VOICES OF THE PEOPLE

Perceptions and Preconditions for Democratic Development in Fiji

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PREFACE

We realize that this report comes at a sensitive stage in Fiji’s progress towards adopting a new constitution and holding democratic elections. We wish to emphasize that we do not have any political agenda in this regard, other than that Fiji should find her own way towards a governance system that fits her particular historical, cultural, social and economic circumstances.

Since we started our work on this study in May 2011, there have been substantial political developments in Fiji, not least the process towards the adoption of the new constitution. Please note that at the time the focus group discussions and interviews were being conducted (August 2011 to April 2012), the Constitutional Commission tasked with drafting the new constitution had not yet been appointed. As a result, this report does not reflect that process.

The current government is due to appoint a Constituent Assembly in early 2013 to consider the draft constitution. It should be noted that our study is completely separate and independent from the work of both the Constitutional Commission and the Constituent Assembly. Nevertheless, we hope that our study will be read and discussed by as many Fijian citizens as possible, including those who are appointed to the Constituent Assembly.

In writing this report, we have tried our utmost to reproduce faithfully the voices of Fijian people as we heard them during the focus group discussions and interviews. This report reflects both those things which people find positive in the current situation, as well as those things that they struggle with, and worry about. We hope that these findings will provoke thoughtful and reasoned debate on the issues outlined therein, and will enrich the dialogue begun under the current government through the process of making submissions towards the new constitution, as well as provide food for thought for politicians and voters alike in the run-up to the next elections.

As for disseminating this report, we plan to give feedback to all those who participated in focus group discussions or individual interviews in more detail. It is planned to conduct three public forums in the months after the launch, to which we will invite representatives from government, business, academia and civil society organisations.

Finally, responsibility for this report lies solely with the editors, Manfred Ernst and Felicity Szesnat, who have exercised their editorial powers in determining what was included in it.
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EXECUTIVE SUMMARY

Background to Our Research
Since gaining independence on 10 October 1970, the people of Fiji have experienced four coups, three of which were carried out by the military. The coup on 19 May 2000, however, is often referred to as a civilian coup, as it was led by a civilian who commanded seven renegade members of the highly trained Counter Revolutionary Warfare Unit of the Fiji military. While the leaders of the first three coups claimed to represent the interests of the iTaukei, the leader of the fourth coup (on 5 December 2006), Commodore Frank Bainimarama, stated that his aims were to address the underlying political problems to eradicate Fiji's 'coup culture' forever.

The coups and ensuing political turmoil have seriously undermined Fiji's economy and people's sense of security. All coups have been fuelled by a combination of factors, including inter-ethnic competition over resources, traditional rivalries between the chiefly elite, low levels of education, an iTaukei-dominated military force, and traditional institutions of governance challenged by the systems of democracy and human rights. The experiences of Fijian citizens of 'democracy' and different models of governance are thus marked by discontent. If the root causes of this discontent are not addressed, the country may experience more political upheavals in the future.

Our research was motivated by the desire to avoid further upheaval, and to assist the Fijian people in their search for an appropriate and suitable form of governance. This research, as summarized in this report, aimed to carry out an extensive and impartial inquiry into governance issues. Convinced of the importance of recognizing the views and wisdom of the people of Fiji in devising a form of governance that is appropriate and suited to Fiji's historical cultural context, specific local political conditions, and aspirations of her people, this report is based on a systematic exploration and analysis of views of Fijians from all sectors of society. This was achieved by means of holding 41 focus group discussions involving 330 participants, and conducting 83 in-depth interviews. In determining the sample for both focus groups and interviews, great care was taken to accurately reflect the composition of Fijian society in terms of gender, religion, ethnicity, age, education, status, living conditions and geographical distribution. Our qualitative approach is informed by our theoretical framework, which builds on the scholarly discourse on the interface between democratic state institutions and non-state local societal institutions of governance in the post-colonial societies of the Global South – the so-called 'hybrid political orders'.
Executive Summary

**Hybrid Political Orders**

The theory underpinning hybrid political orders is based on the understanding that conventional democratic state-building along the 'Western' Organization for Economic Co-operation and Development (OECD) model state lines, is of little use in understanding the realities of governance in post-colonial states in the Global South, or supporting home-grown democratic development. In post-colonial states, including Fiji, state institutions are not the only institutions which fulfil functions that, in the model Western state, are clearly state obligations. Locally-rooted social entities, such as extended families, clans, tribes, village communities, and traditional authorities (e.g. village elders, chiefs, healers, ‘big men’ and religious leaders), determine the everyday social reality of large parts of the population. Moreover, as seen in Fiji, state institutions are to a certain extent ‘infiltrated’ and overwhelmed by local, customary non-state ‘informal’ institutions and social forces, which operate according to their own logic and rules. This has led to the departure of state institutions from the Western ideal type. Conversely, the imposition of state agencies has impacted on non-state local orders as well: local customary institutions are subject to deconstruction and re-formation as they engage with, and are incorporated into state structures and processes. As a result, they adopt an ambiguous position with regard to the state, appropriating state functions and ‘state talk’, whilst simultaneously continuing to pursue their own agenda.

Thus, governance is hybridized by the interactions between introduced liberal democratic state institutions and local customary non-state institutions. In hybrid political orders, diverse and competing authority structures, sets of rules, logics of order and claims to power co-exist, overlap, and interact; they combine elements both from introduced Western models of governance, and local indigenous traditions of governance and politics. Further influences are found in the forces of globalization and associated societal fragmentation. In hybrid political orders, different types of legitimate authority - beyond the rational-legal authority legitimized by liberal democratic procedures - can be found, such as traditional and charismatic types of legitimacy. These co-exist, compete and interact with rational-legal legitimacy, leading to the hybridization of legitimate authority.

Given this background, the aim of this report is to present the perceptions and visions of the people of Fiji for future democratic development, as well as their opinions as to the preconditions required for this development. To achieve this aim, we assessed the following five key areas: 1. **Democracy**; 2. **Rule of Law**; 3. **Leadership**; 4. **Decision-Making**; and 5. **Citizenship**.

Where proposals for democratic reform are made in this report, it is important to view these as urging the provision of opportunities for the people to articulate and develop a form of democratic governance that is appropriate to and suitable for Fiji’s cultural, religious and political conditions, while being mindful of the
fundamental ideals and values of democracy. Next, we present a summary of the main research findings in each of the five key areas.

**Democracy**

A comparison between responses of participants in focus group discussions and interviewees shows some striking similarities, but also some differences. The major differences between their responses can mostly be ascribed to the different levels of formal education and status of the two groupings. Most participants are representative of the majority of Fijians, with low to moderate incomes; while the majority of participants have been formally educated to primary school level, few have attended secondary school, and even fewer have undergone studies at tertiary level. In contrast, the interviewees represent a much smaller section of the social strata, with moderate to higher incomes, the majority having degrees from tertiary institutions and being in leading positions in Fijian society.

The majority of focus group participants appeared to know little about the origins, history and development of democracy, although a few participants in each group demonstrated familiarity with some of the key elements of democracy, such as equality, human rights, the rule of law, and participation in decision-making through elections. Focus group participants clearly view the current system in Fiji as undemocratic by virtue of the lawfully elected government being ousted through a coup in 2006, the Constitution abolished, and Fiji ruled since then by a military government, through the issuance of decrees. In addition, human rights have been violated and there were (and still are) restrictions in place with regard to the freedom of expression. Given a choice of governance systems, the vast majority of participants prefer democracy for Fiji, and a substantial number of participants are - for a variety of reasons - opposed to or critical of the current government. It should be noted, however, that a small majority of participants expressed their appreciation for certain programmes, projects and policies introduced by the current government. Regardless, there is agreement between supporters and opponents alike that there is a need for reform of the electoral system, and the introduction of regulations for political parties and aspiring politicians.

Similar to focus group participants, the vast majority of interviewees expressed their support for democracy as their preferred model of governance, as well as reforms of the electoral system, and reject in principle the idea of bringing about change through coups; they also reject any sort of racially-based politics.

Most interviewees and participants affirmed the importance of the role of political parties in a democratic system, in particular their representation of the interests of citizens. They are, however, critical of their performance, with the accountability of political parties to citizens being a key issue. In addition, many called for the reform
of political parties and the system of governance, so that these are grounded specifically in the cultural, religious and political realities of Fiji. Such reforms are seen as imperative, not only for strengthening citizens' active participation in political affairs, but also for curbing the excesses of individualism. However, the quality of political participation depends on how citizens wish to participate in their systems of governance. Taking into account the different views with regard to elections and political parties, our key findings are: (a) political parties have not performed well in the past; (b) political parties are essential in any future democracy, but should be fundamentally reformed; and (c) Fiji needs to search for a more appropriate form of representation. Based on these findings, there seemed to be three clear proposals emerging from most focus groups and interviews for strengthening citizens' participation. Firstly, race must be removed from the electoral system, and political parties' agenda; secondly, citizens and leaders need to understand the purpose of elections and politics in general - hence the need for an inclusive civic education programme; and, thirdly, the one-person-one-vote electoral system is the most appropriate system for Fiji.

Based on this analysis, it can be concluded that Fiji (like most 'fully' democratic countries in the Western understanding) is still far from achieving the ideal of democracy, which is, by definition, the government of the whole people by the people equally represented. A major reason for this is that the underlying economic structures in the globalized capitalist economy prevent the exercise of democracy; thus, relying solely on voting every four or five years as a means of controlling economic, social and other policies is inadequate. Representation of the people through elections may be a necessary precondition for democracy, but a state can only be genuinely democratic when elections are reinforced by the enhanced participation of citizens at all levels of decision-making in all spheres of public life.

We therefore propose that the liberal representative model of democracy needs to be challenged and complemented by approaches aiming at 'deepening democracy'. In this view, democracy is not only a set of rules, procedures and institutional design, nor should it be reduced solely to competition amongst political parties; rather, it is a process through which citizens exercise ever deepening control over decisions which affect their lives, and as such, democracy is constantly under construction. In the final analysis, full democratic citizenship is achieved not only through the exercise of basic political and civic rights, but also through social rights, which in turn may be realized through participatory processes and dialogue. Famous examples of this are the Porto Alegre experiment, and what became known as 'forum politics', which preceded the innovative activist-based movements of Eastern Europe in the late 1980s. The focus of 'deepening democracy' is on creating new democratic arenas and spaces, and on participatory governance at the local level in particular. This approach is close to deliberative understandings of democracy, which shift the focus from a 'voting-centric' to a 'talk-centric'
democracy, and to concepts of empowered participatory governance. As a result, it is argued that contestation by combative political parties is not the only possible democratic model; consensus-seeking through village or town meetings is another real option.

**Rule of Law**

Participants and interviewees alike spoke about being subject to various sets of rules and laws in their day-to-day lives. In particular, there is recognition that two systems hold great sway in Fiji: customary rules and state law. However, customary rules are seen as being applicable mostly in the rural areas and villages rather than the urban areas; also, customary rules are also seen as mainly affecting the iTaukei, and not Indo-Fijians. The majority feel there is a conflict between the two sets of rules, and that this is most acutely felt in relation to customary rules and human rights law (although not all feel that this conflict is irreconcilable). Other issues giving rise to conflict include the tension between individual rights and group rights, and between rights and duties, responsibilities and obligations. In spite of the fact that, in the final analysis, state law, including human rights law, is felt by most to be paramount, it was broadly agreed that there needs to be research done to: 1) identify the various manifestations of customary rules in Fiji; 2) decide how customary rules and state law should relate to each other (that is, either integrate customary rules into state law, or retain customary rules as a separate set of rules, but ensure that they are consonant with Fiji's international human rights law obligations); and 3) realize that approach.

With regard to the enforcement of customary rules, there were differing opinions as to whether traditional leaders are still able to enforce these rules effectively in their villages, or are losing their authority. To shore up the customary system of enforcement, a majority of iTaukei participants and interviewees want the Great Council of Chiefs (GCC) to be reinstated, albeit with some reforms. There is some concern about a possible lack of separation of powers in customary structures, where traditional leaders often act as investigators, prosecutors and judges in cases brought before them. If customary rules are to be taken seriously, then the structures supporting and implementing these rules should be similarly examined and strengthened.

Both participants and interviewees feel that there have been so many changes in state law (including the abrogation of the 1997 Constitution, the amendment of many pieces of legislation, and the introduction of numerous decrees, not to mention that a new constitution is currently being drafted and debated) that they are uncertain as to what laws pertain to them. As a result, many called for a concerted and wide-spread programme of education about law (in particular human rights law) to be developed and implemented as soon as possible.
Executive Summary

Participants feel that Fiji should have a constitution, but generally did not specify whether they preferred the 1997 Constitution, or a new constitution. The majority of interviewees did not discuss this issue in any detail, but of those who did discuss it, the vast majority want the 1997 Constitution to be re-instated (or believe it has not been lawfully abrogated, and is therefore still in force). However, they are not averse to the 1997 Constitution being amended if this proves necessary, particularly those sections dealing with electoral matters.

In relation to the enforcement of state law, the police force was heavily criticized by both participants and interviewees; criticisms included: that the police were often late in attending crime scenes, or didn’t turn up at all; that the proportion of unresolved cases is very high; that the police are not properly trained and are under-resourced; and that corruption is rife amongst police personnel. There appears to be very little trust in the police, although some think that the police force is better now than before 2006. Finally, interviewees raised concerns about the militarization of the police in particular, and what they viewed as the military usurping the role of the police. It is clear that there needs to be a great deal of work done both to improve the performance of the police, and the perception of that institution.

Participants appear to have had very little personal experience with the Fijian court system, but the common view is that delays in dealing with cases are common. There is also a perception that the law does not apply equally to everyone, and that those with status and/or money are above the law, or receive preferential treatment from the courts. As for interviewees, a few think that the courts are doing a good job under difficult circumstances, but most expressed serious concerns, particularly in relation to the independence of the judiciary. It is felt that the independence of the judiciary is not being respected by the current government. Closely connected to judicial independence is the separation of powers, which many interviewees feel is being undermined in the current set-up. In addition, it is felt that there are insufficient local lawyers included in the magistracy and the judiciary, and, that as a result, the courts lack a proper understanding of local context and culture, which is seen as important to achieving justice in any case before the court.

The role and function of the military was a matter for debate amongst interviewees, given its involvement (in one form or another) in all the coups that have taken place in Fiji: a few want the military to be abolished, but most feel that this is not feasible. As to the military’s role in protecting the state and the constitution, there was broad agreement that there needs to be an informed and in-depth debate on this issue, dealing particularly with such questions as on what grounds, if ever, the military could consider removing an elected government. The vast majority of interviewees
want the military to return power to the people as soon as possible; an exit strategy is seen as being critical to this process, with most mooting some form of amnesty.

In relation to returning power to the people, the vast majority of participants and interviewees feel that installing a democratic system of government, along with the promotion and protection of human rights is the best way forward for Fiji. However, there was also the recognition that these are not going to be realized overnight in Fiji, but will take time to develop, and – vitally – must be tailored to Fiji’s specific circumstances.

**Leadership**

Leadership structures in Fiji are complex and in flux; as a result, people are confronted with the challenge of dealing with and negotiating different types of leadership, and the changes they are undergoing. Our findings suggest that there is a leadership crisis in Fiji today, with some interviewees identifying this crisis as one of the main obstacles to democratic development in the country. On the other hand, our findings also lead us to a (qualified) positive outlook with regard to the prospects for overcoming this leadership crisis, and hence the prospects for democratic development.

We found that people are fully aware of the existence of different types of leadership, and of leaders with different sources of legitimacy, e.g. chiefs as hereditary traditional leaders, and politicians laying claim to rational-legal legitimacy on the basis of elections and other democratic procedures. We also found that people in general do not have problems with the co-existence of different types of leadership, despite the acknowledgement of tensions between these types. There is some confusion due to inconsistencies in and the overlap between different leadership types due to ongoing changes; nevertheless, people find ways of making sense of what is going on, and actively engaging in processes of change. This is not to say, of course, that everything is running smoothly, and without causing considerable stress. However, change is taking place (albeit incremental and slow), which is bringing about a fundamental transformation of leadership structures, and, flowing from that, society as a whole.

Participants and interviewees alike are in agreement that leadership in Fiji today is still predominantly male and hierarchical. However, hierarchical leadership styles are challenged, particularly by young people, be it at village level (chiefly leadership no longer remains unquestioned), or national level (previous democratically elected governments as well as the current regime come in for criticism). Views regarding the pace and extent of change differ; change is slower and less visible in rural areas than in semi-urban and urban areas. Outlooks on the desirability of change differ too, with rural people in general being more patient,
and the urban elite being more impatient. However, hardly anyone totally opposes changes to Fiji’s leadership structures; even traditional leaders and elders in Indo-Fijian rural communities agree on the necessity for change. On the other hand, hardly anyone advocates a complete and revolutionary overthrow of current leadership structures; even progressives from the urban elite do not advocate a complete abolition of traditional iTaukei leadership. It seems that both ‘ordinary’ people and the elite are in agreement on their preference for gradual transformation.

Everyone agrees that the traditional iTaukei system of leadership is undergoing profound changes. There is disagreement, however, as to whether this system needs explicit and direct reform, that is, political and perhaps also legal/juridical, intervention. Some are confident that, in the course of change, the current problems will be overcome quasi-naturally, and a new structure will emerge. Others advocate active interference to implement reforms e.g. the election of chiefs; the development of criteria for chiefly leadership; a code of conduct for traditional leaders; training for chiefs in good governance; and/or formal clarification of the relationship between the traditional sphere of leadership and the modern political sphere (such as a prohibition on chiefs engaging in the formal political system).

A critical aspect of the debate about the reform of the traditional system is whether the GCC should be re-instated, substantially reformed, or abolished altogether. Substantial reform could include: reform of membership; reform of its rights and responsibilities (such as removing some of its formal political powers e.g. the right to elect the President); and/or shifting its focus to the preservation of iTaukei culture.

Given the centrality of the traditional leadership system in Fijian society and politics, any reforms in this sphere will inevitably have an impact on other societal spheres - civil society, relations between different races and religions, and not least, the political sphere in the narrow sense, including leadership structures of political parties, and accountability mechanisms for political leaders. We found widespread agreement with regard to the deficiencies of the leaderships of previous democratically elected governments, and the need for improvements here. In other words, in general, people do not want a return to the pre-2006 state of affairs, but long for substantial reform, which also includes reform of democratic political leadership.

Our findings confirm that Fijians have an interest in organized, well-planned and comprehensive debates about what kind of leadership Fiji needs, not only at the national level in the political arena, but at all levels and in all societal spheres. The current public discussions about the need for constitutional reform could provide a good starting point, but these debates should not be confined to constitutional issues. Rather, they should be thought of as long-term endeavours. Effective and