

Fiji's New Constitution

To generate some discussion on the issues raised by Sosefo Inoke on 25/5/12, I believe that for Fiji to be a truly democratic country, the first thing to do is to have a common name to describe its citizens which should be enshrined in the constitution. That common name has to have the "an" added as a suffix to Fiji and all its people are to be known only as Fijians, whereas the native owners of the land should be called Indigenous People of Fiji or the iTaukei, and the Rotumans should be identified as well. Then all the different races in Fiji will be *one* people united in diversity to become a tolerant multiracial country for Fijians to live in peace and harmony with each other.

True, our deed of cession on 13/5/1881 only gave the British Crown the right to govern; hence why was Rotuma grouped together with Fiji for ease of administration, which made sense then and still does now. Hence I am of the opinion that Rotuma *should not be afforded special protection and privileges more than any other minority* group in Fiji even though Rotumans have always owned Rotuma from time immemorial whereas the Banabans were given Rabi and the Tuvaluans Kio to live on after their repatriation.

To make Fiji a truly democratic country for its citizens, Rotuma has to fully integrated. Rotuma has benefited a lot from this association.

Personally I think Rotumans should *give up our racially-instituted communal seat* for we all benefit from the various constituents that live in Fiji. The majority of our people have made their homes in Fiji and are more content with the status quo as am I, even though I was once was a staunch advocate for Rotuma's independence. Why the change of heart? Because I have seen the benefits of our association with Fiji in the development of Rotuma.

We cannot marginalise the other minority groups by asking for a communal seat in the new constitution because it would not augur well for the Peoples' Charter, which is designed to move Fiji forward into the future. Our country is known only as Fiji, and never was Fiji and Rotuma. By all means we can celebrate the 13th of May annually as a reminder of where we came from, but moving forward we should also be celebrating the 10th of October.

Rotuma missed the boat at the Constitutional talks in London in 1970 when, against the wishes of our chiefs and Dr Verier's push for Rotuma's autonomous status, our two representatives Gagaj Maraf Nataniela and Wilson Inia saw fit to follow Ratu Mara's lead for Rotuma to become independent as part of Fiji in 1974. The *Fiji Times* issues covering the Constitutional talks in London at that time will confirm this for anyone wanting to research the issue.

We were also handed a golden opportunity in 1987 during Rabuka's coup when my good friend and solicitor Kelemedi Bulewa, who later became the Attorney General for the Rabuka Government, and the late Parliamentarian and unionist, Apisai Tora, pushed for Rotuma to be autonomously ruled, with Fiji managing Rotuma's defense, finance, customs and immigration portfolios since Rotuma wasn't ready yet for independence. All these were to be enshrined in the new Fiji Constitution that Paul Manuelli was to chair.

At the time these events were taking place there were nine of us Rotumans who were actively involved in the discussion to canvas opinions regarding Rotuma's independence. Three are now dead, namely Atfo'a Varea, Visanti Makrava, and Rupeti Mua; two used this opportunity to take advantage of the situation for their own benefit; and four remained true to the cause. We regularly talked on the phones and met each other, but Visanti and I often met with Mr Bulewa at his office at Epworth House in Suva, or at the NBF Bank at Samabula to discuss the details. The group also had a dinner together with the chiefs at the restaurant at the Old Town Hall to further consider the issue. As a result of this preparatory work, Mr Bulewa invited our chiefs, including Gagaj Maraf, Gagaj Taksas, Gagaj Tuipeua, Gagaj Titofag and Gagaj Oseas as well as the Chairman of the Rotuma Island Council, Master Aisea Aitu, for a weekend at his at house in Deuba to discuss and draft Rotuma's Constitution. I know this first hand because I was there when the invitation was made that enabled me to also attend the week-long GCC meeting that Rabuka chaired at the New Town Hall.

That is why I advocated Rotuma's independence in the *Fiji Sun* and during interviews with the ABC and the FBC at the time. But after the meeting at Deuba, the Council group convened meetings around the country to allay the fears amongst the Rotuman community.

The Suva meeting was held at the Fijian Teachers Headquarters at Knollys Street where the Chairman, Aisea Aitu, promised the full house that the Council would prepare Rotuma in the next 10 - 20 years to become independent. Unfortunately, this move was hijacked by the Mōlmahao clan, which claimed their head, Lagfatmaro, was the king of Rotuma. The rest is history, which should be well known to Forum readers.

Perhaps that's why Rotumans are not concerned to make a collective representation or to submit a constitutional recommendation. This in no way should deter an individual wishing to make a submission. I am planning to exercise my constitution rights if time permits since there's already an open invitation to do so.

A simple voting system should be in place for easy comprehension, and to negate the confusion, costly training and the complicated forms that one would have to read in the voting booth. There should be only one vote or tick per voter designating the candidate he or she wants to be the representative of the constituency in which they live in the lower house. The candidate who has the majority of votes in each constituency must be declared the winner of the seat even when there is a very slim majority of just one vote. A second or third round of voting to declare the winner should not be entertained if security was enforced and the votes were counted properly.

The total number of seats in both the House of Representatives and the Senate should be allocated evenly to each of the current divisions in the country. This will save the extra work and costs of redistributing and redefining the electorate boundaries. We don't need to follow the lead of countries that make elections complicated, time consuming and very costly.

But having said the above, I believe that the Rotuma and Rotuma Lands Acts must also be enshrined and preserved in the New Constitution. I want to see *undivided ownership and inalienable rights to clan lands remain guaranteed*, which leads me to the Review Committee of our said two Acts chaired by Mr Fatiaki Misau and his group.

From what I know, and according to Mr Misau, he and Walter Rigamoto are still working to put together and fine tune the changes to the Acts. I made a submission to the Review Committee

and to ensure it got to Mr Misau, I sent it by direct delivery with a soft copy to Akanisi Qaranivalu at the Prime Minister's office.

Although I addressed many issues in my submission, my foremost priority was to see the setup of a Rotuma Land Commission to adjudicate land issues in Rotuma. A very conservative estimate is that about one-third of the lands in Rotuma are in dispute.

Also, I want to see the equal recognition of both paternal and the maternal ancestry for each and every Rotuman in accordance with our customs. Ordinance No 13 of 1959 only afforded this retroactively to those Rotumans born before 1959. Furthermore, except for the Government acquired of the lands at Ahau, which were surveyed in 1951 by Mr Verma, then Director of the Lands Department, none of the lands in Rotuma, whether they be hanue ne kainaga, hanua ne 'on tore or hanua pau have been surveyed.

Last but not least, in that submission (and in line with the Anti-Discrimination Act) I wanted to get rid of the disparity between genders that discriminates against and disadvantages our women in this day and age. I believe that irrespective of gender, the best qualified person, whether man or woman, should be eligible to be a chief or to hold the title of overlord (pure) and oversee clan lands.

Hence, my contribution, to further generate discussion.

Henry Enasio

