

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

Civil  
Case No. 21/3166 CVL

**BETWEEN:** Kalmer Vocor  
Applicant

**AND:** John Path  
Defendant

*Date:* 12 November 2021  
*Before:* Justice G.A. Andrée Willens  
*Counsel:* Mr A. Bal for the Applicant  
No appearance by or for the Defendant

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**Judgment**

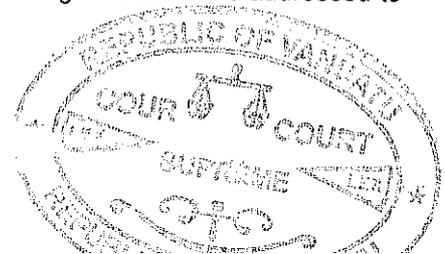
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A. Introduction

1. This is an application for an urgent restraining order.

B. Background

2. The application was filed by Mr Vocor on behalf of 17 custom land owners. They have formed an organisation called Industrial Forest Plantation ("IFP"), of which Mr Vocor is Chair.
3. IFP are in negotiations with Northern Logistics Limited ("NLL") to lease out the land on the east coast of Santo, the subject of Leasehold Title No. 04/1743/001. Mr Vocor has stated the 17 custom owners he represents are the lessors of this land. If the negotiations bear fruit, the custom land owners stand to do well.
4. It is alleged that Mr Path, who is not one of the 17 custom owners, has put the negotiations at risk of successful completion by his forwarding an e-mail of 12 August 2021. It is addressed to MJ Amos, and copied to D Tomker and Menzies Samuel.



5. Mr Bal, on behalf of the applicant, submits that Mr Path's e-mail has caused a disturbance resulting in "excessive delay in advancing the business operation and transaction". The application characterised the e-mail as "menacing", and intentionally designed to disturb the negotiations. It is on that basis that the restraining order is sought.
6. When the application was filed, I called counsel to a conference to explain what lay behind the application, and expressed the view that the application lacked merit as what Mr Path appeared to be doing was to attempt to secure greater rewards for the custom land owners. Mr Bal was to seek instructions. He has renewed the application following the taking of further instructions.

C. Basis for Application

7. The e-mail by Mr Path reads:

"Dear Moses,

I wish to confirm my conversation with you at your office yesterday of the following in respect of the Proposal by NLL:

1. All the landowners of IFP met on Monday 24 May 2021 and were for the first time briefed by Kalmer Vocor of the Proposal,
2. The landowners were never consulted on the Proposal similar to the previous failed business venture by Tropical Rainforest Plantation Ltd (TRPL).
3. The landowners totally rejected the Proposal by NNL as there is no premium to be paid upfront.
4. TRPL never paid a premium and that was a hard lesson learnt.
5. The landowners agreed for the premium rate to be VT100,000 per hectare no less.
6. Kalmer Vocor and Kavcor Wass have lost the trust of the landowners. They no longer speak for the landowners.
7. We will sort out some legal issues before a new committee is formed at the next landowners meeting.
8. Any matters to do with IFP from now on please contact either myself or Dick Tomker at Forestry Office Santo.

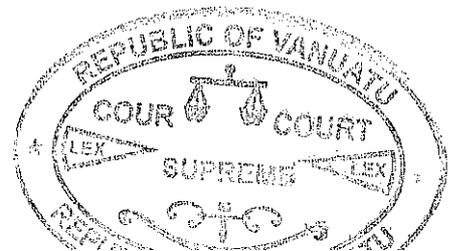
My contact on mob: 7777771/5314978

Kind Regards,

John Korwar Path

D. Discussion

8. I do not consider the e-mail to be menacing.
9. I do not consider that Mr Path is attempting to do any more than to attempt to ensure that the custom land owners are not deprived of a premium if the lease to NLL is to proceed.
10. There is certainly no need for an urgent restraining order, given the only evidence before the Court is the e-mail dated 12 August 2021, and it is now 3 months further on, with no evidence of anything further by Mr Path in relation to the negotiations.

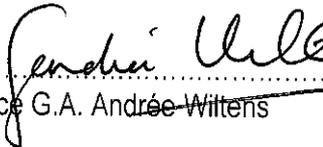


E. Result

11. In my view there is no merit to the application. It is dismissed.

12. There is no order as to costs.

Dated at Port Vila this 12th day of November 2021  
BY THE COURT

  
Justice G.A. Andrée Wiltens

