

SUBMISSIONS TO THE CONSTITUTIONAL REVIEW COMMISSION

INTRODUCTION

1. My name is **Sosefo Sikuri Inoke**. I am a lawyer by profession and a Rotuman by ethnicity.
2. I therefore make these submissions on two fronts, first as a Rotuman and a citizen of this country and secondly, as a member of the legal fraternity. I will make my submissions short and to the point.
3. My submissions as a Rotuman ask that the new Constitution treat the Rotumans as a minority indigenous group with special needs and entitlements.

PART I – SUBMISSIONS IN RESPECT OF THE ROTUMAN PEOPLE

BACKGROUND

4. These are my own personal submissions taking into account the wishes and aspirations of some of my Rotuman brothers and sisters expressed to me privately, which I would like to think are held by the majority of Rotumans, who are afraid to speak out for one reason or another or in fear of ridicule and victimisation by other Fijians.
5. To understand and appreciate these submissions one needs to go back in time into the history and circumstances under which Rotuma Island and her waters and territories became part of Fiji.
6. I do not want to bother you with the details as all that information has been covered comprehensively elsewhere and which your researchers can easily access.
7. On 5 November 1880, the Colonial Secretary proclaimed Rotuma as part of the Colony of Fiji.
8. On 13 May 1881 the chiefs of Rotuma signed a Deed of Cession ceding the island to Queen Victoria. The Deed of Cession simply stated, and I quote the formal parts as follows:

"We the chiefs of Rotuma, with the knowledge and assent of our respective tribes, and in accordance with their desire, do, on our own behalf and that of our respective tribes, hereby cede and surrender absolutely, unreservedly and unconditionally to Her Majesty the Queen of Great Britain and Ireland, Empress of India, the possession of and full sovereignty of all ports, harbours, roadsteads, streams and waters, and all foreshores and all islands and reefs adjacent thereto: praying that Her Majesty will be pleased to extend to us such laws as now govern her native subjects in the Colony of Fiji, or such other laws as in Her Majesty's wisdom she may see fit to make and appoint for our Government and for the maintenance of peace and good order."

9. In my respectful submissions there are three salient points about this instrument that must be appreciated. Firstly the Deed acknowledges that Rotuma is a separate colony. Secondly, such laws as applicable to iTaukei Fijians are to apply to the Rotuman people. Thirdly, such other English laws as to apply to the Rotumans must be expressly stated to so apply to the Rotumans and their lands and waters.
10. That was the position until Fiji became independent in 1970. What happened in 1970 is not quite clear or generally known to the Rotumans. Some insight can be gained from the submissions of the Council of Rotuma to the Constitution Review Commission on 18 May 2001. That document is available at this site:
<http://www.rotuma.net/os/Forum/Forum22.html>.
11. There are certain parts of those submissions which I would like to adopt as my own.
12. Firstly, that the Rotumans be recognised and acknowledged as indigenous to Rotuma and that a Rotuman be defined as is currently defined in the Rotuma Act, namely, **"any person of Rotuman or part-Rotuman descent"**.
13. Secondly, that Rotuman land tenure be as previously defined in the Rotuma Ordinance and **not** as defined in the Rotuma Lands Act, that is to say, that Rotuma lands are to be held in accordance with Rotuman custom and tradition.
14. Thirdly, that Rotuma be given autonomy in governance. For example, that a Rotuma Authority be created with a separate budget allocation for the governance of Rotuma. Our people desire to be economically and socially

independent of the central government, and I believe such a creation will allow us to develop our resources and contribute more effectively to the overall economy of Fiji than we currently do.

15. Fourthly, that if our chiefs desire to be independent of Fiji, the Constitution will provide for and allow such an eventuality.
16. Finally, that if the Rotumans desire to have their own flag now then the new Constitution should allow it, in the same way that the Aboriginal and Torres Strait Islands peoples of Australia are allowed to have their own flags raised side by side with the Australian flag. There have been incidents in the past where Rotumans who took steps to claim the independence of Rotuma were charged with criminal offences and threatened by the army. I fear that if a Rotuman tried to raise such a flag now or in the future he might find himself charged with a serious criminal offence and worse.

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Sosefo Sikuri Inoke
21 August 2012.