

“LAND AND RESOURCE”

**BY
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Mr. Chairman, fellow resource persons, participants and observers.

Until the end of last week, I knew I was attending this workshop, as a participant and it was not until Friday last, that I was informed that I will be a resource person with a task of presenting a paper on “Land and Resource” However, as an Indigenous being, who is a product of history, I had no choice.

Having gone through the “UN Draft Declaration on the rights of Indigenous Peoples”, I can confirm, from the outset, that our discussions on our (i.e. the Indigenous Peoples) rights to own, occupy, use and develop our or “once was” our customary land and resources for our benefit, will be, the most important, yet, at the same time, the most difficult, to address and resolve.

Declaration of Indigenous People right to land, and resources, is important to us, because, it is so fundamental to our being recognized, as Indigenous Peoples. The Hon Prime Minister in his opening address had indeed, set the stage, to what I am required to lead us on, today, when he stated:-

“We are indigenous because we were the first to occupy as a people, lands and seas that were unclaimed and uninhabited by other human beings, either individually or collectively. In our Pacific home, we have been sole proprietors in most places for no less than three thousand years, in most other places for much longer. Here we developed our culture with its unique variations; here founded our traditions and devised our customs; here we set in motion our history, both oral and written; and here our economic ways, our social mores and political forms emerged according to our needs. These lands and waters ; in and about them, we were cultivating, freely and fully, at our own pace” and I might add “for our own good”.

The acceptance, by others, of our right, to land and resources, will be a milestone in the history of the Indigenous Peoples of the Pacific. To us, the result is; we will gain, what we have lost.

On the other hand, I had also stated, that it will be the most difficult issue to address. This is simply, because, its universal acceptance, will mean a loss, to those who have gained. Therefore, fundamental to success of our deliberations, and the final declarations, is understanding, goodwill and mutual respect on the part of both; those who will stand to gain and those who are bound to lose.

'Land' was, is, and, will continue to be, man's most valuable asset. The reason being that land is one of those God-given commodities that was, is, and will be constant in its supply yet, its demand will continue to rise, more sharply now than ever before, due to continue to rise, more sharply now than ever before, due to continuing rise in world population and economic expansions, which are, more than always, land based.

Throughout the history of mankind, it has been generally accepted, that 'land' has several meanings, and offers, different values, to different individuals and communities. It is perhaps these, which make land related issues, more than always, difficult to resolve.

Politically, land is a source of power, Socially, it is a form of identity, security and a source of life and sustenance. Economically, it is an asset which, if utilized to its highest and best use, will give the best return to the owner, occupier or user. These being the nature of land, it must be fully understood why Indigenous and non-Indigenous Peoples alike will react emotionally to real or threatened deprivation of their land.

However, land related emotions, and the extend of it, will first have to be carefully examined and thoroughly understood by the parties, before any acceptance of the others demands and aspirations can be expected to emerge, grow and bear fruits.

Personally, I find, that in dealing with land, and their owners, emotions are, unavoidable. But they must be managed, and minimized, as much as possible, by the parties, if rationality is to prevail. To do otherwise, is to invite a situation where rationality will be so clouded and overwhelmed with emotions, so much so, that no acceptable agreements will ever be reached. In the exercise we are involved with here, if emotion is allowed to prevail, our Indigenous Peoples struggles for political, social, and economic recognition, is bound to be lost in the whirlwind, of the "war of emotions"

To us Indigenous Fijians, and I understand this is true with most of us, Indigenous Peoples of the Pacific, land, or 'qele,' or 'vanua', has very special and significant meanings, embodying the very essence of our culture, our customs, and traditions, and our very existence, as a community. With it, we can proudly say; we are at home as the 'i taukei' or indigenous. Without it, we don't exist and if we do, we can never refer to us as the 'i taukei' or indigenous. Instead, we will have to be shamefully reduced to 'vulagi(s)' status which means, being both visitors and foreigners, on what we could, but cannot, proudly cherish as our forefathers' land.

I must confess, I really don't know how Indigenous Fijians will react if we were to be deprived of our forefathers land. I do not have to tell you how we did react, when we lost even the governance of our Island State.

Foreigners to our Pacific shores will have difficulties in understanding or comprehending, how we feel as Indigenous peoples of the Pacific when we are, or, threatened to be, deprived and dispossessed, of what we know, are traditionally, and customarily, our lands and resources.

We, as Indigenous Peoples of the Pacific, share similar experiences of colonization, at one stage or another of our history. Some of us have, unfortunately, had far worse experiences than others. However, we share the fact that as Indigenous Peoples, our rights to land resources have, in one form or another, been tampered with, our consent, and in certain cases with our consent, but, unknowingly, to our detriment.

We in Fiji have been lucky, to some extent, because through the course of our history, today, we still have ownership of some 83 percent of the total land mass and most of its resources. This, however, does not mean that we have everything that were traditionally and customarily ours.

For example, our traditional understanding of the word, 'qele', or land, and its vertical boundaries, begins from as far up the sky as one can see, and extends down to the furthest part of the so called bottom of the earth. This differs, with the notion of ownership of land in British legal system, which imposes that owners have ownership rights extending only, to a few feet below the surface. This has resulted in Indigenous owners of the land being deprived of ownership of minerals and other precious resources below it.

Similarly, what we once enjoyed, as our traditional fishing grounds, in streams and rivers, and in the sea, have, under the British legal system, been alienated and are now the property of the State in the guise that these are public properties. This is again, an imposed restriction on our rights to ownership, over these areas.

Even those parcels of native Fijian land had been claimed to have been legitimately alienated to foreigners, Wright and Twyford, who studies Fijian land, stated, that when the Europeans sought such land from the Fijian in those days:-

“The Fijians had no concept of individual ownership and hence were not fully able to appreciate the situation which arose when Europeans, in exchange for relatively trifling numbers of muskets or money, or for personal services to a Fijian leader, sought in exchange a parcel of land. It probably did not occur to the Fijians that the land would not revert to them on the death of the European in questions”.

It probably did not occur to the Europeans too, the land, to Fijians, is not only a blessing from their gods, but has also had its history of hard fought and bloodied battles over the years ever since the Fijians set foot in Fiji some three thousand years ago.

According to Dr Ravuvu, who is sitting here as an Indigenous Fijian participant, prior to the coming of European settlers to Fiji, 'land' was one of three causes of tribal wars amongst Fijians.

Because of these tribal wars, in many of our history books, Fijians at the time of contact with foreigners, were branded as fearsome warriors and cannibals. Little did the authors realize, that these wars, were their means of keeping closely knit communities or tribes of peoples intact, with their Chief at the helm, who, in common with his subjects, have a

common purpose in life, an important one being, the pride to be identified as a member of that tribal or communal group, with well defined tribal or communal territorial boundaries, within which, they communally own everything over, and under, land and seas, and communally, and cooperatively utilize, and, develop these resources, at their own pace, for their own good, and , for the good of others who have alliances with them.

It was not until the middle of the last century that Chiefs realized that, the land they thought, they had given for 'foreigners' use only, were fact, being alienated from them for good, thus alienation became an issue of concern.

The 'Fijian Chiefs' concern about land alienation at that time well put by the late Ratu Seru Cakobau when he said:-"If matters remain as they are Fiji will become like a piece of driftwood on the sea, waiting to be picked up by the first passer-by. The witness... are a bad lot. They are mere stalkers on the beach.... of one thing I am assured, that if we do not cede Fiji, the white stalkers on the beach.... will open their maws and swallow us."

Fiji was ceded not by our choice but through sheer necessity lest we be swallowed, as some of us had been, wholly by our uninvited guests.

Give the various degree of colonization and imperialism we have had, a rational, unemotional, and reasonable minded person cannot help but agree with our concerns, that we have, in some form or another, been deprived of our human rights to our traditional and customary lands and resources, more so for some, than others, thus preventing us from exercising, in particular, our rights to development, in accordance with our own needs and interests.

If those who had taken advantage of us, really care and are committed to redressing their wrongs; wherever possible, then I am sure, they will agree their wrongs, wherever possible, then I sure, they will agree with us that, only, through our control of the developments over our lands, territories and resources, will we, as indigenous peoples, be able to maintain and strengthen our institutions, cultures and traditions, and be able to promote our own developments, in accordance with our aspirations needs.

With regards to our rights and interests in land and resources, as expressed in the various Articles, namely Articles 10, Articles 30, I personally, do not see any reason why, they should not be adopted wholly, by those concern.

There may, of course, be strong feelings towards some of these due to the different paths we had gone or are still going through in our history, and the positions we are currently in, due to that process, however, I believe that differences are healthy, if we are committed to reaching a consensus at the end which will change the status of this historical document from being one with one teeth to one that has.

I quite understand that some declared rights in this document may be contrary and inconsistent with other already adopted and universally accepted rights. As for me, that poses no real problems, because, usually, I visualize rights, as a bundle of sticks enclosed

in someone's hand. Some will obviously be longer than others, and some thinner than others and etc. It is only when the bundle is released and closely and judicially examined, can one confirm, that compared to others in the same bundle, and given the particular circumstance, a particular right should prevail over others.

Finally, Mr Chairman, fellow resource persons, participants and ladies and gentlemen, I will once again say that our subsequent discussions on this topic which follows is very important and at the same time, the most difficult to resolve given our distinct histories. However, we must bear in mind what the Hon Prime Minister had said:-

“Not all the wrongs that history has brought upon indigenous peoples, can now be put right.”

Whilst these words are particularly true for wrongs committed against our land rights, as Indigenous Peoples, we are here as a community, to ensure that areas where redress is possible, to highlight these, address them, and more importantly, ensure that the United Nations take positive steps towards accepting these declarations for the benefit of our children” children.