

Written Submission in regards to Rotuma Bill 2015 (Bill no.6 of 2015) and Rotuma Lands Bill 2015 (Bill no.7 of 2015)

To:

1. PRESIDENT OF THE REPUBLIC OF FIJI
His Excellency Major General Jioji Konousi Konrote (retired)
 2. Hon Prime Minister and Minister for i-Taukei Affairs, Sugar Industry and Foreign Affairs Honourable Josaia Voreqe Bainimarama
 3. Honorable Leader Sodelpa Party Hon Sitiveni Rabuka (Former Prime Minister Fiji).
 4. Hon Aiyaz Sayed-Khaiyum Attorney General and Minister for Economy, Public Enterprises, Civi Service and Commerce
 5. Honourable members of the Standing Committee for Rotuma Land Bills 2015
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Dear Honourable members,

I write this letter with great humbleness on behalf of the **Aouta clan** –descendants of **Vaniak Albert of Motusa, Itutiu** who have not responded, as well as on behalf of **John Albert's children**.

- Aouta clan of Motusa, Itutiu (Vaniak Alberts descendants) – We humbly reject both the bills.
- John Albert and his descendants – We humbly reject both the bills

I, Emily Ravai Albert (married name Harvey), the daughter of John Albert whose father was Chief Garangsau Albert; who was the son of Chief Vaniak Albert of Motusa, Itutiu. Chief Vaniak Albert was one of the chiefs who in 1881 rowed all the way from Rotuma to Levuka for the annexation of Rotuma to Fiji before Paramount Chief (King) of Fiji Ratu Apenisa Seru Cakobau. This story was retold by our father to us numerous times. It is a story that speaks of the love of our ancestors for the children of Rotuma. The chiefs made all their recommendations to safe guard our constitutional, birthrights, land rights, cultural rights and commercial rights. This was all in the original Rotuman Lands Act (Cap 138) and the Rotuma Act (Cap.122) which was passed in 1959 by the British colonial government based in Fiji.

Before my father John Albert died in 2003 in Fiji, he and his younger brother Ratusau Albert called a meeting of just their sons, (paternal rights) to build on our ancestral foundation of Lihava in Motusa. They were Garansau's only surviving sons in 2003. During the meeting no sons wanted to build on Lihava. The honour was then accorded to me while on holidays to Fiji. I initially refused it because I live in Australia and need to consult my husband. My husband's words were, we will only build if the house belongs to our children and their children and the land accorded to Lihava. The meeting agreed to it. Still I was very reluctant to build on Lihava. But later, I changed my mind because that very night I had a dream. In the dream I was in a meeting conducted on the foundation of Lihava, where my house stands today. The house was full of Rotuman chiefs. I heard a voice saying she is the one, and I was presented with a **Rotuman canoe** and **an axe**. It was explained to me that the canoe represented the **sea of Rotuma** and the Axe represented **the land of Rotuma** and I heard "**Hanua ma itu'u tae ou siu'u**. Some of the names of the chiefs were Gagaj Karmuag and Gagaj Kausakmua, Gagaj Forangmantiu. I had no idea who they were. My uncle also had a dream that same night where our ancestors visited him. They told him that I was chosen and Lihava and the land accorded to Lihava is mine as agreed. However, there are 3 conditions that I have to adhere to, otherwise it will not be good for me or my children. At that moment I saw the eyes of my children and was greatly agitated. As the saying goes," with great Authority comes great responsibility".

They are as follows:

- Puer e hanisi se kainaga (tor on Vaniak Alpat) – Lead with love to all his descendants.
- The Albert lands must never be sold and I have been given Spiritual Authority to overcome any decision made by any caretaker who is looking after the land (currently Tukangsau Rupeti Albert) and any resistance will not be good.
- I must stick to the Queens words. I didn't understand it then, until I am writing this letter. It is clear that Vaniak Albert's descendants will only support the Rotuman Lands Act (Cap 138) and the Rotuma Act (Cap.122), which was passed in 1959 by the British colonial government based in Fiji.

This is the reason that I am writing this letter to offer our submission to **refuse** and **reject both the bills** as Spiritual Authority over all Vaniak Alberts lands for the clan of Aouta.

ROTUMA BILL 2015 (BILL NO. 6 of 2015) corresponds to Rotuma Act (CAP 122)

Consultation Process and time allocated December 2016

- This was done very quickly, we hear the standing committee is in Rotuma and next we hear they are back. The time of Consultation was performed during the festive season when most Rotumans were thinking of enjoying themselves. Any serious thought about land issues will be hardly a priority. I am not a lawyer and just trying to make sense which Bill corresponds with what Rotuma Act is very confusing. I believe there should be an independent body who have no vested interests in the outcome with **time** to properly explain the legal implications of the Bills to the Rotuman people. It's amazing how history repeats itself. My father told us that there was a consultation team sent to change these very same Land Acts. The team was led by the late Honourable Ratu Sukuna who was a very close friend of my grandfather Garangsau Albert. During the welcome ceremony in Lihava while the first bilo was presented to the Ratu, the Fiji flag that flies in front of my home today broke in half. Immediately the Matani Vanua whispered to Ratu Sukuna that they have to leave for the ship now or else he (Ratu) will not see Fiji again.

Lord Jesus Christ, thank you for your Love and Faithfulness, It was unsuccessful then and it will not be successful now. In Jesus Christ name I take Authority and Decree and Declare that the Proposed Land Bills # 6 & # 7 to repeal the 1881 Land Acts for Rotuma will be Null & Void in Jesus name. Amen.

PART 3— Establishment of the Forum (s7 (4)) Subject to subsection (8), all matters decided by the forum shall be decided by majority vote and if there is an equality of votes, the Chairperson of the forum shall have, in addition to his or her deliberative vote, a casting vote. (8) Any issue that deals with or affects Rotuman customs must have the approval of at least four District Chiefs before the issue is presented and decided upon by the forum.

- **(s7(4))** The 7 chiefs that are represented in the forum will be greatly outnumbered by the members of the forum whose goals may not be aligned with landowner's desires. This voting system is greatly flawed and as landowners we need to ask the writers of this Bill – What is the motive? When it comes to land issues there are two different groups with very different goals and desires. The **landowners** think of Posterity for their descendants. The **land less**, looks at the land and sees \$\$\$, exploitation of resources and acquirement of land, through the clever use of legal law to blatantly rob people of their inheritance. I support and agree to previous submissions of Rotumans that both the Rotuma Acts from 1881 still works and **it's not broken so please don't fix it.**

Looking at **(s7 (8))** clearly shows that the chiefs **still** have to defer to the forum (people not representing land owners goals) to decide on our land rights? That is an insult to our land owners and our chiefs because of the flawed voting system. So what land owner would agree to that? This is why we reject both bills. These bills represents great **injustice** at the highest level. **The subtle transfer of Land owners legal rights to Non Land Owners.**

The Rotuman Lands Bill 2015 (Bill no.7 of 2015) - Rotuman Lands Act (Cap 138)

PART 2—REGISTRATION Of ROTUMANS Puk ne ‘Es on Famör Rotuma 4.—(1) There shall be a register of Rotumans to be known as Puk ne ‘Es on Famör Rotuma, and shall be updated, maintained and kept in Rotuma by the Commission in such form as provided for by this Act or as may be prescribed

- My question, as Spiritual authority of Aouta Clan and rightful owners and descendants of Vaniak Albert whose blood was shed on our land during religious wars – (Methodist against Catholics) why should we register in the Puk ne es on famor Rotuma? Our family tree is intact and we know all Vaniak’s descendants to date. We know all our land marks. My Great –grandfather was a man of great faith so was my great-grandmother who was the daughter of Tongan missionaries to Rotuma. Our foundation Lihava is the foundation where our ancestral grandmother cried to the Lord in heaven to send His Light to alleviate the pain of witnessing her sons Garangsau and Tukangsau who have just been slaughtered on Lihava by men of a nearby village. The result of her tears was the “coming of the light” of Christianity to Rotuma. Birthrights and land rights is our inheritance and should not be relinquished by any means. As Christians, our wisdom comes from the Bible and we follow Gods word in **Proverbs 22:28**; don’t move an ancient boundary marker that your fathers set up. We value the works of our ancestors. We are also reminded in **Genesis 25:33** of how Esau sold his birth right to Jacob for a bowl of red lentils because he was so hungry and the repercussions are still felt today. Land rights and birth rights are our inheritance from our ancestors and should be treated with great care. Simply I am saying, we know who we are as Rotumans and our birth certificates justifies just that. Why do we have to prove who we are and the ownership of our own land. That is the business of the descendants (tore) in regards to their land according to Rotuman custom.

Inspection of PEFR 5.—(1) Any person, on payment of the prescribed fee, shall be entitled to inspect the PEFR during official working hours. (2) A person shall not damage or make any unauthorised amendment or deletion to any part of the PEFR. (3) Any person who contravenes subsection (2) commits an offence and shall be liable on conviction to fine not exceeding \$40 or to a term of imprisonment not exceeding 4 months, or to both.

- I want to know why we are to be charged to view PEFR. Shouldn't it be accessible to everyone? Again I believe most Rotuman families have their own family tree and it is up to the families to update it. Council roles have been consultative and it should stay that way. As a fellow Rotuman pointed out, all these already exist and why do we need this added cost. Wisely said by Jione Fuata, it is all revenue making and will greatly impact our poor and the ill-informed landowners who stand to lose the most. However one group who will be very happy will be the lawyers. Flying over to correct names of people claiming to be Rotuman who may not be, but is eligible to be a Rotuman because the identity of being a **Rotuman has changed.**

PART 3—ROTUMA LANDS COMMISSION

Rotuma Lands Commission

7.— (1) This section establishes the Rotuma Lands Commission.

(2) The Commission shall consist of a Chairperson and two other persons appointed by the Minister.

(3) The functions of the Commission shall be to

(a) ascertain the lands in Rotuma that are the rightful property of Rotuman owners as hanua ne kainaga, hanua pau or hanua ne 'on tore, and the lands that are unowned and to categorise such land accordingly;

(b) ascertain the lands in Rotuma that are the rightful property of Rotuman owners under other forms of Rotuman customary land tenure and to designate all such land as hanua ne kainaga, hanua pau, hanua ne 'on tore or unowned land as the Commission deems appropriate;

(i) cause the boundaries of all such lands to be demarcated on the ground; and

(j) cause a register to be prepared in the manner provided for in this Act.

Reference to (s7 (2)). The Land commission team is to be appointed by the Minister. Is the Minister going to be Rotuman and how about the rest of the team? Land disputes should be the business of landowners and District chief and if required then the District Officer is invited to intervene. It helps when the District Officer is Rotuman because he understands our Rotuman land customs. The balance of bureaucracy power is excessive because Rotuma is only a small island of about 43 sq km. So why are we having such high level of Federal Bureaucracy?

Procedure of operation

8.— (1) *The Commission shall sit in every district for the purpose of conducting its inquiries in relation to the ownership of land in that district.*

(10) *The manner of recording the ownership of lands by the Commission shall be as follows—*

*(a) the Commission shall cause the **owners to mark the boundaries** of the land in such manner as the Commission deems best calculated to mark the boundaries as permanently as practicable, or, in the case of land leased for a term exceeding one year, to endure for the remainder of the term of the lease, and may require different methods of marking of different boundaries according to circumstances;*

- Reference to (s 8(a)). What happens when owners are overseas on work, education commitments or do not reside in Rotuma and cannot be in Rotuma at the allocated time (3 months)? This is not practical. Our lands are handed down to us by our ancestors and Land Transitions are verbal according to customs between family members and the head of the Clan. If we are absent because of work commitments our land should not be taken off us. Since 1881, many have gone away for years but when they return their land is still there waiting for them because it is our land. The knowledge of the land record is vested upon our land caretaker appointed and approved by our ancestors. He holds all our records and he knows which family lives in which allocated lot. As I have mentioned before, our current appointed caretaker is Tukangsau Rupeti Albert. We all answer to him and he liaises with the District officer if required and not vice versa.

8 *(c) the names of each of the Rotuman owners and whether the land is hanua ne kainaga, hanua pau or hanua ne 'on tore shall be recorded, or it shall be recorded that such land is **unowned**; and*

Reference to the above and especially the word **unowned**. Rotuma is so small and our families are growing every day as I write this letter. There is no piece of dirt, sand pebble that is **unowned**. The land may look unowned but it is not so. It is **all occupied**.

I also refer to the enforced cleaning of boundaries. I question the practicality of these enforcements. My uncle Ratusau Albert who is alive and well today showed me our ancient land marks and some go up to the mountain behind Ahau. Please advise me how do I keep that clear and put survey pegs, all at my own expense. This is rural land and we are still in villages not living in towns. Our

ancient land marks are represented by trees and rock formations and that is sufficient.

Also Land owners should not be forced to pay fines for land lying idly with no essential services connected to it. That is a role between the district chief and the land caretaker and the villagers. There are limited job opportunities in Rotuma and people have to go out of Rotuma to sustain their families. These fines imposed on us could force us to lose our land because of accumulated land fines that our poor relatives cannot keep up with. Another way to increase the coffers of **Unowned Land** at the benefit of those whose names are registered in the PEfR. A book that is shrouded in secrecy because no one will know who is genuinely entitled to the land and who is not. I see PEfR as an open book to turn Rotuma to a **Pacific Paradise** for the Elite, the Rich, The Educated and **Foreign Nationals**. Already it is too expensive to live in Rotuma let alone fly to Rotuma.

Our waters are invaded by foreign trawlers and we Rotumans receive nothing. The Government structures on Ahau and Lihava are on our **Aouta land** and we land owners have not seen any royalties yet we are forced to pay for fines because we have to keep the rural land boundaries clean and surveyed.

PART 4—ELECTIONS

Election of District Chiefs

11.— (1) Subject to other provisions of this section, a District Chief shall continue to be elected in accordance with Rotuman customs

(2) All the mosega of a district shall elect the District Chief for that district.

(3) If the mosega are unable to elect a District Chief, the mosega shall seek the assistance of the District Officer for an amicable solution.

(4) If a solution is not reached under subsection (3), the District Officer shall submit a report to the Commissioner who shall, after he or she is satisfied that Rotuman customs have been exhausted and a solution has not been reached, make a recommendation to the Minister to appoint a Tribunal.

(7) The decision of the Tribunal shall be final.

- When I look at (s11 (7)) all it says to me (the land owner) is heart ache and expensive lawyers, because that is the only way to overturn the Tribunals “Final” decision. The system we have since 1881 has been put to the test many times and I can tell you that it works and does not require fixing. An outside Tribunal is not required. The judgement of the **Land of Rotuma** always prevails because sooner or later the person in the wrong is eliminated by the **Law of the Land. Pear ta ma on maf ka ma on al (the land takes the wrong doer)**. This is the Rotuman land culture and every Rotuman knows that.

There are so many things that are wrong with these Bills because no one has taken the time to sit with every land owner and sincerely ask them for their desires and clearly explain to them the effect of each section. Caretakers and elders also have to call meetings and meet up with all family members and discuss before any consent can be given. All is done in great hurry and time allocated for consultation was insufficient and the timing was very unpractical which was during Christmas period of 2016. Our birth rights, land rights, fishing rights, commercial, cultural rights are at stake so it is our God given right to reject these Bills because it is written to transfer our heritage to others.

Laws or (Acts) are put in place to protect Peoples constitutional Rights, Heritage Rights, Birth Rights, Land Rights, Cultural rights, Human Rights and Commercial Rights of everyone especially the Poor, the marginalized of society and Voiceless, but Bills that violate these very human moral rights should be **rejected**.

So on behalf of all **Vaniak Alberts descendants who have not responded and those descendants who are unaware of these very controversial Bills.**

Saumatiuf's descendants
Meanrou's descendants
Penerope's descendants
Garangsau's descendants

And On Behalf of All John Alberts Children and their descendants
Vaurasi Albert and his descendants
Pene Albert and his descendants
Betty Albert and her descendants
Ritia Albert (deceased) and her descendants
Emily Albert and her descendants
Ofa Albert and her descendants

We collectively refuse and reject both the Land Bills 2015 No. 6 & No. 7.

Yours Sincerely,

Emily Ravai (nee Albert) Harvey (19/01/2017)

49 Acanthus Road, Willetton, 6155 Perth, Australia

Jisu Faiaksia. Amen.