
Fiji: Fishing in Troubled Waters

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Fiji's military coup in 2006 was the fourth since 1987 and has spelled predictable disaster for the island nation. While Commodore Frank Bainimarama was able to assert a semblance of his authority on the country through media censorship, physical harassment of dissidents and a plethora of draconian decrees restricting, he found it rather more difficult to convince the international community of his noble intentions for the country. The Fiji regime then sought to fragment regional solidarity and cultivate diplomatic relations with far-flung countries such as Brazil, South Africa, Iran and North Korea in a vain effort to create an impression of gathering diplomatic support for itself. There was much movement but little change.

Fiji's military regime has had a hard time convincing its neighbours and the international community about its noble intentions to draw the curtain on the country's troubled past and to launch it into a new era of truly democratic and race-free politics based on: "one country, one nation, one people". A large part of the problem unfortunately is the regime's own record of broken promises. Combating corruption was the initial reason given for the coup, but it is as rife now as it ever was. No one seriously believes that transparency characterises the conduct of public affairs. Ministerial salaries remain secret, and hand-picked consultants get government contracts. Nearly half the country lives on or below the poverty line and nearly twenty per cent of the population resides in the country's mushrooming squatter settlements. The once robust sugar industry is dying a visible death, affecting the lives of over 100,000 people. The country is still being run by a copious number of decrees, many of which are beyond the purview of the courts. Public discourse is hampered by fear of retribution. The press practises self-censorship as a survival strategy.

On the other side of the ledger, the regime has decreed measures which are promising. It has decreed a common name, 'Fijian', for all its citizens. Racial designations from school names have been outlawed. There has been a concerted effort to remove gender discrimination from existing legislation. Racially exclusive institutions have been put on notice. These are all positive developments, but even those who applaud these moves wish that their conception and implementation had been preceded by wider public consultation, which accounts for their lack of warm reception from the populace.

In the South Pacific region, Fiji's reputation has suffered since Commodore Frank Bainimarama reneged on his promise, given at the Pacific Forum Leaders meeting in Nuku'alofa in March 2007, to hold elections in 2009 and return the country to full parliamentary democracy. The cost in the country's credibility and standing has been enormous. Where Fiji was once the

acknowledged leader of the region and operated as its representative voice to the international community, it is now a pariah nation, expelled from the Forum and lectured to by smaller island states which once stood in Fiji's very large shadow (Samoa, for instance). Leading the Forum's chorus of disapproval about events in Fiji was the Suva-based Forum Secretariat, headed by Tuiloma Neroni Slade,¹ citing in support of its stance the Biketawa Declaration. Adopted by the Forum in 2000, the Declaration bound the Forum countries to the principles of good governance, belief in individual rights under the rule of law regardless of race, gender, colour or creed, and, most relevant in this context, in upholding

democratic processes and institutions which reflect national and local circumstances, including the peaceful transfer of power, the rule of law and the independence of the judiciary, just and honest government.²

Fiji was a prominent signatory to the Declaration. The military regime in 2011 sought (unsuccessfully) to prevent the renewal of Slade's contract for a further three years, supporting a rival candidate, former Fiji Foreign Minister Kaliopate Tavola, despite the protocol demanding that the host country not sponsor its own national for the job.

Fiji effectively sought to undermine the Forum by assisting in the birth of a rival lobby organisation, Pacific Small Islands Developing States (P-SIDS), a regional offshoot of a larger body by the same name formed in 1992 to address the concerns of small states facing the problems of remoteness, vulnerability to natural disasters, growing population and limited resources.³ P-SIDS met ahead of the Forum Leaders' meetings, issued general support for the programs and policies of the Fijian regime, and asserted the sovereignty and independence of its members. It did so more for public consumption than in any realistic expectation of these being realised. Where it mattered most, they generally fell in line behind Australia and New Zealand. As the expression goes, the Pacific nations knew "which side of the bread was buttered". This was nowhere better illustrated than at the Forum Leaders meeting in Rarotonga in August 2012, attended for the first time by the US Secretary of State. At a meeting in Nadi a week before the Rarotonga event, some Pacific Island countries, Kiribati and Nauru in particular, had spoken in favour of having Fiji return to full Forum membership. But New Zealand Prime Minister John Key ruled out any change in policy until after the elections in 2014, stating that:

¹ From Samoa, Slade was the Secretary General of Forum Secretariat since 2008 who had served on the International Criminal Court from 2003-2006, and as Attorney General of Samoa from 1976-1982.

² Pacific Islands Forum, *Biketawa Declaration, 2000*. <<http://forumsec.orgfj/resources/uploads/attachments/documents/Biketawa%20Declaration,%2028%20October%2020002.pdf>> [Accessed 26 September 2012].

³ It is widely believed that one of the architects of the Pacific offshoot was Peter Thomson, Fiji's Permanent Representative to the United Nations.

We will obviously point out we really don't think Fiji should be allowed back in the Forum in full until they actually have democratic elections and the military is back in the barracks.⁴

There was no dissent from any of the Pacific island countries participating in the conference. As for P-SIDS, it will slide into oblivion once Fiji re-joins the Forum. Its only role at present is to be a thorn in the Forum's side.

Fiji also sought to use the Melanesian Spearhead Group (MSG) to press its case and to put pressure on the Forum. The MSG is an inter-governmental organisation of Melanesian states (Papua New Guinea, the Solomon Islands, Vanuatu, FLNKS (*Front de Libération Nationale Kanak et Socialiste*) of New Caledonia and Fiji) formed in 1983. Fiji's joining the organisation was opportunistic. Following the 1987 military coup, it sought support to soften regional and international pressure on Fiji but was otherwise a dormant member. Historically and culturally, Fiji and its leaders had aligned with their Polynesian neighbours. Many of Fiji's traditional leaders had family ties with them. The MSG got embroiled in Fiji's political discussions after its expulsion from the Pacific Islands Forum in 2009. Several meetings were held to discuss the Fiji situation, but nothing substantial came out of them because there was a deep division of opinion among Melanesian states about the events in Fiji. Some Melanesian leaders and intellectuals, in private correspondence, expressed sadness in having to publicly support Fiji when the military coup there had transgressed the fundamental values underpinning the overarching concept of the 'Melanesian Way',⁵ which includes respect for traditional cultural values emphasising consensus and compromise. They felt that the MSG was being manipulated by Fiji for its own political agenda, used for purposes other than those its founding charter envisioned. Other Melanesian leaders supported Fiji as an act of disapproval of Australian attitudes and policies in the Pacific. It was one way for them to "get back" at Australia for its allegedly "high-handed" actions, including the pursuit of the Fiji-born former Attorney General of the Solomon Islands, Julian Moti, for sex offences.⁶ In a public lecture at The Australian National University in August 2012, the Solomon Islands Prime Minister, Gordon Darcy Lilo, emphasised the MSG's economic role in fostering trading relationships among Melanesian states and said that political issues (such as the future of West Papua, and the political situation in Fiji) will receive their 'proper' share of attention at the appropriate time. But the MSG has not gone much beyond divided rhetorical support for Fiji, and there the matter is likely to remain.

⁴ Claire Trevett, 'Still Too Early to Let Fiji back in', *New Zealand Herald*, 31 August 2012.

⁵ Generally understood to have as its principal advocate Papua New Guinea politician and philosopher Bernard Narakobi, one of the founders of the political party, The Melanesian Alliance. Narakobi famously asserted the concept involved the "total cosmic vision of life".

⁶ Moti was extradited to Australia and tried in the courts though the overwhelming impression remains that this was a politically motivated action on the part of the Howard Government over Solomon Islands' sometime defiant stance towards Australia.

Another foreign policy initiative of the Fiji regime was its much-trumpeted “Look North Policy” towards Asia, in particular towards China. China’s increased presence in the Pacific islands, its interest in their resources (fisheries and timber, and minerals such as manganese and bauxite) accompanied by aid and soft loans, is well known. After the 2006 coup, Chinese companies were given contracts for several infrastructure projects in Fiji and licences to mine bauxite.⁷ One Chinese official was quoted as saying that China valued Fiji as a “useful transition point and for its proximity to important shipping lane”, and as a “valuable destination for economic engagement but of marginal and possibly declining political utility”.⁸ Statements such as these have caused some concern in Washington and elsewhere. For its part, Fiji played the “China Card” to the hilt, hoping to get Washington to put pressure on Wellington and Canberra to soften their travel sanctions on Fiji. Whether this move on Fiji’s part will pay dividends is uncertain. However, in July both Australia and New Zealand relaxed their travel bans on Fiji and promised to assess visa application from people working for the regime on a “case-by-case” basis, which has been interpreted as a reward for the moves Fiji has made towards holding elections in Fiji in 2014. What role pressure from the United States played in this change of policy is not known. It is understood that Australia was less keen than New Zealand to adopt a more relaxed attitude and was prompted to act because of pressure from New Zealand. But Fijian officials are hoping for a full restoration of diplomatic relations following the appointment of new high commissioners. There is some apprehension in Fijian foreign policy circles about increased Chinese presence in Fiji, which they see as not being in the country’s long term interests.

Leaving China aside, Fiji has been busy opening embassies in distant parts of the world. Early in 2012, it opened embassies in South Africa and Brazil and in September in the United Arab Emirates. It also signed a Memorandum of Understanding with Iran, and promised to establish diplomatic relations with North Korea. It is difficult to see what practical, tangible benefits Fiji will derive from these initiatives. Perhaps they are undertaken to remind Australia and New Zealand (and especially the people in Fiji) that while Fiji is being ostracised and punished by its big neighbours, countries in other parts of the world are only too ready and eager to engage with Fiji. Perhaps, by engaging with Iran and North Korea, Fiji hopes to again get Washington to put pressure on Australia and New Zealand to re-assess their stance towards it. But these are short-sighted and eventually counterproductive diplomatic games Fiji is playing with no serious expectation of any far-reaching benefits. It is also understood that Israel is unhappy with Fiji’s engagement with Iran, and getting the powerful Israel lobby offside will be hugely detrimental to Fiji’s interests in the international

⁷ For more on this, see Jon Fraenkel, ‘Fiji: Melanesia in Reviews, 2011’, *The Contemporary Pacific: A Journal of Island Affairs*, vol. 24, no. 2 (2012), pp. 377-89.

⁸ *Ibid.*, p. 381.

arena, especially its vain hope of getting a seat on the UN Security Council. It would be interesting to see if the international community would agree to see a friend of Iran and North Korea gaining a seat on the Security Council. Perhaps all these new initiatives will be allowed quietly to relapse once Fiji returns to parliamentary democracy, and once no benefits are seen to derive from them.

The European Union (EU) proved a 'tough nut' to crack for Fiji. Its representations for greater understanding of Fiji's situation went unheeded, as the EU withheld its proposed fiscal package (\$350 million) for the reform of the ailing sugar industry. For its part, the EU adhered strictly to the Cotonou Agreement, succeeding the 1976 Lome Convention, which defined the framework and the underpinning values of its program of cooperation with the developing countries of Africa, Caribbean and the Pacific. Among those values was "promoting human rights, democratic principles based on the rule of law and transparent and accountable governance". A military coup overthrowing a democratically-elected government was manifestly in breach of them. Fiji's sugar industry was the principal casualty of the EU's position, but its steadfast defence of democratic values could not be faulted.

Fiji adopted a particularly belligerent attitude towards Australia and New Zealand after the 2006 coup, accusing these two countries of bullying tactics and of orchestrating regional and international opinion against Fiji. In November 2009, it expelled Australia's High Commissioner to Fiji, James Batley, ironically at a time when relations between the two countries seemed to be on the mend. Australian aid to Fiji continued apace, but its travel ban on the Fiji military and supporters of the military regime remained. This was particularly irksome to some in the regime who had families and property in Australia or visited it for medical treatment. The Fijian regime's supporters in Australia (including some academics and journalists) severely criticised the Australian Government for its stance towards Fiji, urging immediate, unconditional engagement. The risk of not doing so, they said, was "losing" the Pacific to China, assuming that the Pacific was Australia's to lose in the first place. For its part, Australia demanded tangible proof of definite moves by Fiji to hold elections and restore the country to parliamentary democracy. Having seen Fiji renege on its promises in the past, there was understandable doubt about Fiji's motives and modus operandi.

In early 2012, Fiji fulfilled its promise to appoint a Constitution Commission to re-write a new constitution for the country, under which elections would be held in 2014. Its chair is the widely respected Kenyan constitutional lawyer, Professor Yash Ghai, who accepted the appointment on the implicit understanding that decrees restricting the freedom of speech and assembly would be revoked, or at least relaxed to enable people to express their views to the Commission without fear of retribution from the authorities. Some restrictions were partially removed, but not enough to engender confidence in free public speech, certainly not enough to satisfy the major political

parties.⁹ The military regime has also insisted that a number of non-negotiable demands are included in the new constitution. The most troublesome is the demand for complete immunity for all those who had participated in the overthrow of the government in 2006. This was widely rejected by all the political parties, and even the Constitution Commission chair Professor Ghai thought that immunity should be considered as part of a wider process of “transitioning to democracy”, and arrived at through “public submissions and debate in the [Constituent] Assembly”. He went on to say that “retrospective immunity is most unusual, perhaps unique, and, we believe, undesirable”.¹⁰ This puts the Commission at loggerheads with the military regime. Commodore Bainimarama lashed out at Ghai:

What is happening is like a proverbial camel. They come in with their head into the tent and then their whole body comes in and they kick the owner out of the tent. That's what him and the other people they are listening to are trying to do.¹¹

How this difficult issue is finally resolved remains to be seen. There has to be closure at some point; no living organism can survive a prolonged period of festering ailment. But closure must be preceded by disclosure. It is a truism that those who refuse to face the truth of their past experience, in all its complexity and contradiction, are more than likely repeat the mistakes of the past.

The starting of the constitutional consultation process was enough for Australia and New Zealand to call for the restoration of full diplomatic relations with Fiji. This was trumpeted by the regime and its supporters as a major humiliating defeat for Australia and New Zealand and an unequivocal proof of the failure of their previous policy of non-engagement with Fiji. But the matter was not as simple as that. In truth, it was Fiji which had expelled the High Commissioners of these two countries in the first place, and by welcoming the resumption of full diplomatic relations, it was acknowledging that ruptured relations with its two dominant regional partners was not in its own best interests. The fully restored diplomatic relations will put the spotlight on Fiji once again. There will be greater scrutiny of its promises and policies: Fiji will be on notice again.

Particularly closely watched will be the process of drafting the new constitution and the holding of elections in 2014. Already, the battlelines are

⁹ See their (SDL, Fiji Labour Party, National Federation Party, United Peoples Party) ‘Submission to the Pacific Islands Forum Leaders Meeting, 27-31 August, 2012, Rarotonga, Cook Islands’.

¹⁰ ‘Full FLP preliminary presentation to the Constitution Commission’, *Fiji Today*, 12 September 2012, <<http://fijitoday.wordpress.com/2012/09/12/full-flp-submission-to-the-constitution-commission/>> [Accessed 25 October 2012].

¹¹ Vijay Narayan, ‘There Are No Restrictions, Do Your Job—PM’, *Fijivillage.com*, 16 August 2012, <<http://www.fijivillage.com/?mod=archivedstory&id=1608126c6938be103f17ebe0535482>> [Accessed 26 September 2012].

drawn. The military regime hopes that the Commission will produce a constitution that enshrines its vision for the country which includes, among other things, a non-racial electoral system, with one person, one vote, one value, or what once used to be called “common roll”. In contrast, most of the major political parties want the 1997 Constitution retained, with substantial amendments to the electoral system, replacing the Alternative Vote model with some form of Proportional Representation. They are open to the proposal for non-racialism in the electoral system, but one which is achieved gradually over a number of years. The appointment of a Constituent Assembly to deliberate on the new draft constitution is also a matter concern. At present the Prime Minister has complete say on the membership of the Assembly, with no provision for consultation with anyone. And he himself is likely to be a candidate in the forthcoming elections. There is also deep concern about what role the military will have in the new constitution. From time to time the military has claimed a watchful guardian role for itself, at odds with the conventional Westminster tradition, while many in Fiji want the military to retreat to the barracks and remain there. But the recent experience of developing countries is that once out of the barracks, the military does not voluntarily resume its traditional role.

So, as 2012 comes to an end, none of the fundamental questions facing Fiji have been resolved. A constitutional dialogue is under way but whether it will be allowed to reach fruition remains an open question. Fiji has been thrashing around in troubled waters seeking new friends in unfamiliar and unlikely places, with potentially disastrous consequences. At the end of it all, Fiji will have to acknowledge and reconcile with the irrefutable logic of its history and geography. And it will have to come to terms with its troubled past with sensitivity and understanding. Coercion as an instrument of public policy will always be ultimately counterproductive.

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