

2.4.4 There is **no evidence** to support the notion that once appointed **pure**, one remains such to the end of one's life. It is therefore reasonable to assume that those who bestowed the title on him, equally have the authority to remove him from the position. A sufficient ground for removal would be if the **pure** is found to be abusing his position in facilitating his own selfish agenda to the point where the **kainaga** consider that his action would result in the further fragmentation of their communally owned tribal land. It is possible that any move by the **kainaga** to remove him would be obstinately resisted and the person continues to hold on to the position in defiance of the wish of the **kainaga**.

2.4.5 We consider that this is a situation where the Rotuma Lands Commission should be empowered to investigate and to ascertain whether there was a divergence from customs in the appointment of the **pure** and also whether the person has lost the confidence of the **kainaga** in him and their attempt at removing him was being met by stubborn resistance. If at the end of the inquiry the Commission is satisfied at the truth of the accusation the Commission shall announce its finding and decision and the District Officer and the district chief concerned shall convene a meeting of the **kainaga** and have a new **pure** appointed by them.

RECOMMENDATIONS

7. That Sect. 4(2) be deleted and re-stated that from the commencement of this Act all Rotumans shall be registered on both maternal and paternal lineages.

PART II - ROTUMA LANDS COMMISSION

- 7. That Sect. 4(2) be deleted and re-stated that from the commencement of this Act all Rotumans shall be registered on both maternal and paternal lineages.**
- 8. The Rotuma Land Commission shall also inquire and ascertain all lands that had been given away under various customary tenure and establish the types of dealings entered into. If the dealings were for a limited lifetime and if that lifetime has expired then such lands be reverted to the 'kainagas' from whose lands were the subject of those dealings.**
- 9. The Rotuma Lands Commission shall inquire into a situation where the 'kainaga' has withdrawn their support on the person they had entrusted the position of 'pure' because the person has been found to be patently selfish in his use of 'hanua ne kainaga' and their attempt to remove him from the position is met with obstinate resistance. If the Commission, after its inquiry, is satisfied of the truth of the accusations it shall announce its decision and the District Officer and district chief concerned is to convene a meeting of the 'kainaga' and have a new 'pure' appointed.**

LANDS COMMISSION PROCEDURE OF OPERATION

- 10. The Rotuma Lands Commission should also, in its notice of intention to sit at a district as provided in Sect. 5(2), have such notice so displayed that it is known by all districts of**

Rotuma. This is to ensure that those who have land interests across district boundaries are also informed.

- 11. That Sect. 5(4) to require that any dispute on any claim made to the Rotuma Lands Commission and also on the decision of the Commission that such dispute must be registered within ninety (90) days.**
- 12. The means for the appointment of an agent as stipulated in Sect. 5(6) should be broadened from the "by letter" requirement to a means reflecting the advancements made in the information technology to-day.**
- 13. Sect. 6 on Appeals to state that any person aggrieved by any decision of the Commission or a Commissioner may within ninety (90) days of the announcement thereof give notice of his/her desire to appeal, which shall be signed by the appellant or his/her duly authorized agent, to the District Officer. The notice shall contain the grounds of appeal. The District Officer shall forward all such appeals with his comments to the Commissioner Eastern Division who, if satisfied that such appeal is not frivolous, recommend to the Minister the appointment of a Tribunal consisting of a chairman and two other members who are people well versed in the custom and tradition of Rotuman land tenure to hear the appeal. The decision of the Tribunal shall be conclusive and final.**
- 14. For the purposes of determining an appeal the Tribunal shall have powers to hear further evidence, but only if all of the three following conditions are satisfied:**