

THE CONSTITUTION COMMISSION

I, HENRY ENASIO OF AHAU, ROTUMA IS A FIJI CITIZEN AND WISH TO MAKE
THE FOLLOWING SUBMISSION

1.0 Introduction

1. Words can not express the importance of this historic task that's been undertaken on behalf of the people of Fiji and I sincerely want to thank the Commission for that.

2. Certainly, the task entrusted to the Commission is very arduous and can be taxing at times but I believe that in the end, the final document to be produced will be worth the efforts.

This historic document should be prudent and the blueprint panacea, for lasting peace in this beautiful country of ours. To truly unite all the races in a peaceful harmonious relationship, to become the envy of many countries that have undergone, a similar experience.

3. The completed document should be contemporary with times and alive too, to easily embrace and accommodate the ever changing needs of the community. In order to preserve the basic fabrics of freedom which are, our human rights that are honourable, precious and very special to all of us.

But when these rights are infringed, there should be a provision for easy access to recourse on pro bona, no win no pay basis or with minimum costs, to allow the injured party to be legally represented, to safe guard those freedoms.

4. Also I want to acknowledge the circumstances that precipitated such a task *as a blessing in disguise*, to rid the country of racism and the endemic corruption that's rife in our society.

Furthermore I say that *I do understand the proximate cause of the coup of 6 December 2006 and am very sympathetic for those whose persons, were injured as a consequence of the events but I still support the military action, undertaken.*

Therefore I also, whole heartedly support the Peoples' Charter that was subsequently produced as the road map for the future and the democratic progress of the country, in the hope of finding lasting peace, to unite us all.

5. Fiji has already experienced four coups since independence. ***Coups are said to be counter productive and incompatible with democracy but in my opinion, not that of 6 December 2006 which I considered to have done the right thing and a lot of good by the majority of the people of Fiji.***

For all we have to do is, look around us and see the increased reserves of the Reserve Bank of Fiji, the developments and progress that have taken place in the country, in the last 6 years. Especially the investments made for Rotuma's infrastructure and education which were

massive and the sum total of 36 years of indifference for the development of Rotuma since independence.

6. But still, ***there should be no more coups*** which the country can ill afford. For when it happens, the country is said to have taken several steps backwards and on the catch up to rebuild, canvass for new investments and friends to counter act and balance those lost.

7. Also ***I dread the thought of another coup, for it will only help to fuel a lot of debate and fan the wind for change*** in the minds of many Rotumans. For most Rotumans are fed up of coups and know that we can do it on our own and ***it's just a matter of a time frame to prepare, if the need arises but another coup will be a catalyst for such move.*** Hence why Rotumans throughout the world continue to annually celebrate and remind themselves, of Rotuma's sovereignty and its cession to Great Britain.

This also allows our younger generations to take note of Rotuma's special identity and ***I fear that another coup will only exacerbate the situation and further encourage the wind for change for Rotuma.***

8. Therefore the new Constitution ***must protect Rotuma's special identity and its legitimate claim for preferential treatment and also the status quo that it currently enjoys.***

For ***I am concern that if the Commission ignores such claims for Rotuma, it will be detrimental and become the undoing of the historic bond with Fiji, to add a death nail to the coffin*** of that relationship. This special relationship with Fiji has been severely tested by 4 coups since independence that inconvenient many Rotumans. Another coup will only help to heighten and give rise to the perception of inequality access to education, commerce and employment opportunities to cause more frustration, to many Rotumans.

9. ***Religion is one of belief and individual choice which is practised in many forms. The freedom of worship is of course, one of the fundamental principles of human rights that the UN espouses and this must be protected.***

Christians are professed followers of Christ and their faiths are Biblically based on *the things hoped for but not seen*. They also knew that *faith without works is death* and any teachings and actions to the contrary that doesn't comply with, ***to the law and the testimonies if they speak not according to them because there's not truth in it.*** This should be the basis to substantiate their claims, rather than hearsay of outrageous and fictitious myths to impose their will on others and make Fiji a Christian state.

Also Christian demeanours should be more tolerant and accommodating of other beliefs and very conducive with the law. Therefore Christians should be more accepting of the different faiths in the country rather than discriminate on that basis to make Fiji a Christian state and yet our prisons are full of Christians too. These, basically tantamount to double standards and diminishes its appeal to other beliefs. For these reasons Christians can not assume and stereotype that, some non Christian beliefs are toxic. In fact only a very small element of that is evil and the same proportion reverberates through in all religion including Christianity and society too.

But the true Biblical test for a Christian is in the pudding, of their faith that bears the *fruits of the Spirit* in their actions. For a Christian can not carry or *picky pack* another in faith, so why

call to make Fiji a Christian state, to impose Christianity upon another who doesn't believe its teaching. It is ***preposterous and unethical and against the basic freedom of worship***.

Also religion is a complex topic that deals with many issues and various forms. ***Therefore people must be allowed the freedom of worship, to practise their beliefs without any fear of vilification, harassment and victimisation. Also it's totally inappropriate to denigrate any ones belief and religion.***

Therefore the new Constitution ***must totally reject any calls to make Fiji a Christian state. The status quo of religion in the country must remain as is***, since the basic freedom of worship is one of the fundamental principles of human rights that are championed by the UN. For the country can not afford a double standard and profess to abide by the UN resolutions but yet deny others the freedom of worship.

2.0 Background

2.1 The Basis of the Special Identity Claim for Rotuma's Preferential Treatment

1. It must be remembered that prior to Rotuma's Cession to Great Britain, ***Rotuma was a distinct sovereign island nation with its own unique language, customs and traditions.***

We are Polynesians by trait and have our own distinct island nation. Only with the exception of the iTaukei, Rotumans are the only other group of people in the country that came with sovereign status from time immemorial, to the historic relationship.

Hence the reason why ***Rotuma had a separately deed of cession to that of Fiji but for ease of administration, the British grouped Rotuma together with Fiji.***

2. Also, besides its sovereignty, ***Rotuma came to the relationship with a total package and gave its all, from resources in our lands, sea and air besides the skills, knowledge and the hard labour of its people from the very beginning of this special bond.***

3. And for these very special reasons, ***Rotuma cannot be made or called a province of Fiji but a Protectorate with special status for protection, preferential treatment and benefits.***

2.2 Rotuma's Contributions to the Relationship with Fiji

1. In the past, cynics have questioned Rotuma's contributions to this country of ours and insinuated that ***Rotuma had received more than its fair share of the economy and that Rotumans are being carried by the majority of the country.***

2. Such allegations were not only *baseless but also mischievous and fraud of the truth. It's also malicious and vexatious to stir up trouble that's uncondusive in promoting normal relation within Fiji.*

Understandably it's a basic human right of freedom of speech ***but such unfounded utterings and controversial usage of this freedom to denigrate another race is down right offensive and uncondusive with multiculturalism. It is also politically incorrect*** in this day and age, for it only helps to foster ill feelings and retributions and therefore, must be banned forthwith.

3. Rotuma is approximately 500 miles North West of Fiji. Undoubtedly the fact of the matter is that, this privileged locality has helped to extend Fiji's economic zone for hundreds of miles to the North and North West towards Tuvalu and North East towards Samoa.

This would be considerably less for Fiji's economic zone, if Rotuma wasn't part of the equation. For since the relationship, Fiji's economic zone has extended north well beyond Yadua and the Yasawas and even pass Rotuma.

These massive waters within Fiji's extended economic zone, is continuously fished for normal and red tuna etc by boats that are licensed and based on main land Fiji. The catches are for local consumption and export to Hawaii that earned millions of dollars annually. Most Rotumans knew these and have quietly celebrated our massive contributions to the country. Though without the acknowledgement and the fanfare of the benefactors for the millions of dollars made annually from the Rotuman resources for the economy but only a fool wouldn't know, except of course the sceptics.

4. Whether there is any truth in the matter but from our fore bearers, generation after generation of Rotumans were told of the rich resources in our lands and surrounding seas.

Many Rotumans believe these to be so and that one day these resources will be extracted, given the world's unsatisfiable appetite for more resources, to satisfy the needs of its ever growing population.

There's also our very fertile volcanic soil that is very ideal for fruits, copra and all of the agricultural produces seen on main land Fiji. Also we know that Rotuma's natural and emerald beauty with its white sandy beaches and pristine clear waters that are unseen in Fiji, is a mecca for the rich to relax and convalesce which makes Rotuma a very ideal and potential place for tourism.

5. Furthermore, Rotuma's central and strategic location in the Pacific was once sort after by the Americans for a satellite tracking station in the sixties, leave alone it can be a heaven for yachts, naval and an air force base.

There's also Rotuma's proximity to Asia and the countries of the Pacific Rim where most of the world's large and growing economies are based, that Rotuma can harness for assistance and technology bases too.

Besides all these, there's also the expected influx of foreign aid of millions of dollars that Rotuma can receive from donors which will definitely be much more than what Rotuma currently receives. Thus the majority of the Rotumans knew of these economics that can be harnessed.

6. Even the late politicians like Dr Lindsay Verrier, Mr Apisai Tora, Mr Kelemedi Bulewa and also many former politicians knew these and are aware of Rotuma's potentials. For if ***these are developed, Rotuma can be self sufficient to go its separate way*** and be the master of its own destiny which is in line with the United Nation's charter for self determination.

But Rotumans are laid back and peace loving people and for these reasons, Rotuma treasured its commitment and the solid relationship with the iTaukei that we respect and hold so dear. Likewise, we Rotumans can be trusted to honour and do the right thing in an interactive and reciprocal relationship.

7. Armed with these potential knowledge and resources, it is very apparent for the advocates of Rotuma to go its separate ways, that all that's needed, are ***the will and time to prepare***.

Since countries like the Seychelles and even Tuvalu which are much smaller than Rotuma in land mass but with larger populations, did it. Besides these, Rotumans have seen the likes of Kiribati, Nauru and the Tokelaus which have nothing to compare with Rotuma in resources and yet they are able to go on their own ways and survive too. So the advocates are questioning, *why not Rotuma?*

8. Therefore ***the new Constitution must protect the needs and special status of Rotuma***. For that *special relationship with Fiji was severely tested by the coups of 1987 and also that of 2000.*

I fear that such bias and uninformed utterances by these cynics have also given rise to the minority, to champion the wind for change for Rotuma. Of course time will tell, ***unless the Commission takes the necessary steps to reinforce and protect that special relationship with Rotuma which comes with preferential treatment.***

2.3 The London Constitutional Conference

1. Let the Commission have no doubts at all, *that the expressed message given by the people of Rotuma, our Chiefs and the Rotuma Council to our two Representatives the late Chief Maraf and Mr Wilson Inia to take to the Constitutional Conference in London was, **for Rotuma to remain a colony of Britain until such time Rotuma is ready to become independent.***

2. But ***contrary to the wishes of all the Rotuman stakeholders, the late Chief Maraf and Mr Wilson Inia usurped responsibility for all Rotumans and allowed themselves to be persuaded by Ratu Sir Kamasese Mara*** for Rotuma to be independent together with Fiji on 10 October 1970.

Their action ***was a sell out of all of Rotuma's rights for self determination which infuriated many Rotumans since our two representatives did not have the mandate to act otherwise.***

3. Also it had been argued that the Rotuma had no active participation in the events leading up to Fiji's independence in 1970 and therefore *Rotuma should have remained a British Colony.*

The same sentiments was echoed by the late Dr Verrier and printed in the Fiji Times and a search of the paper for that time will confirm this.

It was only after this that Rotumans found out from the late Mr Josefa Rigamoto that both Representatives wrote two letters to Ratu Sir Kamasese Mara, recommending each other for a knighthood which was declined. *A cop out that many believed that, they certainly deserved.*

4. Whether there is any substance in such arguments that Rotuma had no part leading to the London conference, is irrelevant now because the events of 1970 and that coup of September 1987 which had resulted in the severance of all remaining official ties with Great Britain.

2.4 Independent Fiji

1. Rotuma as a distinct sovereign island nation before the cession to Great Britain accepted the colonial decision for ***ease of administrative purpose status*** and had been part of the Colony of Fiji prior to 10 October 1970.

Therefore **it was only for administrative purpose but not Rotuma's sovereignty was given to Fiji and therefore the British in essence had no right at all, to transfer our sovereignty at independence without a referendum other than to relinquish it back to Rotuma.**

2. The political relationship between Rotuma and Fiji since independence from Great Britain has been good, but severely tested by the coups of May and September 1987, 2000 and 2006 which have generated considerable debate within the broader Rotuman community.

Many begin to question the pros and cons of Rotuma's special relation with Fiji. Rotumans have to compete for the same access to universities and employment opportunities in Fiji which unfortunately for many now, is a cause for disappointment. These will only help fuel the wind for change for Rotuma, unless of course the **new Constitution makes special dispensation to protect the needs of the Rotumans.**

3. For according to the late Rabuka Government's Attorney General Mr Kelemedi Bulewa that was similarly echoed by the late Chief Justice of Fiji, Sir Timoci Tuivaga when he gave judgement on a sedition case for Rotuma on 9/6/1988 that ***I imagined that if Rotuma should ever want to sever its historic and well established links with Fiji, the least that would be expected of Rotuma is to conduct full consultations with the Government representing the independent sovereign state of Fiji.***

4. Therefore allow me to reiterate and say this to the Commission that I fear that any more future upheavals like the two coups of 1987 and that of 2000 will only give rise and help fuel the wind for change and rekindle the debate of Rotuma, going its separate way to be the master of its own destiny.

5. Clearly, it's now ***up to the Commission to protect Rotuma's special needs and privileged status in the country*** to contain any such moves in the future. Otherwise I fear that any future coups or government that's unsympathetic and ignorant of Rotuma's needs and development ***will only serve to add the death nail to the coffin of the said relationship.***

Therefore the ***Commission must act accordingly, similar to the knowledge and far sightedness of this Government, to heavily invest in Rotuma's development and future prosperity*** and that's what we Rotumans desire and want to see in the new Constitution.

3.0 The New Constitution

3.1 Rotuma's Sovereignty

1. The new Constitution ***must acknowledge Rotuma's sovereignty as a distinct island nation before the association with Fiji but for ease of administration*** the British grouped Rotuma and Fiji together.

Therefore ***Rotuma is not a province of Fiji*** but for the action of the late Chief Maraf and Wilson Inia, Rotuma became independent together with Fiji on 10 October 1970. ***Thus Rotuma has to be a Protectorate.***

2. In the new Constitution, ***Rotuma's preferential treatment must be guaranteed and protected. Therefore Rotuma must also be granted more autonomy for its own affairs and development.***

The ***new Constitution should also guarantee the provision of a separate budget allocation for Rotuma.*** All these are nothing new but in line with the United Nation Charter for self determination, like any other Dependency, in the world.

3. Perhaps it won't happen in my life time but just in case for ***independence to happen, Rotuma must be fully prepared and only after a plebiscite is held where a majority consensus is needed and a full consultative discussion with Fiji has taken place.*** Therefore the new Constitution must reflect these sentiments for Rotuma too.

4. Coups are detrimental to any country and ***incompatible with democracy. It is also said that coups are counter productive with a vicious cycle of history repeating itself in every 5 - 15 years.***

All we have to do is look at some of the countries that have experienced a coup like Turkey, Nigeria, Pakistan, Myanmar, Egypt, Liberia, Fiji, Philippines, Chile, Argentina etc. ***To prevent any future coups, the new Constitution needs to look at the means to an end and the aftermath of a coup in Turkey, Chile, Argentina, Philippines, Iraq, Egypt and Libya.***

There must be no more pardons and any future coup leaders must be brought to trial to answer for their actions and justice must be seen to be served as a warning to any future aspirant.

5. Therefore in the new Constitution, ***the President should not have the automatic power or authority to grant pardons to any coup leaders*** which were usually done under duress of the threat of a gun whenever there's a coup. But if he did then a provision should be in place to revoke this when an elected government comes into power.

The Supreme Court of Fiji under a democratically elected government must undertake an immediate enquiry of the events leading to such upheavals and decide on the course of action to take, to bring all the coup leaders to trial. It shouldn't matter whether the coup leaders have abrogated the constitution but ***Peoples' Power must rule supreme in any circumstances***, like we see in the world around us.

Therefore when an elected government comes into power, the coup leaders such as the likes of Sitiveni Rabuka and George Speight must be taken to task. They have to be brought to trial for committing treason against the people and the country, to serve as a deterrent to others, otherwise there will be continual, future recurrences of coups.

The only exception to this in my mind are the leaders of the 6 December 2006 coup which most Rotumans support for it was conducive with our ideals, interests, needs and the development of Rotuma.

6. But let there ***also be no mistake that future coup leaders will need to take a hint that many Rotumans are fed up of such unnecessary upheavals and will not be so sympathetic to any more coups.***

From what I'm hearing from the broader community, ***I seriously fear that any more coups will only serve the death nail to precipitate the beginning of the end to the historic bond between two distinct island nations.*** For any future coups will inconvenient and stall developments in Rotuma and *cause*

cost of living to hike which most Rotumans can't afford and won't tolerate that will only serve to give rise to the minority movement, that is advocating Rotuma going its separate way.

3.2 Viti kei Rotuma

1. The new Constitution should acknowledge the solid and historic relationship between Fiji and Rotuma. Similar to that aptly coined by the iTaukei of ***Viti kei Rotuma meaning Fiji and Rotuma***. The Methodist Church also uses this term to call itself the ***Methodist Church of Fiji and Rotuma***.

Therefore ***I don't see why the new Constitution can't follow suit and do likewise.***

2. For such a move will *be historic too but is not new as seen in Trinidad and Tobacco and many countries such as in Myanmar, Tuvalu, Kiribati, Burkina Faso* etc that have changed their names. For it gave meaning and impetus to suit the contemporary times they live in, unless ofcourse Fiji intends for Rotuma to, one day go its separate way.

3. Also for the *country to be called Fiji and Rotuma will acknowledge Rotuma to be treated like as a junior partner in the relationship and not a province*. This will definitely give meaning for Rotumans to fully commit and honour the country and therefore stay the thoughts in many minds of that continual motion of the wind for change for Rotuma.

4. Thus ***there is no better time than this***, for the new Constitution to acknowledge the special relation between Fiji and Rotuma.

Otherwise a time will come when a new generation of Rotumans will struggle to make ends meet and decide to put pressure on Rotuma to sever this bond of historic relationship with Fiji. Even though, ***this very special bond has fostered goodwill between Fiji and Rotuma which Rotumans cherish and appreciate so much.***

Likewise, ***this historic relationship has allowed Rotumans to reciprocate our appreciation in kind. Through our faithful services and actions in good times and bad times, in peace and also at times of war as brothers in arms where we stood and fought side by side with our iTaukei brothers.***

5. Such a name as Fiji and Rotuma in the new Constitution will ***further enhance Rotuma's commitment and do away with the wavering obligations to the country***. For many Rotumans during Rabuka's two coups in 1987 advocated for Rotuma to immediately sever links with Fiji.

But they were contended when Chief Maraf and the late Chairman of the Rotuma Council Mr Aisea Aitu promised them at the Fijian Teachers Association meeting at Knolly Street, ***to put the separation process in motion and prepared Rotuma to be independent from Fiji in the next 20 – 30 years.***

The Commission must seriously take this into account and act accordingly to suppress any doubting Rotumans to see the benefits of 6 December 2006 and the many developments carried out in Rotuma to counter act such future moves.

3.3 Autonomy

1. The new Constitution must ***endorse Rotuma's right for self determination and grant it more autonomy. For this is a very clear policy of the United Nation*** for every country on earth including Rotuma which was a distinct island nation before the cession to Great Britain, to aspire to.
2. For Rotumans have not forgotten the cession of their distinct island nation to Great Britain and have annually celebrated the 13 May in lieu of 10 October as a reminder for future generations *which I fear only helps to fuel the wind for change for Rotuma.*
3. Also, Rotumans have not forgotten the sentiments expressed by these late people Dr Lindsay Verrier, Attorney General Mr Kelemedi Bulewa, Chief Justice Sir Timoci Tuivaga and Parliamentarian and Unionist Mr Apisai Tora that *that if Rotuma should ever want to sever its historic and well established links with Fiji the least that would be expected of Rotuma is to conduct full consultations with the Government representing the independent sovereign state of Fiji.*
4. The new Constitution must accept what the late Chief Justice Sir Timoci Tuivaga said ***but until such time that Rotuma clearly expresses an overwhelming view by way of a community referendum, for Rotuma to go its separate way from Fiji, this special relationship with Fiji must be protected.***

Thus ***the new Constitution must also honour this and allow Rotuma, more autonomy with its own budget allocation to manage its own affairs and future developments.***

3.4 Rotuma Island Council

1. The new Constitution ***must acknowledge and endorse that there's a Rotuma Island Council, comprising of the seven chiefs and also seven locally elected district representatives.***

But the *Rotuman Representative in Parliament is only to be included as an adhoc member of the Council for the duration of the electoral term.*

Therefore the ***new Constitution must protect the Rotuma Island Council to reassure Rotumans that future governments will not attempt to remove the Council similar to what happened to the Great Council of Chiefs, by merely amending the Rotuma Act.***

2. Also the new Constitution must endorse that all legislative matters relating specifically to Rotuma and Rotuman interests are to be approved first by the people living in Rotuma and sanctioned by a resolution of the Rotuma Council before it is tabled in Parliament.

The reason being that the ***Rotumans living on main land Fiji are there by choice and well catered*** for by specific legislations covering the rest of the country and served by the Representatives of the respective constituents the live in and therefore will be oblivious to the needs and issues that affect the islanders.

3.5 Matters relating only to Rotuma

1. The new Constitution must include all these matters:

- (a) Who is a Rotuman.
- (b) Rotumans in Rotuma.
- (c) Rotumans in Fiji.
- (d) Rotuma Act.
- (e) Rotuma Lands Act
- (f) Historical and important family sites such as house sites, cemeteries and traditional pig sties by the road side must be protected. But given the size of Rotuma and the traffic, the current width of the road must remain as is and should not be allowed to encroach into these locations. Any planned future extension of the roads must first have the approval of the affected land and property owners. Therefore the measurements of the desired width of the road must be taken from the mid point of the current roads to avoid such encroachment.
- (g) Our exclusive economic zone that surrounds Rotuma must be governed by the Rotuma Act.
- (h) Rotumans are to be notified of any new laws that may be published from time to time that affect them.
- (i) Like the iTaukei since the 1987 coup, *our future Rotuman Leadership must be trained in leadership skills and foresights for forward planning and development of Rotuma.*

2. Also ***all Acts and matters relating to Rotuma should only have the approval of Rotumans living in Rotuma and endorsed by the Rotuma Island Council*** and the above must be included in the new Constitution.

For ***Rotumans living in Fiji wouldn't know or experience the prevailing circumstances that affect the lives of those living in Rotuma.*** Their inclusion in the decision making process that affects those living in Rotuma will be a farce and therefore detrimental to Rotuma's welfare, unless of course they move back home to Rotuma. For *the majority of the Rotumans living on main land Fiji wouldn't know the intricacies that affect Rotuma to care, other than their own self interests.*

3. Therefore the new Constitution must also protect ***Rotuma's special status as a sovereign and distinct island nation and endorse a Representative in Parliament for Rotuma.***

For without ***a Rotuman Representative in the House of Parliament will be a big mistake and of dire consequences for Rotuma and I fear, that this will only help fuel the wind for change for Rotuma.***

4. Hence the new Constitution like the era prior to 1990 Constitution, should endorse a Parliament seat for Rotuma, whether it's in the Lower or Up House, to be elected by popular vote but again only from the Rotumans that are permanent residence of Rotuma. This is in accordance with the residency criteria of the Rotuma Council and the Rotuma Lands Act. For such a Representative will stay in Rotuma and will know the needs of the people of Rotuma to aptly represent them in Parliament.

But any Rotuman Representative, living outside Rotuma will be unable to do justice to the office, for he or she won't be aware of the conditions in Rotuma unless of course they permanently reside there. For the Rotumans living on main land Fiji are adequately catered for by the respective Representatives of the constituents they live in and must not be involved at all in representing Rotuma, unless they decide to permanently resettle in Rotuma. For any of them *to be involved, will only be self serving and tantamount to double dipping and greed.*

3.6 The Rotuman Representative

1. Like I have mentioned above the new Constitution ***must protect Rotuma's special status and needs and allow Rotuma to be represented in the House of Representatives***, since Rotuma is a sovereign and distinct island nation.

Also the new Constitution must insist *on permanent residence from Rotuma for the Representative in the House of Representatives, otherwise such involvement outside Rotuma will be prejudicial to the conditions that affect those living in the island.*

2. For ***the interests of those Rotumans living in Fiji are adequately represented and catered for by the various Representatives elected from the constituents that they live in***, to prevent double dipping and non commitment to the course of Rotuma's well being. *For he or she won't know the needs and the developments required for Rotuma, unless of course they permanently resettle in island.*

3. Therefore I believe that ***such request of mine should be endorsed in the new Constitution for it is the truth and therefore can not be discriminatory*** to those Rotumans living on main land Fiji.

3.7 Rotuman Customary Laws and the Courts

1. The new Constitution ***must recognise the Rotuman Customary Laws and also our traditions that existed from time immemorial.***

Not withstanding our cession, the new Constitution must protect these laws and the things that gave our identity such as our land ownership to be based on bilinear decedents of both paternal and maternal lineage.

2. Also the current *description of who is a Rotuman must hold and be adhered to and the election of our chiefs must not be tampered nor interfered with.*

3. Furthermore the new Constitution must endorse that, ***except the law expressly excludes Rotuma from its provisions, all Acts for the maintenance of peace and good order of our people that applies for the rest of the country must also apply to Rotuma too.***

4. Similar to the iTaukei, we Rotumans hold the ownership of Rotuma lands dear to our hearts which is governed under the Rotuma Lands Act. Therefore the new Constitution must ***continue to preserve the guaranteed indefeasible rights of Rotuman ownership of our lands.***

5. Perhaps the new Constitution *can compel the first elected government of the day, to implement the Rotuma Lands Commission which was shelved since 1959, to adjudicate and*

resolve the current estimate that 33% of all the Rotuma Lands are in dispute with a final recourse to the High Courts of Fiji.

6. Also in the new Constitution, Rotuma ***should have the same access to justice*** similar to Lau and Kadavu rather than be subjected to the wimps of a District Officer who is untrained in legal matters but serves as a Second Class Magistrate and dispenses justice.

3.8 Developing Rotuma's Resources

1. Rotuma has nine volcanic islands of which only the main island is inhabited. Also Rotuma's fertile volcanic soil was rated in 1901 as the richest in the world but given its size and isolation from the nearest urban centres, large scale commercial farming is very difficult and not feasible.

Thus most of the islanders are dependent on family members in Fiji and overseas, for remittances that ranged between \$1- \$2million per annum.

2. Therefore it is important too for the new Constitution to not only *provide a guarantee for the protection of all Rotuman lands but since Rotumans are sea farers too, the guarantee must be extended to include all our fishing rights within our exclusive economic zone.*

This should also include the protection, retention and the rehabilitation of our lands and fishing rights and afford us the right to participate in royalties and the equitable share of any income derived therefrom the extraction of our resources.

3. The foreseeable future exploitation of our resources has become a major issue and a concern to many Rotumans.

It is preferable that all fishing licences and exploration rights of our land and sea within our immediate economic zone should be approved by the Council of Rotuma.

The new Constitution should reflect these and *Rotuma must also be permitted to levy fees and also share in the incomes derived from such exploitation to allow the fully utilisation of our International Port of Entry, to promote trade with the main land Fiji.*

4. Since Rotuma is already an International Port of Entry and an Economic Tax Free Zone but investments have yet to materialise to full potential.

Therefore the new Constitution ***should allow the next step in the process and declare Rotuma a Tax Haven similar to the Cayman Islands and Vanuatu for Rotuma to attract investments*** to generate more money for self service in catering for its own needs and development.

3.9 The Electoral System

1. It is my belief that the voting system can be simplified, not only to reflect that the country is contemporary but also that it is adaptable to change to enable all voters to comprehend the ballot papers whilst at the same time introduce cost effectiveness and savings.

There's *no need, to spend millions of dollars in an elaborate, incomprehensible and costly electoral system which the country can ill afford* if the New Constitution allows for:

(a) Voting to be still *compulsory but by family that only needs the head of the family or household, to vote*. For irrespective of the numbers in the family a specially issued card with a number corresponding to the name on the electoral roll but sorted into respective constituents to be used.

The *ID card needs only to be produced by the voter/head of the family and swiped on a reader/scanner to delete the name off the electronic roll then it's marked off the manual roll before the vote is cast*.

These double checks will ensure that there's no duplication and the ID card can only be presented once until the next election.

Certainly *there will be efficiency gains, to streamline and simplify matters in order to reduce the costs. The number of families in the country, are much less than the number of voters which could only number in the circa of 40% of total voters. Therefore all round, there will be lesser work to undertake which will speed up the election with ease to achieve a quicker outcome when counting*.

(b) Perhaps there will be no need for the voting age to be lowered to either 18 or even further to 16, to be in line with the age where a person is eligible to get a driver's licence.

(c) Also the ballot paper should only contain the names of the candidates for each of the relevant 4 divisions or constituents.

There should be only 1 tick in the box alongside the name of the person whom the voter, wants to represent him or her in Parliament, to avoid the invalid votes.

Furthermore *there should be no preferential votes and counting to be based only on primary votes where the winners are declared in accordance with the highest number of votes attained*. These will ensure prompt and accurate counting with the use of a simple but effective tool, similar to that used to collate surveys, to ensure the election is still cost effective and on target.

(d) That *there should only be 29 seats in the House of Parliament for a small country like Fiji, to save on costs but allow our members of Parliament to earn their worth*. These MPs, first and foremost priority is to serve the people at least 11 months a year until the next election rather than there, to enjoy the perks and go on holiday with lesser work to contemplate.

The Lower House should have 16 seats and the Upper House 12 seats, divided equally amongst four divisions, North, East, South and West. The number of voters in each division does matter but the work, the distance and the land and sea areas also matters in real time and service provision to counter act the disparity in the number of voters in each constituent.

Besides the 28 seats mentioned above, there should be no communal seats *except for that special seat for Rotuma which is important, given that historic relationship with Fiji and Rotuma's sovereignty as a distinct island nation*.

This in my mind *will stay the prevailing wind for change for Rotuma to go its separate way* by future generations that's being advocated by a minority.

(e) A 24/7 security should be provided by the army and enforced at all times to protect the ballot papers before and after voting, until all the counting is completed and an outcome is declared.

The ballot papers should be kept in case of a court challenge but only until the next general election and then destroyed.

(f) *A general election should be held once, every 4 years to save costs and encourage accountability and transparency whilst allowing the elected government to formulate and implement its manifesto and policies.*

3.10 The Offices of the President, the Vice president and the Prime Minister

1. The new Constitution should reflect that *the office of the President must remain indefinitely with the iTaukei people and held by a qualified iTaukei chief, as a token of their goodwill to the country.*

2. But the *office of the Vice President should be held by the Attorney General* who is deemed to be well versed with the laws of the country and with the assistance of the Solicitor General will be ready to give good advice when needed, to be accountable and transparent.

3. However the *office of the Prime Minister will be elected by popular vote from the caucus of the party that won the election.*

4. There should be *only a 4 years tenure for each of the incumbents of the President and the Vice President's offices to coincide with the electoral term of government* in order to encourage accountability and transparency.

3.11 Number of Ministries

1. In the new Constitution, *the number of ministries should be restricted to 7 and made up of the Judiciary, the Prime Ministers Office, Foreign and Home Affairs (which will include immigration, military, police, prisons and state emergency), Education, Health, Resources (to also include land, sea and tourism) and Public Utilities (LTA, WAF, FEA, the Postshop, PWD etc). Thus on this basis, there will be 7 cabinet members that comprises of the Prime Minister and 6 Ministers.*

Certainly the country *does not need to be over burdened by so many Ministries and MPs. All we need is a lean machine that is cost effective and very efficient similar to a corporate company to serve and also govern the country. There is no need also to overburden the bureaucracy with too many chiefs that don't carry their weight.*

By these, the country will save money since each Ministry will be assisted by a pool of talents from its executive arm that is perceived to be under utilised and very inefficient with very low productivity.

2. Therefore by these, expect the Ministers and also the Members of Parliament to work and earn their pounds worth. For they are elected to serve and therefore must perform as expected by the people to honour and fulfil their parties manifesto to the nation.

3.12 Bureaucracy

1. The new Constitution should also *include the formation of a Productivity Commission to monitor and measured performances within the bureaucracy through constant review that is aligned to pay increases.*

Therefore any pay increase must be performance based on achieved targets.

2. Also it should include that employment *must be on behavioural interviews and contracted to allow for competition, increase productivity and efficiency whilst at the same time reduce costs, duplicity and mediocre.*

Furthermore *promotion must be made on merits and qualification rather than long service, who you know, social personality, status and name.*

3. The new Constitution should also *include the acquisition and the use of cutting edge technology and good work practices to help transform the country through gains in efficiencies and costs in the bureaucracy.*

For the bureaucracy seems to be very *top heavy and inefficient with lesser Indians to do the work.* Greater efforts seemed to be spent on endemic procrastination and bogged downs to delay and create more work for a very simple matter without any inkling of the essence of time to effectively finish the work or resolve the problem.

3.13 Basic Human Rights

1. The new Constitution ***must support and guarantee all the basic human rights of freedom of speech, association, religion and movement.***

2. Also the new Constitution must guarantee to all, ***free access to basic and essential services such as health care and education.***

3. Furthermore it should ***guarantee that all citizens of the country have the same access to legal representation.***

Legal Aid *must be freely accessible to all, not only for criminal but also for civil matters. For it seems that a criminal's rights are more important and better cared for than a law abiding citizen who is aggrieved but unable to afford legal representation.* For such disparity only helps to foment injustice and hatred.

4. Therefore *there should be a price control on the amount of fees that a lawyer can charge unless of course, there're extenuating circumstances to warrant the extra charges.*

Otherwise the ordinary citizens of the country won't be able to afford a lawyer to represent them in court. A situation might arise that only those that can afford a lawyer, will be able to dictate terms and do whatever they want but still win.

Therefore the new Constitution ***must give the Fiji Legal Service Commission power to control the fees to be charged by lawyers and special dispensation can be made on application to allow increases in fees in order to afford the country a fair go on representation for all.*** Since justice must be seen to be fair to all.

5. Also I'd like to see the new Constitution include *the necessity to build infrastructures that supports free movement and transport of agricultural produces to be developed with the least hassles and inconvenience to the people.*

3.14 Essential Services

1. The new Constitution *must ensure that the state provides all the essential services for health, education, transport and for utilities such as water, electricity but health and education must be free of charge for all.*

Also the education system must focus more on vocational training and cottage industries to generate employment and afford the masses, family ownership or run businesses to help rid the country of poverty.

2. Government services that are costly, unproductive and inefficient should be privatised to free up the treasury for usage in other essential areas.

3.15 Fiscal Policies

1. The new Constitution *needs to tighten up our monetary laws. Therefore our current financial laws must be brought up to date* and though the inputs of the financial institutions are warranted but these corporations must never be allowed to lobby or dictate terms.

For such laws are required for the better control of the financial institutions like the Banks and Insurance companies from exploiting the people by over charging premiums, interest on interest for loans and credit cards and excessive fees for late payment.

There could be threats of closure from these financial institutions if the laws are not in their favour. But these corporations knew better, for they have exploited the country for so long, some for over 100 years and have create themselves niches of nest eggs from the goose that lays the golden egg. They will certainly not leave but continue to operate and still be profitable with better control of expenses and the use of modern technology.

2. *The laws will prevent costly borrowing by the banks to finance liquidity and from making shoddy investments such as those seen in the USA and some EU countries in the mortgage sector. These were also probed up by bogus hedge funds that precipitated the GFC, the effect of which is still being felt to date.*

3. *Also the Tax Act should be revised. For PAYE tax should be based on personal and also family and apportioned into 3 categories of high, medium and low. So that when the combined family income exits a certain amount then tax must be assessed at a higher rate.*

Such actions will ensure an equitable distribution of wealth to families whilst at the same help increase the government coffers to pay for much needed services. This will certainly stem out the excessive overtimes and large pay increases, to generate more jobs and more

employment opportunities. Thus there'd be no need to increase the VAT again, for it tends to impact the poor more who are indirectly subsidising the services for the rich and the well to dos.

Nevertheless tax must be collect from all sources of money make ventures. That includes the house girls/boys but because of their meagre earnings, their taxes should be paid by their employer for their exploitations of long hours, the volume of work and the non payment of FNPF.

Therefore a ban on all cash on hand jobs must be enforced which will mean that trucks that includes carriers must have log books and taxis meters and buses tickets must correspond with the fares collected for on the spot audit at any time.

4. To further create a fairer distribution of the country's wealth, the new Constitution must ensure that the retirement age for all employees remain at age 55. Except of course for those working for the UN and other foreign governments whose staff are either contracted or have special dispensation to work pass age 55.

5. But the *capital expenditure and spending of the country must be closely monitored and aligned to fiscal policies* in order to control spending and wastage.

Otherwise the country cannot afford the spiralling costs because of overspending that will consequent in the need to borrow money in return for the payment of higher interest rates and force its hands to issue more government bonds.

6. *A regular review of the official interest rate and the appreciation and depreciation of our dollar must be regularly made to ease the financial burdens on families or alternatively increase exports and attract investments and tourism to the country.*

But to help maintain a reasonable interest rate, tighter fiscal policies with cost of living and interest controls and more employment generated through proper utilisation of resources from the land and sea must be made, to reduce imports.

Also with a casino being built at Nadi, stricter monitoring of money laundering laws is required to prevent the use of proceeds of crime, by criminals.

7. Therefore the *new Constitution must also endorse the constant monitoring of our consumer price indexes to control inflation and ease the burden on consumer confidence.*

Furthermore a *change in consumer mind sets and preferences for refined food and perishable goods should be made, to encourage consumers to return to basic diets in order to control obese and the spread of NCDs that burdens the health budget.*

8. But for the State to be financially feasible, *the core nucleus of the family must be strengthened. This will not only allow families to take responsibility and control their children to avoid truancy from school that may eventually lead to unemployment and a life of crime but also to look after their sick, disable and the elderly.*

A massive savings of welfare services can be achieved and redirected to other priorities to continue the provision of much needed services.

9. The state should either *make the Fiji Development Bank a commercial trading bank or alternatively create a Rural Bank on the basis of the Gremlin Bank of Bangladesh* to help the rural population eliminate poverty.

Also *there needs to be a full inquiry into the demise of the National Bank of Fiji to bring this sad and sorry saga to a closure.*

3.16 The Armed Forces

1. The new Constitution must endorse that *RFMF has an important part to play in the defence and security of the country. But the officers must swear an oath of allegiance and service to the country and to promise not to be involved in any military coups.*

They got to understand the consequence of disregard to the oath and any actions to the contrary, *is life imprisonment with hard labour and without pardon or parole.*

Also the RFMF *must not be politicised* in the same way as the chiefly system of the iTaukei and their way of life, *to usurp power and under mind the role of a democratically elected government.*

No doubt the RFMF has been doing a good job but can be better in times of peace when they are not fighting a war or on a mission.

Therefore the armed forces must not only *be reduced in numbers but the racial concentration be diluted by diversifying the recruitment policy and the decentralisation of the bases into other towns similar to the Police to counter act any dominant racial influences and numbers.*

No doubt that the decentralisation will also enhance the border security and assist the immigration and customs departments in their dispense of duties. Besides these, there will be ready man power to assist Government in times of an emergency to help the respective services in times of natural disasters like floods, hurricanes, droughts and fires.

Also the armed forces personnel should be used in all government buildings, renovations and engineering works for offices, hospital, schools, bridges and rural development to fully utilise the engineering skills acquired. The RFMF should also be used on security and patrol work of isolated and crime plagued areas of country, to justify their large numbers and maintenance costs.

2. Furthermore the ***Minister for Foreign and Home Affairs should be the commander of the RFMF.*** Their leadership skills, discipline and the prompt actions and services already rendered to the country for the last 6 years are commendable. Therefore *the senior officers of the corps should hold all the Permanent Secretary posts in government to enhance the quick and efficient provisions of services for the future progress of the country.*

Also the current RFMF advisers *had done an incredible job and now have a proven track record and should be retained as adviser to the Prime Minister to help further propel the country into the future.* But the tenure for each incumbent officer as an adviser should be on a rotational basis and restricted to a years, to allow new officers to come in with new innovative ideas to avoid influence, mediocre and stagnation.

3. The new Constitution should also reflect that prisoners are not there in prison for a holiday but as a consequence of their blatant disrespect of lives, property and the law and therefore they must serve their full sentence.

Also the Parole Board must be made accountable to reflect the sentiments of victims and the community to prevent the early release of violent criminals.

Furthermore violent prisoners must be kept locked up indefinitely otherwise release them to the RFMF to give them a workout at odd hours of the day as was done in the past, so they'd never forget.

Therefore the Prison Service has to ensure that prisoners work in prison ventures to support their upkeep.

Furthermore the prisoners should be used in road maintenance work of the cities, towns and country, free of charge for their upkeep which will be a huge saving on expenditure. For such work will enable them to learn essential skills for their proper rehabilitation back into the community when they do leave the prisons.

3.17 Community and Environment

1. The new Constitution must endorse that large corporate companies, especially the foreign owned ones that *derive their wealth from the environment and community understand that they have a moral obligation to give back to the community* too.

They should also be obliged to do the right thing by the environment and rehabilitate it. Besides, whenever there is a natural disaster, these *companies must be ready to financially help the government of the day to normalise the situation.*

2. Also the Land Transport Authority should be made to regularly monitor the buses *that continue to blacken the bus stations around the country with toxic black smoke that also pollute the environment*, by letting the engines run whilst being parked.

These buses' fuel pumps maybe in dire state of urgent service and that's why their engines had to keep running, for if they are turned off, will not start when it's time to go. It's totally unacceptable and can be very risky when in daily use, to transport people to and from the cities and towns and also the exhaust fumes can be a cause for lung cancer and other respiratory diseases.

3.18 The Peoples' Charter

1. As a Fiji citizen, I fully support the Peoples' Charter as a blueprint, to not only propel the country forward into the future but also a pathway for all the various arms of government to become transparent and rid the endemic evil of corruption, that has plagued the country for so long. This evil has been very counterproductive.

2. Also the specific *affirmative actions provided for in the 1990 Constitution needs to be adopted*, to assist the iTaukei and the minority groups who because of their cultural obligations and customs are held back commercially and therefore unable to compete on level playing ground with others.

3. Furthermore, *equality access must be granted to education and commerce and wherever a group of people is seen to be lagging or stagnating, provisions are made to further assist and bring them up to par with the leading group* to bridge any perceivable long term gaps.

4.0 Conclusion

1. I have attempted to explain Rotuma's heritage as a sovereign and distinct island nation before it's cession to Great Britain and the reason for its association with Fiji.

Also I have taken time to explain the neglect of past governments and the effects of coups on Rotuma that have now created a lot of debates and murmurings within the broader community to give credence to the minority view and fan the wind for change for Rotuma.

2. Therefore the ***new Constitution must promote and endorse Rotuma's case for special treatment and consideration.***

Otherwise our future generations will get disillusioned for lack of opportunities and development that will only help fuel the wind for change for this historic relationship. No doubt if such a move can be prevented then so be it but if not, it is still in line with the United Nation's Charter for self determination and must be respected too.

3. The new Constitution must also acknowledge that special and unique relationship amongst the Rotumans in Fiji and Rotuma and protect our rights, interests, customs and traditions similar to that of the iTaukei.

Therefore the ***Rotuma and the Rotuma Lands Acts must be protected by the new Constitution to safe guard and guarantee our indefeasible right of ownership of our Rotuma lands on both paternal and maternal lineage. Thus these Acts must not be tampered with by any government of the day without the express wish and approval of the majority of the people of Rotuma and properly endorsed by the Rotuma Island Council.***

4. Therefore I humbly submit these matters for your consideration and say that I have full confidence in the Commission and pray for abundant blessings to be upon the members of the Commission for guidance always, in the onerous task which it has embarked on.

5. Finally I want to say that the guarantee given to encourage submissions from all walks of life, that's free of fear and harassment, highlights the goodwill and sincere intention of the Government of the day. Indeed the Government is in serious pursuit of democracy for peace, prosperity and the future progress of our country.

Henry Enasio