

To,

The Prime Minister of Fiji - Honourable Rear Admiral Voreqe Bainimarama,

The Minister for Labour and Employment - Honourable Brigadier General Jioje Konrote.


Re: Rotuma Act 2015 and Rotuma Lands Act 2015.

Dear Sirs,

I write this letter as I see there are two bills namely Rotuma Act 2015 and Rotuma Lands Act 2015 now before the Parliament of Fiji. I took liberty as a concerned Rotuman to write direct to your honourable positions as the Prime Minister of Fiji and the Minister for Employment and Labour about the issues raised below in regards to the above laws and its amendments for Rotuma.

Firstly, let me introduce myself. My name is Fuata Pene Jione now holding the title in the workforce in the PNG/LNG project as Pilot/Mooring and Loading Master at the Oilsearch PNG oil export terminal for the last twelve consecutive years. I was born at Ahau Rotuma Island on 4th July 1960 to parents from Itu'muta and Itu'ti'u. I was educated at Motusa primary then Rotuma High School to form four level. I attended Queen Victoria School at Matavatucou Tailevu for two years and a year at the University of the South Pacific before departing Fiji to pursue Maritime studies in Australia. I am very honoured and indebted to the government of Fiji through the assistance of the late Mr Konrote and retired education minister Filipe Bole who at that time as Education Officers of the Public Service Commission approved an initial government grant to allow me to pursue Maritime training in Australia. My training and funding was later taken over by the Australian Government six months after commencement at the Australian Maritime College due to lack of funds from the Fiji Government. In 1984 I completed the first part of my Maritime training and returned to Fiji at the expiry of my study work visa but could not get a job as I have not acquired the full Master Mariners certification and with limited hands on experience. The government of Fiji released me in contract in 1984 and I returned to Australia 1986 to obtain the necessary qualifications and further hands on experience. I worked with various oil companies Mobil Oil, BP Oil, Esso and Shell Oil until late 1988.

In 1988 I joined BHP Petroleum Offshore Oil and Gas operations that developed the first in the world Offshore Floating Production Storage of Oil (FPSO) facility in the Australian waters bordering East Timor. The company went on to develop two more FPSO's in the Timor Sea which I participated as a Senior Deck officer. On January 1st 1991 I was appointed the Master/Captain of the new purpose built FPSO and Gas offshore facility built at the Samsung Shipyard to be stationed offshore in Western Australia at a cost of \$800million dollars. The facility was linked to a gas pipeline to an onshore gas processing plant. It's the first of its kind of an Offshore/Onshore processing oil and gas facility for Australia. This is an area that gave me exposure to offshore drilling operations for well appraisal, well completions and

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well tie in technology which I am privy to a lot of sensitive commercial material and to the final decisions to sanction the project go ahead and expansion in later years. I returned to the Timor Sea Oil and Gas operations of BHPP in 1998 and in 2000 I retired from the industry and returned to Fiji. My retirement from the workforce in Australia and my work history is archived in the Australian Federal and State Parliamentary inquiries held in conjunction with the North Sea Oil and Gas experts between 1994 and 1998 for minor non-compliance by BHPP under the Safety Case and production license permit and my decision to remove an employee from the Facility for breach of instruction and orders from the Master for the safety and wellbeing of the Oil and Gas facility. It was a very proud moment as a Rotuman having learned a lot in an industry that I have delivered for the biggest company in Australia and I believe will be hard for anyone from Fiji to follow. In 2001 to 2003 whilst in retirement back in Suva Fiji I tried unsuccessfully to put back to the community projects in Rotuma that were dear to me to improve the lives of those in Rotuma and the hardships faced with transportation with the outside world. Unfortunately that did not work out due to local and state political issues. In 2003 my former work colleagues and experts from Australia Offshore Oil and Gas located me in Fiji and suggested I return to participate in the now lucrative PNG/LNG project. Unfortunately, I had to reluctantly write off those investments and abandoned all those projects in Rotuma. Now I work with the oil team at Oilsearch Limited in PNG a joint venture partner of the PNG/LNG operated by Exxon/Mobil who purchased the oil and gas assets from US oil giant Chevron Texaco in 2003 for \$95million to now become nearly \$10billion worth and growing with the latest acquisition of a gas shareholding in the Antelope Gas reserves to be developed in the future.

Based on the above brief I thought I would write direct to your honourable positions to raise my concerns as someone who has vast experience and knowledge of resource development in the Offshore Oil and Gas Industry. At the same time I must acknowledge the good work and commitment shown by the Government for Rotuma to date. However, to date Rotuma lacks a reliable, safe and affordable means of transport by sea and air with the outside world. This is the most crucial area lacking which I believe is essential to any future successful development of the resources in Rotuma.

My first concern with the Rotuma Act 2015 is the removal of the defined boundaries for Rotuma referred to in International Maritime Law for sea territories belonging to adjacent land out to sea at the chart datum mark as the 200nm EEZ. I firmly believe that is an asset that belongs to the people of Rotuma and should remain in the hands of all Rotumans under the new Act as our forefathers fought early European settlers (who were armed with guns) with just a canoe and war clubs to retain that right and ownership until today. As Rotuma is now part of Fiji; the government of the day will benefit from taxes from any future resource development should there lay under the earth in the 200nm zone recoverable oil and gas reserves. As the most qualified person in that field from the Rotuman community I ask that you all consider the inclusion and retention of the defined boundaries as contained in the

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old Rotuma Act into the new Rotuma Act 2015 for the benefit of all Rotumans. This will alleviate any potential future claims by Rotumans in the International Court of Justice and Arbitration as I have seen happen in the East Timor/Australia border dispute from the Oil and Gas production investments from those disputed borders/territories. At the same time the sea resources has been for years a food source for the inhabitants of Rotuma. Should there be any oil and/or gas reserves that need developing in future, the people of Rotuma must be made aware and they should give their full consent first after full disclosure of the pros and cons of these developments. I have a duty of care and a moral obligation as a Rotuman knowing full well the benefits and issues when dealing with below the seabed resources. Whilst growing in Rotuma the land structures of Solroroa and Uea has fascinated me so as the shallows close by as to what lies underneath those structures. I am of the firm belief that based on my vast experience in Offshore Oil and Gas production and that Rotuma and Fiji is situated along the unstable seismic fault lines above the earth's core fluid mass where oil and gas reserves have been discovered in other countries, that there is a greater chance the oil and gas reserves are already present below those two land structures and accessible only from the shallow water structures adjacent to those mountain structures. Past Geological data and past seismic work and/or drilling of the adjacent formations near those two structures if any has been carried as my sources say there was an appraisal hole drilled near Uea in 1982/84. This activity would need to be made available to the people of Rotuma and the experts in appraising geological data from the oil and gas industry so further discovery and appraisal work to be carried out to confirm those assumptions. At the same time I am a landowner in those two areas of interest. The surrounding waters which I frequent as a child growing up with our elders on various fishing trips are of concern on the impact of any future resource development offshore. If there are plans in the pipeline for any work to be carried out on or around Rotuma in the 200nmEEZ than full disclosure of all these activities to the Rotuman people is required before these laws can be amended. Again I am the most qualified individual to provide advice and support in that area of my expertise to the people of Rotuma. Any resource development out to sea in the 200nmEEZ will have direct impact on the resources of the land and its people and must be managed very carefully. I see no safe structure and organisation in Fiji in the foreseeable future to enable the development of resources from the seabed.

Secondly, I am the middle child out of thirteen children and son of one of the decedents of the late Gagaj Tiu clan of Itu'muta Rotuma. As the faufisi he holds the right as caretaker of the district in the absence of the elected chief. The right to a chief is bestowed in traditional lines and elected by the rightful clan to the title. The state should do all it can to resolve disputes but the final decision should be with the clan and the people of the district as they know best. I differ in opinion to the proposed law for dismissing a chief and appointing a chief and there should be lessons learned from the dismissal of the Itumuta chief; the last known incident in Rotumas sad history that I am aware of.

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Thirdly, I am of the strong belief that we Rotuman's have accorded women rights in our culture way before the international community enforced on everyone. That right should be accorded to our women to the land of their parents in the new act.

Lastly, I do not have any issues with the proposed people's forum and the updating of land registration. My only issue as outlined above is that the new constituted peoples Forum will have no tangible assets and power to decide and work on development issues if the government proceeds and removes the defined boundaries contained in the definition of Rotuma under the current Rotuma Act. The new act imposes a 10% levy on produce on Rotuman farmers. For years since Fijis Independence Rotuma came into this association with a defined boundary of the 200nm EEZ as contained in the definition of Rotuma. I have estimated that to date around at least over \$300million dollars of fish stocks commercially removed from Rotumas waters without any tangible flow back to the island to show for. One would expect at least at a 10% levy of that money would have been returned for the benefit of Rotuma in development and investment to the value of approximately \$30million dollars allegedly owed to the Inhabitants of Rotuma. Additionally, if there are oil and gas recoverable in the waters in the defined boundaries of Rotuma than the proposed Rotuma Act does not guarantee a defined return and value to the inhabitants of Rotuma from those undeveloped resources. The new Rotuma Act 2015 is in breach of the inhabitant's rightful claim to those resources in the past and into the future.

I concur with today's modern day accounting and recording requirements for the better. There may be minor adjustments necessary to accommodate the wishes of the people and to ensure transparency in those processes.

I pray and hope that you will all look favourably at this humble request and ensure that all our Rotuman people's wishes are canvassed and taken into account before the new laws are brought into LAW for the betterment of every Rotuman in the future.

I thank the Lord that despite setbacks in my career and personal endeavours the career path which I have chosen has brought many more rewards that I could only wish many more Rotuman's and Fijians can do the same.

I have a duty of care and a moral obligation for the well-being and welfare of my fellow Rotumans especially on the island as most of us residing or working overseas do so to provide ongoing financial support.

Thank you and God Bless Fiji and Rotuma.



Captain Fuata Pene Jione.

Oilsearch (PNG) Limited. Dated 1ST July 2015.

Email Contact: Fuata.Jione@oilsearch.com.

PETITION

TO:

1. The Honourable Mr Voreqe Bainimarama, Prime Minister and Minister Responsible for Rotuma;
2. The Honourable Mr Aiyaz Sayed-Khaiyum, Attorney General and Minister for Justice;
3. The Honourable Members of the Government side of the House of Representatives; and
4. The Honourable Members of the Opposition;

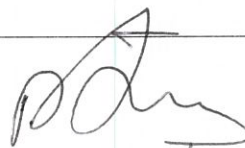
THIS PETITION of the undersigned Rotumans and Friends of Rotumans, **HUMBLY ASKS** you to **STOP AND DEFER** the tabling, reading or further reading and the **PASSING INTO LAW** of the two current Bills before the Parliament with respect to Rotuma and Rotumans, namely, **ROTUMA BILL 2015** (Bill no. 6 of 2015) and **ROTUMA LANDS BILL 2015** (Bill no. 7 of 2015), **UNTIL** these Bills have been fully and widely discussed by and amongst the Rotumans in Rotuma, Fiji and elsewhere, **SO THAT** they can give their **FULL AND INFORMED CONSENT TO BE GOVERNED BY THESE LAWS** as IT IS THEIR RIGHT under your **CONSTITUTION** and **INTERNATIONAL LAW** and THEIR OBLIGATIONS TO ALL ROTUMANS NOW AND IN THE FUTURE,

FOR THE FOLLOWING REASONS:

WE are concerned that:

(A) In respect of the **ROTUMA BILL 2015** (Bill no. 6 of 2015):

1. The **definition of Rotuma** now differs from the current law in that the new definition does **not** include “its dependencies, rocks, reefs and fisheries lying between the twelfth degree and the fifteenth degree of south latitude and between the one hundred and seventy-fifth degree and the one hundred and eightieth degree of east longitude from the meridian of


18/6/2015.
D.O.B 4/7/60
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Greenwich”;

2. The **administration and governance** of Rotuma differs from the current law in that the new law proposes administration and governance by a new body called the FORUM OF THE ROTUMAN PEOPLE and a differently constituted Council of Rotuma;
3. The **appointment and dismissal of Rotuman Chiefs** in the proposed law does not accord with Rotuman customs and traditions and differs significantly from the current law;
4. A Review Committee was appointed to review the existing Act but the appointment of the members of that Committee and its deliberations have not been publicised; and


(B) In respect of the **ROTUMA LANDS BILL 2015** (Bill no. 7 of 2015):

1. The provisions of s 26 dealing with the transmission of land rights on the birth or death of Rotumans in respect of *hanua ne kairaga* (clan owned lands) do not accord with Rotuman customs and traditions, discriminates against Rotuman women, do not comply with your Constitution or International Law and are arbitrary;
2. The other provisions dealing with the transmission of land rights in respect of other types of land tenure in Rotuma do not accord with Rotuman customs and traditions, are discriminatory and arbitrary;
3. The provisions of s 31 denying the lawful rights of legally adopted children are discriminatory, unconstitutional and arbitrary; and
4. A Review Committee was appointed to review the existing Act but the appointment of the members of that Committee and its deliberations have not been publicised,

AS THESE PROPOSED LAWS have far reaching cultural, social, economic and legal implications to us and our future generations.

SO WE HUMBLY PRAY.

DATED THIS.....18TH.....day of.....JUNE.....2015.

FUATA PENE JONE 
BORN ATAHU ROTUMA ISLAND
4/7/1960.
WORKING GULF OF PAPUA (PNG)