, Seraphine Malia, Samu William, Violet Aki, Jill Tasale, Alice Kenely, Josiah Bong, William Kara, Flory Tasso, Joseph Namariau, Loloine Tete, Katua Rezel, Peter George, Daniel Tabi, Louise Feima, Isaac Nango, Linette Beru, Winnie Tete, Johnson Simon Takau, Esther Manvarimb, Amos Kalo Tari, Godwin Bani, Jimmy Pierre, Josiana Jackson, Darell Tangalobani, Cynthia Saul, Rosa Tasso, Madeleine Mark, Ken Malalo, Madeleine Mark, Ken Malalo, Darren Fatu and Jean Claude Willie

Second Defendants

Joe Ligo, Peter Pata, Benuel Tabi, Willie Kalo, Thomas Malvanu, Celestine Delaveau, Joe Kelison Joes, Rachel Poki, Viviane Wilfred, Josephine Antas, Gwen Wells, Jean Marc Pierre, George Kerby, and Biman Rezel

Third Defendants

*Date:* 6 February 2019  
*Before:* Justice G.A. Andrée Wiltens  
*In Attendance:* Mr H. Tabi for the Claimant  
No Appearance by or for the First Defendant  
Mr D Yahwa for the Second and Third Defendants



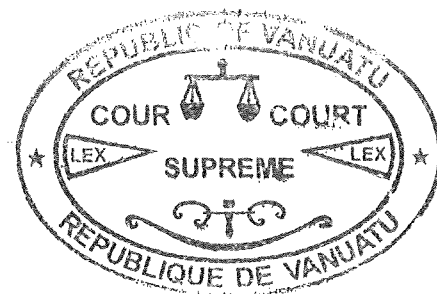
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## JUDGMENT

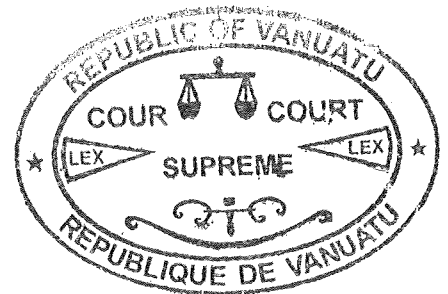
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1. This matter was scheduled for trial on 4 – 6 February 2019. Mr Yahwa sought an adjournment of the trial on the first morning. I declined his application but allowed time for him to prepare and to enable him to enter into settlement negotiations with Mr Tabi. I was advised on the morning of 5 February 2019 that the matter had settled and that a consent memorandum was being prepared. I accordingly adjourned the matter to 10 am on 6 February 2019 for the consent memorandum to be completed.
2. Having now received the consent memorandum I allow the application for judicial review. The decision of 3 August 2012 by Steven Kalsakau instructing the Acting Director to find and allocate State lands to Department of Lands' staff members on favourable terms is declared to be unlawful.
3. The leases granted following that instruction are cancelled; and/or removed from the Department of Land's records; and all are to revert back to the State, pursuant to section 99 of the Land Leases Act [Cap 163], as follows:

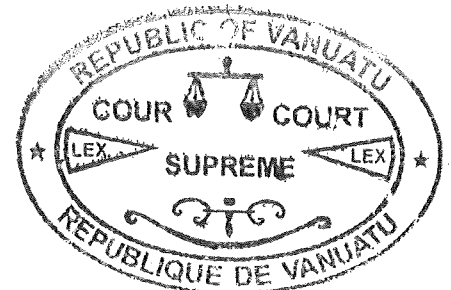
- R03/OF54/016 - allocated to Dominique William;
- 11/OD32/072 - allocated to Dominique William;
- 03/OH62/043 - allocated to George Shem;
- 03/OH63/019 - allocated to Rocky Adams;
- 03/OI71/046 - allocated to Marie and Brian Livo;
- 03/OJ83/058 - allocated to Jean Claude Willie;
- 03/OJ83/059 - allocated to Harold Moli;
- 03/OJ84/024 - allocated to Martin Sokomanu;
- 11/OA24/086 - allocated to Jozianne Shing;
- 11/OB31/091 - allocated to Jill Tasale;
- 11/OC33/086 - allocated to William Kara;
- 11/OC33/087 - allocated to Florry Tasso;
- 11/OC33/095 - allocated to Joseph Namariau;
- 11/OD31/064 - allocated to Samu William;



- 11/OD31/065 - allocated to Loline Tete;
- 11/OD31/066 - allocated to Katua Rezel;
- 11/OD31/067 - allocated to Peter Georges;
- 11/OD31/070 - allocated to Jay Hinge;
- 11/OD31/071 - allocated to Louise Feimaga;
- 11/OD31/074 - allocated to Nango Isaac;
- 11/OD32/075 - allocated to Linette Beru;
- 11/OD32/076 - allocated to Winnie Tete;
- 11/OD33/058 - allocated to Johnson Simon Takau;
- 11/OD52/037 - allocated to George Shem and Gordon Willie;
- 11/OD52/039 - allocated to Jimmy Pierre;
- 11/OF11/003 - allocated to Tonny Kanas;
- 11/OF22/005 - allocated to Elkem Turgen;
- 11/OF24/048 - allocated to Godwin Bani;
- 11/OG13/001 - allocated to Josianna Jackson;
- 11/OG13/002 - allocated to Darell Tangalobani;
- 11/OX12/024 - allocated to Ken Malalo;
- 11/OX24/013 - allocated to Richard Dick;
- 03/OJ84/032 - allocated to Rodson Aru;
- 03/OD53/012 - allocated to Harold Moli;
- 11/OD32/078 - allocated to Harold Moli;
- 03/OF54/015 - allocated to Elkem Tougen;
- 03/OD51/014 - allocated to Philip Koroka;
- 03/OH71/085 - allocated to Philip Koroka;
- 03/OJ84/033 - allocated to Philip Koroka;



- 03/OF54/015 - allocated to Elkem Tougen;
- 03/OJ83/056 - allocated to Elkem Tougen;
- 11/OF31/118 - allocated to Elkem Tougen;
- 03/OJ83/053 - allocated to Julie Andrews;
- 11/OA24/084 - allocated to Julie Andrews;
- 03/OJ83/053 - allocated to Daren Fatu;
- 11/OD31/069 - allocated to Daren Fatu;
- 03/OJ83/055 - allocated to Florry Tasso;
- 03/OJ83/061 - allocated to Katua Rezel;
- 03/OJ83/064 - allocated to Alistair Arthur;
- 11/OD31/061 - allocated to Alistair Arthur;
- 11/OD31/062 - allocated to Alistair Arthur;
- 03/OJ83/065 - allocated to Tonny Kanas;
- 03/OJ84/006 - allocated to Gorden Willy;
- 03/OJ84/007 - allocated to Peter Pata;
- 03/OJ84/011 - allocated to Richard Dick;
- 03/OJ84/013 - allocated to Jay Hinge;
- 03/OJ84/015 - allocated to George Shem;
- 03/OJ84/019 - allocated to Pauline Rii;
- 03/OJ84/020 - allocated to Billy George;
- 03/OJ84/022 - allocated to Godwin Bani;
- 11/OF24/048 - allocated to Godwin Bani;
- 11/OJ23/041 - allocated to Godwin Bani;
- 03/OJ84/026 - allocated to Rocky Adams;
- 03/OJ84/029 - allocated to Dominique William;



- 03/OJ84/032 - allocated to Rodson Aru;
- 11/OA24/085 - allocated to Stanley David;
- 11/OB31/090 - allocated to Violet Aki;
- 11/OB31/092 - allocated to Alice Kenely;
- 11/OB31/093 - allocated to Josiah Bong;
- 11/OC33/102 - allocated to Caroline Assial;
- 11/OC33/103 - allocated to Isaac Nango;
- 11/OC33/103 - allocated to Marie Livo;
- 11/OC33/104 - allocated to Seraphine Malia;
- 11/OD22/089 - allocated to Daniel Tabi;
- 11/OD31/068 - allocated to Daniel Tabi;
- 11/OD32/078 - allocated to Harold Moli;
- 11/OD33/060 - allocated to Esther Manvarimb;
- 11/OF11/004 - allocated to Amos Kalo Tari;
- 11/OF11/005 - allocated to Madeleine Mark;
- 11/OG13/005 - allocated to Madeleine Mark
- 11/OG13/003 - allocated to Cynthia Saul; and
- 11/OG13/004 - allocated to Rosa Tasso.

4. The First Defendant is to reimburse each of the Second Defendants all their associated costs incurred in the registration and/or granting of the leases.
5. The costs of this proceeding as agreed between counsel or otherwise to be taxed are to be paid equally by the Second Defendants, on a shared basis, to the Claimant.

**Dated at Port Vila this 6th day of February 2019  
BY THE COURT**

*G.A. Andrée Wiltens*  
Justice G.A. Andrée Wiltens

