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**SOVEREIGNTY ISSUES FOR A PACIFIC ISLAND PEOPLE: THE CASE OF ROTUMANS IN FIJI COMPARED TO THE  
MOROCCAN INITIATIVE FOR THE SAHARA REGION**

**Alan Howard<sup>1</sup>**

This paper concerns the evolving political relationship between the Fijian archipelago in the South Pacific Ocean and the island of Rotuma, a fertile volcanic island of forty-three square kilometres located four hundred sixty-five kilometres north of Fiji. Rotuma has been politically affiliated with Fiji for more than a century, first as a British colony and since 1970, when Fiji was granted independence by Great Britain, as part of the new nation. Rotuma's people are, however, physically, culturally, and linguistically distinct from Fijians, having strong historic and cultural relationships with Tonga, Samoa and other Polynesian islands. The autonomy of Rotuma will then be compared with the provisions of the Moroccan Initiative for the autonomy of the Sahara Region.

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**1) A Brief History of Fiji**

Traditional Fijian society was hierarchical. Chieftainship was based primarily on patrilineal descent. Social groups were localized patrilineal clans of varying size, ranging from a single clan to a hierarchical order of multiple, related clans. Warfare was endemic and, by alliance or conquest, communities formed confederations led by paramount chiefs.

European engagement with Fiji began in the early 19th century with the discovery of sandalwood, followed by an interest in bêche-de-mer. The opportunity for chiefs to dominate trade, including the acquisition of firearms, led to intensified political rivalries and warfare, and to the ascendance of Seru Epenisa Cakobau, the high chief

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<sup>1</sup> Professor Emeritus of Anthropology, University of Hawai'i (USA).

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of the "kingdom" of Bau, a small island off the east coast of the main Fijian island of Viti Levu, to a preeminent position among Fijian chiefs. Cakobau (pronounced Thak-um-bow) converted to Christianity in 1854 under the influence of Methodist missionaries and was followed by a large segment of the Fijian population.

As European settlers, mostly from Australia, came to Fiji in growing numbers, they made increasing demands on Fijian land and resources. The result was a proliferation of disputes and, at times, violent confrontations in which the Europeans, backed by elements of the British Royal Navy, could be quite brutal in their assaults. In 1858, Cakobau signed a document to cede Fiji to Great Britain with the understanding the British would protect his interests and recognize him as the dominant Fijian chief (*Tui Viti*). The document was sent to London for official approval and, after four years of consideration, was denied on the grounds that Fiji was too isolated and had no clear prospect of being profitable to the Empire, and that Cakobau was just one chief among many who did not have the authority to cede the islands.

In 1865, the settlers proposed a confederacy of the seven main native kingdoms in Fiji to establish some sort of government. Cakobau was elected as its first president. From the European standpoint, the involvement of Cakobau and other Fijian chiefs was mostly to give an appearance of legitimacy to what was essentially a government from the perspective of the white settlers. In 1871, Cakobau was induced to form a governing administration of chiefs and like-minded settlers. The new government was complete with a House of Representatives, Legislative Committee and Privy Council. Cakobau was declared the monarch and the Kingdom of Fiji was established. Most Fijian chiefs agreed to participate. The kingdom established taxation, land court and policing systems, together with other elements of European society such as a postal service and an official currency.

Following a period of violence, mostly on the part of Europeans against Fijians, and with the government facing problems of legitimacy and economic viability, Cakobau again offered to cede the islands to Great Britain in 1874. This time the British government was more sympathetic to annexing Fiji than it had been previously. After some vacillation, Cakobau agreed to renounce his *Tui Viti* title, retaining the title of *Vunivalu*, or Protector. A Deed of Cession was signed on 10 October 1874, and the Colony of Fiji was founded; 96 years of British rule followed, ending in Fiji being granted independence in 1970.

The policies of the first governor, Sir Arthur Gordon, were decisive in shaping the history of Fiji. Gordon saw himself as the protector of the Fijian people and initiated policies that limited their involvement in commercial and political developments. Sales of Fijian land were banned; the Fijians were taxed in agricultural produce, not cash; and they were governed through a system of indirect rule based on the traditional political structure.

In order to maintain those policies while encouraging economic development, Gordon promoted the introduction of sugar plantations. As Fijians were deemed unsuitable for the kind of work involved, he sanctioned the importation of indentured laborers from India. Between 1879 and 1916, some 61,000 Indian

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laborers arrived in Fiji, and although a portion of them returned to India after their indenture term, the majority opted to stay in Fiji, even though they had virtually no access to land and their political rights were considerably restricted. They continued to multiply to the point where they constituted a majority of Fiji's population from 1956 through the late 1980s, after which their numbers declined considerably as a result of outmigration that can be attributed to increased discrimination following a coup in 1987 that removed an Indo-Fijian-supported government from power and, for a time, ushered in a constitution that discriminated against them in numerous ways.

## **2) The Island of Rotuma**

The population of the island of Rotuma at the time of European intrusion can be estimated at around 4-5,000, but following a period of depopulation culminating in a measles epidemic in 1911, it dropped below 2,000. As public health measures were introduced the death rate declined while the birth rate remained high, and by the end of the colonial period, in 1970, the total number of Rotumans in Fiji (including Rotuma) had increased to more than 6,000. However, as opportunities for education and occupations were extremely limited on Rotuma, a steady stream of migrants to Fiji led to a drop in the number of Rotumans on the home island until currently fewer than 2,000 Rotumans live on the island and more than 8,000 reside elsewhere in Fiji, mostly in urban areas. In addition, several thousand Rotumans and part-Rotumans have migrated to Australia, New Zealand, England, the United States, and elsewhere.

According to a 2019-20 survey published in the *Fiji Times* [14 September 2021], the total population of Fiji of 864,132 comprised 62 percent indigenous Fijians, 34.2 percent Indo-Fijians, with "other races" accounting for 3.8 percent (including Rotumans). The importance of this division is that Fiji has had a long history of politics dominated by concerns associated with the bi-racial division between indigenous Fijians and Indo-Fijians. This has relegated governance of Rotuma, and concern for the welfare of the Rotuman people, to the margins of the political arena.

The British occupation of Fiji had much in common with the French occupation of Morocco. Both declared their presence as "protectorates," and both showed no reluctance to use military force to protect their interests and to subdue segments of the indigenous population who resisted their hegemony. In both cases the Europeans recruited portions of the indigenous population who saw benefits in the subjection of resisters and were willing to fight alongside the Europeans to obtain them. As for Rotuma, insofar as the people embraced annexation to Great Britain and, with one brief historical exception involving a small minority, have welcomed inclusion in post-independence Fiji, it has not presented a challenge to external governance by either the British or Fijians. In essence, the governance of Rotuma by both the colonial and post-independence regimes can be characterized as benign neglect.

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### 3) Rotuma in the Colonial Era

The first recorded European contact with Rotuma was in 1791, by Captain Edwards in *HMS Pandora*, while searching for the mutineers of the *Bounty*. During the first half of the 19th century the fertile island became a favourite place for whalers to replenish their provisions. In the 1860s English Wesleyan and French Roman Catholic missionaries established missions, the Methodists on one side of the island, the French on the other. Antagonisms between the two sides escalated and in 1878 culminated in a skirmish won by the numerically superior Wesleyans. The unrest that followed led the chiefs of Rotuma's seven districts to petition Queen Victoria for annexation in 1879, and despite the reservations of some British officials in Fiji on the grounds that Rotuma was more likely to be a burden than an asset, the petition was strongly supported by the Governor of Fiji, Sir Arthur Gordon, who expressed the view that this should be regarded not as an annexation, “but rather as a mere rectification of the maritime boundary of the colony,”<sup>2</sup> and in 1881 the island was officially ceded to Great Britain.

During the British colonial period the Governor of Fiji appointed a resident administrator to serve in Rotuma.<sup>3</sup> He was to act as magistrate in the resolution of disputes, and to guide Rotumans in their adaptation to British rule and the political and economic changes associated with it. Following the model of indirect rule, he was expected to implement policies via a council composed of the district headmen, who in turn were supposed to advise him regarding Rotuman custom. For much of the colonial period the appointee was also a medical doctor who took responsibility for the well-being of the inhabitants in addition to his governing responsibilities.

It did not take long for problems to arise in the relationship between the resident commissioners and the chiefs. In order to fully comprehend the nature of the issues involved, it is necessary to understand the differences between the Fijian social order and that of Rotuma.

In its idealized form, Fijian social structure can be conceived as a series of patrilineal descent groups that are ranked according to the seniority of founding ancestors. Within this organization, chiefs hold authority over their group's members by virtue of real or fictive kinship seniority over them. On Rotuma, in contrast, chiefs are customarily chosen from among the bi-lineal descendants of ancestors who held a title.

Superficially viewed, the roles of Fijian and Rotuman chiefs were similar prior to colonization. Like his Rotuman counterpart, a Fijian chief organized activities in his district, was an arbitrator of disputes, and was ceremonially honoured through precedence in kava ceremonies. Both received first fruits from their subjects. But there were significant differences. For example, Fijian chiefs were leaders by virtue of direct descent from deified founding

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<sup>2</sup> Gordon made reference to the fact that the inclusion of this island within the limit of Fiji, was contemplated in 1874, and that but for the misreading of a telegraphic dispatch addressed to Sir Hercules Robinson on the subject, the boundaries of the new Colony would probably have been so defined as to include Rotuma within them.

<sup>3</sup> From the time of Cession he was known as Resident Commissioner, but after a reorganization of the Fiji Government in 1935 he was known as District Officer.

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ancestors, and their political power was backed by supernatural sanctions of a more direct nature than those relied on by Rotuman chiefs. And since Fijian chiefs were chosen by primogeniture, drastically limiting potential successors to a title, they were treated with deference from birth. From childhood on, they were trained to superordination, while their subjects were socialized to subordination. On Rotuma, in contrast, with any link to an ancestral chief conferring eligibility, no one was apt to receive the privileges normally afforded a Fijian chief's elder sons. The individual selected by his kin group to become chief was unlikely to have enjoyed any special recognition before that time.

These differences resulted in chieftainship of quite different characters in the two cultures. Ideologically, chiefs in both societies held comparable authority, but Fijian chiefs generally exercised a social psychological dominance over their subjects, whereas Rotuman chiefs did not. Put into cultural terms, in Fiji the powers of a chief were conceived as embodied in the individual; in Rotuma they were invested in the title rather than the man.

The Fijian social organization was ideally suited for indirect administration, and the British made the most of it. The Fijian chiefs, by virtue of their dominance, provided ready-made channels for administration. They simply added to their indigenous roles the rights and duties allocated to them by the Colonial Administration, and these were accepted by the people without significant resistance. Having been successful in developing a system of indirect administration in Fiji, British officials were encouraged to duplicate the design in Rotuma, but they failed to appreciate the significant differences in the status of chiefs in Fiji and Rotuma.

Even before Cession of Rotuma was official, however, Hugh Romilly, the interim administrator assigned to the island, observed that the chiefs in Rotuma were not treated with obedience and respect, and warned them that if English law were to be introduced it could only be done through the chiefs, and that it was absolutely essential that they should insist on the strictest obedience from the people under them. In fact, there is evidence that at least some of the chiefs were hoping that the British administrators would enhance their power, but this was not to be. The chiefs apparently assumed that they would be granted arbitrary powers that could be used to their own advantage, but the commissioners were only willing to back them up to the point of enforcing English law and established Rotuman custom. The people did not express resentment of the authority of the European Commissioner, or the imposition of most English-derived laws. They had come to accept European culture as superior and were willing to go along with European laws and officials as the price for reaping the material benefits involved, but they had nothing to gain by increasing the power of the chiefs. Furthermore, whatever power chiefs had been able to exercise in the past was diminished by the commissioners' interventions in the selection of chiefs and openly censuring them for behaviour of which they disapproved. As a consequence, competition for chiefly roles waned, and the traditional rules governing succession, flexible as they were, gave way to a lax toleration allowing almost any adult male to fill a vacancy.

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#### 4) The Autonomy of Rotuma

Beyond the weakness of Rotuman chieftainship when compared with that of Fiji, there was a strong theme of autonomy that characterized Rotuman culture. By autonomy, I am referring to the capacity to function independently, free from control by others. As my wife, Jan Rensel, and I have argued in our book, *Island Legacy: A History of the Rotuma People*, “Rotuman history can be viewed as a continuous struggle between politically powerful groups and individuals who have attempted to impose a social order of their choosing, and politically weaker groups and individuals who have attempted to maintain their autonomy” (2007, p. xxiii). However, the thrust toward autonomy in Rotuma goes beyond the level of group politics. During our extensive fieldwork over a 60-year period, we have observed the thrust towards autonomy at every level of Rotuman society: individuals within households, households within villages, villages within districts, and between districts, as well as between Rotuma and outside entities.

The way in which the Rotuman people expressed their commitment to autonomy vis-a-vis the chiefs was in the form of passive resistance. Especially when proposals that the chiefs had agreed to implement on behalf of the Resident Commissioner involved expenditures of money or physical labour, the Rotumans simply did not comply and the chiefs did not have the power to force compliance. There is a clear pattern evident in the reports of the European Commissioners over time. In the initial phase of their appointment, they are full of praise for the people and the chiefs. This is undoubtedly a reflection of the respectful behaviour shown to them and the chiefs’ assurance that they will do whatever is asked of them. In their later reports, however, the administrators inevitably expressed disappointment because very little of what they attempted to implement came to fruition. They accused the chiefs of being “yes men” who lacked the authority to implement change. The hitch was at the local level where unanimity of the village people was required to gain compliance, and the chiefs had no recourse if their people would not agree.

Four years after cession, the colonial government began introducing regulations aimed at controlling various aspects of life on Rotuma. These included rules regarding graveyards, school attendance, the planting and care of coconut trees, emigration, road upkeep, the control of pigs, cattle and horses, the registration of births and deaths, adultery, the preservation of trees near the beach, the preservation of useful grasses, and the prohibition of children using firearms. Fines were to be imposed for the violation of each of these regulations.

Not until 1927 were ordinances passed that dealt with the governance of Rotuma. *An Ordinance to make special provision for the Government of Rotuma*, enacted in 1927, established that the Governor of Fiji shall appoint a District Officer to Rotuma who shall, *ex officio*, be magistrate. A “Regulation Board” was to be appointed by the District Officer (with the approval of the Governor) of five to ten Rotumans. What this ordinance did was to transfer the power to select Rotuman representatives to the governmental body on Rotuma from the Rotumans (in the form of chiefs) to the District Officer and ultimately to the governor of Fiji. In actuality, the seven district chiefs continued to constitute the “Regulation Board,” which was commonly

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known as the “Council of Chiefs.” I don’t know of any instances in which the District Officer appointed anyone other than a chief, although there is considerable evidence that they frequently meddled in district politics regarding the selection of chiefs.

Regarding the purpose of the Board, the 1927 ordinance read:

It shall be the duty of the Board to consider all such questions duties of relating to the good government and well-being of the natives as may be directed by the Governor or may seem to them to require their attention, and the Board shall have power to make regulations upon any subject which may have been considered by them. And any such regulations with a view to their due enforcement may contain provisions for the infliction of fines or imprisonment not exceeding twenty pounds or four months imprisonment for any breach thereof. [Ordinances of Fiji, No. 9 of 1927, Chapter 106, pp. 1135-6]

In an amendment to the ordinance, passed in 1958, the composition of the “Council of Rotuma,” was revised to consist of the District Officer, who was to preside; the head chiefs of the seven districts; one elected representative from each district; and the senior medical officer on the island. The Council was authorized to make regulations relating to (a) the keeping clean of Rotuma and the promotion of public health; (b) the social and economic betterment of natives; (c) the performance of communal work by natives and other communal activities of natives; (d) the control of livestock on Rotuma; (e) the prevention or removal of public nuisances on Rotuma; (f) the care of native children and aged persons; (g) the conservation of food supplies on Rotuma.

The Council was also given the power to impose a cess to be paid by all Rotuman producers of primary produce, which at the time, was almost entirely copra. In addition, the amendment gave the Governor of Fiji the right to remove any district chief from office, and the right to appoint replacements for any representatives who died or resigned from office.

## **5) The Matter of Land Rights**

It is difficult to exaggerate the importance of land to Rotumans, as it is to the inhabitants of most Pacific Islands. Land is not only valued as the main source of sustenance, it is at the centre of a person’s identity, and thus endowed with a great deal of emotion. The issue of rights in land is therefore one that is of major concern to all Rotumans who retain an emotional connection to the island no matter where they live.

The traditional Rotuman system of land tenure was invested in named house sites, called *fuag ri*, which were generally built on raised foundations. Attached to each *fuag ri* were bush lands on which plantations, mostly of root crops and coconut trees, were cultivated. Inheritance of land was bi-lineal, through both one’s mother and father. In essence, one had a legitimate claim to rights in all lands that could be traced back to

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an ancestor who occupied a *fuag ri*. Rotumans often identified themselves as members of a particular *fuag ri*.

This system had the advantage of considerable flexibility from the standpoint of allowing just about everyone to find land to occupy and cultivate; it had the disadvantage of promoting disputes, because most pieces of land had multiple potential claimants, and competition for the most desirable house sites and cultivatable land could be intense. Land boundaries, which were based on natural features such as rocks and trees, and were unrecorded, could also be a source of dispute.

The introduction of the commercial economy, mainly based on the production of copra, added complications to the system by increasing the value of land, as did the thirst for land by the Catholic and Methodist missions. The Europeans also introduced the notion of individual ownership of land, motivated by their own self-interests. This resulted in an expansion of the types of land rights, but did not substantially modify the basic principle of bi-lineal inheritance. As in Fiji, the first action of the Colonial Government with regard to native lands in Rotuma was to forbid all further sales to non-natives. Over the years following cession, land matters were a constant concern of the colonial administrators, some of whom introduced statutes for managing transactions and disputes, but none materially altered the fundamentals of the system, which for the most part operated at the local level by the Rotumans. However, in the 1950s, the profusion of boundary disputes prompted Rotumans and administrators alike to request that the lands be properly surveyed and registered. But government officials in Fiji determined that there could be no survey of Rotuman lands until ownership had been determined, and in order to do so, a land commission had to be authorized to make decisions regarding ownership.

The result was the Rotuma Lands Act of 1959, which included a provision that land "shall be transmitted only through the male line," effectively changing Rotuma's bi-lineal inheritance system into a patrilineal one, as among the Fijians. The response of the Rotumans to this proposed change was intense anger, and threats were made against anyone who might come to Rotuma to implement it. Rather than try to force compliance, the government backed down and did nothing. As it stands, the Rotuma Lands Act of 1959 remains on the books until today, passing from the colonial government to the government of independent Fiji without having been implemented. The land remains unsurveyed and decision-making concerning issues of transmission and usufruct has continued to be ruled by custom rather than by law.

## **6) Rotuma as Part of the Independent Nation of Fiji**

In April 1970, a constitutional conference in London agreed that Fiji should become a fully sovereign and independent nation within the Commonwealth of Nations. The Dominion of Fiji became independent on 10 October of that year. Prevailing opinion is that constitutional development towards independence, which began in the 1960s, was more a response to international and British pressures than to any demand from within Fiji.



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The constitution of 1970 that emerged from the conference mirrored the racially based divisions that were characteristic of the British colonial regime. Thus, the House of Representatives, which, along with a Senate, constituted the Parliament, was to consist of fifty-two members elected to represent three constituencies: a Fijian roll of voters (22 members), an Indian roll (22 members), and a roll of those who were neither (8 members). Rotumans were allocated to the Fijian roll so inevitably ended up without representation. In the Senate, however, which consisted of twenty-two members who were to be appointed by the Governor-General, the Council of Rotuma was allowed to select a candidate to represent the Rotuman people.

In the years between 1987 and 2007, Fiji experienced four coups, all of which were racially motivated to a large degree. The first coup, led by military officer Sitiveni Rabuka in 1987, was precipitated by a growing perception among Fijian nationalists that the government was coming to be dominated by the Indo-Fijian segment of the community. This ultimately resulted in a new constitution in 1990 ensuring that the indigenous people of Fiji (that is, Fijians and Rotumans) had a monopoly on political power. This constitution included a specific chapter dedicated to Fijian and Rotuman interests and directed that Parliament:

shall, with the object of promoting and safeguarding the economic, social, educational, cultural, traditional and other interests of the Fijian and Rotuman people, enact laws for those objects and shall direct the Government to adopt any programme or activity for the attainment of the said objects and Government shall duly comply with such directions. [pp. 32-33]

The previous three voter rolls remained the same, although the Indian roll was significantly reduced by massive outmigration. In addition, a roll of Rotuman voters was now included, which insured Rotuman representation in the House of Representatives as well as in the Senate.

Under the 1990 constitution, Rabuka was elected to Parliament and became Prime Minister in 1992. He authorized a Constitutional Review Commission charged with recommending changes to lessen the ethnic bias in the current constitution. The result was a revised Constitution that was approved in 1997 and took effect in 1998. While the composition of Parliament was essentially the same, the document included language granting all persons the right "to practice their language, culture and traditions." In addition, it specified that "the rights of the Fijian and Rotuman people include their right to governance through their separate administrative systems". [p. 10] It also included reference to "affirmative action and social justice programs to secure effective equality of access to opportunities, amenities or services for the Fijian and Rotuman people" as well as for other disadvantaged citizens or groups. [pp 10-11]. Regarding customary laws and dispute resolution, it added that "Parliament must have regard to the customs, traditions, usages, values and aspirations of the Fijian and Rotuman people." [p. 93]

The most recent coup, in 2006, was carried out by Frank Bainimarama, then Commander of the Republic of Fiji Military Forces. It followed a political crisis when the prevailing government introduced a series of bills that

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were considered to favour ethnic Fijians. Bainimarama presented the government with a list of demands that included withdrawing the bills, but negotiations failed and Bainimarama took control. He stated that he had launched the coup in order to "lead us into peace and prosperity and mend the ever-widening racial divide that currently besets our multicultural nation."<sup>4</sup> Above all else, Bainimarama emphasized the need to root out racially discriminatory legislation and attitudes, and emphasize the common national belonging of Fiji's citizens, above any form of ethnic self-identification. Fiji's race-based electoral system would be replaced by a "one citizen, one vote" system with no ethnic differentiation. This was to be achieved, he declared, through the *Fiji Peoples Charter for Change, Peace & Progress, National Council for Building a Better Fiji* [2008], the stated aim of which was to "rebuild Fiji into a non-racial, culturally vibrant and united, well-governed, truly democratic nation that seeks progress, and prosperity through merit-based equality of opportunity, and peace." [p. i]

A new Constitution was drawn up and implemented in 2013, the Preamble to which reads:

WE, THE PEOPLE OF FIJI,  
RECOGNISING the indigenous people or the iTaukei, their ownership of iTaukei lands, their unique culture, customs, traditions and language;  
RECOGNISING the indigenous people or the Rotuman from the island of Rotuma, their ownership of Rotuman lands, their unique culture, customs, traditions and language;  
RECOGNISING the descendants of the indentured labourers from British India and the Pacific Islands, their culture, customs, traditions and language; and  
RECOGNISING the descendants of the settlers and immigrants to Fiji, their culture, customs, traditions and language,  
DECLARE that we are all Fijians united by common and equal citizenry.

The electoral changes in this Constitution meant that Rotumans no longer had guaranteed seats representing Rotuman interests in Parliament. Nevertheless, it must be pointed out, Rotumans have been extraordinarily successful educationally and are overrepresented in the professions, in management, and in the government bureaucracy, so they are not without influence in Fiji.

Bainimarama served as Prime Minister of Fiji from 2007 to 2023, when his Fiji First Party was defeated by the People's Alliance Party headed by the former coup leader and prime minister, Sitiveni Rabuka. While serving a Prime Minister, Bainimarama appointed retired general Jioji Konrote, a Rotuman who was formerly the head of the Fiji Military Forces, to the Presidency of Fiji in 2016. Konrote had had a distinguished career that included serving as commanding officer of the United Nations forces in the Middle East and Fiji's ambassador to Australia. He served for two three-year terms as Fiji's president and was outspoken in his support of the "We're all Fijians" point of view; he also steadfastly avoided using his influence to support any Rotuman causes.

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<sup>4</sup> Fiji Government, "Commander, RFMF – Public Declaration of Military Takeover", 5 December 2006.

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## 7) Rotuman Affairs During the Bainimarama Period

The central government's approach to Rotuma during the Bainimarama period could be considered one of subtle, and sometimes not so subtle, “Fijianization”, by which I am referring to attempts to reduce Rotuma's social and cultural uniqueness in favour of nudging it closer to forms characteristic of the Fijian social order and culture. This approach was most apparent in two Bills introduced to Parliament in 2015: The Rotuma Lands Bill and The Rotuma Bill.

Over the years there have been numerous calls by Rotumans for something to be done to set up procedures for the proper settlement of landownership issues and boundary disputes, with the understanding that the bi-lineal system of inheritance would be retained. After a lengthy period of holding discussions with Rotumans on the island and in Fiji, a Bill was drafted providing for a lands commission "to provide for the registration of Rotumans to regulate the registration, dealing with and transmission of land and related matters." [Rotuma Lands Bill 2015, p.3] While the draft bill acknowledged bi-lineal inheritance, it included a requirement, in the case of inheritance through the maternal line, that the consent of the majority of the male members of the kin group be required. It also included a provision that "a legally adopted child shall be deemed not to be a child of his or her adopter."

Rejection of the bill by Rotumans was immediate and widespread soon after its initial circulation. Interestingly, the rejection of the 2015 bill has taken a very different form from the opposition to the 1959 land bill, which was centered in Rotuma among landholders who would have been directly affected. Opposition to the 2015 lands bill has come mostly from Off-Island Rotumans via the Internet and especially social media. Why this has been the case needs an explanation as it is extremely unlikely that more than a few of them would ever actively claim their rights to land on the island. The answer lies, I believe, in the central role played by the home island and its traditional culture Rotuman identity. The right to land on the island provides an anchor for, and reinforcement of, that identity. To illustrate, a Rotuman living in Brisbane, Australia, wrote on an online forum discussing the bill wrote:

My wish has always been that my children, grandchildren, and so on, will be able to return to Rotuma proudly knowing that, yes, they do have a *hanua* (land) to go to. They may not live there but they have a sense of belonging to our beloved Rotuma. [Online Rotuman Forum, Rotuma Website]

Sosefo Inoke, a Rotuman lawyer in Fiji, drafted a petition criticizing the bill on the grounds that it "does not accord with Rotuman customs and traditions, discriminates against Rotuman women, do not comply with [Fiji's] Constitution or International Law and its provisions are arbitrary." [Online Rotuman Forum, Rotuma Website]

A more direct assault on Rotuman sovereignty came in the form of an accompanying bill, The Rotuma Bill of 2015. The bill establishes a Council of Rotuma consisting of the seven district chiefs, the seven *fauifisi* (second-

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ranking chief) from each district, two Rotumans appointed by the Minister from the Rotuman community, who are reputable in society with distinguished careers in the public or private sector and are registered land holders, and the District Officer as an *ex-officio* member. The functions of the Council were to (a) consider matters that affect or are likely to affect Rotuman customs, including issues relating to traditional protocol, traditional processes of resolving disputes within the Rotuman community and general matters relating to the roles of traditional leaders; (b) consider any other matter which may bring about stability and harmony in Rotuma; and (c) perform other functions as imposed on it by the provisions of any written law. In addition, the bill establishes a Forum of the Rotuman People, consisting of the seven district chiefs, an elected representative from each district, one elected member representing women's rights and interests, four members appointed by the Government Minister responsible for Rotuma, and the District Officer as an *ex-officio* member. The functions of the Forum were to (a) assist the Council; (b) consider issues relating to the welfare of the Rotuman community as may be necessary or as directed by the Minister; (c) administer funds and carry out such functions as may be required under written law; and (d) consider other issues that may affect Rotumans. District chiefs were to be elected by all eligible kin groups (*mosega*) rather than each separately in rotation according to traditional Rotuman custom.

Reactions to the Rotuma Bill reflect an awareness of the assault on Rotuma's sovereignty, beginning with the very definition of "Rotuma." Rotuma is defined in the bill simply as "the islands of Rotuma." In a strongly worded response to this simplistic definition [Online Rotuman Forum, Rotuma Website], Fuata Jione, a maritime captain and Australian citizen, argued that the definition of Rotuma is the legal cornerstone for Rotuma's economic survival insofar as it protects, or does not protect, the legal rights of Rotumans to the resources of the land and the surrounding sea. He argues that the United Nations gave official recognition for "Archipelagic States" to claim rights to sea territories outside the archipelago waters for economic means, and that Rotuma has been an Archipelagic State since Cession. Therefore, Fuata maintains, the definition of Rotuma must reflect the legal rights of Rotumans as traditional owners of the Rotuma Islands Archipelago, its dependency, rocks, fisheries and all rights to resources in the territorial sea lying 12 nautical miles from the archipelago waters baseline and to the resources in the 200 nautical mile area assigned under International Maritime Law.

Rotumans were quick to understand the implications of the creation of the Forum of the Rotuman People, a body with no precedent in Rotuman culture. By including four members appointed by the Government Minister responsible for Rotuma (none of which had to be Rotuman), the Forum would constitute a major step in shifting responsibility for the governance of Rotuma to the central government of Fiji.

In a paper concerning "What is at Stake for Rotuma?" in the Rotuma Bill of 2015, Lee-Anne Sackett and her co-authors (2018) summarize the implications of the above changes to the governance of Rotuma as follows:

The proposed level of ministerial involvement in Rotuman governance is unprecedented, yet it extends further into the one of the Council's core functions: its power to make laws (in the form of regulations) for Rotuma. Under the Bill the Council is reduced to 'considering matters

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affecting Rotuman people’, which is in stark contrast to making regulations ‘to be obeyed by all members of the Rotuman community’. The power to make regulations is instead transferred to the Minister, albeit following consultation with the Forum (though it should be noted he/she also appoints members to the Forum).

Therefore, the Bill not only removes Rotuma’s ability to choose which Fijian laws apply to Rotuma, it also gives the Fijian government, through the ‘Minister’, the exclusive power to make local laws for Rotuma (p. 8).

Sacket and her co-authors conclude that "Rotuma’s relationship with Fiji would change from one where it has special autonomous administrative arrangements with the Fiji government, to one where it effectively becomes another island in Fiji and under the control of the Fijian government." (p.9)

However, the most widespread criticism of the two bills had less to do with their contents than with the government’s failure to engage in any meaningful consultation with the Rotuman people before submitting them to Parliament. While it is true that meetings were held in Rotuma and among Rotumans in Fiji regarding the bills, it seems to be the case that they had more the character of a sales pitch than a discussion of the act’s provisions. Most Rotumans who commented claim that they did not know the content of the bills until they saw the final copies.

Tivaklelei Kamea, a Rotuman law student in Australia, eloquently summarized the apprehensions of most Rotumans who offered critiques of the two bills:

It is my conviction and submission that should these provisions become legally binding laws, then they will literally lead to the gradual eradication of our Rotuman customary practices, cultural values, as well as the loss of any meaningful and sentimental connection to our lands, traditions, rituals and artefacts, as well as our way of life and unique ethnic identity. It is also my submission that this is in direct contravention of the Rotuman people’s human, civil, political, cultural and economic rights under international law, as well as rights protected by the 2013 Fiji Constitution. [Online Rotuman Forum, Rotuma Website]

Another indicator of the trend towards “Fijianization” is the composition of assigned personnel to government positions on Rotuma. From the time of Fiji’s independence through the latter part of the twentieth century, government personnel who served on the island, from the District Officer, to the Principal of the High School and the teachers, to the doctor and medical personnel, police officers, and others were nearly all Rotumans. This is no longer the case. In a survey taken this year by some of my Rotuman associates, the District Officer was Fijian as was the High School principal and several of the teachers, the doctor and nurses, the head of police, and the manager of the post office, in addition to a number of other Fijians in lesser positions. I am not convinced that this shift toward Fijian personnel is part of a well-thought-out policy of “Fijianization”, but I do

believe it represents a definite shift away from treating Rotuma’s culture as worthy of preservation to regarding the island as any other in the Fijian archipelago.

## 8) The Case of Rotuma in Comparison with the Moroccan Sahara Autonomous Region Initiative

The provisions of the Moroccan Initiative, some of which are defined below, have received support from members of the Security Council of the United Nations, who considered the initiative “as a serious, credible and pragmatic solution to put a definitive end to the regional dispute over the Moroccan Sahara”.<sup>5</sup>

There are several important differences between the Rotuman case and the Moroccan Initiative for the Autonomy of the Sahara Region.<sup>6</sup> In contrast to the Rotuma Bills of 1959 and 2015, which were drawn up by anonymous government officials without regard for any degree of Rotuman self-governance, the Moroccan Initiative presents a well-defined list of competences assigned to the Sahara autonomous region, allowing the population of the Sahara Region to manage their own affairs and respond to their own needs and aspirations, while respecting their cultural identity.

Article 5 of the Morocco Initiative clearly announces a large set of powers, guarantees and privileges that will be given to the population of the Sahara Region in order to exercise a leading role in the bodies and institutions of the region.

In addition, both Articles 12 and 13 present the wide range of areas over which the institutions of the Sahara Region will exercise powers and define the financial resources that will be allocated to the local population in order to run the local bodies and institutions.

Article 12 specifies that:

*“In keeping with democratic principles and procedures, and acting through legislative, executive and judicial bodies, the populations of the Sahara autonomous Region shall exercise powers, within the Region’s territorial boundaries, mainly over the following:*

- *Region’s local administration, local police force and jurisdictions;*
- *in the economic sector: economic development, regional planning, promotion of investment, trade, industry, tourism and agriculture;*
- *Region’s budget and taxation;*
- *infrastructure: water, hydraulic facilities, electricity, public works and transportation;*
- *in the social sector: housing, education, health, employment, sports, social welfare and social security;*
- *cultural affairs, including promotion of the Saharan Hassani cultural heritage;*

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<sup>5</sup> North Africa Post, “UN Security Council Holds Closed-Door Consultations on Sahara Issue, Large Support to Morocco’s Autonomy Initiative Reverberates”, 21 April 2023 (<https://shorturl.at/esEY0>).

<sup>6</sup> See the full text of the Moroccan Initiative tabled to the United Nations Security Council on 11 April 2007 at: [digitallibrary.un.org/record/597424?ln=en](https://digitallibrary.un.org/record/597424?ln=en).

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- *environment.*”

For its part, Article 13 explains that:

*“The Sahara autonomous Region will have the financial resources required for its development in all areas. Resources will come, in particular, from:*

- *taxes, duties and regional levies enacted by the Region’s competent authorities;*
- *proceeds from the exploitation of natural resources allocated to the Region;*
- *the share of proceeds collected by the State from the exploitation of natural resources located in the Region;*
- *the necessary funds allocated in keeping with the principle of national solidarity;*
- *proceeds from the Region’s assets.*

Article 21 states, *“The Head of Government of the Sahara autonomous Region shall form the Region’s Cabinet and appoint the administrators needed to exercise the powers devolving upon him, under the present autonomy Statute. He shall be answerable to the Region’s Parliament”.*

With these articles from the Moroccan Initiative for the Autonomy of the Sahara Region in mind, we can now consider the differences between the Rotuman and Moroccan cases.

a) The most obvious difference between the two cases is with regard to the **recognition of ethnic populations as politically relevant groups**. During the colonial period, the British administration organized Fijian society along the line of "racial" groups. Initially, the major categories were European and Fijian; soon after, the categories Indian, Chinese, Polynesian, and Rotuman were added. Interbreeding between Europeans and other ethnic groups disrupted the "purity" of these distinctions and resulted in the category of "half-caste," a pariah category, emblematic of the breakdown of a proper hierarchy in which Europeans were distinguished conceptually as "civilized," while the rest, to varying degrees, were considered "uncivilized." However, by the mid-1930s attitudes had changed, and the term "half-caste" gave way to the label "part-European," which carried much more positive connotations. Part-Europeans were placed immediately below Europeans in the reformulated hierarchy, with their European "blood" now considered a definite advantage. Part-Europeans were given preferential treatment and granted privileges sometimes overlapping with those of Europeans.

For Rotumans, interbreeding with Europeans began early in the 1820s, when a substantial number of renegade sailors took up residence on the island. This interbreeding is acknowledged in the 1936 Fiji census, in which the issue of race is discussed. Concerning Rotumans the report states:

*The race to-day is a mixture of Polynesian, European and Mongolian, and it is in some cases extremely difficult to distinguish between a European-Rotuman and a so-called full-blooded Rotuman. (Legislative Council, Fiji, 1936, p.11)*

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This confounding of racial categories gave Rotumans, if not a relatively privileged place in the hierarchy of non-European ethnic groups, at least some latitude for proving their worth, which they did through education and hard work. The island of Rotuma benefitted from this classification insofar as the colonial government, and post-independence Fijian government, were extremely permissive with regard to allowing Rotumans to self-govern within broad limits. But following the coup of 2006 and the elimination of ethnicity as the basis for elections and governance, Rotuma’s cultural uniqueness was considerably lessened as a consideration for the central government. The stance of the recent government appears to be about bringing Rotuma’s governance more in line with its own policies than with promoting self-governance.

This markedly contrasts with the stance of the Moroccan Initiative for the Autonomy of the Sahara Region, which recognizes the uniqueness of Sahrawi populations and pledges to provide them with the opportunity to run their own affairs. Article 19 of the Moroccan Initiative refers to the active participation of the local population in the election of their representatives in the Parliament. This Article stipulates that “[t]he Parliament of the Sahara autonomous Region shall be made up of members elected by the various Sahrawi tribes, and of members elected by direct universal suffrage, by the Region’s population. There shall be adequate representation of women in the Parliament of the Sahara autonomous Region”. In addition, Article 12 of the Initiative that describes the wide range of areas in which the Sahrawi population will exercise its powers, “through legislative, executive and judicial bodies”, including, inter alia, over “[c]ultural affairs, including promotion of the Saharan Hassani cultural heritage”.

b) Another difference between the two cases is related to the **relationship between the autonomous region and the central government**. Rotumans voluntarily ceded their island to Great Britain, and subsequently voted to remain within Fiji after it was granted independence. There has never been any significant resistance to the hegemony of either the colonial or post-independence Fijian governments, with the exception of specific policies regarding land and governing structures that deviate from traditional Rotuman practices and have been incorporated into legislation but not implemented.

The Moroccan Initiative for the Sahara Region is based on mutual acceptance of both the sovereignty of Morocco over the Sahara region and the full autonomy of that region. This is why, according to its articles 5 and 6:

“5. [...] the Sahara populations will themselves run their affairs democratically, through legislative, executive and judicial bodies enjoying exclusive powers. They will have the financial resources needed for the region’s development in all fields, and will take an active part in the nation’s economic, social and cultural life.

6. The State will keep its powers in the royal domains, especially with respect to defence, external relations and the constitutional and religious prerogatives of His Majesty the King.”



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c) Another difference is related to the **size of the respective populations and their resources**. The population of Rotuma is minuscule compared to that of the Sahrawi tribes, and the island's resources are negligible, so it has much less significance for Fiji's overall economy and governance.

According to the 2020 CIA Factbook, the population of the Sahara Region exceeds 652,000<sup>7</sup> (out of a Moroccan population of over 37 million according to the World Bank). In the Moroccan Initiative, the whole population of the Sahara Region will be considered as citizens of Morocco and subjects of the King (“*within the framework of the Kingdom's sovereignty and national unity*”) but they will benefit from the “*end to separation and exile, and [...] reconciliation*”. Regarding resources, the populations of the autonomous region will receive, in particular, “[*t*]he share of proceeds collected by the State from the exploitation of natural resources located in the Region”. According to the Moroccan phosphate company, its main mine in the Sahara Region “*has an extraction capacity of 4 million tons of phosphate rock per year*”.<sup>8</sup> The Sahara Region's 1,200 km-long coastline is considered as one of the richest in the world in fishery products.

d) The cases are also different with regard to the **role of negotiations in the autonomy and devolution process**. The Moroccan Initiative for the Autonomy of the Sahara Region refers to “negotiations,” which implies divergent views to begin with. In 2008 the Moroccan government opted for a policy of Advanced Regionalization aimed at promoting citizen participation, democracy, and decentralization as means of facilitating political, economic, social, and cultural autonomy. This reform was enshrined in the 2011 constitutional revision, which adopted the principle of self-government for regions and established mechanisms for dialogue and consultation. Such guarantees are incorporated in the Moroccan Sahara Autonomous Region Initiative. Indeed, its Article 7 stipulates that “*The Moroccan initiative, which is made in an open spirit, aims to set the stage for dialogue and a negotiation process that would lead to a mutually acceptable political solution*”. This is why the Moroccan Initiative promotes a critical process of negotiation and reconciliation that will lead to a lasting agreement based on mutually acceptable principles of autonomy.

In addition, according to the Moroccan Initiative, once the autonomy status is established, the Sahrawi populations will not only be represented in their regional parliament and government, but they will also enjoy representation in the national parliament and all national institutions. This is underlined in Article 18 which states that “*The populations of the Sahara Autonomous Region shall be represented in Parliament and in the other national institutions. They shall take part in all national elections*”.

In the Rotuman case, there is no single entity claiming to represent all Rotuman interests. Although the 2013 Fiji constitution assures recognition of “*the indigenous people or the Rotuman from the island of Rotuma, their ownership of Rotuman lands, their unique culture, customs, traditions and language,*” there are no organized groups with whom the government can negotiate implementation. The situation is exacerbated by the fact that

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<sup>7</sup> CIA World Factbook 2020, “Western Sahara” ([theodora.com/wfbcurrent/western\\_sahara/western\\_sahara\\_people.html](http://theodora.com/wfbcurrent/western_sahara/western_sahara_people.html))

<sup>8</sup> Phosboucraa, “Who We Are” ([www.phosboucraa.ma/en/Who-we-are](http://www.phosboucraa.ma/en/Who-we-are))

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the vast majority of Rotumans, a great many of whom have a stake in the island's autonomy, do not live on the island and have no organized representation. This has left the implementation of policy via acts drafted in Parliament to anonymous government officials who, while acknowledging some degree of autonomy for Rotuma, make arbitrary provisions that ignore or change aspects of Rotuman customs, as they did in both the 1959 and 2015 land bills. And because Rotumans, wherever they are, have been so vehement in their opposition to the drafted legislation, the government has been reluctant to implement the provisions in these bills, which means the bills are in fact all dead letters. This leaves the governance of Rotuma vulnerable to the process of Fijianization described above.

If there is a lesson to be learned for Morocco from the Rotuman case, it lies in the importance, within an autonomy status, of meaningful consultations prior to drafting any legislation that can affect the autonomous region. I am referring to a process aimed at being constantly aware of a people's cultural values, ways of conducting affairs and resolving disputes, and the like, before and during negotiations. Knowledgeable individuals and groups, including tribal members who live elsewhere but retain rights in their homeland, could be presented with potential policies to get their reactions, so as to avoid introducing possibly offensive policies into negotiations or legislation. Hence the importance, in the Moroccan Initiative, of the participation of representatives of the autonomous region in all the legislative work within the national parliament to ensure that their interests are not infringed upon by the central government.

### **9) Addendum**

A general election in Fiji in December 2022 ousted Bainamarama, and the new government has vowed to return to a multicultural model for the Fijian polity, with specific consideration for safeguarding the interests of Fijians and Rotumans as indigenous populations. Presumably this will involve giving Rotumans a formal voice in any legislation concerning the island and will provide a basis for preserving its culture. This development draws attention to the inherent instability in Fiji's government since 1987 when the first of four coups took place. Ironically, the victor in the recent election, Sitiveni Rabuka, was the leader of the first coup in 1987. It also points up the difficulty in maintaining policies in the long run.

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