

# **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'.

### ***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.

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 mooted 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/judicial, 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



legitimate leadership cannot be installed overnight; in fact, it cannot be installed at all - it must emerge of its own accord in the context of societal and political debates, and this takes time. If this leadership crisis is to be successfully addressed, it must be done in a comprehensive and incremental way. Drawing on our findings, we propose the following points if this route is taken: firstly, to undertake leadership education - both in the sense of educating the leaders, and educating the public about what constitutes good leadership; secondly, to draft a code of conduct and a code of ethics for leaders; thirdly, to conduct targeted programmes for female and youth leaders; and finally, to reform party political leadership.

One should be aware, however, that both these and similar practical measures can only achieve so much. They have to be embedded in a more general and comprehensive transformation of leadership culture in all sectors of society - in churches and other religious institutions, academia, schools and families, as well as professional and civil society organizations, and political parties.

### ***Decision-Making***

Decision-making in Fiji today is multi-faceted: the hybridity of the socio-political order in Fiji plays out in the hybridity of Fijian decision-making processes. Traditional structures and processes of decision-making co-exist with modern structures and processes. Moreover, these different types of decision-making do not only co-exist, but also interact and overlap. This situation causes some confusion and stress, thus posing major challenges for all Fijians, 'ordinary' people and the elite alike.

Unsurprisingly therefore, some interviewees pointed to the disadvantages of a 'dual system of decision-making', and are concerned about a 'conflict of governance models'. In order to foster the prospects for future democratic development in Fiji, clear political strategies for rendering decision-making structures and processes conducive to democratic development must be identified. The starting point should be the acknowledgement of the hybridity of the current means of decision-making. Thereafter, the challenge of reconciling these different systems of decision-making must be addressed, so as to establish a system and culture of decision-making that is perceived by the vast majority of Fijian citizens as being just, appropriate and sustainable. This should not entail abolishing one type of decision-making process only to impose a new and allegedly better (that is, more democratic) one from the outside and from the top; rather, what is already there should be engaged with, through trying to nurture, strengthen and improve it, with a clear vision of the direction this should take. Thus, democratic decision-making should be understood as inclusive, participatory, consultative, accountable, deliberative, transparent and egalitarian. In particular, the representation of women and youth needs to be strengthened. Taking this approach seriously means acknowledging the functioning

of decision-making structures at local level, while simultaneously initiating a debate about how to strengthen the representation of women and youth in decision-making processes. Such a debate will inevitably lead to reforms of the current decision-making structures and procedures. Moreover, the mere fact of having this debate will itself transform the ways decisions are made. Starting with reforms in the local context, this approach can be expanded so as to address all the different levels of decision-making, from the local to the national. Improving the transparency of decision-making processes at higher levels, and improving communication channels between all the different levels are of major importance, so that people do not feel alienated or excluded from decision-making beyond their locale, but can gain better insights into those decision-making processes that are removed from their everyday lives.

Proceeding in this manner will not lead to the substitution of one system of decision-making for another, but to the facilitation and management of hybridity in ways that foster more democratic decision-making. The focus groups and interviews gave plenty of evidence of where starting points can be found in day-to-day life for the gradual reform of decision-making. Participants and interviewees alike perceive decision-making to be a social process of arguing and bargaining, and are also familiar with the idea of voting and decisions taken on the basis of a majority vote; voting as a means of decision-making is generally accepted. Even the more conservative sections of the populace are aware of the norms of democratic decision-making, and the need to engage with those norms; outright rejection of democratic decision-making is clearly a minority position today. In other words, the notion of democratic decision-making has become hegemonic in today's discourse, and its proponents are on the offensive. The debate no longer revolves around the validity of democratic decision-making as a principle, but rather about how to implement this principle. In pursuit of this debate, it would be imprudent to sideline and marginalize those who are still sceptical or who oppose it, as this would lead to destructive conflict. Rather, they should be offered ways to join the process of reform. At the same time, all those who see democratic decision-making as desirable, but are fatalistic about its achievability, should be shown realistic ways in which change can be brought about.

### **Citizenship**

Identity is perhaps the most crucial element of citizenship. Culture, religion, production, and to some extent, the self, are composites of identity. For the *iTaukei*, three institutions are paramount: *lotu* (church), *Vanua* (land) and *matanitu* (government). These represent the three powers vested in the chiefs – spiritual, economic and political. For Fijians of Indian descent, identity is defined by birth, close family relationships and production (namely, success in education, business and careers). There are significant differences between *iTaukei* and non-*iTaukei*

views on identity; for example, the 'communitarian' view of identity is much more pronounced among the *iTaukei* than the Indo-Fijian participants and interviewees.

However, there is also a shared view with regards to identity: it is best defined in relation to the narratives of others, which includes language, religion, history, customs and family relations. Simply put, the shared conception of identity is best understood from a narrative point of view, as most communities seem to describe their identity in relation to a situated place with its multiplicity of narratives and texts.

The common name 'Fijian', which has been decreed by the current government to apply to all citizens of the Republic of Fiji, is acceptable to most participants and interviewees; birthright was the main reason given for this acceptance. While the distinctiveness of ethnic identities at the village, community and national levels was affirmed, there is a realization that a national identity is long overdue. It is also believed that a common name may assist in eliminating racial discrimination. Helping citizens to recognize that their ethnic and religious narratives, while particular, are inter-twined, is essential to national unity and belonging. Learning one another's language and culture is essential to strengthening citizenship and national identity. Some interviewees also believe that developmental benefits could flow from allowing dual citizenship.

Most interviewees believe that sport plays a key role in strengthening national identity. The national anthem and the flag constitute other important elements in reinforcing a national identity. It was suggested that these should be reviewed to adequately reflect the reality of Fiji. Generally, most participants and interviewees believe that race relations are much better now than in the past, but noted that they become problematic whenever race is politicized by politicians in their election campaigns; this occurs mostly in relation to urban areas, and, more specifically, to the central division. Community education and rallying citizens around Fiji's national symbols are crucial to forging a common identity.

While most participants and interviewees are accepting of the common name 'Fijian', some believe that acceptance should come about organically, through awareness and dialogue, and not through a decree. Some feel that the change of name will not make any difference, because ethnic and cultural differences remain. There are concerns that the common name was introduced too fast without consultation and agreement; rather, it is felt that there should be education in this regard, so that the people accept and understand the rationale behind it. There are also some who disagree with the use of the term 'Fijian' as the common name for all citizens. In addition, there was confusion surrounding understanding the difference between the concept of citizenship, and that of belonging to a cultural tradition; in particular, some thought that the term 'Fijian' was usually used solely when referring

to the *iTaukei*, so that it was felt that classifying everyone as Fijian in relation to citizenship would be problematic because of the differences in values, cultural practices and identity between the *iTaukei*, Indo-Fijians, and other ethnic groups.

Such views not only highlight the lack of awareness and consultation, but also the need for education about Fiji's common identity. Education plays an important role in alleviating ethnic suspicion. Some interviewees regarded the implementation of policies on the zoning of schools, and changing school names to reflect the vision of a 'Fiji for all' as positive not only with regards to forging good ethnic relations, a sense of belonging, and a common identity, but also with regard to development in general.

Aside from the conflicting views expressed on the common name and identity, some interviewees stated that there is an emerging cosmopolitan identity. Three of the main factors cited as contributing to this emerging identity were education, urbanization and international exposure through travel, study and work. Changes in eating habits, food and dress cultures, and the form of the English language used today, particularly among the younger generation, were also seen to contribute to this emerging identity. In summary, education about citizenship, and not just education for voters, is necessary.

In addition to issues regarding participation in certain communities, there are also problems for entire communities whose voices are not heard, and which do not have access to the necessary mechanisms for actively participating in Fiji's political life. In particular, reference was made to the following groups: the Rabi, Kioa, and the descendants of Solomon Islanders and Ni-Vanuatu.

Much will depend on the identity the people of Fiji choose for themselves; their understanding of freedoms and obligations, and the rule of law; and whether they wish to limit Fiji's form of politics to rights on the one hand, and welfare on the other, or whether they will take a bold step towards defining its politics according to moral engagement. For now, political education in schools and communities, and citizenship participation and representation in politics, is crucial. Consensus on these issues will greatly influence the kind of life the people of Fiji wish to live, the way they relate to each other, to state and informal institutions, and to the society they live and work in. Citizens' forums could form crucial elements in discussing the common good and issues of social justice. The kind of politics and vision that the people of Fiji will eventually develop for themselves will not be about levelling the good of cultures, religions and philosophical traditions; rather, it will be a vision of the common good that takes difficult moral questions seriously, and brings these to bear on economic, political and social policies.

## KEY RECOMMENDATIONS

It is in this context, and in this spirit, that we make the following key recommendations, which are based on what was said to us by the focus group participants and the interviewees. The chapters in this study contain other recommendations, which should not be lost sight of; however, the authors have agreed that these key recommendations are the most important for democratic development in Fiji. In drafting them, we have tried to be as accurate as possible in interpreting what people said to us, and as true to their intent and meaning as possible. The following list of key recommendations is neither exhaustive, nor should the order of it be seen as indicating any particular priority; rather, it draws together and attempts to group the most important and recurring recommendations from the preceding chapters.

1. The one-person-one-vote electoral system should be adopted as it is seen as the most suitable electoral system for Fiji because it values citizens' individual votes equally.
2. Financial and personnel resources should be committed by the government to both new and ongoing initiatives on inter-faith, inter-cultural and peace dialogues, which are recognised as essential activities for the democratic reform process.
3. Education programmes should be strengthened, or developed and implemented in Fiji as soon as is realistically feasible. Specific examples include:
  - a. Review and strengthen or develop leadership training programmes for democracy for all those assuming leadership positions in all sectors of society, as well as aspiring leaders. This should include chiefs, civil service personnel, church and other religious leaders, traditional leaders, and leaders of political parties. These programmes should include training on leadership, management, good governance etc. In addition, specific, targeted programmes should be conducted to encourage and empower both current and aspiring female and youth leaders.
  - b. Review and strengthen or develop programmes on civic education in schools and communities, grounded in the cultural and religious context of the communities and Fijian society at large. In particular, primary and secondary schools should include an examinable course in civic education (including the rule of law, human rights issues and the current laws applicable in Fiji, as well as the institutions involved in implementing and enforcing these laws, and how they function).

- c. Furthermore, adult civic education programmes for communities all over Fiji should be organized in close collaboration with government and civil society organisations. These programmes should be funded by government, without challenging the independence of these organisations. Adult civic education in communities should be sensitive to local conditions and must be culturally appropriate (e.g. including sections on ‘obligations of solidarity’ and habits of co-operation), and should be conducted in the first language of community members (Fijian, Hindi etc.).
  - d. In this regard, effort and resources should be invested in strengthening or developing and publicizing a common terminology in Fiji around democracy, governance, citizenship, rule of law and human rights issues, which would assist in the inclusion of all citizens in debating and discussing the issues of the day.
4. Establish citizens’ forums in rural and urban areas to monitor the accountability of leaders, and to engage citizens in dialogue on important political, social, economic, environmental and moral questions of the day. Citizens’ forums can be used for collecting and discussing information on the performance, financial status, conduct and regulations of state institutions, political parties and societal organisations and their leaders.
5. Strengthen and increase the use of public forums in different centres of the country for discussing what is good for Fiji. Use national events to generate discussion in these forums, such as the national budget. Use public forums as a way to inform and educate communities and people about critical issues, thereby enabling them to discuss decisions which affect them in particular, such as environmental and economic decisions (e.g. establishing industry in their areas).
6. Conduct research into the various systems of representation, including the instructive system. This research should focus in particular on their benefits, and their implications for building trust in the political system, increasing the accountability of political leaders to their constituencies, building better race relations, and enhancing the voice of the people in policy decisions.
7. Develop codes of conduct and ethics for all leadership sectors; in particular, these should cover the government, parliamentarians, civil servants, church leaders, traditional leaders, and politicians etc. Any code(s) of conduct developed for politicians and parliamentarians should be legally enforceable.

8. Consider re-constituting and reforming the Great Council of Chiefs so that it becomes an advisory body to the government, responsible solely for safeguarding *iTaukei* language, customs and culture.
9. Decision-making on economic policies and economic development should serve the common good, be transparent and contribute to social justice. Therefore the government of the day should ensure public debate and discussions on important economic issues such as trade agreements, the exploration of natural and mineral resources, taxation policies, and the privatization of public services. Future policies and legislation dealing with these issues should reflect that public debate; in addition, existing policies and legislation should be examined, and where inconsistent with this debate, should be re-considered and amended.
10. Conduct research into the content of current customary rules applicable in Fiji, as well as the role customary rules play in people's lives. In addition, conduct research into the current state of the relationship between these customary rules and state law, identifying possible problems and conflicts between these two systems. Decide what approach should be taken nationally to the customary rules system; that is, whether customary rules should be integrated into state law, or remain separate. If they are to remain separate, ensure that customary rules and state law are complementary; this should also apply to any procedures and institutions required in both systems in order to recognize and uphold customary rules. This should be done in close collaboration with the *iTaukei*, academics, state institutions, civil society organisations and traditional and religious authorities.
11. Ratify three of the main international human rights conventions in particular: the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Incorporate them into domestic legislation, and bring all current laws into line with these conventions. This should be done in such a way as to tailor them to Fiji's particular circumstances. Finally, establish and resource effective enforcement mechanisms in order to promote and protect these rights.
12. Ensure the independence of the judiciary and the separation of powers in any future constitution; guarantee this through enacting or amending any subordinate laws, regulations, processes and institutions either supporting or regulating the judiciary, as well as the executive and the administrative branches of government.
13. Engage in a national debate about the future role of the military in Fiji, in particular its role in protecting Fiji and the constitution. In this process, consider

the following points made by participants and interviewees: (a) that the military be made subservient to any government elected democratically under a constitution approved by the majority of the Fijian people; (b) that the military continue its role in peace-keeping overseas; (c) that the military play a key role in Fiji's development (e.g. through building infrastructure, disaster response and rehabilitation, and assisting with teaching young men and women a trade); and (d) that the size of the military be progressively reduced so that it is commensurate with the size of the Fijian population.



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***It is in this spirit that we dedicate this report to the people of Fiji.***



**Research Team July 2011**

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Missing: James Bhagwan, Paulo Logaivau.

# GLOSSARY

(All terms listed are in the Fijian language, unless otherwise specified.)

<i>Bose Levu vakaturaga</i>	Great Council of Chiefs
<i>Bose-ni-tikina</i>	District Council meeting
<i>Bose ni yasana</i>	Provincial Council meeting
<i>Bose va koro</i>	Village meeting
<i>ai Bulubulu</i>	Conflict resolution strategy in form of a traditional <i>yaqona</i> ceremony in order to seek forgiveness
<i>Hoaga</i>	Rotuman clan
<i>iTaukei</i>	Indigenous people of Fiji
<i>Kava</i>	The plant <i>piper methysticum</i> , the roots of which are pounded and mixed with water. It is a mildly narcotic drink for social and ceremonial purposes
<i>Lali</i>	Wooden drum; in modern use, a bell
<i>Lotu</i>	Church (Christendom); also church services and prayers
<i>Matanitu</i>	The government
<i>Matanivanua</i>	Spokesperson or herald (the chief's official herald)
<i>Mataqali</i>	A land-owning social unit. This unit usually comprises the lineage of a larger clan
<i>Sautu</i>	Peace and plenty
<i>Sulu</i>	Traditional male attire (a loin cloth)
<i>Talatala</i>	A consecrated church minister
<i>Tokatoka</i>	Sub-clan of an extended family
<i>Turaga-ni-koro</i>	Village headman with administrative responsibility
<i>Turaga-ni-mataqali</i>	Head of the Clan
<i>Turaga-ni-vanua</i>	Chiefs
<i>Turaga-ni-Yavusa</i>	Tribal chief
<i>Vanua</i>	Land
<i>Yaqona</i>	See <i>kava</i> above
<i>Yavusa</i>	Collection of land-owning units; this is the largest kinship and social division in <i>iTaukei</i> society

## ACRONYMS

AG	Attorney-General
CEO	Chief Executive Officer
CSO	Civil Society Organization
ECREA	Ecumenical Centre for Research, Education and Advocacy (a local NGO)
FGD	Focus Group Discussion
FRIEND	Foundation for Rural Integrated Enterprises and Development (a local NGO)
GCC	Great Council of Chiefs
IFF	Indo-Fijian Female
IFM	Indo-Fijian Male
IRSA	Institute for Research and Social Analysis
iTM	<i>iTaukei</i> Male
iTF	<i>iTaukei</i> Female
JSC	Judicial Services Commission
NCBBF	National Council for Building a Better Fiji
NGO	Non-Government Organisation
OECD	Organisation for Economic Co-operation and Development
PCN	People's Community Network (a local NGO)
PER	Public Emergency Regulations
PM	Prime Minister
PTC	Pacific Theological College
SDL	<i>Soqosoqo Duavata ni Lewenivanua</i> (a political party in Fiji)
SEEP	Social Empowerment and Education Programme (a local NGO)
UN	United Nations
WAC	Fijian Women's Action for Change (a local NGO)
WWII	World War II
Y	Youth



# INTRODUCTION

Since gaining its independence in 1970, Fiji has been dealing with the consequences of nearly a century of racially-divisive British colonial rule. It has experienced four coups in the last twenty-five years, the first two of which occurred after the election of Fiji's first multi-ethnic government in 1987. The coup leader - a senior military officer - claimed to be acting to save the *iTaukei* from subjugation to other ethnic groups. Five years of military rule ensued, during which the country was expelled from the Commonwealth, became a republic and adopted a new constitution which was heavily weighted in favour of the *iTaukei* (the 1990 Constitution). By the mid-1990s, moderate politics returned to prominence, and a more balanced constitution was passed into law (the 1997 Constitution). Fiji's third coup, in 2000, followed the first general election under the 1997 Constitution, which produced another multi-ethnic government and the country's first Indo-Fijian Prime Minister. Fiji's fourth coup took place in December 2006; the reasons given for carrying out this coup were the need to establish universal suffrage for all Fijian citizens; to ensure that electoral reforms enabled that universal suffrage; to rid the country of corruption; and to establish a truly multi-ethnic society in which racial issues would no longer be the determining factors in policy formulation, nor the basis for, nor the driving force in, politics (NCBBF 2008).

The coups and the ensuing political turmoil have seriously undermined Fiji's economy and people's sense of security. Poverty is on the increase, with over 37% of the population living below the basic needs poverty line. Since 1987, the emigration rate has averaged approximately 5,000 people per year. Most emigrants are skilled workers and their families whose services Fiji can least afford to lose. Seven out of every eight emigrants are Indo-Fijians. From being ranked 46<sup>th</sup> in the UN Development Programme's Human Development Index for 1997, Fiji slipped to 100<sup>th</sup> place in 2011. Racism and coups in Fiji have been fuelled by a combination of factors, including inter-ethnic competition over resources, low levels of education, an *iTaukei*-dominated military, and traditional institutions of governance that are challenged by the systems of democracy and human rights. With respect to ethnic relationships, Fiji has an estimated population of 846,000 people, 55% of whom are *iTaukei*, and 37% Indo-Fijians; the remaining 8% are made up of Rotumans, people of mixed heritage, Chinese, Europeans and other Pacific Islanders. Therefore, it is reasonable to assume that if the basis of its governing system is not revisited, and the factors noted above are not addressed, Fiji may go through further civil and political upheavals in the future.

While the causes of each coup were claimed to differ, public discourse has increasingly raised questions about the most appropriate governance system for

Fiji. There have been competing claims that, on the one hand, democracy is a 'foreign flower' which does not work well with traditional systems of governance, and, on the other hand, that democracy is the only viable political governance system. Moreover, public discussions about both Fiji's present and future are marked by discontent and divisions along ideological, religious and ethnic lines, and economic interests. What has not been sufficiently articulated is the option of developing a form of democratic governance that is most suited to a context laced with a multiplicity of cultures and religious traditions, as well as philosophical thought. It is for these reasons that it was felt that an extensive and impartial inquiry that includes the views of all sections of society was needed in order to formulate feasible and durable solutions to Fiji's deep-seated governance problems. This, and the desire to assist Fiji in its search for a more appropriate and suitable form of governance, are the motivations for this study, and subsequently, this report.

But this study is not isolated from what is happening around the world, not only in newly independent states, but even in well-established liberal democracies such as the United States and Britain. There is plenty of evidence to suggest that democracy in its various forms is far from the cure it has been touted as being for governance ills around the world, especially after the collapse of the former Soviet Union and the fall of the Berlin Wall. Nevertheless, the 20<sup>th</sup> century was marked by the worldwide spread of democracy.

In recent years, considerable efforts have been made to measure and classify democracy by institutions such as Freedom House, based in the United States, and the International Institute for Democracy and Electoral Assistance (International IDEA), which is based in Sweden, and has 24 states as members. In addition, the Intelligence Unit of a leading conservative international financial magazine - *The Economist* - publishes a detailed report annually; this is known as *The Democracy Index*, which attempts to measure democracy, and to classify and rank the nations of the world accordingly. The *Index* is based on the ratings of 60 indicators, which are grouped into five categories, namely (1) electoral processes and pluralism, (2) civil liberties, (3) the functioning of government, (4) political participation, and (5) political culture (Democracy Index 2011: 12). Each country is rated on a scale of zero to ten in each category, with their overall democracy index indicated by averaging out these five scores. These index values are then used to categorise countries as one of four types of regimes:



Table 1: Democracy Index 2011

	No. of countries	% of countries	% of world population
Full democracies	25	15.0	11.3
Flawed democracies	53	31.7	37.1
Hybrid regimes	37	22.2	14.0
Authoritarian regimes	52	31.1	37.6
	167	100	100

**Note:** 'World' population refers to the total population of the 167 countries included in the Index. Because this Table only excludes micro-States, this constitutes nearly the entire world population. (Source: Democracy Index 2011: 2.)

In the 2011 report, Fiji appears in the 'authoritarian regimes' category, ranked 123<sup>rd</sup> out of 167 countries, with a score of 3.67. Fiji is grouped together with countries such as Haiti, Russia, Egypt and China. The only other Pacific Island nation included in the Index is Papua New Guinea, which is listed as a 'flawed democracy', and ranks 67<sup>th</sup> with a score of 6.32 (Democracy Index 2011: 12). Five years ago, in the Index of 2007, Fiji was classified as a 'hybrid regime', and ranked 91<sup>st</sup> with an overall score of 5.66 (Democracy Index 2007: 4). The top-ranked country in the Democracy Index is Norway, with an overall score of 9.80 (Democracy Index 2011: 11). In view of measurements such as these, there has been great interest in building democratic institutions worldwide, especially in the post-colonial societies of the Global South.<sup>1</sup> This has become of major concern to both political scientists and political practitioners from OECD donor countries. Building democratic state institutions is presented as the way forward for providing a solid and sustainable framework for development, security and peace.<sup>2</sup> This approach is informed by the discourse on so-called 'fragile states', which has become fashionable in mainstream Western political thought.<sup>3</sup> Because fragility of statehood is perceived as a threat to security and development, building stable states is seen as a political necessity of primary importance.

At the same time, democracy, as promoted by Western governments' aid agencies and international NGOs, not only focuses on state-building, but also on building democratic states using the Western (or Euro-American) model employed by

<sup>1</sup> The term 'Global South' refers to those post-colonial countries that are either still developing or remain under-developed, and are marked by conflict, high levels of poverty and inequality. The other term often used by developed states, especially OECD states, to describe such countries is the 'Third World'.

<sup>2</sup> For this line of thought in the donor community, see e.g. AusAID 2006; OECD-DAC 2007, 2008, 2010, 2011; UK DFID 2005; and USAID 2004 and 2005. For full references, see the end of this chapter.

<sup>3</sup> Overviews of the fragile states discourse are provided by the edited volumes by Debiel and Klein 2002; Milliken 2003; Rotberg 2004; Schlichte 2005; Jones et al. 2007; Debiel, Lambach and Reinhardt 2007; and John 2008. For full references, see the end of this chapter.

developed OECD countries. These countries are presented as being the most advanced democracies, and against this backdrop, post-colonial countries in the Global South, such as Fiji, are seen as more or less deficient democracies. As noted above, conventional indices are used to measure the stability of states and/or their level of democracy, and to rank states accordingly.<sup>4</sup> These rankings are presented by their proponents as culturally and politically neutral; however, in doing so, they neglect the epistemological and political bias of the ranking system, and overlook the political-ideological climate in which they were conceived.<sup>5</sup> At the same time, they serve obvious political purposes. For example, rankings, such as those of Freedom House, generate ‘a profound impact on international relations, humanitarian policies, development aid, and foreign policy of governments’ (Giannone 2010: 91). On the other hand, to ‘establish democracy rankings based entirely on Euro American understandings of what democracy should be is to rule out the possibility and necessity of generating inflicted forms of democratic governance consistent with different circumstances’ (Koelble and Lipuma 2008: 7).

Furthermore, the mainstream approach utilised by the Western model of democratization legitimizes and propagates the (neo-) liberal democratic model in a pseudo-neutral ‘scientific’ manner; it lacks a self-reflexive questioning of one’s own judgements about governance and democracy. Critics argue that the underlying assumptions are highly a-historical and a-cultural, that promoters of state-building along Western lines ignore context and culture, promote a narrow understanding of democracy, and present a highly idealised picture of Western liberal democracies (see Koelble and Lipuma 2008). At the same time, they expose a limited understanding of the actual structures and processes of governance in countries that are labelled fragile states and/or deficient democracies.

In fact, the current Western mainstream discourse on so-called fragile states and deficient democracies, as well as its corollary (the promotion of conventional democratic state-building along the lines of the Western OECD model state), is of little use in understanding the realities of governance in post-colonial states in the Global South, and for supporting home-grown democratic development. In these post-colonial states, including Pacific Island countries, state institutions are not the only institutions which fulfil functions that, in the model Western state, are clearly state obligations. Locally-rooted social entities (e.g. extended families, clans, tribes and village communities) and traditional authorities (e.g. village elders, chiefs,

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<sup>4</sup> Apart from their political-ideological bias, the indices also have their methodological weaknesses; see e.g. the critique of the Freedom House Index by Giannone (2010). A more contextually sensitive approach is pursued by International IDEA, which seeks to avoid bias against non-Western forms of governance, and views democracy as being a permanent work in progress (International IDEA 2001 and 2008; for full references, see the end of this chapter).

<sup>5</sup> For a critique of the political-ideological (neo-liberal and neo-conservative) partiality of the Freedom House Index, see Giannone 2010.

healers, 'big men' and religious leaders), determine the everyday social reality of large parts of the population.

Moreover, as seen in Fiji and the Pacific, 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 within state structures. This leads to the departure of state institutions from the Western ideal in post-colonial societies. On the other hand, the intrusion of state agencies impacts on non-state local orders as well. Local customary institutions, as well as modern non-state institutions (for example churches and trades unions), are subject to deconstruction and re-formation as they engage with, and are incorporated into, state structures and processes. They do not remain unchanged; rather, they respond to and are influenced by the institutions of the state apparatus. They adopt an ambiguous position in relation to the state, appropriating state functions and 'state talk', whilst simultaneously continuing to pursue their own agenda.

In the course of these interactions, governance is hybridized; that is, the interface of introduced (liberal democratic) state institutions and local customary non-state institutions constitutes what can be called a 'hybrid political order'.<sup>6</sup> In hybrid political orders, diverse and competing authority structures, sets of rules, logics of order, and claims to power co-exist, overlap, interact and intertwine, combining elements both from introduced Western models of governance, as well as those stemming from local indigenous traditions of governance and politics, with further influences exerted by the forces of globalization and associated societal fragmentation. The terms 'hybrid' and 'hybridization' are used to characterise these processes and political orders, because they focus on a combination of elements that stem from genuinely different societal spheres which follow different logics, and because they affirm that these spheres do not exist in isolation from each other, but permeate each other, and, consequently, give rise to specific political orders that are characterized by the closely interwoven texture of their separate sources of origin.

In hybrid political orders, different types of legitimate authority - beyond the rational-legal authority legitimized by liberal democratic procedures - can be found; traditional and charismatic types of legitimacy co-exist, compete and interact with rational-legal legitimacy, leading to the hybridization of legitimate authority.<sup>7</sup> There

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<sup>6</sup> On the concept of hybrid political orders, see Boege 2008; Boege 2009; and Boege, Brown and Clements 2009.

<sup>7</sup> Max Weber distinguishes three ideal types of legitimate authority, namely legitimacy based on (1) Rational grounds - 'resting on a belief in the "legality" of patterns of normative rules and the right of those elevated to authority under such rules to issue commands (legal authority); (2) Traditional grounds - resting on an established belief in the sanctity of immemorial traditions and the legitimacy of the status of those exercising authority under them (traditional authority); or finally (3) Charismatic grounds - resting on devotion to the specific and exceptional sanctity, heroism or exemplary character of an individual person, and of the normative patterns or order revealed or ordained by

continues to be a limited understanding of this diversity of co-existing and interacting types of legitimacy in mainstream Western political and academic discourse. Local understandings of legitimate authority stemming from indigenous customs and cultures may clash with liberal Western understandings of legitimate democratic governance (Lattas and Rio 2011: 17).

The liberal democratic model focuses very much on the institutions and procedures of democracy, and, in particular, competitive (multi-party) electoral processes. It is conventional wisdom in Western political thought that elections are central to establishing legitimate democratic governance; however, this is not necessarily true in non-Western societal-cultural contexts such as the Pacific Islands. Rather, the competitive dimension of liberal democratic elections, as well as the notion of a formal political opposition, is alien to customary practices in Pacific communities, and those assuming positions of power on the basis of such competitions are not necessarily seen as legitimate authorities.

In hybrid political orders, government and administrative office bearers do not enjoy authority primarily by virtue of being democratically elected representatives, nor as appointed servants of the citizenry. Rather, their legitimacy stems from sources beyond the rational-legal realm of the state and its procedures. For example, these leaders obtain their positions of power through being selected to stand for elections in the formal liberal democratic process due to their status in kin groups, such as their extended families, clans or tribes. Accordingly, their points of reference are not 'citizen voters in constituencies', but members of their kin groups. They enjoy legitimacy not because of the belief of citizens in the democratic process as a means to endow authority, but because of the belief of members of communities in their customary right to lead; they are not legitimate authorities as a result of being elected according to liberal democratic procedures, but rather because they can refer to other sources of legitimacy, usually rooted in custom and culture. Moreover, elected leaders themselves 'do not necessarily understand, follow, adopt or even necessarily believe in the legitimacy of the formal institutions associated with the so-called OECD institutions which are being advocated and pursued by the international community' (Hogg and Leftwich 2008: 1).

It is in light of Fiji's emergence from colonial rule, its political turmoil brought about by coups, and its unique mix of culture, religion and ethnicity, that research into the 'perspectives and preconditions for democratic development in Fiji' was planned and conducted, resulting in this report. Planning began in 2007, with discussions

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him (charismatic authority)' (Weber 1968: 46; see also Weber 1978: 215). In the formally democratic states of the Pacific, hybridized forms of legitimacy prevail today, combining rational-legal, traditional and/or charismatic sources, see e.g. Boege 2009.

eventually resulting in a proposal that was sent out to funders in 2009.<sup>8</sup> In 2010, this proposal was accepted by our funding partners: the Church Development Service (EED), the Association of Christian Churches and Missions in Germany (EMW), and the Methodist Church in Britain. A crucial part of this study included engaging several NGOs as partners: four NGOs were identified, and contracted to work alongside the authors to conduct the focus group discussions, and to be involved in disseminating this report. These NGOs are: the Ecumenical Centre for Research, Education and Advocacy (ECCREA), the Foundation for Rural Integrated Enterprises and Development (FRIEND), the People's Community Network (PCN), and the Social Empowerment and Education Programme (SEEP). Subsequently, a series of planning meetings was held under IRSA's auspices, culminating in a workshop, held in July 2011, which looked at the research methodology to be utilized in this study; this workshop was attended by representatives of the four NGOs and the authors of this report. Amongst other things, the workshop provided training in the necessary research methods, identified key aspects of the research foci, and identified the research sample, as well as developing the guiding questions for the focus group discussions and interviews.

During the workshop, it was decided that because Fiji was still governed by the Public Emergency Regulations (PER), the acknowledgement of the current government of this study was needed for two reasons: (a) to ensure that the focus group participants and interviewees would have the freedom to respond to the questions without fear of being in breach of the PER; and (b) to gain an assurance that the conduct of the study would not be interfered with. A letter of acknowledgement was subsequently received from the Prime Minister's office, and the field work began in September 2011. Many focus group participants and interviewees, as well as authorities such as the police, asked to see this letter during the fieldwork period, all of whom wanted re-assurance regarding the status of the study in the eyes of the current government.

At the outset, it is important to note that, for the purposes of this report, the authors decided to use the term 'the current government' to refer to the *de facto* government of Fiji, as headed by Commodore Frank Bainimarama. This term is deliberately intended to be neutral, and should not be considered as denoting either acceptance or rejection of Bainimarama's government on the part of the authors. This is because the authors' opinions should not form the focus of this project; rather, it is the voices of the people of Fiji which should take precedence. The focus group participants and the interviewees themselves used various terms to describe the current government, such as 'the military', 'the military government', 'government', 'regime', and 'dictatorship' (to name but a few); this reflects their perceptions of the

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<sup>8</sup> See also the Acknowledgements section of this report in respect of the funders who financially supported this study.

current government at the time the focus group discussions and interviews took place.

It is in this context that this study seeks to address some of the pertinent issues that have plagued Fiji's political governance since its independence. It aimed at identifying:

- ⇒ the weaknesses experienced in relation to the tensions between traditional forms of governance and the liberal democratic model, and the need to assess and produce recommendations for the consideration of the people of Fiji with regard to their political governance;
- ⇒ the flaws in Fiji's adopted form of democratic governance, and the reforms required to ensure and strengthen equal citizenship, as well as respect for and the protection of fundamental freedoms, the rule of law, and the role of civil society.

This study sought to identify and propose recommendations to address these issues and needs. However, these recommendations are not intended to validate any rationale for any form of democracy over and above traditional forms of governance. This study simply attempted to assess Fijians' experiences and perceptions of democracy in general, and the state's key institutions in relation to their functions. It is important to recognise that where proposals for democratic reforms are made in this report, these need to be seen as urging the powers that be to provide opportunities for the people of Fiji to articulate and develop a form of democratic governance that is appropriate and suited to Fiji's cultural, religious and political conditions, while being mindful of the fundamental ideals and values of democracy.<sup>9</sup>

The aim of this study was to establish what the public - beyond the offices of power - thinks about democratic development, as well as their opinions as to the preconditions required for this development. This study specifically assessed the following areas: (a) democracy; (b) rule of law (including human rights); (c) leadership; (d) decision-making; and (e) citizenship. After explaining the research methodology utilised in this study in the chapter following this Introduction, this report presents our findings in respect of these five components.

The first of these components, the chapter on **Democracy**, begins with a brief historical overview that shows how democracy developed in Europe and the British settler colonies, namely the United States, Canada, Australia and New Zealand, in specific historic, cultural, social and political contexts. It shows how the development and spread of democracy is inherently interwoven with the

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<sup>9</sup> For an elaboration of these ideals and values, see page 25 to 26.

development of capitalism in the economic sphere, with ‘liberalism’ as the overarching political ideology. Subsequent to that, the development of democracy in the West (especially since the end of WWII) is contrasted with the development of democracy in the Global South, which took place under very different conditions. The view that new democratic states everywhere must imitate the Euro-American model is questioned through recommending a re-conceptualisation of views along the lines of *hybrid political orders* or *hybridity of governance*, which provides a more useful theoretical and practical approach, and a better understanding of context. This general introduction is followed by a summary of the views of a representative sample of people concerning their perspectives for democratic development in Fiji.<sup>10</sup> The chapter concludes with recommendations for the development of a framework for ‘deepening democracy’.

The **Rule of Law** chapter starts with a theoretical section, looking at the development of the concept of the rule of law, as opposed to rule of man, or rule by law. It then examines the current understanding of the concept of the rule of law, including the key component of the protection and promotion of human rights. Implementing this concept in Fiji gives rise to particular concerns, given the country’s social, cultural and historical context; these include concerns about how to balance group and individual rights, as well as balancing rights and obligations/duties. Finally, the theoretical section briefly highlights issues around relationships between customary rules and state laws in general. Next, the chapter presents the opinions of both focus group participants and interviewees in relation to the issues set out in the theory section; it further notes the dearth of knowledge of the law in Fiji and the need for more education in this regard; the problems experienced in relation to the enforcement of laws by the police and the courts; issues surrounding settling on a constitution for Fiji; and finally, defining a future role for the military. This is followed by a concluding section, which begins to outline some recommendations for the way forward for Fiji in relation to the rule of law.

In the chapter on **Leadership**, key perceptions and issues of leadership insofar as Fiji is concerned are presented. A political understanding of leadership is followed, which conceptualizes leadership as a social relationship and a political process that is both socially and culturally embedded. Applying the concept of hybridity, we describe and analyze different types of leadership, and the on-going hybridization of these leadership types in Fijian society today. Using the information gathered in focus group discussions and interviews, we explore the current state of leadership at different levels and in different spheres of society, from the family and the village to the national level, in churches, politics, business, and civil society etc. Our findings clearly suggest that Fijian society and politics today are characterized by the co-existence and interaction of different types of leadership, in particular, traditional

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<sup>10</sup> See the Research Methodology chapter for further details.

leadership in the form of the *iTaukei* chiefly system, and modern leadership in the spheres of state and civil society. This has led to some confusion and inconsistencies in leadership, to such an extent that it is possible to speak of a leadership crisis in Fiji today; on the other hand, however, people are actively addressing the challenges posed by this leadership crisis in their everyday lives, and are engaging in processes of change. Very few people are totally opposed to changes in leadership structures and styles; most people are in agreement on the need for change, and some have started to engage in leadership reform of their own accord. Women and youth in particular question hierarchical and patriarchal leadership styles. Based on our findings, there are options for comprehensive public debates about leadership that have the potential to overcome the current leadership crisis and to contribute to future democratic development in Fiji.

Our findings in the following chapter on **Decision-Making** strengthen this (moderately) positive outlook. In this chapter, a similar approach is pursued to that in the Leadership chapter, namely understanding decision-making as culturally embedded and dependent on context. Given that democratic decision-making is a core element of democracy, we explore prospects for democratic decision-making in Fiji today and in the future. This exploration is based on the description and analysis of actual decision-making processes as described to us in focus group discussions and interviews. Again, as with the issue of leadership, we looked at decision-making at all stages of governance processes, at various societal levels and spheres, and as conducted by a wide range of actors. Unsurprisingly, we found that decision-making in Fiji today is to a large extent male-dominated and hierarchical, marginalizing women and youth; however, we also found on-going processes of incremental and gradual change in decision-making patterns, and on-going hybridization of decision-making. It is posited that, starting from the acknowledgement of the hybridity of current decision-making, ways must be found to reconcile the different systems of decision-making instead of trying to abolish one system and enforce another. This should gradually lead to (more) democratic forms of decision-making, all the more so as outright rejection of democratic decision-making is clearly a minority position in Fiji today. The concept of democratic decision-making has become hegemonic in the current discourse. The debate is not about the 'if' of democratic decision-making, but about the 'how'. This augurs well for prospects for democratic development in Fiji.

The chapter on **Citizenship** presents our findings on five key citizenship issues: national identity and race relations; freedom and obligations; perceptions of the rule of law; political participation by citizens; citizens' responsibilities beyond elections; and concludes with visions and prospects for the future. The collective findings from both the focus group discussions and the interviews require serious consideration of current assumptions regarding citizenship. It is clear that the majority of Fijians understand being a citizen not as being an individual entity with an autonomous will,



but rather as being a member of an assortment of groups often related through their religious and cultural traditions, ethnic identities, and/or economic interests. It is also clear that while the issue of a national identity remains contentious, there is much hope that through public awareness, education and intentional conversations, consensus can be reached as to what this should entail. Findings indicate that with regard to the rule of law, most people in Fiji see their religion, culture and traditions as the sources of their values and principles, with families, villages and communities being the sites of these sources. But perhaps the clearest finding is the desire for 'deep democracy' in Fiji, meaning that citizenship is about strengthening civic institutions, be they families, villages, communities or towns, with citizens' forums providing ways for citizens to engage with issues surrounding welfare, moral, political and economic issues. To some extent, efforts have already been made in this direction by civil society organisations, through activities surrounding the national budget, and community education on democracy, human rights and citizenship. The prospects for the future with regards to democratic development and citizenship look bright, but will hinge on whatever process is embarked upon to define the content of a national vision for the common good.

In our **Concluding Chapter**, we suggest an approach for organizing politics in Fiji in light of the contentious issues identified in the previous chapters. In the 20<sup>th</sup> century, most newly independent states adopted either the utility model of politics (where welfare is maximised), or the moral relativism model (where freedom of choice is the focus of politics). We argue that Fiji needs a new approach to its politics for two reasons: firstly, neither the utility nor the moral relativism models of politics is likely to work in the long term, because neither acknowledges the moral weight of the community, which situates people with a sense of belonging and acceptance. Secondly, neither model acknowledges the multiplicities of cultural and religious traditions and philosophical thought, but rather levels all goods. To remedy this situation, we offer the narrative approach: basically, this approach invites cultural, religious and political traditions to embark on a process of moral engagement with some of the most difficult questions facing Fiji today. It proposes a politics of engagement not only at the state level, but also - and more importantly - at village, community, town and city levels.

The final chapter lists our **Key Recommendations** for working towards a form of democracy that is appropriate for Fiji. These are the authors' personal recommendations which are, nevertheless, firmly based on, or drawn from, the opinions, views and suggestions offered by the focus group participants and the interviewees.

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# CHAPTER ONE: RESEARCH METHODOLOGY

Our choice of research method was determined by our research interest, which was to collect and analyze the experiences of Fijian citizens of ‘democracy’ and different models of governance. These experiences are marked by discontent, and divisions along ethnic lines and economic interests. While there is a considerable body of literature, publications are mainly based on an analysis of primary and secondary sources dealing with the four coups carried out since 1987.<sup>11</sup> What is missing from the literature is a systematic documentation of the views of Fijians from all sectors of society, in order to contribute to a better understanding of the numerous deep-seated problems the country has been facing since independence in 1970. Therefore, this report attempts to fill this gap through presenting an analysis of the views and experiences people shared with us regarding democracy, the rule of law, decision-making, leadership, and citizenship. We think it is important to recognize the views and wisdom of the people of Fiji, in order to develop a form of governance that is appropriate and suited to the historical-cultural context, the specific local political conditions, and the aspirations of the people.

Given this background, it was decided to follow a two-fold qualitative approach to data collection by means of:

- A. the conduct of focus group discussions with participants who represent the majority of the people of Fiji, who live and work in villages, semi-urban and urban areas; and,
- B. the conduct of in-depth interviews with people from different professions and backgrounds who have a major influence on decision-making, such as traditional leaders, politicians, civil servants, business people, religious leaders, academics, trades union leaders, and representatives of civil society and non-governmental organizations.

## ***A. Focus Groups***

The research practice of working with focus groups has mainly been used over the past 60 years, and has increased in popularity since the 1980s (Kamberelis and Dimitriadis 2005: 898-899). Focus groups are similar to group or individual interviews, but the defining feature is the interaction within the group, in order to produce data and insights that would be less accessible without this interaction

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<sup>11</sup> For example: Robertson and Tamanisau 1988, Lal 1990, Robertson and Sutherland 2001, Lal and Pretes 2001, Fraenkel and Firth 2007, and Fraenkel, Firth and Lal 2009.

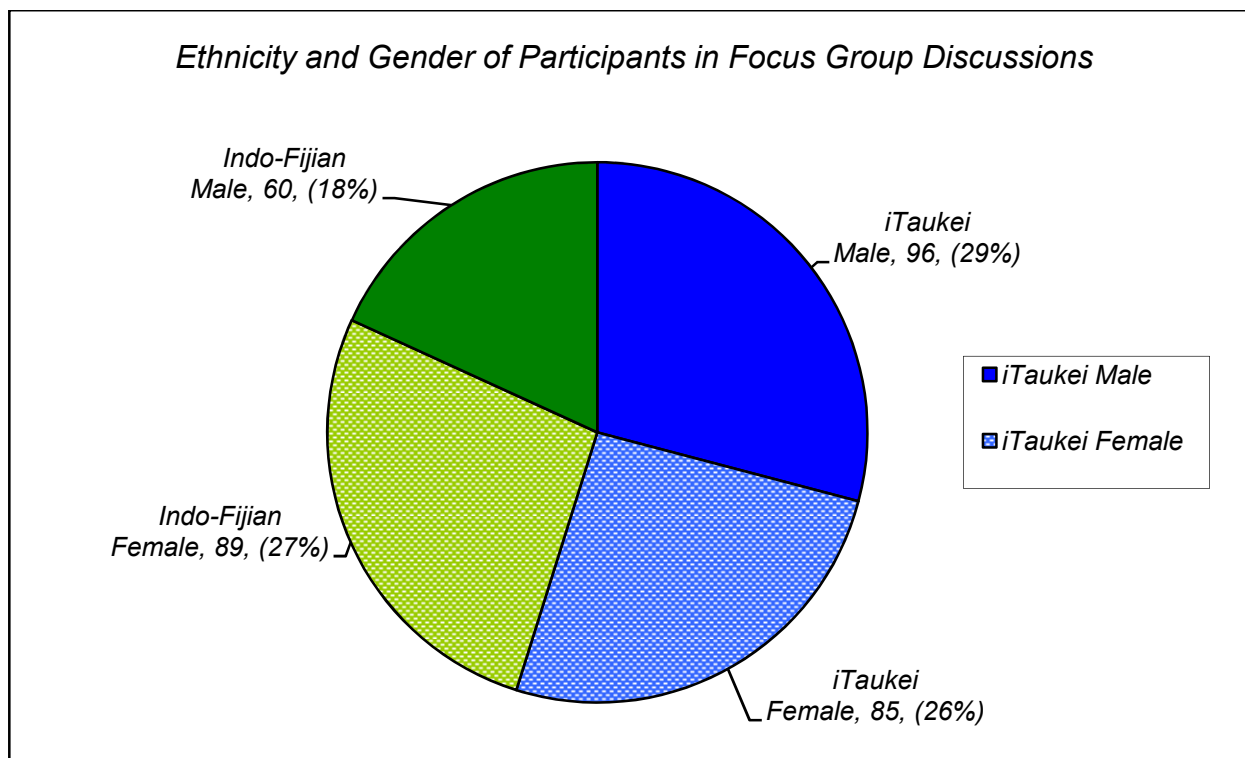
(Morgan 1997). Focus groups are basically group interviews dealing with a particular topic, with a limited number of participants, who are selected according to specific criteria, for example: age, gender, ethnicity and geographical distribution. Interviewing people in groups is essentially a qualitative data-gathering technique 'that relies on the systematic questioning of several individuals simultaneously in a formal or informal setting' (Fontana and Frey 2005: 703). This approach was chosen in view of our research objectives, as focus groups provide the most effective vehicle for gathering and exploring the opinions and perceptions of the participants in a discussion; the underlying principle means that we work with people, and not on them.

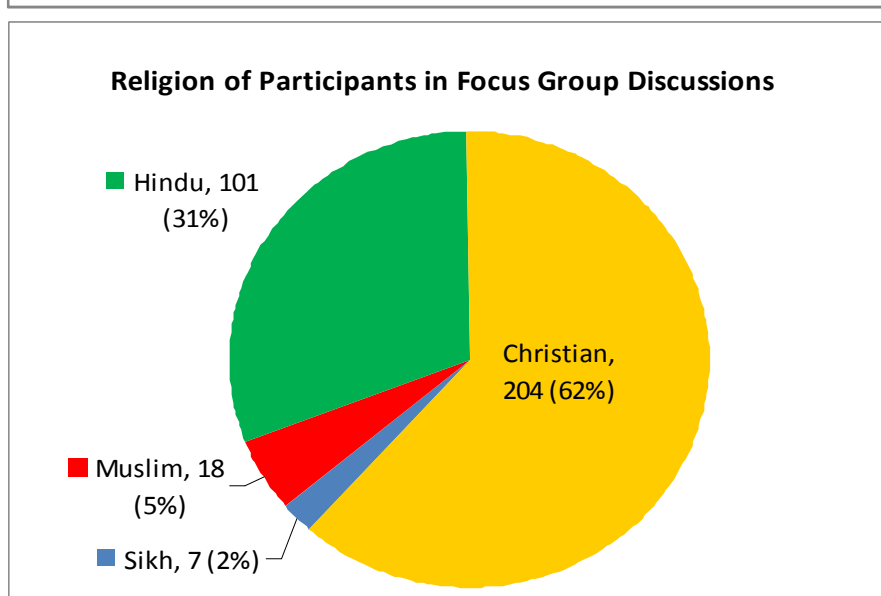
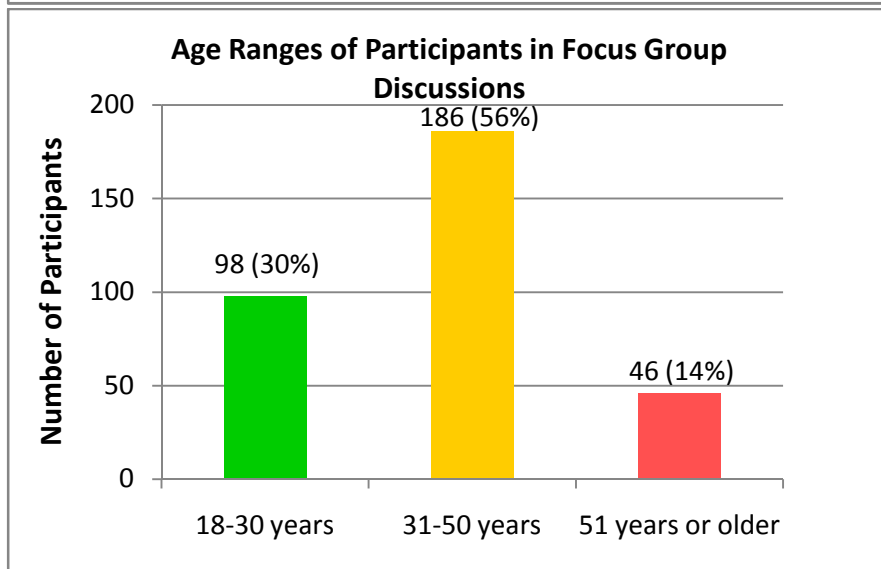
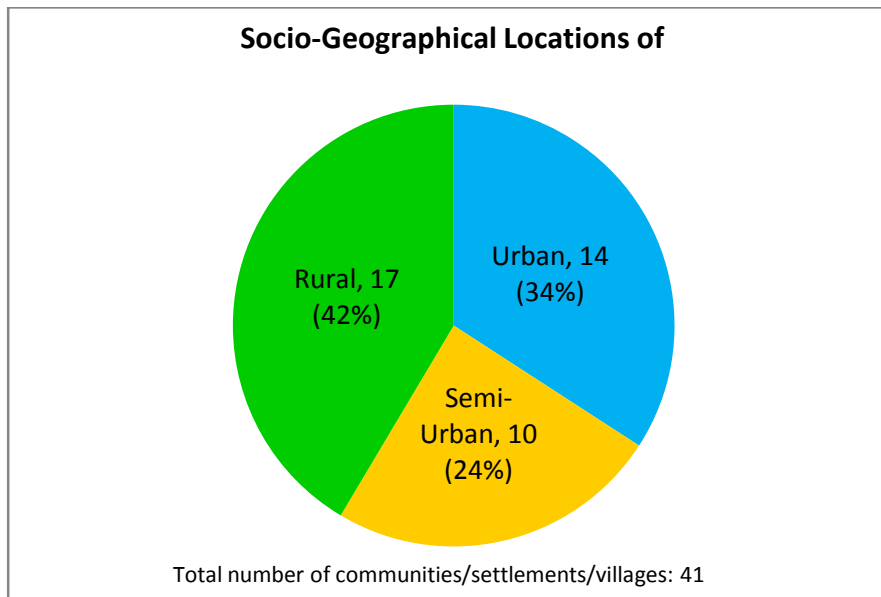
The Institute for Research and Social Analysis (IRSA) co-operated with four local NGOs (ECREA, FRIEND, PCN and SEEP), in order to organize and conduct the focus groups. These NGOs have experience in working with communities in both rural and urban areas, and to some extent, conducting focus group discussions. The discussions were conducted by teams of three research assistants. The criteria for the selection of research assistants were: some experience with qualitative research and community work, fluency in English and one of the official languages widely spoken in Fiji, and the successful completion of a one-week intensive training workshop, which was conducted by the team of five principal researchers.

Before each focus group discussion took place, the intended participants in each of the 41 groups were informed verbally and in writing (through an information sheet in English, Fijian and Hindi) about the aims of the discussion, and how it would be conducted. The majority of participants primarily chose to speak English, with the understanding that they could switch back and forth between English and their mother-tongues (Fijian or Hindi) if they wanted or needed to. The sessions were conducted in a formal environment, following cultural practices. As already mentioned, five thematic areas were covered in each focus group session, namely (1) democracy, (2) rule of law, (3) leadership, (4) decision-making, and (5) citizenship. Discussion of each thematic area was opened by posing one main question, after which several suggested follow-up questions could be used to stimulate further discussion if necessary; all questions used were open questions (see Annex 2 to this report for details). Each session took between one and a half to two hours to complete. During each discussion, the three research assistants shared responsibility for facilitation, recording and note-taking. On the basis of the recorded sessions and notes, each team produced a five to ten page summary report. They were also required to provide baseline data with regard to the focus group's location, its socio-economic conditions, ethnicity, religion, age and gender. All 41 reports were processed and analyzed by the authors of this report. In analyzing the data, a comparative content analysis was carried out by identifying patterns and common themes, and by looking at the commonalities and differences between responses with regard to each group's baseline data.

Our research teams were made aware of the danger of presenting or imposing their own views (or prejudices) during the discussions. This was a difficult task, in particular because it was sometimes necessary for them to translate and explain terms such as democracy, the rule of law, and citizenship etc. Our research teams were advised to reflect on this problem, bearing in mind that such discussions and interviews are interactive processes, in which data and meanings are created in the course of the interplay between all participants. Given the subjective, interactive nature of this process, it cannot generate purely 'objective' or 'neutral' information. By reflecting on these constraints, however, it becomes possible to arrive at an accurate understanding of what people think and know (as well as what they do not know). Given that this project did not aim to gather 'hard data' about 'facts', but rather attempted to explore people's perceptions, this approach seemed justified.

As the following graphics reveal, the 41 focus group discussions involved 330 participants from different geographical locations on both Viti Levu and Vanua Levu. Each focus group consisted of six to ten participants; out of the 330 people involved, 156 were male and 174 female.

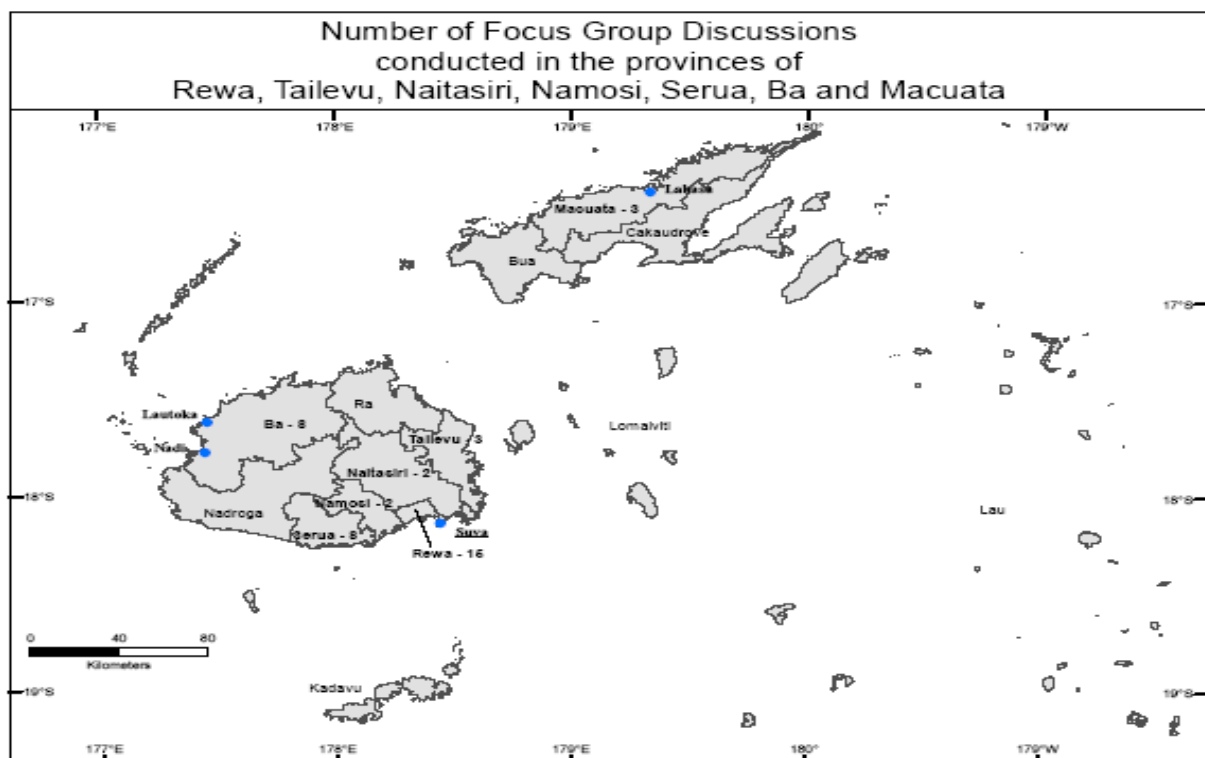






The sampling took into account the following considerations:

1. We required the sample to reflect as closely as possible the ethnic composition of the general population of Fiji, as well as their geographical locations and concentrations. Therefore, 17 focus group discussions were conducted in rural areas, 10 in semi-urban areas, and 14 in urban areas;
2. Based on observation and experience, women and youth do not speak much in meetings if men are present. Therefore, focus group discussions were arranged in such a way as to allow participants to feel as free as possible to express their views, through the use of close peer groups with participants of the same gender and ethnicity;<sup>12</sup> and,
3. The participants represented a broad range of people from seven of the 14 provinces (namely, Rewa, Tailevu, Naitasiri, Namosi, Serua, Ba and Macuata), where the bulk - about three-quarters (77.4%) - of Fijians live.<sup>13</sup> Participants included farmers, casual workers, housewives, self-employed people, retired school teachers, office workers, NGO workers, carpenters, small shop owners, and students from villages, settlements, towns and cities. The youngest participants were 18 years of age, and the oldest 70 years of age.



<sup>12</sup> There were two exceptions: one focus group consisted of both male and female *iTaukei* youth (the reference used for this focus group in this report is 'ITMY rural 14.11.11'); the second group consisted of both Indo-Fijian female youth and young women of Chinese descent (the reference for this group is 'IFY urban 07.11.11').

<sup>13</sup> Source: Fiji Islands Bureau of Statistics, Population Census 2007.

In order to ensure that focus group participants felt free to express their frank opinions, they were asked whether they wanted their responses to remain anonymous, or whether they wished to waive confidentiality. Almost a quarter of participants wanted to retain their anonymity, so it was decided to use a system of references which respect that confidentiality. Therefore, we used 'iT' for *iTaukei* and 'IF' for Indo-Fijian; 'M' for male, 'F' for female, and 'Y' for youth. With regard to the location of discussion groups, the terms 'urban', 'semi-urban' and 'rural' are used. For example, the reference for a meeting of *iTaukei* men from a rural setting on 14 December 2011 reads: '(iT M rural 14.12.11)'.

In summary, it can be said that the concept of conducting focus group discussions was appropriate for our study. To some extent it was also empowering for the participants, as the following quotes from the research teams demonstrate: "The level of trust was amazing. The openness with which the group shared their personal stories was heart-warming" (IFM semi-urban 12.10.11); "[We] learnt so much listening to the others", and "I am feeling empowered just being part of this" (iT F rural 21.09.11).

### ***B. In-Depth Interviews***

Based on the theoretical underpinnings and practical aspects of Kvale's *InterViews* (1994), in-depth interviews were approached as professional conversations with representatives from different sections of the well-educated 'elite' minority of Fijian society. The term 'elite' is sometimes used in this report as it acknowledges the reality of life in Fiji: the elite have been, and, in many cases remain, instrumental in influencing and shaping the current social, economic and political order that has developed since Fiji became independent in 1970. The advantages of interviews are well-summarized in the following quote:

One of the advantages of the in-depth interview over the mass survey is that it records more fully how subjects arrive at their opinions. While we cannot observe the underlying mental process that gives rise to their responses, we can witness many of its outward manifestations. The way subjects ramble, hesitate, stumble and meander as they formulate their answers, tips us off to how they are thinking and reasoning through political issues (Chong 1993: 868).

As mentioned above, the interview target group consisted of individuals from different professions and backgrounds, who are influential in Fiji due to their position, status and education. To varying degrees, they also held (or hold) opinions which are in the public domain, or are involved in the public discourse about issues which are of interest to this study. The selection of interviewees took place firstly on

the basis of their public status and prominence, and secondly, their accessibility.<sup>14</sup> After approaching about 130 potential candidates, we conducted a total of 83 interviews with people who represent government, civil service, traditional leadership, academia, the legal profession, politicians, religious leadership, civil society and non-government organisations, and others.

Ethical considerations required us to obtain the informed consent of the interviewees before conducting the interviews. Interviewees were informed about our overall research purpose and its design, using an information sheet similar to those provided to focus group participants. Each interviewee's voluntary participation was verbally confirmed. In addition, they were offered anonymity in respect of their responses; those who chose to waive anonymity did so by signing a form to that effect. Although the majority of the interviewees waived their right to confidentiality, it was decided to not to use their names when quoting them, and to avoid reporting any identifying features, other than their professions, to protect the privacy of all subjects. Interviewees are therefore referred to in this fashion: '(Civil Servant 12.01.12)'. A list of interviewees who waived their right to confidentiality is annexed to this report;<sup>15</sup> this enables a level of transparency, whilst protecting those who wish to remain anonymous.

*Table 2: Summary of In-Depth Interviews<sup>16</sup>*

<b>Category</b>	<b>Total</b>
Government	3
Civil Servants	6
Business	7
Legal Professionals	9
Politicians	6
Academics	10
Religious Leaders	10
Traditional Leaders	8
NGO Leaders <sup>17</sup>	17
Other <sup>18</sup>	7
<b>TOTAL</b>	<b>83</b>

<sup>14</sup> Some of those we approached for an interview refused to participate, whilst others did not respond to e-mails or phone calls, or were unavailable for a variety of reasons, such as travel or workload, family commitments, or on grounds of ill-health.

<sup>15</sup> See Annex 1 to this report, on page 201.

<sup>16</sup> It should be noted that there are overlaps in some categories: e.g. a legal professional can also be a traditional leader, or a business person can also be a politician. In such cases, the interviewees are included in the category which most closely represents how they are best known in public.

<sup>17</sup> The category 'Non-Government Organisations' (NGOs) includes leaders of a variety of non-governmental organizations, and representatives of ethnic minorities.

<sup>18</sup> The category 'Other' includes people who are retired or have been working in professions not covered any of the other categories. The group 'Other' therefore consists of retired persons, high profile military personnel, retired civil servants, members of previous governments, and trades union leaders.

Most interviews took place face-to-face, took between one to two hours to complete, and were recorded in order to ensure accuracy in the written reports of these interviews. The respective researcher followed the stipulated interview guidelines, consisting of the same main and follow-up questions as were used for the focus group discussions.<sup>19</sup>

There are no standard methods prescribed for analyzing texts produced on the basis of recorded interviews. While the central task of interview analysis rests with the researcher, some general approaches to the analysis of qualitative material do exist (Kvale 1994: 187; also Saldana 2009: 32-34). In order to generate meaning from the qualitative interview summary texts, as well as the focus group discussion reports, the authors followed these steps:

- Noting patterns and themes;
- Seeing plausibility;
- Clustering;
- Counting (what is there);
- Contrasts/comparisons;
- Partitioning variables;
- Making contrasts/comparisons; and,
- Building a logical chain of evidence.<sup>20</sup>

Transcripts of interviews are often boring to read due to numerous repetitions, incomplete sentences, and many deviations: 'The apparently incoherent statements may be coherent within the context of a living conversation, with vocal intonation, facial expressions, and body language supporting, giving nuances to, or even contradicting what is said' (Kvale 1994: 167). Therefore, each interview was summarized by the respective researcher (on the basis of a transcript, or through listening to the interview recording), resulting in a five to seven page document, which was edited for repetition, incoherency, and irrelevant deviations from the topic at hand, but nevertheless reflected what was shared to a high degree of accuracy. These reports included quotes, which reflected interviewees' statements word-for-word.

The field research results are embedded in the five named areas of interest, under the sub-headings: 'Focus Group Participants' Responses' and 'Interviewees' Responses'.

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<sup>19</sup> See page 203. Please note, however, that one interview was conducted through a phone conversation (via Skype), and three interviews were conducted by using email question and answer sessions, as this was the only way to obtain these interviews.

<sup>20</sup> Kvale 1994: 204; also Fontana and Frey 2005: 713-718.

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# CHAPTER TWO: DEMOCRACY

## ***Introduction***

In schools all over the world, children learn that the story of democracy began in Greece, in the city of Athens, where the term democracy (*demos*, meaning people, and *kratos* meaning power) was coined for a model that flourished only for a short time, slumbered for almost 2,000 years, and suddenly re-appeared in the context of the struggles of the American Revolutionary War (1775-1783), and the battles of the French Revolution (1789-1799).<sup>21</sup>

Since the end of World War II, the worldwide spread of democracy has intensified. Many political leaders who hold very diverse views profess to be democrats, and political regimes of all kinds use the term 'democratic' to describe themselves, regardless of the fact that what these regimes say and do is often considerably different (Held 2006: 1). It is hard to find any government in the contemporary world that does not either call itself democratic, or promise to restore democracy (Dahl 1989: 313). Various attempts to quantify the development of democracy in the world conclude that more than 60% of all countries today have in place at least some minimal forms of democratic institutions and procedures (Beetham et al. 2008: 5; also Democracy Index 2011: 2). Given this background, the vast majority of contemporary political and social scientists agree that democracy is the predominant form of government in the world today. It appears that nowadays governmental and non-governmental organisations alike consider democracy as an end unto itself because of the widespread conviction that democracy initiates economic development, contributes to poverty reduction and peace-building, and leads to greater protection of human rights (Beetham et al. 2008: 5).

Nonetheless, there is still no universally accepted definition of democracy. However, there does seem to be a common understanding that, at a minimum, the fundamental features of democracy include:

- Majority rule, and the protection of minority rights;
- Regular, free and fair elections of representatives on the basis of universal suffrage;

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<sup>21</sup> It is obviously impossible to cover the history of ideas about the best forms of government and different models of democracy over thousands of years on a few pages. For a general introduction and overview, see publications such as: Bottomore, T., and Nisbet, R., (eds), (1979), *A History of Social Analysis*, London: Heinemann; Held, D., (2006), *Models of Democracy*, 3<sup>rd</sup> edition, Cambridge: Polity Press; Dunn, J., (ed), (1992), *Democracy: The Unfinished Journey - 500 BC to AD 1993*, Oxford: Oxford University Press.

- Citizen's rights and responsibilities;
- Protection of human rights including:
  - Freedom of speech and religion;
  - The right to equal protection under the law;
  - The opportunity to participate fully in the political, economic, and cultural life of society; and,
- Commitment to the values of tolerance, co-operation, and compromise.<sup>22</sup>

This chapter provides an analytical framework based on the understanding that liberal modern democracy - as promoted by OECD countries over the past two decades - is an inherently Euro-American understanding of democracy.<sup>23</sup> It will be shown that this understanding developed in an historical context that is completely different from the historical experiences and cultural practices of countries in the Global South. The view that the Western liberal model of democracy forms the basis for economic development and wealth for the benefit of all, and should therefore be adopted by the rest of the world, is not only a-historical but flawed, based as it is on the unsustainable exploitation of resources, combined with massive, irreversible environmental destruction, and a deepening global economic crisis that affects the majority of people all over the world today (Held et al. 1999; and Randers 2012).<sup>24</sup>

In contemporary research into political culture and comparative politics, a central question is: 'What determines the emergence, survival, and development of democracy?' (Geddes 2007: 317-339; see also Welzel and Inglehart 2007: 297). The following brief historical overview serves to show how democracy developed in Europe and in the British settler colonies, namely the United States, Canada, Australia and New Zealand, in specific historical, cultural, social and political contexts (Stephens 2005; Spruyt 2007: 212). Moreover, it will be shown how the development and spread of democracy is inherently inter-woven with the development of capitalism in the economic sphere, and the political ideology of liberalism. Following that, the development of democracy in the West will be contrasted with the development of democracy in the Global South, which took place under very different conditions, especially since the end of WWII. Here the view that new democratic states everywhere must imitate and follow the Euro-American model will be questioned, by referring to a re-conceptualization of views

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<sup>22</sup> Lindsay 1951; Dahl 1956; Beetham et al. 2008.

<sup>23</sup> The Organisation for Economic Co-operation and Development (OECD) is an international economic organization consisting of 34 countries, 26 of which are European countries, as well as the United States and Canada, Chile and Mexico, South Korea and Japan, Australia and New Zealand. It was founded in 1961 with the common aim of stimulating economic development and world trade, and promoting democracy and the free market economy.

<sup>24</sup> See especially Held et al., (1999), chapters 3 – 5 and 8. In *2052*, Jorgen Randers draws on his experiences in the sustainability arena and the use of global forecasting tools; this book also includes the predictions of more than 30 leading scientists, economists and other thinkers regarding global development for the next 40 years.



along the lines of *hybrid political orders* or *hybridity of governance*, which provides a more useful theoretical and practical approach. This general overview will be followed by a summary of the views and responses of both focus group participants and interviewees, regarding their perspectives for democratic development. This chapter concludes with recommendations that incorporate some key elements for a framework for 'deepening democracy'.

### ***The Development of Democracy and Capitalism in the Western World***

It is a widely held view amongst scholars that democratization initially took place in the emerging capitalist economies of Europe, in which small groups of rich elites usually held political power. Stephens, for example, sees the relationship between capitalist development and democracy as occurring in the shifts of balance of class power, in a process that weakened the power of the rich (landlords and large capitalists), and strengthened the lower classes (2005: 2). Urbanization, industrialization, and new forms of communication and transportation contributed to the rapid gain of the capacity for self-organization, in the form of an emerging trade union movement, co-operatives, and all sorts of social clubs. It has also been argued that capitalism is positively linked with democracy because it 'shares values and culture, and facilitates its development' (Almond 1991: 468). This view is partly built on Schumpeter's classic publication *Capitalism, Socialism and Democracy*, in which he stated that 'historically the modern democracy rose along with capitalism, and in causal connection with it ... modern democracy is a product of the capitalist process' (1966: 296-297). Following this argument, Dahl concludes that, 'It is an historical fact that modern democratic institutions ... have existed only in countries with predominantly privately owned, market oriented economies, or capitalism if you prefer that name' (1990: 143).

The argument that democracy promotes and supports capitalism appears valid when considering the historical experiences of 14 advanced capitalist democracies today.<sup>25</sup> With the exception of Italy and France, all these countries are part of the exclusive group of 25 countries with the premium label 'full democracies' (Democracy Index 2011: 11). To varying degrees, these countries have in common the existence of social security policies for low-income earners and unemployed people (such as housing supplements, child and child-raising benefits), social welfare assistance in the form of money or food vouchers, health insurance and pension insurance, all of which are characteristic of so-called 'welfare states'. As stated by Almond, these policies have been developed in order to reduce or

<sup>25</sup> Stephens subdivided these countries into five categories: (1) *early democratizers*, such as Switzerland, France, and Norway; (2) *countries with social democratic dominance*, such as Belgium, Denmark, the Netherlands, and Sweden; (3) an *exceptional case* - that of Great Britain; (4) the *breakdown cases* of Germany and Italy; and (5) the *British settler colonies* of Australia, New Zealand, Canada and the USA (Stephens 1979: 115). See also Rueschemeyer, Huber-Stephens and Stephens 1992: 121-154.

eliminate the negative impacts of capitalism (1991: 472). Other authors point out that the acceptance of institutions such as trades unions and political parties with socialist tendencies, were 'strategic decisions' by leaders of the ruling upper and middle classes on realizing that the cost of oppression would by far exceed the costs of concessions in the form of the above-mentioned welfare measures (Flora and Heidenheimer 1981).

According to Cammack, at the heart of the development of democracy in Western countries was the establishment of stable capitalist regimes, which found a balance between maintaining the authority of the traditional elites, and granting a degree of political participation to the masses without losing control (1997: 13).

### ***Democracy, Liberalism and Neo-Liberalism***

In essence, liberalism can be defined as a political ideology that began in the 18<sup>th</sup> century in England, and which promoted social development by introducing laws and reforms in order to prevent revolutions (Rueschemeyer, Stephens and Stephens 1992: 80-81). Central to the idea of liberalism is a focus on the individual and self-determination. As a political movement, it supports liberal democracy, human rights, constitutionalism, fair and free elections, freedom of religion, and free trade. During the 19<sup>th</sup> century, liberalism became increasingly identified with democracy. In the 20<sup>th</sup> century, liberalism became more and more associated with the economy, as democracy helped to provide an ideological justification for the defence and protection of private property by force, if necessary (Held 1997: 9-12). This has contributed to the development of a model of democracy that is based on debate, voting and decision-making by majority rule. One of the fundamental problems for democratic development in the Global South is the huge difference between this Western notion and the prevalent values and practices of societies like Fiji, which are based on dialogue, consensus-seeking and common rule (Galtung 2000: 145).

During the second half of the 20<sup>th</sup> century, in particular since the 1970s, Milton Friedman played a leading role in a new school of thinking that fiercely opposed any welfare state tendencies by promoting so-called 'free market programmes', in an attempt to radically transform capitalist economies, as summarized in the classic statement of Friedman's economic philosophy in *Capitalism and Freedom* (Friedman 1982). Due to Friedman's position at the School of Economics at the University of Chicago, this new approach became known as the 'Chicago School' approach. The common term for the orthodoxy of such economic policies is 'neo-liberalism'. The term 'Washington Consensus' is also widely used to refer to a neo-liberal or market fundamentalism.<sup>26</sup> At the core of the neo-liberal agenda are: the elimination of the

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<sup>26</sup> The term 'Washington Consensus' was coined in 1989 by the economist John Williamson. It describes a set of specific economic policy descriptions that have been used as standard reform

public sphere, total liberation for corporations, and minimal social spending. 'In every country where Chicago school policies had been applied over the past three decades, what has emerged is a powerful ruling alliance between a few large corporations and a class of mostly wealthy politicians' (Klein 2007: 15). Another term for a newly emerging system that removes the boundaries between big government and big business is 'corporatism'.<sup>27</sup> The main consequences of economic liberalism for states, communities, the economy, and finally democracy, are 'huge transfers of public wealth to private hands, often accompanied by exploding debt, an ever-widening chasm between the dazzling rich and the disposable poor and an aggressive nationalism that justifies bottomless spending on security' (Klein 2007: 15). The medicine prescribed by the Chicago school 'spin doctors' usually includes tax cuts, free trade, privatized services in all areas of public life, cuts to social spending, and deregulation.<sup>28</sup> Today, the key concepts of economic liberalism are promoted by, for example, the International Monetary Fund (IMF), the International Bank for Reconstruction and Development (commonly known as the World Bank), the World Trade Organisation (WTO), and the Asian Development Bank (ADB). Neo-liberal policies and strategies are, to varying degrees, used by governments all over the world (e.g. USA, the European Union, Australia, and New Zealand).

### ***The Development of Democracy in the Global South***

There is a general consensus that state formation and democratization outside the Western experience took place in very different environments, and under different circumstances (Spruyt 2007: 229). Like many other states in Africa, Asia and the Caribbean, Fiji gained independence after the former colonial power (Britain) withdrew. De-colonized countries had a much shorter period of time to gain experience in state formation, and to build a democracy based on their own history, cultures, and value systems, than Western states. As one author bluntly put it 'for better or worse, it is the European state system which has been superimposed on the rest of the world' (Spruyt 2007: 231).

If the optimum pre-conditions for the development of democracy are material prosperity, urbanization, and the existence of a political culture that encourages tolerance and participation, how could developing countries lacking most of these pre-conditions establish, develop and sustain democracy? How can the emergence and survival of democracy under quite different social, economic, political and cultural conditions take place? How can countries that have been colonized and

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packages, promoted by institutions such as IMF and the World Bank, for use in developing countries in crisis.

<sup>27</sup> 'Corporatism' describes the system of running a state using the power of organizations such as businesses, which claim to act in the best interests of the majority of people.

<sup>28</sup> The term 'spin doctors' describes so-called experts whose job it is to present the policies, actions, or words of a person or organization to the public in their best possible light.

exploited for hundreds of years build democracy on social and economic structures changed and shaped by the colonizers?

Legum reports that, at a meeting in Washington, a World Bank expert asked the former President of Tanzania the question: 'Why have you failed?' Nyerere replied:

The British Empire left us a country with 85% illiterates, two engineers and 12 doctors. When I left office in 1985, we had 9% illiterates and thousands of engineers and doctors. At that point our income per capita was twice what it is today after the Structural Adjustment programme. We now have one third less children in our schools, and public health and social services are in ruin. During those years, Tanzania has done everything that the World Bank and the IMF have demanded (Legum 2012: 32).

Legum commented that the fact that after independence the standard of living rose for more than a decade is usually forgotten. Nyerere was referring to the overlooked fact that, after independence, African standards of living rose for more than a decade. It was the debt crisis and the collapse of many export prices that forced African states such as Tanzania to seek help (Legum 2012: 32).<sup>29</sup>

Given this background, democratic development in the context of the decolonization of Third World countries constituted a much more drastic step into unknown territory than for Western countries. Transferring the letter and spirit of the 'Westminster model' to, for example, Australia, where the level of economic development was relatively high, education almost universal, and where most people shared a common language and culture, was a very different matter from transferring this model to newly-independent, developing countries with their economic under-development, mass illiteracy, and cultural heterogeneity (Pinkney 2003: 43).<sup>30</sup>

If there is any lesson that can be learned from the European experience with democracy, it is that the building of democracy and the consolidation of democratic institutions are long and complex processes. Democracy does not happen quickly,

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<sup>29</sup> The roots of the debt crisis lie in the 1970s and 1980s, at a time when Western banks were desperately seeking outlets for the huge liquid reserves placed with them by oil producing countries, the pace of whose profits far out-stripped their ability to spend this money. 'Those banks persuaded poor countries to take loans at the then prevailing low interest rates. It seemed to be a wonderful opportunity for all concerned. With time, the loans were mostly rolled-over, and of course, interest rose at compound rates, as global mobile capital became apparently scarcer. Hence the debt trap' (Legum 2012: 32-33).

<sup>30</sup> In Fiji, cultural heterogeneity had resulted from the indenture system introduced by Great Britain, which resulted, at independence, in the people of Indian descent forming about 40% of the population. Those of Indian descent had completely different cultures, languages and religions (Hinduism, Islam and Sikhism) to those of the fairly homogenous existing *iTaukei* population.

or because elections are held; the histories of Western democracies show that it takes substantial periods of time, as it often involves lengthy struggles for freedom from authoritarian governments.

### ***Democracy and the New Global Order***

This brief historical overview serves to illustrate that the development of democracy and the development of welfare states are interwoven but distinct processes. For the purposes of this research, with its focus on Fiji, it should be noted that the development of welfare states took place under favourable, special conditions that existed in only a limited number of countries. It should also be noted that, when the Cold War ended (as symbolized by the fall of the Berlin Wall), capitalism became the dominant system in the world economy. In this context, it is important to be aware that democracy is a political philosophy; in the same way capitalism dominates the world economy, it has been suggested that democracy as a system of governance, together with free market capitalism, is without alternative, and is the likely 'end point of mankind's ideological evolution' and the 'final form of human government' (Fukuyama 1992: 2).

This view has been challenged by other authors, who rightly argue that democracy is a form of organization of social power in the public arena that cannot be separated from the economic and social structure on which that power rests (Boron 2006: 31). The triumph of liberal democracy within the globalized capitalist economy (as held by Fukuyama) goes together with the erosion and decay of the international state system (Held 1995: 27). There is little - if any - material basis for expecting significant improvements in these economic and political relationships; on the contrary, material development in the world economy is likely to worsen in the foreseeable future. It is hardly the case that the free market economy and democracy, or economic and political freedom, work together for the benefit of all people. The assumption that there is such a thing as a sovereign democracy in the capitalist world economy is actually an illusion, because the prevailing system of ownership and control results in substantial inequalities in wealth and income (Frank 1993: 12; Dahl 1991: 333). In the globalized capitalist economy, it also becomes increasingly difficult to determine and control economic policies at national level.

Just how serious a threat neo-liberal policy married to corporatism is for democracy is well-summarized in the following quote:

Until the fall of the Berlin Wall ... the global system was run by politicians. Since then it has been run by economists and financiers, rather like a macrocosm of the corporate world ... Corporates are not working for a broad range of stakeholders and economies are not working for the populace ... For the past thirty years or more, the

agenda (of the corporate world) has focused entirely on shareholders return. This inevitably results in an obsession with share prices ... The best way to protect the share price is to protect the earnings, and the easiest and fastest way to do that is to cut costs ... Companies are gutted beyond recognition and millions of employees sacrificed for a short-term share price boost. This share market monster must be fed regularly. So mergers and acquisitions become an essential part of the corporate repertoire ... The notion that the stock price is the be-all and end-all of corporate performance is so ingrained that it seems to have been handed down on stone tablets. In reality it is an outgrowth of the go-go 1980s and '90s. The related notion that shareholders are the only stakeholders with a legitimate claim on the corporation is just as ingrained and just as new (Legum 2012: 39).

This means that the wishes of the people forming the electorate in a democracy become secondary to those of the owners of foreign as well as local capital. It also explains why a change of government does usually not lead to a change of policies, because '[t]he global market has given the invisible hand of the market a carte blanche to pick up democratically elected governments by the scruff of their necks and slap it around if it attempts to put the needs of its electorate above the interests of international capital' (Legum 2012: 40).

### ***An Alternative Approach***

In Pacific Island countries in particular, state institutions are not the only institutions that fulfil functions which, in the model Western state, are clearly a state's obligations. 'The state' often has little relevance to many people in rural areas. Rather, local non-state customary institutions, which have their roots in their pre-colonial past, still play an important role in the everyday life of the majority of people and communities.

Despite the efforts of colonial administrations and newly-independent post-colonial states to impose state-based modes of governance on communities, local customary institutions have shown considerable resilience and adaptive capacity.<sup>31</sup> Locally-

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<sup>31</sup> Contemporary 'customary institutions' are, of course, *not* the institutions of the pre-contact and pre-colonial past. Societies everywhere have come into contact with outside influences; they have not been left unchanged by the powers of the originally European capitalist expansion, colonialism, evangelism, imperialism and globalization. This holds true even for the most remote parts of the Global South. In practice, therefore, there are no clear-cut boundaries between the realm of the exogenous 'modern', and the endogenous 'traditional' or 'customary'; instead, processes of assimilation, articulation, transformation and/or adoption are at the interface of the global/exogenous and the local/indigenous (Rumsey 2006; White 2006). 'In Pacific states, as in other post-colonial states, what is usually considered "tradition" is a combination of surviving pre-colonial practices, colonially reshaped institutions and practices and even some new post-colonial values repackaged as "traditional"' (Ratuva 2008: 28).

rooted social entities (such as extended families, clans, tribes, and village communities), and traditional authorities (such as village elders, chiefs, healers, 'big men' and religious leaders), determine the everyday social reality of large parts of the population in many post-colonial countries of the Global South even today.

In fact, 'whether the democratic institutions that emerged from northern experience indeed are appropriate to the historic conditions of the South' (Gaventa 2006: 9) is indeed an appropriate question, all the more so as the flaws and shortcomings of the liberal representative model of democracy become more and more obvious. There is a gulf between the promise and the practice of democracy, which leads to disenchantment with democracy, not only in the Pacific Islands, but also in the Western heartlands of liberal democracy.

The liberal democratic model focuses very much on institutions and procedures of democracy, particularly competitive (multi-party) electoral processes. In this model, people are mainly voters, private economic actors, and consumers of rights and services, which are provided by state institutions that are democratically legitimized by means of elections. This is in essence democratic elitism: the people have the right to choose the elites by whom they are governed by means of a democratic process – namely elections.

The win-lose logic of elections contradicts the consensus-oriented mentality of Pacific Islanders who strive, whenever possible, for outcomes that allow everybody to 'save face' and maintain good relationships (that is, not to 'lose' an election contest, and be forced into 'opposition'). The Westminster model, which relies on confrontation between government and opposition, 'clashes with the Pacific ideal ... of consensus decision making. The government/opposition split is considered to be divisive and wasteful of scarce financial and human resources' (Henderson 2003: 229). For example, with regard to Fiji, Ravuvu explains that villagers did not understand the need for a formal opposition: 'It made no sense to them to actually pay people to work against the government and against their chosen leaders in Parliament' (Ravuvu 1991). Accordingly, competition between political parties, also seen as a vital ingredient of liberal representative democracy, is not necessarily perceived as a positive democratic feature by people in the Pacific. Rather, 'parties have proved to be a particularly divisive factor in the Pacific context' (Henderson 2003: 230).<sup>32</sup> Usually, parties are not built around distinctive political programmes and along clear ideological lines; instead, they are rather loose unions of individual candidates that temporarily join forces for election purposes. Commitment to any specific party is very weak, with 'party hopping' a frequent phenomenon. Governments are often built on rather shaky and shifting party coalitions, and changes of government are frequent due to splits in such coalitions (Larmour 2005:

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<sup>32</sup> See also the following section in this chapter: 'Focus Group Participants' Responses'.

235). Multi-party systems are weak, and political parties and their members do not enjoy much prestige as constituent elements of democratic governance.

In conclusion, then, mainstream Western political science thinking still follows a modernist path, the assumption being that there will be development from an undemocratic or pre-democratic tradition to democratic modernity, using Euro-American states and societies as a yardstick for such development. This thinking leads to the presupposition that all democratic states must emulate the Euro-American template, and if they don't, they are 'incomplete', that is, democracies 'with adjectives' ('illiberal', 'deficient', 'virtual', and 'defective') (Collier and Levitsky 1997). This line of thought promotes 'a very specific and idealised notion of democracy ... [It] tends to support a one-size-fits-all approach and pays little attention to local context and pre-conditions' (Gaventa 2006: 15). A change of analytical perspective would acknowledge the different modernity/ies of the societies of the Global South, and, accordingly, the existence of different forms of democracy/ies as works in progress, adapting to the historical and cultural conditions in those societies. People must be free to define democracy on their own terms, instead of imposing a universal (that is to say Euro-American) definition of democratic governance on them. 'Attempts to force a country to be "democratic" make a nonsense of the term' (Henderson 2003: 239).

Following this general introduction, we turn now to the responses gained from our discussions with focus group participants and interviewees.

### ***Focus Group Participants' Responses***

#### **Democracy**

An analysis of the focus group discussions about democracy produced some predictable findings, but also some unexpected results. First of all, it was obvious that the level of formal education was much lower in the focus groups as compared to the interviewees. When participants were asked what they understood by the term democracy, the frequent response was that, although they had heard of the word, they did not know its full meaning. One common explanation was that, apart from the youth, the majority of participants had only completed primary school. Therefore discussions regarding democracy were limited, and revolved more around elections, political parties, comparisons between different governments, the role of the army, and the role of the chiefs. Those participants who were more knowledgeable about democracy expressed a wide variety of opinions, although the way they expressed their views was not as sophisticated and detailed as most of the interviewees. Nevertheless, contributions by participants usually resulted in other participants asking questions, or the stimulation of further discussion; as a result, discussions were seen as being very educational for the whole group. In



summary, it can be said that, taken as a whole, focus group participants expressed their support for democracy in general terms, such as: 'Fiji should be a democratic country' (IFFY semi-urban 06.10.11), and '[t]o have democracy at national level is very important' (IFMY rural 23.10.11). They revealed an understanding of some of the basic elements of democracy as commonly understood worldwide, namely, that democracy is about equality, free and fair elections, human rights, participation, and the rule of law, as is illustrated by the following quotes:

The main thing about democracy is you must have your say. You cannot have complete democracy anyway. For example, talking about freedom: freedom of speech does not mean that you can start swearing at everyone (IFM semi-urban 12.10.11).

Democracy is very good because we elect the government. I can elect my representative and my voice can be heard. The advantage is that we have an opposition (iTF rural 10.08.11).

Laws and policies are not passed through parliament. There is a lack of transparency and there is still corruption (IFM rural 21.09.11).

We are not really free in a total sense like under Qarase's government. There are restrictions around (iTF urban 04.11.11).

Democracy means equal rights regardless of race, religion and ethnicity. Government for the people, by the people (IFF urban 06.11.11).

On the other hand, the concept of democracy as the best or only system of governance for Fiji was either questioned or rejected by a sizeable number of focus group participants. In a focus group consisting of *iTaukei* men, participants stated strongly that democracy is a foreign concept, and that there is no need for it: 'The government that's running now is not elected by the people. There are protests from other countries about our government, but we are not suffering in any way. Everything is moving fine. There is no problem' (iTM rural 31.10.11). A similar view was expressed by a group of rural *iTaukei* women, who, when asked, 'How relevant is democracy after three coups?', made this bold statement: 'It makes no difference whether a government is democratic or not because village life remains the same' (iTF rural 21.10.11).

### ***Elections and the Electoral System***

More intensive discussions took place in areas where participants could talk from experience about the processes and problems of democracy, such as elections and

different governments. A clear majority of participants support the idea of having regular elections, resulting in a government and an opposition that discusses and decides on policies and laws: 'Elections are the best way to elect a government' (IFFY urban 07.11.11); and, 'The military government is not democratic because it was not elected and does not allow opposition' (iTF rural 04.10.11).

A comparative analysis of focus groups' responses regarding elections and the electoral system shows that the need for democracy is felt much more strongly in rural areas than in urban areas. With regard to gender and ethnicity, more *iTaukei* expressed a need for democracy than Indo-Fijians, and within the category of *iTaukei*, more men supported democracy than women. Across religion, ethnicity, age and location, more young people wanted democracy than older people. The need for reform of the electoral system was also more strongly expressed in rural areas and by both *iTaukei* men and women, with people criticizing the former compulsory voting system, saying that it furthered divisions because people voted along ethnic lines.

The concept of elections forming an important part of any democracy was understood by the majority of focus group participants, and supported by a clear majority through different affirmative statements. However, this was often combined with recommendations for revisions and reforms in relation to the preparations for and the conduct of elections, or the electoral system itself, as the following examples demonstrate:

There is a need to redefine democracy. The Westminster system has failed us (IFFY urban 07.11.11).

Previously voting was mostly along racial lines, which created a lot of problems (IFF rural 27.09.11).

In the past voting was very much along party lines instead of looking at the quality of candidates (IFM semi-urban 28.11.11).

A review of the electoral process is needed. The preferential voting system was not good. In the past political leaders have been playing racial games and keeping communities separate. It would be better to have a non-party system of politics where people are elected on merits (IFM semi-urban 12.10.11).

There should be requirements for submission of past records of candidates. Parties should be screened. For example candidates should not have criminal records (IFM urban 08.10.11).

We want certain standards for candidates such as good education, good character, good manners (iTM semi-urban 07.11.11).

We want honest and truthful candidates. We want people with a proven record of community service, people with passion and knowledge, people who exercise respect, compassion and concern (iTM semi-urban 29.09.11).

Bio-data of aspiring candidates should be available. Candidates should be people with experience, integrity and hard-working (iTF urban 04.11.11).

We have deliberately quoted extensively from the recommendations offered by participants. Their suggestions were based on a virtually unanimous criticism of political parties and politicians in the past. The following statements were given by participants across gender, ethnicity, age, religious, and professional lines:<sup>33</sup>

Political parties created more trouble than working for the good of the nation. Chaudhry's style of leadership was not good, too much ego and racial intolerance (IFF semi-urban 27.11.11).

We give them our votes and then after that, they do not know us anymore. It is the same with all the political parties we know (IFM urban 28.09.11(b)).

We heard before that a person had given a pig to one village for celebrations to vote for him. So the people thought that he would do good things for the village and voted for him. But after the elections, there were no more pigs and nothing for the village, even though the man they voted for won. There is a saying that promises are meant to be broken and this is especially true for the elections (IFM urban 10.10.11).

Previous governments and political parties failed to bring development (iTM semi-urban 29.09.11).

Political parties tend to think more about themselves once they are elected (iTF rural 21.10.11).

Whichever candidate we voted for, they hardly uphold their promises (iTM rural 04.11.11).

Political parties forget about promises made during visits (iTF rural 14.12.11, and iTM semi-urban 07.10.11).

<sup>33</sup> There were two Indo-Fijian male urban focus group discussions held on the same day (28 September 2011). In order to distinguish the two in this report, one is referred to as 'IFM urban 28.09.11(a)', and the other as 'IFM urban 28.09.11(b)'.

One day this one will come and one day another one. They'll bring their basin of grog and sit down and talk and tell us 'vote for me and I'll do this for you and we'll get you the land and we'll build you the roads and bring electricity to your community', and as soon as it is over, they go back and nothing is done (IFM urban 10.11.11).

...during election campaigns, political parties go to communities and promise to do something about issues being raised from these communities, but this is just a hook to get people to vote them into government. When they finally get a seat in cabinet, most do not go back and implement issues raised by communities (iTF rural 21.10.11).

There are a lot of promises made during times of elections, nothing happens afterwards (IFF urban 28.09.11; similarly IFF urban 27.09.11, IFF semi-urban 05.10.11, and iTF rural 22.08.11).

Previous political leaders were seen as making many false promises during times of elections as they go from village to village, settlement to settlement ... As soon as they are elected to their seat in parliament, they forget about the promises that they have made to the people and think only of themselves (iTM urban 29.09.11).

Before it was not like this, people just wanted the money and the votes. During voting time, they would come around and listen to our problems and after that we wouldn't see them again (IFM urban 28.09.11).

Many political parties came to us and promised to us to come back and help us for development in this community and until today we are still waiting. They came and preached to us about their different parties and asked us to choose their party. When after election they won a seat [they] forgot us... (iTM urban 09.11.11).

In an *iTaukei* male rural group in the province of Naitasiri, all participants expressed their frustrations with the two political parties they had encountered (namely the Fijian Association Party [FAP] and the *Soqosoqo Duvata ni Lewenivanua* [SDL]). According to participants, the main motive of political parties seems to be to get elected: 'They all use the same approach of making promises, sweet talk and then there is no action' (iTM rural 04.08.11). A focus group of *iTaukei* women called politicians 'a bunch of conmen', who make a lot of false promises (iTF urban 17.08.11).

From the comments above, one can sense frustration and anger: parties and individuals who are planning their election campaigns for 2014 would be well-

advised to take heed of these widespread perceptions regarding political parties and politicians.

### ***The Role of the Current Government***

A similarly intensive discussion took place with regard to the role and function of the military, specifically since the coup in December 2006, when it became the *de facto* government. Participants expressed both support for, as well as criticism of, the current government, with those expressing support slightly outnumbering those expressing criticism. A comparison of responses from participants relating to the ‘military’ or ‘military government’ shows that there is more support for them in urban and semi-urban areas than in rural areas; in addition, support for the military is especially strong with younger people.

The military government is generally seen by the people who expressed support as ‘efficient and beneficial for the people’ (IFFY semi-urban 06.10.11). More specifically, participants responded enthusiastically to a variety of policies introduced since 2006, such as the introduction of a new retirement age, business partnerships requiring at least 60% local participation, the People’s Charter (IFFY urban 07.11.11), free bus travel to schools for children, the reduction of school fees, the offer of alternatives for squatter settlements (IFF urban 27.09.11), food vouchers for the poor, an improved health system, and increased security in towns (IFF semi-urban 27.10.11). The development of infrastructure was frequently mentioned by focus groups supporting the current government: ‘The current government brought many new developments in rural areas such as bridges, houses, roads, halls, hospitals. They have also plans for squatters to secure land and resettlement’ (iTM urban 09.11.11); and, ‘The government is doing a good job because we see the upgrading of roads, the building of bridges, development of schools, and clean-up campaigns’ (iTM rural 09.11.11(a)).<sup>34</sup>

The positive reception of new policies and developments was commonly combined with expressions of gratitude for the new type of relationship people are experiencing with the current government and its leaders: ‘The current government has down-to-earth leaders’ (iTM urban 29.09.11); ‘If they promise something they do it. It is much better than before because now they are listening’ (IFM urban 28.10.11); and, ‘The government and the prime minister are more accessible. They hear the people’s voice. Complaints can be lodged and responses are given’ (iTM rural 09.11.11(a)).

<sup>34</sup> There were two iTaukei male rural focus group discussions held on the same day (09 November 2011). In order to distinguish the two in this report, one is referred to as ‘iTM rural 09.11.11(a)’, and the other as ‘iTM rural 09.11.11(b)’.

On the other hand, various focus groups expressed substantial reservations about, and opposition to, the current government, raising issues based on principle: 'One cannot overpower anybody in the name of democracy' (IFFY urban 23.11.11). The term 'dictatorship' was used, as decisions are seen to be made and implemented by a single person or a small group of people, without involvement of the general public, and in the absence of an opposition (IFM semi-urban 12.10.11, and iTF rural 22.08.11). 'Laws and politics are not passed through parliament. There is a lack of transparency and there is still corruption' (IFM rural 21.09.11). In an Indo-Fijian women's group, disappointment with the current government was expressed because of the non-fulfilment of promises: 'The military government assumed power saying that they are conducting a clean-up of the country. Although they have done some clean-up, in a few cases their decisions have muddied their own clothes. They have lost trust of people over it' (IFF semi-urban 27.10.11). A similar view was articulated by a group of rural Indo-Fijian men: 'There is a lack of transparency. There is still corruption' (IFM rural 21.09.11).

Participants in other focus groups were even more specific in their critique, pointing to particular policies and procedures of government: 'The military government does not do enough regarding social welfare. The procedures are too bureaucratic' (IFF semi-urban 06.10.11). Commentators and observers of Fijian politics often argue that the Indo-Fijian population benefitted from the 2006 coup, while previous coups benefitted the *iTaukei*. This perception, which is also held by some representatives of the business community, is quite different from that of lower income Indo-Fijian participants, who pointed to the negative consequences of the last coup for them. Their main concerns were raised in relation to the rise of the cost of living, inflation, wages and taxes, as the following statements illustrate:

The regime is responsible for rising inflation with no corresponding increase of wages (IFF rural 12.10.11).

Now we have to pay more for electricity, basic food items and transport. There was also an increase in VAT. The previous government was better because goods were more affordable. The PM seems to get advice from the rich and does not listen to the poor (IFF rural 19.10.11; similarly IFF rural 12.11.11).

There is not much difference between the previous and the current government because there is no improvement in living conditions (IFF urban 29.09.11).

People obviously differentiated between the benefits of, for example, infrastructure development for everyone, and the effect of policies as felt in their own homes and pockets. This explains why some participants agree that the 2006 coup has brought

some improvements for the country, but has failed to improve the economic situation for them personally.

### ***Church – State Relationship***

It was interesting to see that the issue of the church - state relationship, and the call for a Christian state, which has found much attention in public discussions over the years, seems not to be of concern to the vast majority of participants. Out of a total of 41 focus groups, participants in only two of these groups referred to this issue: 'Christian beliefs are the foundation of democracy and certain traditions such as respecting Sunday as a day of rest need to be respected' (iTM semi-urban 07.10.11; similarly iTF rural 22.08.11).

### ***Interviewees' Responses***

Out of a total of 83 participants, 72 (86%) shared their views on different aspects of democracy in Fiji. Based on these responses, it is clear that the majority of interviewees agree that democracy is important and should be the future model for governance for Fiji. Nonetheless, some interviewees also pointed to several problems with the establishment of democracy and its functioning since independence, such as the introduction and adoption of the British Westminster model of democracy (e.g. Civil Servants 18.10.11, 17.01.12, and 18.01.12). Others elaborated further, emphasizing that, 'Democracy in Fiji needs to be home-grown, tailor-made and adjusted to the special historical, social and cultural conditions' (Academic 19.12.11). It was also stressed that, while democracy had taken hundreds of years to take root in the West (Academic 07.12.11), Fiji has only had about 40 years of experience with democracy (NGO Leader 20.09.11). One academic highlighted that democracy, as it is widely understood today, was developed in Western culture that is in many respects different from the communal Pacific culture (Academic 09.12.11). Other important lines of thinking are captured in the following quotes: 'There might be a need to design a form of democracy that specifically applies to the Fijian context rather than taking foreign forms of democracy' (Academic 09.12.11); and, 'We had traditional forms of governance and we must find a way to be able to marry these to the Western form of democracy' (Religious Leader 18.11.11).

Common expressions which are often used in speeches and in writing, such as 'democracy is a foreign flower in Fiji', were questioned by some participants, who argued that certain elements in the traditional model of governance are already very democratic (Politician 07.12.11, NGO Leader 08.02.12, and Academic 09.12.11). Similarly, other participants openly questioned whether democracy is the only and best option for Fiji (Civil Servant 18.01.12), by pointing out that 'there is no real pure democracy anywhere in the world' (Other 10.11.11). With regard to Western countries, one participant pointed out that 'they have their own shortcomings and

are not in particular democratic but plutocratic like for example the USA' (Academic 07.12.11). This fundamental critique was complemented by statements such as, 'there is an interconnection between democracy and economic growth models' (NGO Leader 20.09.11), and 'democracy is not a precondition for economic or personal growth', pointing to Singapore as an example (NGO Leader 06.11.11). Concerns were also expressed along the lines that the practice of free market democracy is un-Christian (Religious Leader 03.10.11), and that there is today more colonialism in Fiji than ever before (Legal Professional 07.12.11).

Some interviewees expressed very principled reservations against Western-style democracy:

Political life in Fiji has always been there without the political parties. Fijians talked and had discussions about how to lead and get things done. If you miss this reality and try to bring in political ideas that are strange to the people, then it is a worrying thing. We do not need any outside political ideas to govern Fiji, and since independence, things have not really worked well for Fijians because of the strangeness of the political governance that was introduced (Religious Leader 14.10.11).

The ability to discuss and reflect on democracy was quite high amongst the generally better-educated interviewees, who expressed concern that the majority of the population is not well-informed or knowledgeable (as was confirmed by the focus group participants themselves). Therefore, it was recommended that 'a precondition for democracy is education in communities about what kind of government we should have' (Religious Leader 20.12.11), and 'since independence in 1970 democracy has taken root slowly. There is not much understanding of democracy as such. We see the reluctance of accepting things that are strange or new to Fiji. I think there is little understanding and people need to be educated about it and other forms of governance' (Religious Leader 12.12.11).

### ***Elections and Electoral Systems***

The majority of those interviewed agreed that elections are the best way to ensure everyone's participation in the political process of decision-making. In order to facilitate better and more meaningful participation, proposals were made for changes within political parties, and in the electoral system: 'Any political party that participates in elections must see that it has the collective interest of the entire people in the country [at heart]. It should not in any way favour a segment, a stratum, or an ethnic group' (Other 10.02.12). There was also general agreement that, before elections are held, substantial changes are needed to the electoral system,



especially with regard to the previous ethnicity-based system.<sup>35</sup> However, a number of interviewees questioned the legitimacy of the current government to organize elections (Other 27.03.12, Politician 02.02.12, and Academic 07.12.11), saying that the 1997 Constitution must be reinstated before elections are held. Others proposed that a government of national unity should be established first, which should consist of the members of parliament who were ousted in the 2006 coup (Legal Professional 14.12.11, Traditional Leader 09.11.11, and Other 29.09.11). Some interviewees expressed doubts that elections really contribute to the practice of democracy (Legal Professional 06.12.11), or held that, since mechanisms are already in place in the traditional system of governance, there is no need 'to be forced into elections' (Religious Leader 14.10.11). It was also proposed that there should be a process of popular civic education on the meaning of elections, and the functioning and advantages and disadvantages of different electoral systems (Academic 16.01.12 and Religious Leader 20.12.11). Assuming that elections will take place in 2014, it was also recommended that the United Nations and other international observers should be involved in monitoring elections (Politicians 12.12.11 and 20.04.12).

### ***Political Parties***

The view that, in general, political parties are important and essential for a functioning democracy, and that they have an important role to play within Fijian society in future was underlined by representatives from the legal profession, civil servants, religious leaders, academics, business and NGOs.

However, there was also a broad consensus amongst interviewees - regardless of their ethnicity, gender, age, religious or political affiliation - that there is a need for reform of, and changes to, political parties in Fiji. Topping the list of comments about political parties is criticism with regard to the racial policies that have dominated politics over the past 20 years. This was expressed in statements such as: 'Fiji needs to get rid of racial policies' (Academic 03.02.12); and 'Political parties have been divisive for Fiji, because they have been racially based' (NGO Leader 13.01.12). Others spoke of 'wasted opportunities' (Traditional Leader 23.12.11). The 'male style' of politics was also criticized by pointing to the fact that the majority of voters, namely women and youth, are grossly under-represented when it comes to decision-making, both within parties, and with regard to representation in parliament. This fundamental criticism was accompanied by recommendations such as a call for more transparency with regard to finances, the elections of office bearers, and the nomination procedures for candidates for election. 'Clear regulations for political parties are needed. They have to be forced to be transparent and accountable. Often political parties are very undemocratic. The

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<sup>35</sup> Academic 07.12.11, NGO Leaders 11.12.11 and 30.12.11, and Civil Servant 17.01.12. Some interviewees proposed the introduction of the 'one person-one vote' system (Civil Servant 18.10.11, NGO Leader 30.12.11, Other 04.12.11, and Business 12.10.11).

male style of politics needs to be changed and women should have more influence' (Academic 09.12.11).

One interviewee thought that Fiji had done well without political parties since 2006 (NGO Leader 11.10.11), while two religious leaders pointed out that, in their opinion, there is no need for political parties at all (14.10.11 and 17.10.11). In comparison to the responses from the focus groups, not many interviewees were critical of political parties with regard to their broken promises, nor did many complain that political parties tend to neglect their constituencies; this issue was raised by just four interviewees – one from the business sector, two from NGOs, and one academic. A more analytical perspective on the problems related to the functioning and operation of political parties was offered by two interviewees, who pointed out that during British rule, Fiji did not have democracy, and, in the run-up to independence and democracy, certain undemocratic elements were maintained in order to guarantee the influence of Europeans in Fiji's political affairs (Academic 07.12.11). As a result, they said, the parties that emerged in the 1960s were a direct reflection of how colonial society had been structured, with its divide-and-rule attitude, and ethnic-based policies (Academic 16.01.12).

### ***The Role of the Military***

Interviewees' assessments of the role and function of the military in Fiji is often coloured by personal experiences, and the degree to which the respective person and/or his/her family benefitted or suffered as a result of the military coups. The following statements illustrate some of the very different opinions interviewees expressed about the military:

The takeover of a democratically elected government is not acceptable and is illegal (Religious Leader 03.10.11).

In future the military in Fiji should be downsized (Academic 16.01.12).

The degree to which the army has been able to create a stable environment has been positive (Business 06.10.11).

The view that, as a matter of principle, the military must be subservient to government was shared by interviewees from various backgrounds, including past and present politicians from different political parties, and former military commanders. This view is summarized by the following two statements:

The military should have absolutely no role to play in the political life of the country. They must accept civilian rule and work by the rules of a democratic society (Other 28.09.11).

I think we should return to the pre-1987 role of the military, when it was subject to the decisions of government, and was under the political control of the civilian government. It should never usurp political authority, not in any circumstances except possibly to restore the authority of a legitimate parliament where there has been an insurrection (Politician 12.12.11).

Given these views, the logical first step towards democracy would be a transition from the military regime to a civilian administration. Differing opinions were expressed as to whether such a transition should take place before or after the elections in 2014. While this might be politically correct according to classical textbooks on democracy, it is very unlikely to happen in the foreseeable future. As one traditional leader stated: 'I think it will take at least one generation to remove the influence of the military' (23.12.11).

A substantial number of interviewees were positive about the current government; for example, one interviewee felt that, when compared to previous military governments, the current regime has created a stable environment (Business 10.02.12). Another representative from the business sector went much further, praising the military in no uncertain terms:

The military government has been very good to us business people. If you ask any Gujarati, we would rather have this government than any other government. Of course, globally that is not the kind of thing to do but for us business people, this government has been excellent. The policies are excellent. There's law and order. A lot of corruption has been removed. New jobs have been created. There are signs that the economy is picking up. Every time there are elections the business community is afraid that another extremist government will come to power and trouble will rule. There's trouble growing everywhere but the extremists seem to be quite suppressed under this military government. As far as our business is concerned, we are fine under this government but of course we understand that we cannot have these circumstances forever (Business 30.01.12).

There are others who even do not see the 2006 coup as a coup. One participant used the metaphor of a heart patient to make this point: 'If you suffered three heart attacks you need to have surgery to get it right, otherwise you will be in trouble. The choice is often between evil and lesser evil' (Academic 20.02.12). As one would expect

from a 'beneficiary' of the coup, this interviewee's assessment of the current government's performance is very positive: 'The last four to five years have been brilliant because of the processes and reforms that have come about. There is a new job culture within the civil service as people tend to do their job within time limits and with efficiency' (Civil Servant 17.01.11).

Critics as well as supporters of the current government agree to some extent about the future role of the military. There is, for example, widespread agreement that the military should return to their barracks; that the size of the military is disproportionate to the size of the country and its population, and, therefore, that 'the military should gradually be reduced in number' (Academic 07.12.11). In particular, interviewees broadly agree that a reduced-in-size military could be used primarily for civil purposes, such as to assist with infrastructure development, or in times of natural disasters. As one interviewee proposed: 'I think the military could have a future role, whether it's civil defence or the coast guard, or being integrated into the police force. This is another work in progress. We can't just demobilize them in 2014' (Legal Professional 12.12.11). All these considerations depend to some degree on whether an acceptable 'exit strategy' can be agreed with those who led the 2006 coup, and/or hold leading positions in the non-elected military-civilian government.<sup>36</sup> This also raises the question of whether an amnesty should also be extended to those who were part of the 2000 coup. Such a move might be a test case for determining whether the country is ready for reconciliation with its recent past.

### ***The Great Council of Chiefs***

Out of the 83 people interviewed, 20 discussed the GCC, and expressed their views on future options for this institution. Their opinions can be divided into three categories: 1) those that want the GCC to be re-established; 2) those that do not see any future role at all for the GCC; and 3) those that see a future role for the GCC, with some changes.

Support for the continuation of the GCC came from a variety of interviewees from various backgrounds: NGOs, the legal profession, academia, business, and - as one would have expected - traditional leaders. However, all of those who expressed strong support for the re-establishment of the GCC were *iTaukei*. The main line of argument put forward for re-establishing the GCC was that it has a role to play as long as there is a traditional system of governance in place (Academic 12.12.11(a)).<sup>37</sup> The abolition of the GCC by the current government was not seen as being appropriate: 'As for the GCC, it is not sure what form it will take in the future,

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<sup>36</sup> For a more detailed discussion, see the Rule of Law chapter, page 86

<sup>37</sup> Two academics were interviewed (separately) on 12 December 2011; for the purposes of this report, these interviews are referred to as 'Academic 12.12.11(a)' and 'Academic 12.12.11(b)'.

but the institution should remain. They have a role to play and it is not wise to do away with it; it is an essential part of this society' (Civil Servant 17.01.12); and, 'You cannot just abolish the GCC; it continues to exist in the culture and the minds of the people' (Politician 20.04.12). Other interviewees expressed concern that the abolition of the GCC by the military lacked respect for traditional leaders. Disappointment was expressed, because it was felt that 'the Council had served the country well' (Traditional Leader 22.03.12), and 'had played a stabilizing role' (Traditional Leader 30.04.12); on these grounds, therefore, the GCC should be re-established (Traditional Leader 09.11.11). These interviewees wanted the GCC to be re-instated, and thereafter, that a dialogue about reforms should begin.

Other interviewees disagreed strongly with this stance: 'I don't see a future for the Great Council of Chiefs and the chiefly system in the long term' (Politician 27.02.12). Those that support the permanent abolition of the GCC commented that, 'the abolition of the GCC has been long overdue' (Traditional Leader 23.03.12), and that 'there is no real future role for it' (Politician 27.02.12). It was argued that the GCC was part of a system of patronage that is not acceptable in a democracy. In addition, it was reasoned that the GCC is a 'remnant of colonialism' and that Fiji should get rid of it 'as it got rid of other elements of colonialism' (Academic 07.12.11). It was further recommended that 'if traditional leaders want to have their own organization, members should be elected' (Traditional Leader 23.03.12); and that 'the chiefs should finance the organisation and not the state' (Academic 07.12.11).

Some interviewees pleaded once more for an open debate about the future of the GCC: 'Given that the GCC is an invention of British colonialism, one can question whether it is part of the traditional leadership system at all. The future of the GCC and also the Senate will have to be discussed in the process of constitution-making. It has to be decided whether there should be a unicameral system or a new way of selecting the members of the Upper House' (Religious Leader 05.12.11). Other participants took somewhat of an intermediary position, seeing a role for the GCC in future, but nevertheless agreeing that there is a need for some changes. Some suggestions were that the GCC could be an advisory body, dealing with mainly cultural issues (Traditional Leader 23.12.11), or that the Council could play a role in the protection of the environment (Legal Professional 06.12.11). Some concrete proposals were made, such as that the GCC should be de-politicized, and run as a cultural body independent from the government (Traditional Leader 06.12.11); here, the chiefs' future role was envisaged as providing guidance and wisdom, but that they should not be granted veto rights. One interviewee felt that the GCC should not play any role in politics, and, as a practical example, suggested that the GCC should not have any responsibility for selecting the president of the country in the future (Other 14.12.11).

In summary, a clear majority of those interviewed did see a future role for the GCC, although they felt that this needed to be negotiated. Issues requiring negotiation included that the membership of the GCC could in future be based on merit rather than on heritage and tradition, and opening up the GCC to members of other ethnic groups. In a revised form, the GCC could play a role in advising the government and raising issues of concern regarding cultural issues.

### **Conclusion**

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 military government. Nevertheless, 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.

A comparison between responses of participants in focus group discussions and interviewees shows some striking similarities, but also some differences. The major differences between responses from participants and interviewees can mostly be ascribed to the different levels of formal education and status of the two groupings. Most focus group participants are representative of the majority of Fijians, who have low to moderate incomes, being in informal or formal employment, living in villages, towns and settlements. The vast majority of participants have had at least some sort of formal education: most have completed primary school, although very few have undergone secondary school or studies at tertiary level. In contrast, the interviewees represent a much smaller section of the social strata of Fiji, having medium to higher incomes, the majority having degrees from tertiary institutions, and being in leading positions at different levels of government, religious organizations, civil society, business, and political parties, or being traditional leaders. Because of these differences, interviewees naturally exercise a much greater influence on the public discourse on democracy, and provide more differentiated and reflective opinions on democracy and other related areas.

Similar to focus group participants, the vast majority of interviewees expressed their support for democracy as their preferred model of governance, rejected in principle the idea of bringing about change through coups, and also rejected any sort of racially-based politics. Similarly, the majority of interviewees support reforms of the electoral system. Because some interviewees are politicians, or have been involved in politics in the past, there was less criticism of the role and function of political parties and politicians. It also became clear that the interviewees' responses were often based on their personal backgrounds, or personal experiences; this is especially true for those who either suffered or benefitted from the last coup. In broad terms, those interviewees who suffered as a result of the last coup are mainly traditional leaders and representatives of NGOs who have expressed criticism of the military, as well as trades union leaders and people who lost their jobs because they were dismissed by the current government. On the other hand, the majority of interviewees who are part of the government, such as civil servants and ministers, as well as many of the business representatives, expressed their support for the current government in different ways.

Turning to the broader picture, having a liberal democracy in a 'sovereign' country may be better than having no democracy at all, but it is still far from the ideal of democracy, which is, by definition, the government of the whole people by the people equally represented. Looking at the economic fundamentalism which underlies the globalized capitalist economy (as outlined in the introductory section above), one lesson that can be learnt is that relying purely on voting every four or five years is inadequate for controlling economic policy. Representation may be a necessary precondition for democracy, but it can only be genuinely democratic when reinforced by the enhanced participation of citizens at all levels of decision-making in all spheres of public life. This increased participation would need to be complemented by the insertion of democratic principles into economic life, which in turn would require the introduction of new clauses into the ground rules or basic laws of the free-market and trade system at global, regional and national levels. Eventually, this would require a fundamental rethinking of the relationship between democracy and the economy.

As has been outlined in the first part of this chapter, conventional democratic state-building aims at replicating the liberal representative model, by applying a standard recipe of support for elections and state institutions, with some additional assistance for civil society (Carothers 1999). Civil society in this context, however, is also understood along Western lines, with NGOs, community-based organizations, business associations, and trades unions etc. constituting elements of 'civil society'; at the same time, the Western approach ignores actors and institutions which do not fit into its understanding of civil society, such as chiefs, elders, healers, charismatic religious leaders etc., thus missing the realities on the ground in the countries of the Global South.

This liberal representative model of democracy is challenged by approaches that aim at deepening democracy:

In this view, democracy is not only a set of rules, procedures and institutional design, and cannot be reduced to only a way of competition amongst parties ... Rather, it is a process through which citizens exercise ever deepening control over decisions which affect their lives, and as such it is also constantly under construction ... Full democratic citizenship is attained not only through the exercise of political and civic rights, but also through social rights, which in turn may be gained through participatory processes and struggles (Gaventa 2006: 11).

In other words, this 'deepening democracy' approach transcends conventional understandings of liberal representative democracy, through creating and expanding more participatory and socially inclusive forms of democracy.<sup>38</sup> The focus of 'deepening democracy' is on new democratic arenas and spaces (Cornwall and Coelho 2004), and on participatory governance at the local level in particular. This approach is close to deliberative understandings of democracy (Habermas 1996; Dryzek 2000), which shifts the focus from a 'voting-centric' democracy to a 'talk-centric' democracy (Chambers 2003), and to concepts of empowered participatory governance (Fung and Wright 2003). In this context it can be argued, for example, that contestation among combative political parties is not the only possible democratic model; consensus-seeking in village or town meetings is another real option.

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<sup>38</sup> Famous examples are the Porto Alegre experiment (Manor 2004), and what became known as 'forum politics', which preceded the new activist-based innovative movements of Eastern Europe in the late 1980s. This approach is fully explained and further developed in the final chapter of this report with regard to its applicability in Fiji.



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# CHAPTER THREE: THE RULE OF LAW

## ***Introduction***

This chapter focuses on the rule of law, beginning with a reflection on relevant theoretical issues, followed by both focus group participants' and interviewees' responses to the questions they were asked during this Study.

Originally, most societies lived under the 'rule of man', where one leader or ruler (who was not elected, but had obtained that position through birth or use of force) had complete power over everyone living within his jurisdiction. The supremacy of these leaders did not automatically mean that all their decisions would have been - from today's perspective - either unfair or arbitrary. However, when these all-powerful leaders did use their powers in unfair or arbitrary ways, there was generally no avenue for challenging their decisions (Clarke 1998).

The concept of the 'rule of law' was developed as a response to 'rule of man' systems; the earliest form of this concept was contained in the Code of Hammurabi, drawn up in Babylon in 1750 BC. This Code established a system of common rules of conduct, even if the penalties for breaking them were extremely harsh. It was the first system which held that government should be subject to the law, and that those laws should be based on rules which were neither divine nor secret. In addition, the laws were to be applied and enforced by a panel of judges. Over 1,200 years later, first the Athenians and then the Romans developed the rule of law concept further, adding the notions of a jury of one's peers, equal access of citizens to the court system, and the requirement that laws be made public so that people would know how to behave etc.

Academics point to the *Magna Carta* (1215) as having the next biggest impact on the rule of law. It was the first document to limit a monarch's power over his subjects by ensuring certain liberties, and preventing arbitrary decisions without the consent of parliament (albeit a parliament which was not fully elected). The *Habeas Corpus Act* of 1679 had a similar impact on the rule of law: it ensured that the government was not above the law when dealing with citizens, by guaranteeing that citizens could not be imprisoned without due cause. The Act gave rise to the question as to who should enforce the law, a question answered by, amongst others, Baron de Montesquieu, who stated in 1748 that,

...there is no liberty, if the power of judging be not separated from the legislative and executive powers. Were it joined with the legislative, the life and liberty of the subject would be exposed to arbitrary control,

for the judge would be then the legislator. Were it joined to the executive power, the judge might behave with all the violence of an oppressor.<sup>39</sup>

Today, most societies live under some form of the rule of law. Modern democracies generally implement the rule of law by establishing a court system that is independent both of the executive and the legislature, and that is guided by clearly stated and published laws, rather than being subject to political considerations or arbitrary decisions. This separation of powers is an extremely important component of the current concept of the rule of law.

Even though the rule of law concept is a fairly old one, experts still do not agree on its precise form.<sup>40</sup> However, Kleinfeld Belton has developed a particularly clear list of its main elements, consisting of five principles:

1. a government bound by and ruled by law;
2. equality before the law;
3. the establishment of law and order;
4. the efficient and predictable application of justice; and
5. the protection of human rights (Kleinfeld Belton 2005: 27).<sup>41</sup>

In order to implement and enforce these principles, Kleinfeld Belton has identified three essential instruments and institutions:

1. the existence of comprehensive laws or a constitution based on popular consent;
2. a functioning judicial system; and
3. established law enforcement agencies with well-trained officers (Kleinfeld Belton 2005: 27).

The UN Secretary-General's definition of the rule of law follows similar lines:

a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently

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<sup>39</sup> de Montesquieu, C., (1748), *The Spirit of the Laws*, Volume 1, as translated by Nugent, T., (1777), London: J. Nourse, pp. 221-237.

<sup>40</sup> See, for example, the International Commission of Jurists' definition (available at: [http://en.wikipedia.org/wiki/Declaration\\_of\\_Delhi](http://en.wikipedia.org/wiki/Declaration_of_Delhi)), or that of the World Justice Project (an NGO), available at: <http://www.worldjusticeproject.org/>.

<sup>41</sup> In addition, the Western concept of rule of law is said to include, as a basic constitutional principle, the separation of religion and State (Democracy Web, available at: <http://www.democracyweb.org/rule>). This is an indication that different concepts of the rule of law are possible, given different cultural and religious contexts.

adjudicated, and which are consistent with international human rights norms and standards. It requires, as well, measures to ensure adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness and procedural and legal transparency (UN Secretary General 2004: paragraph 6).

How the rule of law is put into practice may differ from country to country. For example, it is possible to live in a state with laws that on the surface may seem unjust, but which still treat people fairly. On the other hand, it is possible to live in a society which has very good laws and legal institutions, but where the law is ignored by the state, resulting in unfair treatment. The state in this second scenario can be said to be practising rule by law, rather than adhering to the rule of law. Rule by law can be described as government using legal rules to guarantee the uniformity of a legal system, but seeing itself as above the law (Samuels 2006: 10).<sup>42</sup> It is clear, then, that it is not solely the presence of laws which is important, but also the substance of these laws; furthermore, the efficacy and independence of the institutions which protect them is equally important (Clarke 1998).

It is in this context that at least two principal conceptions of the rule of law can be identified: a formalist or 'thin' definition, and a substantive or 'thick' definition (Tamanaha 2004). Formalist definitions do not make a judgment about the 'justness' of law itself, but rather, they define specific procedural attributes that a legal framework must exhibit in order to be compliant with the rule of law. Substantive conceptions of the rule of law go beyond this, and include certain substantive rights as well (Craig 1997: 467).

The International Bar Association passed a resolution in 2009 endorsing the substantive definition of the rule of law, which it argues includes:

An independent, impartial judiciary; the presumption of innocence; the right to a fair and public trial without undue delay; a rational and proportionate approach to punishment; a strong and independent legal profession; strict protection of confidential communications between lawyer and client; equality of all before the law; these are all fundamental principles of the Rule of Law. Accordingly, arbitrary arrests; secret trials; indefinite detention without trial; cruel or degrading treatment or punishment; intimidation or corruption in the electoral process, are all unacceptable ... It establishes a transparent

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<sup>42</sup> A number of Asian countries are seen as practicing rule by law, rather than rule of law (Samuels 2006: 10). An example of such a country is Indonesia.

process accessible and equal to all. It ensures adherence to principles that both liberate and protect.<sup>43</sup>

One of the most important pillars of the rule of law is the protection and promotion of human rights. Human rights are 'literally the rights one has simply because one is a human being' (Donnelly 1989: 9); they arise from 'the inherent dignity of the human person'.<sup>44</sup> 'Violations of human rights deny one's *humanity*; they do not necessarily keep one from satisfying one's needs. We have human rights [to protect] those things "needed" for a life of dignity, for a life *worthy* of a human being, a life that cannot be enjoyed without these rights' (Donnelly 1989: 16).

It is argued by some that because human beings are individuals, only individuals have human rights. This gives rise to the claim that human rights regimes promote individualism over communitarian societies, and that these regimes are unsuited to non-Western cultures (Legesse 1980: 124, 129). 'These societies recognize that certain social guarantees are essential to realizing human dignity and they have elaborate systems of human duties designed to protect human dignity. But human rights are foreign to their approaches' (Donnelly 1989: 50).

On the other hand, there is also the argument that human beings are part of communities, and have duties to these communities, and that therefore individuals can hold rights both as individual human beings and as members of a community (or multiple communities). As a member of a cultural group, a human being has certain cultural rights; these rights are held by each individual, rather than by the group itself. However, each person exercises these rights through his or her membership of that group: 'Furthermore, all human rights are embedded in a social context and have important social dimensions ... [for example] speech, work and politics take place only in communities' (Donnelly 1989: 20).

An example of a non-Western instrument which deals with the issue of individual and group rights, as well as the linked issue of rights as opposed to duties, is the African Charter on Human and People's Rights (1981). Its Preamble highlights the importance of context through its commitment to 'virtues of [the] historical tradition and the values of African civilization'. The Preamble also notes that the 'enjoyment of rights and freedoms also implies the performance of duties on the part of everyone'. In line with this approach, Articles 27 to 29 deal solely with duties. For example, Article 29 states that,

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<sup>43</sup> International Bar Association Resolution available at: <<http://www.ibanet.org/Document/Default.aspx?DocumentUid=A89CFFB1-BD4A-445C-8CAB-553AF21BD7A7>>.

<sup>44</sup> See the Preamble to the International Covenant on Civil and Political Rights.

The individual shall also have the duty: 1. to preserve the harmonious development of the family and to work for the cohesion and respect of the family; to respect his parents at all times, to maintain them in case of need; 2. to serve his national community by placing his physical and intellectual abilities at its service; ... 7. to preserve and strengthen positive African cultural values in his relations with other members of the society, in the spirit of tolerance, dialogue and consultation and, in general, to contribute to the promotion of the moral well being of society...

The Charter demonstrates that it is possible to marry group and individual rights, and rights and duties in a way that is commensurate with African culture, traditions and values.<sup>45</sup> There is no reason why Fiji cannot do the same in accordance with its own particular South Pacific-centred culture, traditions and values, without being in breach of its international human rights obligations.<sup>46</sup>

Finally, we turn to a critical issue in Fiji: that of the existence of customary rules alongside state law. This was identified by both participants and interviewees as being in urgent need of consideration, given that the majority believe there is a 'clash' between these two systems.<sup>47</sup> The legal pluralism theory may offer some assistance in comprehending the relationship between the two systems, and is defined by Griffiths as:

one in which law and legal institutions are not all subsumable within one 'system' but have their sources in the self-regulatory activities which may support, complement, ignore or frustrate one another, so that the 'law' which is actually effective on the 'ground floor' of society is ... enormously complex (1986).

This reflects the reality in Fiji, and, it is argued, may provide a more helpful approach to both understanding and working with dual systems of rules than that of legal positivism, which permits the state to recognize customary rules, or to integrate them into state law. This is because legal pluralism takes a less Western-

<sup>45</sup> In addition, it should be borne in mind that rights almost always entail equal duties or obligations: 'A right-holder exercises his right...This activates the duty-bearer's obligation to respect that right' (Donnelly 1989: 10).

<sup>46</sup> Fiji is party to the following major human rights treaties: the International Convention on the Elimination of All Forms of Racial Discrimination; the International Convention on the Rights of the Child; and the International Convention on the Elimination of All Forms of Discrimination against Women. However, Fiji is not party to the following treaties: the International Covenant on Economic, Social and Cultural Rights; the International Convention on Civil and Political Rights and its Optional Protocols; the International Convention against Torture; and the International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities.

<sup>47</sup> See page 59 and 73 below for a full discussion of this issue.

centric approach to the relationship between state law and institutions, and customary rules and processes (Forsyth 2009). A debate is urgently required to determine which approach to adopt in order to comprehend and analyze the role, content and institutions of customary rules in Fiji, in order to provide a solid framework within which to resolve the perceived 'clash' between customary and state law (Forsyth 2009).

With this brief theoretical background in mind, we turned to the focus groups participants and interviewees for their opinions on these issues. The main question asked of them was: 'What kinds of rules/laws guide your conduct?' We also suggested possible follow-up questions, which included asking people to identify the different institutions in society which generate laws, and which of these sets of rules and conduct they felt they should adhere to; explain if there are any they feel are in direct conflict with each other, give some examples of these, and explain how they respond to conflicting rules, that is, how they choose which ones to follow; and identify who implements and enforces these rules and how they feel about the ways in which this is done.

### ***Focus Group Participants' Responses***

We started by asking people what rules govern their conduct in order to ascertain the broader context within which they view the concept of the rule of law. Participants explained that they are subject to various sets of rules, such as home and family rules, village and customary rules, religious rules and government decrees, legislation and regulations. One group said that, 'The laws [we] know are taught from home by [our] parents and the bible from church' (iTMY semi-urban 29.10.11). Many stated that they are mostly guided by rules instilled in them by their families: 'Respect and love [are] the core basis of values, taught in homes to guide the conduct in communities ... In daily relationships, [we] ... don't even think about country level laws. We are all humans and that's the basis of our relationships with each other' (IFF rural 21.09.11). Participants then added other 'layers' of rules on top of these home rules:

I will begin with law and rule of the home. You are born – there are certain customs you have to follow, when you grow up, you go to class one then you will follow school laws (example: rules of travelling in bus), then you will also go to religious organizations (example: church, temple) that's where the religious law comes in (while the home law is still intact), and finally comes the Government law (example: if you misbehave you are taken to court). [But] the primary context is the one from home (IFM 08.10.11; also iTF urban 04.10.11).



Although participants agreed that their lives are governed by a number of sets of rules, they prioritize these sets of rules differently. For example, some participants give priority to family and religious rules: 'Religious, family and cultural values, and the law of the country all are instrumental in guiding the day to day conduct of the people. Most affecting are the religious and family values that basically make a person' (iTM semi-urban 12.10.11).<sup>48</sup> Similarly it was felt that, 'If I follow God's law all other laws will be covered in that' (IFM urban 08.10.11; also iTMY rural 14.11.11). However, some focus groups felt that their context at a particular time determines which rules take priority: 'When at home I follow house rules but when out I would stick to the national rules'; but, even then, these rules are measured against those they saw as framing their lives, '[nevertheless] I mostly live by my home made rules and my religious laws' (IFF urban 06.10.11).

### ***The 'Clash' between Customary Rules and State Laws***

For the many participants living in rural areas, attempting to adhere to various rules and determining which to prioritise, gives rise to difficulties. In particular, these difficulties are experienced as the result of a perceived clash between customary rules and state laws: 'Government laws or village laws are so different' (iTF rural 14.12.11). This was echoed by another participant, who raised the issue of the customary settling of disputes in relation to the rule of law: 'The law does not recognise traditional forms of settling disputes and wants everything to be settled legally ... [for example, if he] had reconciled with his son using traditional means, the rule of law would not tolerate or recognize it. Legitimacy is only recognized to be present by the rule of law' (iTM rural 27.07.11). The manifestation of the conflict of laws is explained in more detail by another participant: 'Sometimes the laws of the government and of the villages clash. Sometimes government may bring in a new law but the village would already have a rule in place that relates to village life here. For example, if someone in the village was to disobey a rule, he would be disciplined by corporal punishment. But government laws forbid this now so you can see that these laws clash' (iTM rural 04.10.11).

It should be noted that many urban dwellers did not know much about customary rules, and felt unaffected by them (IFF urban 04.11.11). This was particularly the case in relation to Indo-Fijians: 'Fijian laws are recognized to be in place for dealings with Fijian communities; however, we do not have any personal experiences with them' (IFM semi-urban 12.10.11). As for *iTaukei* living in urban areas, these rules mostly affected them when they returned to their villages: 'People living in urban areas have to follow the rules and laws of the government and people back in the village will follow the village laws ... most laws are completely different where the government uses the constitution and the rural or villages use customary law' (iTM urban 09.11.11(a)).

<sup>48</sup> Also IFF urban 06.10.11, and IFM urban 10.11.11.

The issue of corporal punishment was raised frequently when discussing this clash: 'Corporal punishment is not allowed under the state law however it is allowed by village law, so there is conflict' (iTM rural 14.12.11). Another group said:

Traditionally, rules are made for children and punishment should be given in order to correct the child if he/she disobeys ... there was a clash between customary law and government law. This is because the parents do not know where they stand when it comes to disciplining a child (physically) because if the matter is reported to the police, they can be charged. The result is that the child misbehaves and does not listen to the parents or teachers because they know that they won't be punished (iTF urban 17.08.11).<sup>49</sup>

### ***Perceptions of Human Rights in Relation to Customary Rules***

It became clear that, for participants, the nature of the 'bumps between customary and rule of law is found in human rights. This right allows them the freedom to express themselves. Looking from the lenses of customary law this weakens the relationship amongst the people ... [there is] a collision when customary law wants to maintain its version of respect while human rights are adopted as a state law' (iTM rural 27.07.11). This contention was supported by another participant: 'There are tensions between democracy and human rights, especially when it comes to individual rights such as women's rights, children's rights ... traditional law is sometimes in conflict with modern law' (iTM rural 14.12.11). There was a more or less even split between those participants who believe that '[h]uman rights conflict with customary laws. The *iTaukei* way ... takes precedence over human rights' (iTF rural 14.12.11), and those who feel that 'human rights should be paramount at all times, and treated as the supreme law in dealing with all kinds of situations' (IFF semi-urban 27.10.11). The majority of participants appeared to think that 'Western-style' human rights, when implemented without concern for local culture and context, do not work in Fiji: 'Human rights are still foreign to most of us. It is creating conflicts among us as we are of different races and from our birth there are laws that are already instilled in us in our families, our race, and our religion. These are unwritten laws but we have come to be bound by them by when growing up' (iTF rural 21.10.11).

The current government has attempted to codify these 'unwritten' customary rules, through drafting 'village by-laws', since 'customary laws in the rural areas are the

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<sup>49</sup> However, corporal punishment was not only discussed in light of the 'clash'; a majority of participants felt that the 'reintroduction of corporal punishment in schools will make for better discipline in children ... The abolition of such 'punishments' has given room for breeding of indiscipline that does not augur well for the society' (IFM semi-urban 12.10.11).

ones that people follow most of the time' (iTM semi-urban 29.09.11).<sup>50</sup> For example, village by-laws call for 'traditional reconciliation', which is consistent with the customary means of dispute resolution: 'If a mistake is caused by the *Vanua*, a certain (traditional) procedure is followed' (iTM rural 04.08.11); 'people in the rural areas have been following customary laws their whole lives and it is rooted within their culture, and for them to follow the new state laws would be very difficult' (iTM semi-urban 29.09.11). Groups also noted that village laws could not be imposed in urban areas without conflicts resulting there too: 'Customary laws would not be followed in city or urban areas as people here are of different ethnic groups. They would not understand some of the laws and this would not be good for them' (iTM semi-urban 29.09.11).

In relation to this rural / urban divide, it was felt that, 'if they bring customary laws to be part of the government law, it will be hard for the people to follow because people in the city are living the modern life rather than traditional life ... the two laws should not be combined because what works in the village would not work in the city and vice versa therefore they should be kept separate as they are working in their areas' (iTFY urban 04.08.11, and iTF rural 22.08.11).

Indo-Fijian groups concurred, confirming that disputes are dealt with differently in their communities: 'The Advisory Council mechanism in this village is alive as it is consulted whenever a community issue brews in the area. This is similar to how it was happening previously. If for some reason the matter is beyond the council, then it gets reported to police and if need be taken to courts' (IFM semi-urban 12.10.11). However, not many Indo-Fijian communities appeared to have active Advisory Councils, and participants felt that they were lacking in this area.

### ***Enforcement of Customary Rules***

Generally, the power to investigate, charge, try and punish is a function of the state (the police and the courts); however, some forms of behaviour (some of which are defined as crimes in national legislation) are dealt with by customary structures: 'There are some government laws which are part of the customary laws as well, e.g. rape, attempt to rape, domestic violence etc' (iTM urban 09.11.11(a)). If a crime is alleged to have been committed, the customary dispute resolution system is activated: 'If a crime is committed in a village, the victim is not allowed to report it directly to the police. Firstly, he or she has to follow the village structure and report

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<sup>50</sup> In 2009, the Ministry of Indigenous Affairs drafted model legislation for village by-laws, following complaints from some provincial councils that there was a 'breakdown of order' in some villages. This draft was given to villages to discuss. However, some of these villages went ahead and enforced them, even though they had not yet been adopted at a national level. There were allegations that people, particularly women, had been assaulted due to breaking these by-laws. The by-laws have not yet been implemented nationally, but are still going through a consultation process (Fiji Government News, and the US State Department Human Rights Report 2010.)

to the village 'gatekeeper' on the crime that has been committed. The gatekeeper will then try and resolve the issue within the village' (iTM semi-urban 29.09.11).<sup>51</sup> However, some participants reflected that, as a result of the influence of state law, 'now serious cases such as sexual offences or murder are taken down to the nearest police station to be dealt with by the police force. Yet as mentioned, before the case is taken to the police, the gatekeeper still needs to be informed' (iTM semi-urban 29.09.11).

Customary rules are sometimes preferred to state law for practical reasons: 'in terms of government law, if anyone is found to have committed a crime he or she is arrested under the law and he or she will end up in court and they see that no one is there to help you out. However, for customary law there is a process to follow within a village for solving problems' (iTM urban 09.11.11(a)). One group said legal certainty was another reason that people wanted customary rules to remain in place, 'There are existing laws and new laws and while we are aware of the amendments made to these laws, my concern is that these laws are not fully endorsed and implemented which is why in the village setting, traditional laws is a float around idea' (iTF rural 21.10.11).

Not everyone responded positively to the idea of by-laws; some participants felt pressured to use the customary system of reconciliation, rather than report a matter to the police, if they chose: 'In certain incidences the villages are not encouraged to do so because they have their traditional ways of solving these grievances or problems ... if we wanted to report [a matter] ... people would say why you want to report it to the police, the village headmen has given the law to solve this conflict' (iTF rural 04.10.11; similarly, iTF urban 17.08.11, and iTFY urban 04.08.11). Some women saw the by-laws as another way of controlling their behaviour, 'I'm frightened about the by-laws in the village' (iTF rural 05.09.11). Other participants said that customary rules were harsher than state laws. For instance, under state laws, they said that it:

...takes time for evidence to be gathered before a person is charged with the crime; even then they are seen as innocent until proven guilty. However, in the village setting this is different. For instance, once the gatekeeper has been informed that a person has committed a serious crime, he calls a village meeting to inform everyone and to determine what is to be done. There are times when the suspect is told to leave the village and not return and anyone who tries to defend him/her (including their family) is also banished with them. Also, they cannot simply move to a neighbouring village as the news will spread to the

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<sup>51</sup> The term 'gatekeeper' is used in urban informal settlements. The role and status is similar to the *Turaga-ni-koro* in a Fijian village.

whole province and people will need to move very far away and this really affects their families (iTM semi-urban 29.09.11).

A further problem was identified by another group: 'Although this may resolve the matter, it does not resolve the bad feeling that may arise due to the crime ... often, this ill feeling remains with the victim and his/her family and they express this towards the perpetrator in different ways such as always going against them in village discussions or ignoring them completely. In some instances, they feel that traditional laws do not completely resolve issues and this leads to more conflict within the village' (iTFY urban 04.08.11).

Participants explained that the heads of various levels of customary structures, beginning with the family (*Tokatoka*), enforce customary rules: 'Family is the basic unit that enforces this law' (iTM rural 27.07.11). However, it was noted that, 'parents are not enforcing it from their own households. [A participant] says that he has been trying to discipline the youths to behave in a manner that observes the custom, but it is hard if parents continue to neglect their roles in teaching their children the custom' (iTM rural 27.07.11).

Other customary structures responsible for enforcement are the *mataqali*: 'Most of the residents abide by the decisions of the *mataqali* as they live on their land' (IFF rural 12.10.11). One group was reported as saying:

Living on leased land, the group recognized the *mataqalis*' role in times of conflict resolution and crime control in the area ... most families there are long settled leaseholders. [W]orkers from outside also come to live in the area during cane cutting seasons. These 'outsiders' are seen as those behind the criminal activities. In the majority of the cases the community relies on the *mataqali* to sort out minor crime complaints and the decision by the *mataqali* in terms of who stays on in the area and who doesn't is closely followed. Only in extreme cases is police help sought (IFF rural 12.10.11).

In terms of enforcement on a national level, there is no longer a customary institution to deal with these issues, as the GCC was abolished in March 2012. Some participants felt that the GCC should be reconstituted: 'The government needs to reinstate GCC for a traditional system within the government to be followed' (IFM rural 21.09.11).<sup>52</sup> Another group said, 'If customary laws and practices are to be observed and practised, the *Bose Levu vakaturaga* has to be re-established to enforce it' (iTM rural 27.07.11).

<sup>52</sup> The Great Council of Chiefs is known in Fijian as the *Bose Levu Vakaturaga*.

Most participants believe that currently, state law and customary rules cannot work if applied simultaneously: 'There are *Vanua* (customary law), *lotu* (religion) and *matanitu* (government). Even though they are different, they apply to everyone and people should not mix them up. For example, don't bring someone from the Government to solve a *Vanua* (traditional) issue/problem. It's a big problem when we mix them altogether. Each of them needs to be used at the right time it applies. Because most of the time they will clash and there is always disagreement or conflicts between them' (iTM rural 04.08.11).

In case of a conflict between customary and state law, some participants said, 'The customary law wins out as the villagers have been following these rules and laws for a long time now and they see that the government laws have only come lately but are causing a lot of problems in the village' (iTM urban 09.11.11(b); also IFM urban 28.09.11(a)). Others agreed, saying, 'It [is] better for [us] to follow the customary rule of law rather than the government rule of law because if there are conflicts in the village, it is settled within the village rather than taken to the police' (IFF urban 17.08.11). Nevertheless, there were some groups which 'do not believe that there are any conflicts between state law and customary law, if these different sets of law are practiced in their place' (iTM semi-urban 29.09.11).

A smaller number of participants took a more nuanced approach to dealing with any conflicts. One group said, 'We would first have to see the differences between these laws and see how they are run. If these are in conflict, some of us would follow the government laws, but others of us think that most people in Fiji do not know the rules and laws properly and that we should see these first before we make decisions on which one to follow' (IFM urban 10.11.11). Another group said, 'In the village, we follow the rules that have been given and we make all efforts to do that, taking the good and leaving the bad ... thus we do the same for the laws that are passed by the government' (iTF rural 14.12.11).

Other discussions reflected the strong influence of morals and values learnt in the home in deciding how to deal with conflicting laws:

[We] would first look to what we have learnt at home and then compare the government rules to this. If there was any conflict, then [we] would think about what was right and which path to follow ... if there was a grey area and things were not clear, then [we] would first reflect on this and look to [our] culture for answers before turning to the government rules and laws (IFM urban, 28.09.11(a)).

Generally, it is agreed that, where there is a conflict of laws, state law trumps customary rules, 'However the government laws will have to be respected and

followed because they are passed by this new government' (iTM rural 04.10.11, IFM urban 28.09.11(a), and IFM urban 28.09.11(b)).

Two main ways of resolving the clash between customary rules and state laws were put forward by participants: the first approach moots passing state laws which either incorporate customary rules, or which recognize customary rules as being paramount in the villages: 'If laws were passed that respected the traditional ways of the *iTaukei* then there would not be these inconsistencies' (iTM rural 04.10.11); and, 'If there is a conflict then the government should put a law where they can be combined together and also that they cannot oppose. The government law came in later, the village laws were here first' (iTM semi-urban 31.10.11).<sup>53</sup>

The second approach, mostly advocated by Indo-Fijians, entails developing a single set of laws for everyone to follow: 'There needs to be one set of law for the whole country. Different sets of laws for different communities cannot work. If there are numerous sets of laws in the country, some can use it to turn situations to their own advantage and thus infringe on the rights of others' (IFF semi-urban 27.10.11). Another group said, 'In a multiracial country there needs to be one set of laws for everyone, e.g. all rape cases should be dealt with in court and not a dual system where one group is dealt with in court while one can be allowed to go free after presentation of traditional obligations (*ai Bulubulu*)' (IFM semi-urban 12.10.11).

### ***Legal Clarity and Certainty***

One of the issues which arose across the board in focus groups were concerns around a key rule of law issue, that of legal certainty and clarity, both in relation to customary rules and state laws. This uncertainty manifested itself in two main areas: firstly, due to the unwritten nature of customary rules: 'Written rules are easier for me to follow. As for unwritten rules, I find it difficult to follow; I do not know how strict the unwritten rules will be' (IFFY urban 07.11.11). Secondly, participants are subject to different, and often conflicting, sets of rules: mainly, this is a difficulty faced by *iTaukei* participants, but was also a recurrent theme amongst Indo-Fijians, and is of equal concern to both rural and urban communities. 'I think it is because we don't deal with the law, we don't really know which law applies' (iTF urban 04.11.11); and, 'Before the law is laid down everyone should be aware of it' (iTF semi-urban 07.10.11).

In addition, participants are confused about which laws are currently applicable, as they keep changing (participants made reference to the 1990 Constitution, the 1997 Constitution, and the Decrees issued by the current government since 2006). 'Right

<sup>53</sup> A further argument in favour of recognizing customary rules over state law was the protection of *iTaukei* culture: 'Customary law should be recognized at all levels [as this] will benefit the people and revive our culture' (IFF urban 17.08.11).

now we are not sure what law we are guided by because they change all the time' (iTF urban 04.11.11); and, 'Laws are good and meant for us, but the policy/law makers need to follow this with awareness, to make clear each binding rule and clause in the Constitution that most of us - especially in the villages and rural settings - may not know of and not [be] clear about' (iTF rural 21.10.11). Participants also want to understand why laws are passed, and what their purpose is: 'If you do not understand [a rule], you cannot follow it. If you understand it you will know the consequences of those if you do not follow - it is the mind-set' (IFM urban 08.10.11). Similarly, 'There is a need for more awareness on any laws, policies, and the Constitution so that it does not create confusion like the Child's Rights and also what really the law or policies are meant for' (iTF rural 21.10.11).

Participants are clearly not averse to respecting the law, but, 'We want to enforce rules ... that everybody knows and understands why rules and laws are made and for what reason' (iTF urban 04.11.11). Some groups also made a distinction between what they perceived to be 'good' or 'bad' law: 'With the current conflicting issues in the laws of the government we are confused ourselves. Some things we feel are right are by law wrong and vice versa. Some things that the government feels is right is opposite to what we know' (iTF rural 21.10.11); and, 'There are certain laws (both *Vanua* and government) that need to be clarified and emphasized. Those that are just and unjust (wrong or right) and what procedures should be followed when dealing with them' (iTM rural 04.08.11).

A lack of knowledge about law concerns the vast majority of participants: 'An area where most of us are lacking ... is understanding the law, and an awareness about it is needed' (IFFY urban 23.11.11). '[We] do not know the difference between constitutional law, state law and customary law. We don't know what all those rules are' (IFF urban 28.09.11); and, 'We feel that most people living in Fiji do not know much about the constitution. Except for the crimes decree which people read about in the paper, see on television and hear on the radio' (iTFY urban 04.08.11).

Most, but not all, participants learn about law from the media: 'Media was seen as an important means of dissemination of information on laws and regulations in the country. Information sharing around grog bowls was also dubbed as a means of getting information on various regulations and issues' (IFM semi-urban 12.10.11). The state appears to have tried to disseminate information regarding current laws: 'The police, fire officers and nurses are normally the ones that come and teach us the laws in the community' (iTM semi-urban 07.10.11); and 'Outside the community we follow government rules and laws and we found out about this through the media. We also learn about new laws through the town councils, police community work, NGOs such as WAC and PCN and also through discussion amongst ourselves' (IFF



urban 27.09.11).<sup>54</sup> Not all communities have been covered though: ‘They ... had not heard about constitutional laws before ... they are learning about [government] rules and laws through discussion with other people. Very little awareness of rules and laws are gleaned from the media’ (IFM urban 28.09.11(b)).

Groups clearly want better dissemination of the law: ‘Because many people don’t know their laws, educating people with it is necessary and the government and non-government organisations need to spend money to educate people’ (IFFY urban 23.11.11); ‘There is a need to educate people on the rule of law and not in times when an offence is committed’ (iTM rural 27.07.11); and, ‘Getting information out into our villages and rural communities [is] in great need of improvement. There have to be more steps and efforts put into ensuring that our people in these communities are kept informed’ (iTM semi-urban 07.10.11). An additional problem appears to be the lack of translation of laws into Fijian, Hindi, and other languages: ‘The law of the country is there but they did not understand and know the procedures or the interpretation of it. Every law is written in English and not in vernacular so they can understand and know what it says’ (iTMY semi-urban 29.10.11).

### ***A Constitution for Fiji?***

The vast majority of groups want to have a constitution in place in order to provide legal certainty: ‘The main problem is there is no constitution that binds us to indicate what is lawful and what is unlawful. [H]ow then can we establish that what we are saying is right as there is no source or law that binds everyone equally before the law?’ (iTF rural 21.10.11); ‘We need a constitution that is static’ (iTF urban 04.11.11); and, ‘When we try to exercise the customary laws, there is conflict with the state laws, and it’s worse because we don’t even know about the constitution, not even paragraph one!’ (iTM rural 04.10.11). However, there was little discussion as to what constitution people wanted, e.g. a new constitution, or the re-instatement of the 1997 Constitution.

### ***Enforcement of State Laws***

Notwithstanding concerns about their fundamental lack of knowledge about the law, most groups understand who is responsible for enforcing state laws, and how: ‘Rules and laws are enforced by the government ... different rules and laws are done by different people ... like the LTA, they enforce the rules about crossing the roads and such’ (IFM urban 10.11.11).<sup>55</sup> ‘The enforcement of these rules and laws are seen to be the work of the government ... [through] appointed people such as the lawyers and the police force to enforce the laws’ (IFM urban 28.09.11(a)). However, some

<sup>54</sup> WAC stands for the Fijian Women’s Action for Change organisation, and is a local NGO.

<sup>55</sup> This is a reference to the Land Transport Authority (LTA).

also view other institutions as playing an enforcement role: ‘The church has a role in enforcing government rules at home and in the community’ (iTM rural 14.12.11). Some participants complained that ‘lots of laws are brought in from overseas to make the country look good but the enforcing agencies are under-trained or resourced to make the implementation practical thus making a mockery of the legislations e.g. the litter decree’ (IFMY rural 23.10.11).

### **Law Enforcement by the Police**

The Fijian police force is the main law enforcement agency in Fiji; however, the vast majority of participants - regardless of ethnicity, gender, age and location - reported a lack of confidence and trust in the police force. Most said that the police have a lot of power, but do not respect people; that they are slow in responding to complaints, often giving the excuse that they don’t have transport to get to crime scenes; and, that when they do respond, matters are seldom resolved. Some participants also alleged that the police are corrupt, accusing police of working with criminals on occasion.<sup>56</sup> These complaints are illustrated in the following quotes:

The police [are] always late on the scene ... at times failing to turn up ... [there is a] lack of trust in police. The issue of confidentiality is a problem: going to police means splashing the issue out for everyone to ridicule. Stolen items [are] retrieved by police, but fail to be returned to their owners ... Going to police is seen as an act of desperation, a cry for help but rarely receiving the help in a timely and efficient manner (IFF semi-urban 27.10.11).

[T]he village has been trying to get a police post in the area for years. There have been a number of break-ins, but cases remain unresolved. There was one instance of thieves being caught and items retrieved by police, but these have yet to be handed to the owner as the case in courts is still pending. Thieves work hand in hand with police. Someone’s personal cheque was stolen and found on a police officer who was trying to cash it. Complaints were taken up to highest levels in the police force, yet nothing happened. Most of the officials can be bribed (IFF rural 21.09.11).

[W]hen crimes are committed and this is reported to the police, the case sometimes does not reach the courts. This is because someone in the police may be related to the perpetrator and forces a reconciliation between the parties (iTFY urban 04.08.11; similarly, IFFY urban 23.11.11).

Nevertheless, there were some participants who said that the police are ‘much better now [than before the 2006 coup]’ (IFM urban 10.11.11). One group said, ‘The role of the police is different now compared to before, in the sense that police officers are more productive and efficient in their line of work’ (iTM rural 14.12.11).

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<sup>56</sup> E.g. iTF rural 14.12.11, IFF rural 21.09.11, iTMY semi-urban 29.10.11, IFF semi-urban 27.10.11, iTFY urban 04.08.11, IFM semi-urban 28.10.11, iTF urban 04.11.11.

Other focus groups said that their experiences with the police had been ‘good’ (IFM urban 28.09.11(a), and IFF urban 27.09.11). A group of women said that they felt that the police were doing a good job as ‘whenever there was a crime committed, they came quickly to the scene to help out’ (IFF urban 28.09.11(b)). Finally, this group said that, ‘It is much better now. Under the previous government, the police officers used to come around and sit down and drink grog with us. Now when they came around, they don’t even drink tea. When we ask them to have a cup of tea or a bowl of grog with us and they say “No, we just come to do our duty and go”’ (IFM urban 10.11.11).

### ***The Court System***

The vast majority of participants have had no personal experience with the Fijian court system. Nevertheless, the common view is that there are always delays with cases, which are seen as normal: ‘Some procedures take too long ... e.g. probates for widows’ (IFF rural 21.09.11). Delays were said to be caused by police not turning up, magistrates not turning up, repeated postponements etc. ‘Delays in dealings with courts is what everyone seems to know. But there is no other choice to deal with matters that are taken up there. Then again you might get justice or might not’ (IFF semi-urban 27.10.11). One participant shared a story of ‘a magistrate himself not turning up for the hearing despite giving the date’, whilst another shared a story of ‘repeated re-scheduling of a case as an ongoing matter’ (IFM semi-urban 12.10.11).

However, some participants do feel that justice is served, and that if people are unhappy with the outcome of their cases, there is an appeals system in place to challenge those outcomes. Others feel that it was a ‘toss of the coin’ as to whether justice would prevail or not and some people do not ‘feel all that confident in Court decisions’ (IFF rural 21.09.11). A common complaint was that the law does not apply equally to everyone, that people with connections and/or money get things done more quickly and to their advantage, unlike poor people, who cannot afford the necessary time and money. One group ‘pointed to the judiciary system and the police of their inefficiency in the implementation of these laws... comparing a poor person and a man with status and how [when] both call to lodge a complaint, the one with status would get a response [sooner] than the poor person’ (IFFY urban 23.11.11.) Another group said, ‘The rich are able to get away ... by using the power of their money and the law does not treat everyone equally. Poor [people] are victimized by law as they don’t have resources to defend themselves ... educated people have an edge where they can speak up and defend themselves better’ (IFF rural 21.09.11). On a more positive note, whilst many participants expressed a ‘lack of faith in the courts to do justice’, they also agreed that: ‘Women seem to have more say in courts these days, especially in cases of domestic violence and divorce’ (IFF rural 21.09.11).

### ***The Role of the Military in Fiji***

Although the armed forces have traditionally not played a law enforcement role in Fiji, they have done so since the 2006 coup. The military is seen to be 'better than police in the efficacy of their services', and participants agree that, 'Maybe it would be better for the country if the police services were replaced by Army services. The decline of sugar cane fire was attributed to fear of the army by the offenders' (IFM semi-urban 12.10.11). Another group said that, 'The army has the trust of the community when it comes to immediate action ... the army would be more effective in its services if it had the responsibility of the police ... repeated attempts at seeking resolution through police failed till the complaint was taken to army who managed to solve it with one phone call for action by the police' (IFF semi-urban 27.10.11); and, '[The] army is ... the one which is keeping everything under control in the country ... Doing a marvellous job ... Army officers are seen accompanying the cane growers' council in rural areas to solve disputes and maintain peace over incidents like thieving of cane carts, stealing of cattle etc.' (IFM semi-urban 28.10.11).

The reason the army is seen as effective is generally believed to be people's fear of extra-judicial treatment or punishment: 'When we do not follow decrees of the military we are taken up to camp to be punished' (iTMY rural 14.11.11). Another focus group said, 'We believe that the ... army could be more efficient as people seem to have more confidence in the military as a deterrent to crimes due to higher fear quotient for army action' (IFFY rural 19.10.11); and, 'If anyone does not want to listen to the way they lead the country, they will be taken to the military camp for punishment ... the military sometimes handles the offenders very roughly' (iTFY urban 04.08.11). Another group said, 'If the army receives a complaint regarding a crime, they will do their own investigations and take the suspect to the barracks. In this instance, only the suspect will know what is going to happen to him and the suspect would learn some very painful lessons' (iTm semi-urban 29.09.11).

### ***Legality and Legitimacy***

Although generally participants feel that the current government has done a good job since the 2006 coup, they nevertheless make the distinction between its legality and legitimacy. In other words, the current government is mostly viewed as legitimate due to its achievements, but it is also mostly seen as being unlawful. Participants also make the distinction between a *de jure* and a *de facto* government, seeing the current government as the latter, and not the former: 'The way he [Bainimarama] came into power was illegal as he was not put in the position by the people. But even though he is not the choice of people, it remains a fact that he holds the position ... Bainimarama's government is doing a lot of good work ... generally people are free to move about where they want, there are no atrocities against any groups' (IFM semi-urban 28.10.11). Another group said: 'This is not an elected

government but we can see developments taking place. We feel that this government listens to the needs of the people' (iTF urban 17.08.11).

One participant said: 'The way he [Commodore Bainimarama] came into power at the point of the gun was seen as wrong but maybe for him there was no other way' (IFF semi-urban 27.10.11). As this group put it, 'Any government which is a military government is working at the point of a gun. There is no sharing, no taking advice ... But our current leadership is doing marvellous work' (IFM urban 08.10.11). This view was re-iterated again and again by participants.<sup>57</sup>

However, some participants said that the current government is neither lawful, nor legitimate: 'The way he [Bainimarama] became the prime minister was not legitimate. He was self-appointed instead of being chosen by the people ... We feel that there is nobody we can talk to as the current regime is illegal' (IFF rural 12.10.11). Another group argued that, 'The implementation of decrees is totally wrong, as these are being done without debates and open deliberations. An example is Property Sales Tax which is unfair and does not make sense except to make money for the government. There is a certain level of favouritism in terms of implementation of laws ... Those with power and voice are able to get away with implementation of such decrees that are beneficial for them' (IFM semi-urban 12.10.11).

### ***Interviewees' Responses***

As with participants in focus groups, interviewees are guided by a number of different rules from different sources: 'I draw my own perimeters from my belief in my religion, the values that my religion has taught me and that my elders have taught me. I am a Hindu but I have studied the Bible and the Koran also, and I find that all religious values are excellent' (NGO Leader 10.02.12); and, 'Rule of law means being committed to the rules by which you live as a family, member of the *Vanua*, member of a professional organisation, whatever' (Academic 27.01.12).

Regarding the rule of law, interviewees said: 'Without the rule of law, you cannot have democracy; the rule of law is critical to democracy. By the rule of law, I mean firstly, that everyone is equal before the law ... and secondly, that there must be equal application of the law. ... The basis of the rule of law is equality' (Legal Professional 01.12.11); 'The rule of law basically means that no one is above the law... [and that] the law is not arbitrary' (NGO Leader 31.08.11); and 'The rule of law is living within normal expectations' (Religious Leader 14.10.11). One interviewee felt, though, that 'It is difficult to talk about the rule of law and its importance in a

<sup>57</sup> E.g. IFF rural 21.09.11 and iTF urban 17.08.11.

context where the governments continuously break the law' (Traditional Leader 06.12.11).

As for the rule of law in Fiji, interviewees tend to take a broad contextual approach, rather than a narrow legalistic approach:

The key values in traditional governance are respect and obedience. These are part and parcel of the child's mentoring, right from birth, through language and symbols. The understanding of the concept, rule of law, is much wider in the *iTaukei* context than its meaning and usage in democracy. We include things that fall outside the modern meaning of the concept, for example, when the church *lali* (wooden bell) rings, the people know it's time for worship, and they are expected to be in church. It's a law that is driven by faith and values, rather than a piece of paper (Civil Servant 18.01.12).

Another interviewee feels that 'the most important point is the restoration of right relationships within the community. The rule of law is much more than its legal aspect. It is about how we are to live our lives. So for the *iTaukei* society, the concepts noted earlier and the vision of the *Sautu* are the means and goal.<sup>58</sup> These things are not written down as in modern day practices of constitution, legislations, policies; these are generally understood as traditions' (Academic 13.10.11).

Interviewees also stated the need to interpret the rule of law in context: 'There is rule of law, but again, similar to democracy, not strictly in the Western sense of the term. You can have rule of law in unwritten form, in oral form. And in this form it does exist, even if not codified. In this form of law even spiritual and environmental dimensions are included which usually do not figure in the Western type rule of law' (Academic 12.12.11(a)); 'The rule of law in the traditional system has a similar framework. There is freedom in the *iTaukei* society ... freedom as understood in our community is freedom for responsibility; it doesn't exist for itself and to be free means to be responsible. For the *iTaukei*, the rule of law is, to use another phrase, the common law, and it's etched into our memory since birth' (Civil Servant 18.01.12); 'Everybody should have the freedom of doing what they feel but within confined means' (Business Sector 03.11.11); and, 'In a village, they can have rules specific to the village. But these may be unacceptable to an outsider's perception of the rule of law. If [we] consider the people's culture and their traditions, and their way of life we may have to revise our perception of the rule of law' (Government 18.11.11).

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<sup>58</sup> Defined here as 'peace and plenty'; see also the Glossary.

A majority of interviewees discussed legal plurality in Fiji: ‘The rule of law is two layered ... there is customary law and modern rule of law’ (Academic 16.01.12; also Academic 09.12.11); and, ‘There are two sets of laws; one is purely within Fijian society - the village level; and the very moment you come out of the village boundaries, you can be exercising another set of laws, which is done by government’ (Traditional Leader 23.03.12). Interviewees reported that customary rules deal with almost all aspects of day-to-day life in villages: ‘When it comes to gardening, fishing, food taboos and so on customary law reigns. It is still being practiced in everyday life. It regulates redistribution and exchange. It is very well adapted to the societal environment. It has developed over centuries, and it is a basis for the resilience of community life’ (Academic 12.12.11(a)). Given how integral to, and ingrained in, village life these customary rules are, interviewees believe they cannot be summarily dismissed. Even though most interviewees see the dual system of rules as largely affecting *iTaukei* communities, ‘Indigenous Fijians in rural areas still adhere to customary law. Other communities, Indo-Fijians etc, follow the law of the state’ (Business 12.12.11).

### ***The ‘Clash’ between Customary Rules and State Laws***

Interviewees, like participants, point to a perceived clash between customary rules and state laws. One interviewee gave a vivid example of this clash:

There was a case about a father who badly beat up his daughter, because the way she dressed was against the dress code of the village. There was a public uproar about it. The point is that the concept of the rule of law as understood in a democratic system is different from a traditional setting. Certainly what the father did to his daughter couldn’t be condoned in a democracy. But in a traditional setting, it’s permissible, [as] the village rules were agreed upon by the consent of the villagers. In a democratic system, the daughter and father would argue their case in court and the courts would resolve the issue. In the village, there is no court system to interpret the law and apply punishment, but rather a village consensus on firstly, what each of the village law means, and secondly, how it should be applied. The objective is always the maintenance of village unity and the protection of culture and tradition. But how can these be negotiated with people’s awareness of their freedoms and fundamental rights? (Government 11.11.11).

Another interviewee echoed this concern,

The *iTaukei* sometimes see their own norms and traditions as more important than what the law says. For example, if somebody beats his

wife, we normally settle the dispute in a traditional manner. In the rule of law, one is not allowed to abuse his wife and if found guilty, it's punishable. So yes, the rule of law is sometimes seen as intrusive in the *iTaukei* setting. Be that as it may, the rule of law is critical in ensuring that there is equality, stability and we must respect that (Civil Servant 17.01.12).

One interviewee pointed out that this clash gives rise to a live issue for the courts too: 'By-laws are challenged by professional lawyers who follow the state law and maintain that by-laws are contradicting individual rights. So the by-law issue is somehow a grey area at the moment' (Religious Leader 05.12.11).

### ***Perceptions of Human Rights in Relation to Customary Rules***

One interviewee noted that, 'Sometimes customary law conflicts with human rights principles' (NGO Leader 31.08.11). Another interviewee said:

The concept of Human Rights is not liked in rural communities. It is seen as an alien concept, imposed from the outside. It is also a matter of translation. The way the term 'rights' is usually translated into Fijian has certain strong negative connotations. It can come across as aggressive and disrespectful. A particularly sensitive issue is the talk about the 'rights of the child'. If children refer to their 'rights' as a means to justify disobedience and anti-social behaviour, this does not go down well with the adults. The adults see some kind of corporal punishment as legitimate and necessary in the course of the education of their children. They do not understand why this should be forbidden. They refer to the Bible to legitimize their view. The teachings of the Bible also play an important role when it comes to challenging the modern Western notion of 'women's rights' (NGO Leader 13.12.11(a)).

A substantial number of interviewees shared concerns about what they see as tensions between group and individual rights when implementing human rights laws in a customary setting. One interviewee summed up this tension very succinctly: 'The concern about human rights is really the unease about what happens between group and individual rights. In traditional societies like in the Pacific there is really no notion of the individual as such' (Traditional Leader 23.12.11). Other interviewees agree, 'The rights of communities are particularly important when living in multicultural societies such as Fiji. In respect of human rights, this system seems to be forcing individuality over community; this is difficult in Fiji, which places the clan and the community first' (Politician 20.04.12); and, 'There is a tension between the Western approach with its focus on the rights of the individual, and the local Fijian



approach with its focus on the community, the group, the tribe. One should not impose the Western approach and Western law completely, but leave space for local laws' (Religious Leader 05.12.11). One interviewee identified another important aspect of the implementation of human rights laws - the relationship between rights and obligations: 'To promote human rights as rights is only half the story. We have to promote rights with responsibility and therefore one always has to take the context into account' (Academic 30.08.11). Supporting this, another interviewee said, 'For Fiji to have a sustainable, democratic way of life, it needs to define for itself the democratic norms of rule of law, freedom of speech, freedom of association, etc.' (Other 11.10.11). Some interviewees sounded a cautionary note in relation to implementing human rights laws: 'Fiji is signatory to several human rights documents. But signing a document and implementing its content at the local level are two very different things' (NGO Leader 13.12.11(a)).

However, many interviewees argued that some human rights are already respected in Fijian customary rules: 'You have essential democratic freedoms like freedom of choice or freedom of speech also embedded in Fijian society. Of course, the way they express themselves ... in traditional Fijian society does not follow Western concepts of democracy. For example, freedom of choice and freedom of speech are executed within the bounds of expected and accepted behaviour' (Academic 12.12.11(a)). This was echoed time and again, 'The ordinary people do not understand the concept of human rights as presented by the United Nations or other outsiders. But human rights are embedded in customary law anyway. We have our own local human rights approach. For example, we have complementarity of gender roles. On Rotuma we have male and female chiefs. We have equality of female and male members of the community (without explicitly talking about women's rights)' (NGO Leader 13.12.11(b)).

### ***Resolving the 'Clash' between Customary Rules and State/Human Rights Laws***

Many interviewees think that much more effort should be expended in integrating or aligning the two sets of rules/laws,<sup>59</sup> and some support the current government's attempt to introduce village by-laws as the way forward: 'All *iTaukei* accept that a different set of rules applies in villages ... It is already a widely accepted view in Fiji that everyone should be treated equally under the law, however, for the *iTaukei*, whose communal existence may require the further refining of the law to accommodate the social value system within the village setup, the development of village by-laws may be required' (Civil Servant 06.03.12). A few interviewees are far more relaxed, feeling that, over time, any such clash between the two systems will resolve itself: 'Democracy and human rights and the traditional system of

<sup>59</sup> E.g.: NGO Leader 26.01.12, Academic 16.01.12, Traditional Leader 30.04.12, Traditional Leader 23.03.12, Traditional Leader 22.03.12, Civil Servant 17.01.12.

governance in Fiji are not necessarily contradictory. Rather, they complement each other. And over time, democracy and human rights will be the dominant factor. What outsiders see as contradiction, we see as hybridization' (Academic 12.12.11(b)).

The codification of village by-laws generally is seen as accepting a long-standing reality: 'You have by-laws in every village. They regulate the everyday life of people. They deal with issues of how to spend money for community projects, how to behave, how to dress, how often to hold village meetings etc. By-laws can be put into writing and then be approved by district or provincial councils. In general, by-laws can be implemented and enforced without major problems' (Academic 12.12.11(b)). Similarly, another interviewee said:

Tradition determines everyday life in the village. Customary law reigns ... People seem to like these by-laws. I think by-laws should not bother about petty things like dress code. But they should address more serious issues like excessive *kava* consumption. When I was young there were very clear unwritten laws governing village life. How many yams the men had to plant was regulated, and this was checked and enforced. This very much helped to organize village life and to maintain peace and order in the village. At some stage in my life I was the head of my village. I had to inspect the kitchen, the toilets and so on and make sure that everything was in good order. I also introduced non-smoking regulations for my village. Everybody complied. The villagers liked this way of maintaining law and order (Other 14.12.11).

Given these examples of the role customary rules play in organising and ordering communities, it is felt that not only should customary systems not be seen as an obstacle to development, but they could be used as a vehicle for change: 'The traditional system can provide for economic and social development. It can be used to achieve the Millennium Development Goals and other development aims' (Academic 12.12.11).

Many interviewees are critical of the village by-laws though, seeing them as a reaction to a loss of control over certain sectors of society: 'The fact that this regime is in favour of village by-laws can be explained by the fear that things might get a bit chaotic otherwise. By-laws are an additional means of control, even if they often only address rather petty things like dress code etc. ... Some women's groups have voiced concerns about the by-laws. Whenever criticism comes, the regime says: this is still a trial stage, we are working on it' (NGO Leader 11.12.11); and 'The Ministry for *iTaukei* Affairs now is trying to implement by-laws as a link between customary law and the law of the state. But by-laws can infringe human rights. Sometimes there can be tension between customary law and human rights, women's rights in particular' (Academic 12.12.11(a)). Sharing this concern, an interviewee gave this

example: '[A] woman was expelled from her village ... by the local chief because she used to wear trousers and to sweep her place on Sundays (the woman is SDA). Her house was dismantled and she was forced to leave the settlement' (Academic 09.12.11).<sup>60</sup> One interviewee thinks that, 'The main aim is to regain control of young people who come back from the cities to the village with what older villagers see as bad habits' (Religious Leader 05.12.11). Another agrees: 'The regime tries to implement by-laws at the village level ... Such by-laws seem to be necessary because the elders and chiefs have lost control over the younger generation in the villages to a certain extent. So the whole thing is about controlling the younger generation, and this stretches from the enforcement of dress codes to the so-called war on drugs. It seems that this approach is imposed on the people; that people do not have much say in this' (Academic 09.12.11).

Interviewees on both sides of the debate think that the perceived clash between customary rules and state law merits urgent and considered attention. Most interviewees feel that a pragmatic approach is essential: 'These village by-laws need to be consistent with the common-law; they cannot be different. If we don't ensure this, then we will be creating different laws for the people depending on their cultural environment; the need is to focus on our common heritage' (Civil Servant 06.03.12).<sup>61</sup> It is generally felt that, 'There has to be room for local ethos, that there has to be space for customary law and respective by-laws. But one should not make this approach obligatory: every village should decide whether it wants to have by-laws, follow the customary law, or not. There is not a general one-size-fits-all approach to this issue' (Religious Leader 05.12.11). Furthermore, 'The interface of customary law and state law is complex and complicated. Today it is not possible to just have customary reconciliations in cases of domestic violence or rape. Such cases and other serious cases such as murder have to go to the formal judicial system. In general, I would say it is necessary to decide on a case-by-case basis whether it is better to apply state law or customary law' (Academic 07.12.11).

A minority feel that customary rules should trump state law: 'Laws do conflict with one another; these human rights are spoiling our by-laws ... The Bible says that when your child is wrong you have to discipline him, but now with human rights, you can't do that' (Traditional Leader 22.03.12). Nevertheless, the majority view is that state law should prevail: 'Sometimes traditional law and modern law get in conflict but there has to be one supreme law and that has to be the law of the land. Individual communities can have their own customary way, as long as they are in harmony with the national law' (NGO Leader 10.02.12); 'In the end the government law always prevails because if the chief says that women are not allowed to wear shorts, and in

<sup>60</sup> The 'SDA' refers to the Seventh Day Adventist church, a Protestant Christian denomination which observes Saturday, rather than Sunday, as the Sabbath.

<sup>61</sup> E.g.: NGO Leader 10.02.12, NGO Leader 03.10.11, and Religious Leader 20.12.11.

trying to exercise his authority he beats a woman who disobeys, that woman goes to the police and reports the chief and shows the marks of the beating, the police comes and outs the chief to court. At the end of the day the government law always wins' (Traditional Leader 23.03.12); and, 'People today also understand that at the end of the day the state law prevails' (Academic 12.12.11(a)). Some interviewees reflected that the 'codification' of village by-laws may have a useful role though - that of helping to ensure legal certainty and clarity: 'In Fiji, the boundaries between the traditional and modern forms of governance are uncertain all the time' (Academic 30.08.11).

Finally, should codification proceed, it is felt that village by-laws must be responsive to change: 'In my village we have developed a by-law, well in advance of what the government is doing (or not doing). This by-law is in written form, copies are distributed to the villagers, and people read it. It was endorsed in a village assembly. It covers areas like health, education, behaviour in the village, dress code, village finances ... This works. But the times are changing. The next generation might have other ideas, and customs can change' (Politician 07.12.11).

### ***Enforcement of Customary Rules***

Customary rules are enforced in the villages by elders and traditional leaders:

There are mechanisms in the village to deal with anti-social behaviour. People in positions of authority can talk to people who do not behave and can put them back in line. If the worst comes to the worst, wrongdoers or perpetrators are expelled from the village. Then they will have no place to go, because no other village will take them in. This only recently happened in my village to somebody who made money out of selling marijuana. He was chased out of the village (Academic, 12.12.11(b)).

As demonstrated by this example, decisions by traditional leaders can have enormous implications for those affected, but there is little or no possibility for them to challenge such decisions. In this regard, some interviewees raised the issue of the separation of powers - an important component of the rule of law - in relation to the traditional governance system: 'In a modern democratic state, powers need to be separated so that there is accountability and transparency in the exercise of these powers ... the modern state demands a separation of powers which are traditionally vested in the one person. However, that development (chiefs understanding the separation of powers) hasn't really happened. Chiefs are still used to the belief that in them is vested all the power' (Academic 13.10.11).

The view that, '[t]he elders are able to enforce customary law, even the young people obey' (NGO Leader 13.12.11(b)) is disputed by several interviewees; they feel that traditional leaders are losing, or have lost, control over people living in their areas. One interviewee said: 'Some villages have their own local customary village laws. But these laws cannot be enforced. Today the individual can decide to comply or not' (Traditional Leader 09.12.11). Another interviewee said, 'Given social changes, the ability of the chiefs and elders to actually enforce customary law has been undermined. Often the young people do not listen any more. This is why the chiefs often have to call in the police and seek the assistance of the police' (Legal Professional 07.12.11). One important caveat raised regarding the enforcement of customary rules relates to the treatment of women: one interviewee recalled that, 'During the Beattie Commission of Inquiry in 1994 into the Fijian Court system, a group of Fijian women came to the Commission and said please don't introduce traditional courts; if our husbands beat us the traditional leaders will just take our husbands' side' (Legal Professional 01.12.11). Any attempt to formally integrate or align customary rules and state law should deal clearly and carefully with the issue of who will have responsibility for enforcing these laws, and how this should be done. One interviewee feels that this could be done by 'marrying the two' systems, by:

...making sure that traditional leaders are educated as to the national court system, and by persuading them that they can play a useful part in it. The Sentencing and Penalties Decree 2009 provides a good way of doing this: it says that the sentencing court can hear any representations from anybody, and in particular, from traditional leaders ... So there is already a mechanism to marry the two, that is, culture and the law, and this is not just during the sentencing stage. It is open for judges who are culturally sensitive to read situations and witnesses according to their cultural knowledge (Legal Professional 01.12.11).

The GCC is seen as the ultimate overseer of customary rules, and many interviewees who discussed this matter think that the GCC should be reconstituted.<sup>62</sup> 'Chiefs have a role to play in ... safe-guarding the traditional customs of the *iTaukei* in a modern Fiji' (Civil Servant 06.03.12); and 'The GCC has a role to play as long as we have a traditional system of governance in place in Fiji' (Academic 12.12.11(a)).

### ***Legal Clarity and Certainty***

The current lack of legal certainty and clarity was emphasized by a majority of interviewees: 'Today we are ruled by decrees that hardly anybody reads or knows'

<sup>62</sup> E.g. Politician 20.04.12. For a more in-depth discussion of the GCC, see page 46

(Traditional Leader 06.12.11); ‘There are also all the decrees, which the people can’t keep up with, and then the promulgation of certain laws, and the decrees that contradict those various promulgations. So, it’s very difficult to keep an overview’ (NGO Leader 30.09.11); and, ‘I don’t understand how laws are implemented right now, at all. Decrees come in and go. I don’t know how many decrees are active and some are not necessarily enforced. People feel very confused’ (NGO Leader 06.10.11). One interviewee stated that, ‘[Even] the police have problems to understand all these decrees that are issued by the current regime’ (NGO Leader 13.12.11(a)).

It is strongly felt that there needs to be much more publicity and education in relation to the law in Fiji: ‘At the community level there should be some awareness about the current rules and laws by NGOs and the government system as well. Recently, decrees have come up and even I have difficulty following them. They should be more publicized so that at least people can get a copy and can refer to certain things. So the media should play a role in publicizing the rules and laws which the public need to know about and the government should pay for this’ (Religious Leader 20.12.11).

### ***A Constitution for Fiji?***

Many interviewees called for the return of the 1997 Constitution, believing it not to have been lawfully abrogated, and by extension, the decrees to be invalid.<sup>63</sup> ‘Fiji doesn’t need a new constitution. We need to restore the one that they think they abrogated because the High Court ruling says nothing is abrogated’ (Other 19.01.12). Another interviewee said, ‘the Constitution of 1997 is still valid ... The dictatorship is talking about a new constitution, but I cannot see how such a new constitution can become legal’ (Politician 07.12.11). ‘We have the 1997 Constitution, and this Constitution provides regulations for elections. The 1997 Constitution is still valid, and we should maintain it’ (Traditional Leader 09.12.11).<sup>64</sup>

Taking the position that the 1997 Constitution is still valid did not mean that interviewees feel that it is perfect: ‘Of course there are weaknesses in the 1997 Constitution. They have to be addressed; the Constitution will have to be amended. But any changes to the Constitution have to strictly follow legal processes’ (Traditional Leader 09.12.11; similarly Business 12.12.11). ‘The way forward as I see it is that this current government must go, that then there should be elections under the 1997 Constitution, and then an early and rapid review of that Constitution and changes and amendments to it, and then, if necessary, new elections on the basis of

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<sup>63</sup> Interviewees generally agreed that the current government’s decrees should be disseminated and explained better; this may appear to be in contradiction to their belief that the decrees are unlawful, but this is because they take the position that the decrees are *de facto* law currently.

<sup>64</sup> Others who took the same position included: Business 02.02.12, Politician 27.02.12, and Other 28.09.11.

the changed and amended Constitution' (Politician 07.12.11). However, one interviewee raised an important point: that there should first be a debate about whether the 1997 Constitution is flawed, and if so, how: 'There is no need for another constitution ... In any legitimate constitutional process, the first question must be: what was wrong with the last constitution?' (Legal Professional 12.12.11).

As if to underline this point, most interviewees were not specific about what they think should be changed in the 1997 Constitution. However, a few mentioned that 'the electoral system needed changing' (Other 28.09.11). One interviewee advocates for both a change to the electoral system and the way it is provided for in law: 'It would seem that the reason Frank Bainimarama removed the 1997 Constitution is ... in order to get a new election. We should not have an electoral system written in our constitution; it should be an Act; an Act of Parliament which we can change any time without changing the constitution' (NGO Leader 11.10.11). There is also a consensus amongst those calling for the re-instatement of the GCC that the Constitution should be amended in relation to the GCC's powers: 'The GCC should be allowed to exist; however, maybe we should take away some of the functions they used to have, such as that of selecting the President' (Politician 20.04.12).

Very few interviewees felt that a completely new constitution is required; one interviewee who does think a new constitution is warranted said: 'It is good that the army abrogated the 1997 Constitution and want to put in place a non-racial voting system, one man, one vote, one value of principles to be applied without fear and favour. This coup is for everybody. The 1997 Constitution was not what the Indians fought for in 1939. They wanted one vote, one value and we are going to get it now' (Business 30.01.12). It should be noted, however, that most of those interviewed did not discuss the issue of a Constitution at all. Nevertheless, the majority of interviewees who did discuss this issue think that the 1997 Constitution should be re-instated (or was never legally abrogated), but are critical of it in its current form.

### ***Enforcement of State Laws by the Police***

Moving to the enforcement of state law in Fiji, an interviewee made the general comment that it 'is hard to enforce laws when the enforcers of the laws are in the wrong themselves' (Academic 16.01.12).

In relation to the police, it was said, 'The police today are not held in particularly high esteem. Police is feared, but not respected' (Academic 07.12.11); and, 'The police in general pursue a very heavy-handed approach. Law enforcement by the police is very repressive. They used to raid villages in an extremely violent manner, for example in the context of the so-called war on drugs. If young people in villages in the interior grow marijuana as a cash crop to make some money, the whole village

is punished through extremely violent police raids. The police can be pretty brutal' (Academic 09.12.11). Another interviewee took a completely different stance:

Sometimes the police is too soft though; they are often too close to the locals, there is a kind of fraternization going on, and this makes it difficult for police to do their job (or they are unwilling to do their job because of close relationships with the locals). This is why I was really shocked when I learned that in the future police will be recruited from the local area ... because then issues of kin relationships etc. may become a problem and work against the police doing their job (Politician 07.12.11).

Concerns were expressed about the militarization of the police: 'Military personnel are now working in the police force, without proper training' (Politician 20.04.12); the issue here is that soldiers normally operate under a different paradigm - that of the laws of war - to the police who must operate under a law enforcement paradigm, and as a result the 'military must not become part of the police force unless they have gone through thorough training and re-orientation' (ibid). 'There is concern that the police is becoming more and more militarized. The police are just an instrument of the government. The military is the real power in charge when it comes to the maintenance of law and order' (NGO Leader 13.12.11(b)). Others are concerned that, '[There are] problems with division of responsibility between police and army: the division of labour ... is unclear today. Often the military takes over roles of the police' (Academic 09.12.11).

There are differing opinions when it comes to the involvement of the police in the villages; one interviewee feels strongly that the police should not be involved: 'Customary law has everything to put a person right and you don't need an outsider like the police to come and put things right' (Religious Leader 14.10.11). This is a minority view, however, with most others agreeing that 'in the village you usually have a sub-clan that is responsible for "policing" the community in the customary way, and we have the village headman who is basically the village executive officer. He is the key man who liaises with the state police at the local level. This arrangement usually works very well. The combination of customary law and state law is not problematic, they go together' (Politician 07.12.11). Another interviewee concurred:

In the village context, [t]here is a combination of customary law and state law, and this works quite well at the local level. Minor offences are dealt with in the local customary context according to customary law; major offences are handed over to the state authorities. For example, drinking causes problems of anti-social behaviour in my village and other villages. We as chiefs call the troublemakers in and warn them.



Only if they do not listen to us, do we call the police in (Politician 07.12.11).

### ***Law Enforcement by the Court System***

Some interviewees think that the courts are doing a good job: 'Fiji has a good court system, the courts are functioning well. In fact, the judiciary is doing an exceptionally good job, given the limited resources. I have not seen any problems with regard to the functioning of the courts' (Business 12.12.11); and, 'The judiciary overall is okay. It is fair, except for the delays' (Business 30.01.12). Another interviewee said, 'Within the courts the people of Fiji are treated equally before the law ... Before something goes to court there is a lot of room for misapplication of the rule of law, but once something goes to court, the system is tight' (Religious Leader 20.12.11).

However, positive feedback was scarce, with most being critical of the system's current performance: 'The court system is functioning, and this is better than having chaos or no system at all. But there are serious issues, for example with regard to capacities, the quality of the personnel, the independence of the judiciary (there is political interference). One cannot really say that our court system is capable and neutral. The way personnel are selected is dubious. Unfortunately under current circumstances we cannot discuss these issues openly' (Academic 07.12.11).

Other complaints included: 'We have judges and magistrates who are totally inexperienced, who have come in from somewhere else and have never worked in this cultural milieu before. We also have a huge backlog of cases and court clerks who are changing every day' (NGO Leader 30.09.11). A legal professional summed up what many interviewees felt:

The World Justice Project says that one of the requirements of rule of law is that there be independent and impartial tribunals, made up of the communities they serve, but we've got a bench which is at least three-fifths Sri Lankan. They've got no concept of native land, or Fijian case-law which is endogenous to Fiji, or Fijian legislation, so litigation lawyers have to spend a lot of time taking them through the issues during a case ... The Chief Justice is looking for good people, but some people won't serve as a matter of principle. He's not got much to pick from locally, because the quality of the profession locally has never been that great; anyone who's good is probably making too much money to move to the bench (12.12.11).

However, another legal professional said that although many judges may be foreigners, 'as soon as new judges are appointed, they have to undergo training,

including gender and cultural sensitivity training. This goes equally for local and foreign judges ... Orientation training last year included a consideration of different cultures and the way that culture may help us understand people's behaviour' (01.12.11).

The general view is that the judiciary and the magistracy are not independent of the current government. One interviewee said, 'I would rate the current judiciary as 2 out of 10 because of the interference of the government. There used to be a JSC but now the Attorney General and the Prime Minister have a lot of say in the appointment of the judges.<sup>65</sup> They bring in people who will uphold what they feel is right. A lot of judges and magistrates who tended to give rulings against the government of the day have been sacked. These are some indicators which show that the judiciary is not independent as it should be' (Other 19.01.12),<sup>66</sup> and, 'My trust in the judiciary is only 2 or 3 out of 10 because I feel it is compromised. It is not independent. I think the Chief Justice takes his instructions from the Attorney General. There's no separation between the police, the military, and the court as I see it' (NGO Leader 13.01.12). A legal professional argued that, 'There is a greater and greater concentration of power in the hands of the PM and the AG; they are above the law, and therefore the usual rules of transparency and accountability don't apply. They are increasingly vested with power, as, to their way of thinking, anyone else making decisions could be corrupt, but they are alright and therefore above the law' (12.12.11).

Further allegations of interference with the independence of the judiciary were made in relation to the scrapping of the JSC. Nevertheless, one interviewee supports that scrapping:

[It] was a failure in my opinion, because there was absolutely no transparency in appointments, which makes the body open to accusations of corruption in the broad sense. The JSC never disciplined a single judge, even though you knew there were judges who needed disciplining... To have an autonomous judiciary, you must ensure that there is no pressure from the outside. Discipline can be misused to get rid of unpopular judges; the judiciary must be able to discipline its own judges effectively, according to very certain rules. The present Code of Ethics is a very good code, it is based on the Australian code, which came out of the Bangalore principles, but the problem is that it lacks any enforcement mechanisms (Legal Professional 01.12.11).

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<sup>65</sup> The JSC stands for the Judicial Services Commission.

<sup>66</sup> Other interviewees who argued along similar lines include: NGO Leader 06.10.11, Business 02.02.12, Politician 20.04.12, NGO Leaders 10.02.12 and 03.10.11 etc.

A politician feels that, 'If we do not go back to the 1997 Constitution, the military, by proxy, will determine who can represent us, and may alter the Constitution in this way. All that stands in the way of that happening is the judiciary, but instead of having the sort of judiciary we had in 1987 that can try everything, at the moment things that can be tried are limited. Also, an appeals system that has integrity, which is necessary for us to have a fair system, is limited at the moment' (Politician 20.04.12). As another politician said, 'At the moment, you cannot question many of the decrees of government, and cannot contest them in court' (20.04.12). In support of this, an interviewee noted that the judiciary is not currently permitted to examine certain acts of the military: 'Even the military can arrest you and a lot of us find this very concerning because there is no judicial remedy for whatever they do to you in that period of detention' (NGO Leader 13.01.12).

Access to justice is another of the concerns raised by interviewees: 'The court system is too far away from the people. There are no courts on the islands. Often it takes months until the courts sit and deal with a certain case. These delays cause problems, people lose confidence. The courts have to be brought closer to the people and they have to deal with cases faster. It might be an issue of funding that this has not been addressed yet' (Politician 07.12.11). However, it was noted that 'Small Claims Courts are being opened in "odd" places ... There are more magistrates now than there've ever been: there is a magistrate now in Nabua, next year there'll be a magistrate in Savusavu. A circuit High Court is being contemplated for Savusavu, because the cost for people to go to Labasa is enormous' (Legal Professional 07.12.11). The same legal professional commented that, in relation to legal aid, 'Fiji is doing quite well; even though AusAid pulled the plug, the government took it up. The Attorney-General (AG) knew very well that courts can't run if people are unrepresented for serious charges like murder; the judge can't cross-examine the complainant on behalf of the accused. That side is improving and growing, along with the courts' (Legal Professional 07.12.11). Another legal professional remarked of Legal Aid: 'Plans are now underway to establish more offices throughout the nation ... to ensure that Legal Aid services are readily and easily available at major centres around the country. This year, three additional offices will be opened in the Western Division' (09.12.11). It is clear that attempts are being made to improve physical access to justice in Fiji.

### ***The Republic of Fiji Military Forces***<sup>67</sup>

The overwhelming majority of interviewees want a return to democracy in 2014, if not earlier, with the RFMF returning to barracks and civilian control: 'The military is supposed to be a neutral entity in the state, serving any government' (Academic 16.01.12).<sup>68</sup> In order to achieve this, it is felt that an 'exit strategy' must be

<sup>67</sup> For an in-depth discussion on the future role of the military, see page 44

<sup>68</sup> E.g.: Politician 20.04.11, Politician 12.12.11, and NGO Leader 21.11.11.

developed, which would enable the military to hand over power to a (transitional or elected) civilian government. Interviewees identified the issue of possible criminal charges individual soldiers may face arising from the coup in 2006 and subsequent allegations of human rights violations as a key reason for the need for such a strategy. For example, one interviewee said: '[People] are scared to go to the barracks as they know what happens there. It is a well-known fact that people have died and people have been tortured. Everyone knows someone that's been to the barracks and has been tortured or has been assaulted' (NGO Leader 31.08.11.) Another interviewee described his own ill-treatment at the hands of the RFMF:

I have been warned a number of times by the military and on one occasion I was taken away from home and given a ride around the countryside in the dark, intimidated and threatened by the military. My family has been threatened that I should support the government or there will be consequences. I was taken to the military camp and was spoken to about that with special emphasis on my family ... [On another occasion], I was called into a room and questioned by senior military officers with other military officers in the room and I was punched and kicked ... then I was taken to the Nadi Airport Military camp and again I was detained there for a few hours. I was questioned and punched and kicked again and I was told that they were going to keep an eye on me (Other 28.09.11).

In this context, it is felt that, 'We would have to work out an exit for Bainimarama; he must be reflecting on what happened to Pinochet and others like him' (Legal Professional 12.12.11). A possible 'exit' strategy could include an amnesty: 'In the short run, the military needs amnesty for anything associated with them, with the coups of both 2000 and 2006. We need greater understanding and people saying, yes, we forgive, we have to go forward now' (Academic 30.08.11; similarly Academic 09.12.11); how an amnesty could be negotiated was also debated: 'There is the issue of amnesty. This can be only dealt with by an elected government. The military people are afraid to end up in jail' (Academic 12.12.11(a)).

Regardless of whether an amnesty is sought, and/or granted to those affected, there are concerns about the future constitutional role of the RFMF. As one interviewee succinctly said: 'Would the military allow a majority in parliament to dictate to them, where they perceive, in their final analysis, that the military is the one that the nation will look to [in order] to defend the integrity of the nation in response to an external military threat? Why should they defend a government led by some unethical people? Those are tough decisions for the military' (Politician 12.12.11).<sup>69</sup> Another interviewee feels that the military 'should never usurp political authority, not in any

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<sup>69</sup> E.g.: NGO Leader 11.12.11, and Legal Professional 12.12.11.

circumstances except possibly to restore the authority of a legitimate parliament where there has been an insurrection ... [However], that is the difficult line for the military to see, are you defending the constitution, or are you defending a corrupt leadership?' (Politician 12.12.11). In light of these sorts of concerns, it is felt that there must be a debate about the future constitutional role and function of the military, and that this needs to be clearly spelled out in whatever constitution and/or legislation Fiji embraces post-elections.

### ***Legality and Legitimacy***

Interviewees raised the issue of whether the exercise of power by the current government is legal and/or legitimate. Three main positions were taken: the first - and smallest - group thought it both legal and legitimate e.g.: 'The so-called Bainimarama coup is not a coup in my opinion. If you suffered three heart attacks you need to have surgery to get it right, otherwise you will be in trouble. I consider it a very just coup. Things were going completely wrong for us. We had dug a hole where ethnicity, religious differences, and racial divisions were being sharpened, highlighted, and constantly emphasized' (Academic 20.02.12).

The second, larger group of interviewees feel that the 2006 coup was illegal but legitimate, given why the RFMF acted as it did, and what it is now doing: 'I do not have any problems with the current leadership of the country. They are doing a good job. But one cannot only look at the product; one has also to look at the process. And many people say that how they came into leadership positions was not right. People say: they were not elected' (Business 12.12.11); and, 'Despite the fact that this government had said that they staged the coup because they want to clean up government and they want to wipe out racial politics – and I agree with what they [have done since taking power, but] I do not agree with the means. To me a coup is a coup and illegitimate by any means' (Academic 30.08.11).

The third group - similar in size to the second - argued that the 2006 coup was both unlawful and illegitimate: 'The power in Fiji is totally illegitimate. The people who are controlling the country now are working there illegally and it is unfortunate that the people are helpless and there is no legitimacy at all. People's lives are totally suppressed. Whether it is freedom of expression or association, it is all taken away. Basic human rights have been taken away' (NGO Leader 10.02.12). The complete disregard of the ruling in 2009 by the Fiji Court of Appeals - that the military take-over in 2006 was unlawful - was cited as an example of the current government's illegitimacy and illegality.<sup>70</sup>

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<sup>70</sup> *Qarase v Bainimarama* [2009] FJCA 9. Available at: <<http://www.scribd.com/doc/49058235/Qarase-vs-Bainimarama-Fiji-Court-of-Appeal-Judgement>>.

## **Conclusion**

A frequent refrain by those conducting the focus group discussions was that a common terminology for discussing concepts such as rule of law and human rights is missing in the vernacular. This made debate and comprehension difficult.

Nevertheless, both participants and interviewees 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, and not in the urban areas; it is also seen to be an issue mainly affecting the *iTaukei*, and not Indo-Fijians. The majority feel that there is a particular conflict between customary rules and human rights law, although not all feel that these differences are irreconcilable. Other issues giving rise to conflict include 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 is broadly agreed that there needs to be research done to: 1) identify the various manifestations of customary rules in Fiji; 2) decide on the approach to take to relating customary rules to state law (that is, should they be integrated or reconciled, or remain separate, but be re-conceptualised to be complementary in practice); and 3) realize that approach.

With regard to the enforcement of customary rules, there are differing opinions as to whether traditional leaders are still able to enforce laws effectively in their villages, or whether they are losing their authority. To shore up the enforcement of customary rules, a majority of *iTaukei* participants and interviewees want the GCC to be reinstated, albeit with some reforms. Some participants said that they are not allowed to report crimes to the police, but are required instead to submit to customary procedures for dealing with such matters. There is also some concern about a possible lack of separation of powers in customary structures, with traditional leaders acting as investigators, prosecutors and judges in cases brought before them. If customary rules are to be taken seriously, then the structure supporting and implementing these rules should be similarly examined, and strengthened. This should include resolving issues such as whether complainants may choose whether to utilise the state or customary systems, and whether the customary system of enforcement is fair in its current form.

Both participants and interviewees feel that there have been so many changes in state law (particularly since 2006, including the abrogation of the 1997 Constitution, the amendment of many pieces of legislation, and the introduction of numerous decrees) that they lack legal clarity and certainty as to which laws pertain to them, and thus what they need to do in order to remain law-abiding. As a result, many

called for a concerted and wide-spread programme of education about law, including human rights law, to be developed and implemented as soon as possible.

Participants feel that Fiji should have a constitution, but generally did not say whether they preferred the 1997 Constitution, or a new constitution; the majority of interviewees did not discuss this issue. Nevertheless, of those who did, the vast majority want the 1997 Constitution to be re-instated (or believed it has not been lawfully abrogated, and therefore is still in force). However, they are not averse to the 1997 Constitution being amended, if this proves necessary; a few interviewees identified the electoral system as an aspect of the Constitution they wish to see amended. Since these discussions and interviews took place, a Constitutional Commission has been established, and has received many submissions in relation to a new constitution.

In relation to the enforcement of state law, the police were criticized by both participants and interviewees, including: 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 are better now than before 2006. Finally, interviewees in particular raised concerns about the militarization of the police, and what they view as the military usurping the role of the police. It is clear on this basis that there needs to be a great deal of work done to improve both the performance of the police, and the perception of that institution.

Participants 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 not being respected 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 which 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 is

broad agreement that there needs to be an informed and in-depth debate, dealing particularly with such questions as, on what grounds (if ever) the military should remove an elected government. The vast majority of interviewees agree that the military should return power to the people as soon as possible. An exit strategy is seen as being very important, with most mooted some form of amnesty.

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

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# CHAPTER FOUR: LEADERSHIP

## ***Introduction***

There are many different concepts of leadership in various scholarly disciplines, from psychology through management studies, organisation studies, anthropology, sociology and history to political science. In every discipline, there are numerous definitions of leadership, and a vast literature on the topic.<sup>71</sup> In other words, there is no unanimity with regard to the meaning of leadership. In most of this literature, leadership is linked to traits, styles, behaviours, characteristics and attributes of individual leaders, mainly in businesses and organisations. Concepts are inherently Western, managerial, universalist and individualistic, derived from and geared towards the institutional environment of developed OECD countries: 'Most of the leadership literature is managerial or organizational in nature and looks at leadership from largely individualistic and western perspectives', with 'a distinctly western, business-related focus' (de Ver 2008: 4-5). In addition, 'much of this literature has its provenance and pre-occupation in western industrial societies and makes many assumptions about context and culture that are not applicable in a non-Western setting' (ibid: 31). In this literature, leadership 'is treated in a largely a-political manner as a technical skill' (Leftwich 2009: 9).

By contrast, relatively little attention has been paid to leadership issues in political science and development studies (de Ver 2008: 5). Moreover, the existing leadership literature in political science is focused on Western-style democracies: 'This concentration on the West means that the literature assumes the existence of a stable institutional structure within which leaders operate, which is not the case in many developing societies and fragile states. It also assumes that actors fit the western "rational economic actor" mould and that Western cultural assumptions ... are much more universal than they are' (de Ver 2008: 6). This clearly limits the usefulness of this literature for non-Western developmental contexts.

For the purposes of this report, we need a political understanding of leadership that focuses on leadership:

- as a social relationship (between leaders and followers);
- as a power relation;
- as a political process; and,
- as contextually embedded (socially, culturally, economically and politically).

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<sup>71</sup> For a recent overview of the literature and definitions, see de Ver 2008.

‘Leadership must always be understood contextually, occurring within a given indigenous configuration of power, authority and legitimacy shaped by history, institutions, goals and political culture’ (de Ver 2009a: 4). Such a political understanding of leadership, which brings ‘the context of authority, power and culture, back in to analyses of leadership’ (de Ver 2009b: 21), is in sharp contrast to the mainstream approach of leadership studies, which deals with individuals and individual attributes in a de-contextualized and a-historical manner.

In our understanding, leadership ‘implies the organization or mobilization of people and resources (economic, political and other) in pursuit of particular ends’ (de Ver 2009a: 3). It ‘is both a process and a property. The process of leadership is the use of non-coercive influence to direct and coordinate the activities of the members of an organized group towards the accomplishment of group objectives. As a property, leadership is the set of qualities or characteristics attributed to those who are perceived to successfully employ such influence’ (Jago 1982: 315). In both its process and its property dimension, leadership is ‘influenced by historical, structural, political and cultural factors’ (de Ver 2009b: 9). Accordingly, our understanding of leadership is in sharp contrast to Western universalist and attributional concepts of leadership, and has its focus on leadership as a socio-political structure and process in specific historical and cultural contexts. Only such an approach makes it possible to identify the limits and possibilities of specific types of leadership.

In developing states such as Fiji, it is particularly important to pay due attention to the socio-political context in which leadership is exerted, and how it shapes the limits and possibilities of leadership. This socio-political context is best understood as a hybrid political order.<sup>72</sup> In hybrid political orders, different forms of leadership exist, which are close to Max Weber’s three ideal types of legitimate authority, namely the rational-legal, the traditional and the charismatic types.<sup>73</sup> These types of leadership co-exist, compete and interact. Flowing from that interaction, leadership is hybridized, and various ‘hybrid forms of leadership’ emerge (de Ver 2009b: 19); these hybrid forms comprise various combinations of Max Weber’s three ideal types of legitimate authority (e.g. leadership that is legitimized both through elections in

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<sup>72</sup> See the Executive Summary, page x, as well as the Introduction, page 5.

<sup>73</sup> Max Weber distinguishes three ideal types of legitimate authority, namely legitimacy based on (1) Rational grounds – ‘resting on a belief in the “legality” of patterns of normative rules and the right of those elevated to authority under such rules to issue commands (legal authority); (2) Traditional grounds – resting on an established belief in the sanctity of immemorial traditions and the legitimacy of the status of those exercising authority under them (traditional authority); or finally (3) Charismatic grounds – resting on devotion to the specific and exceptional sanctity, heroism or exemplary character of an individual person, and of the normative patterns or order revealed or ordained by him (charismatic authority)’ (Weber 1968: 46; see also Weber 1978: 215). For our research purposes, we refer to Weber because ‘Weber has a theory of *leadership* rather than of leaders, of authority rather than individuals’ (de Ver 2009b: 15).

the formal state system [rational-legal legitimacy], and through ascribed status in the customary societal sphere [traditional legitimacy]).

Understanding of these diverse co-existing, interacting and hybridized types of leadership is rather limited in the mainstream Western political and academic discourse, but it is important to realise that local understandings of legitimate leadership that stem from indigenous custom and culture differ from, and can even clash with, liberal Western understandings of legitimate leadership.

In the South Pacific region in particular, very distinctive traditional leadership types have developed in the course of history. These leadership types have garnered the interest and attention of Western anthropologists, such as Marshall Sahlins, whose seminal 1963 paper on the difference between 'big men' and 'chiefs', sparked a debate about types of political leadership in the South Pacific which has continued for decades.<sup>74</sup> In the course of this debate, Sahlins' juxtaposition of big men and chiefs has been widely criticized as too simplistic, and ever more sophisticated and nuanced analyses of leadership in the South Pacific have been developed.<sup>75</sup> Today, the mainstream academic view holds that indigenous leadership structures in South Pacific societies are more complex and varied than Sahlins suggested. For example, it is noted that, 'Melanesian leadership systems, even those that exhibit most of the diagnostic big-men features, may also incorporate ascriptive elements, in some cases to such an extent that one may legitimately refer to the presence of chiefs; while in Polynesia, even the most elaborate systems of hereditary rank and office do not preclude the emergence of self-made leaders in competitive contexts' (Allen 1984: 20). There is a wide range of variation both in the 'big man' type of leadership, and the chiefly type.<sup>76</sup>

Today, 'chiefs' can be found all over the South Pacific, including the Melanesian countries of Papua New Guinea, Solomon Islands and Vanuatu. What a 'chief' actually is, however, varies from country to country, and even more from island to island, or region to region, and the elements defining chiefly status may be highly contested. Although it has become commonplace to refer to chiefs as 'traditional' authorities, the rather abstract category of 'chief' is relatively new; it emerged in the

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<sup>74</sup> Sahlins posited that political leadership systems in the South Pacific fall between the poles of the 'big man' (as the typical leader in Melanesia), and the 'chief' (as the typical leader in Polynesia). The 'big man' achieves his leadership position in the context of widely egalitarian societal structures and competition by means of excelling in various social fields (warfare, conflict resolution, cult activities, oratorical skill, genealogical knowledge etc.), and particularly by means of accumulating and distributing wealth among his followers through sophisticated exchange ceremonies. The 'chief', by contrast, holds a hereditary position in the context of a social hierarchy (Sahlins 1963; see also Allen 1984).

<sup>75</sup> For an elaborate critique, see e.g. Douglas 1979.

<sup>76</sup> 'Big man' leadership forms vary with regard to e.g. scale, complexity and continuity, as well as forms of ceremonial exchange; chiefly systems also vary with regard to e.g. structures of hierarchy and continuity in the exercise of leadership (Allen 1984: 24-25).

post-contact era, in the course of the interaction between local indigenous societies and external actors, colonial administrations and missions in particular. As a consequence, different types of chiefs evolved (not least chiefs installed by missionaries, or appointed by colonial administrators), and, in the course of time, these types overlapped and mixed. This led to a broad variety of chiefly leadership structures in the South Pacific, with hereditary ascribed and achieved chiefly leadership, or different combinations of ascribed and achieved leadership, and different degrees of formalization of chiefly status, and different ways of formalizing this status.

The chiefly system in Fiji, in particular, differs considerably from chieftaincy in other Melanesian countries, not least due to the specifics of Fijian history in the colonial era, with its particular relations between the colonial administration and indigenous leaders. It can be said that, in comparison to other Melanesian countries, the chiefly system in Fiji is well-established, well-defined and clearly structured, embracing the entirety of the *iTaukei*; it is also rather static, grounded as it is in history and tradition. However, this does not mean that it is not subject to change - it has changed in the past, and it is currently undergoing change, as will be shown later in this chapter. The chiefly system in Fiji has several tiers of hereditary chiefs, from the *Tokatoka* (extended family), to the *mataqali* (land-owning unit or group of *Tokatoka*), to the *Yavusa* (clan comprising several *mataqali*), to the *Vanua* (a bigger socio-political unit comprising a number of *Yavusa*) (Bole 1992). In more recent times, new administrative tiers were added to this traditional structure, namely, chiefly councils at district and provincial levels, and, until recently, the Great Council of Chiefs at the national level.

Fijian chiefs enjoy traditional legitimate authority in the Weberian sense. Their leadership is based on the belief of the people in their right to rule, due to age-old customs. Mutual respect, that is, respect for chiefs by their people, and respect for their people by chiefs, is deeply ingrained in these customs. Accordingly, 'the chiefs and the people are indivisible. Neither can exist independently of the other. This bond between chiefs and people exists because traditionally they were linked by their inter-dependence for survival and reinforced by blood ties' (Bole 1992: 73). It is not only the people that serve their chiefs, but chiefs are also seen as being obliged to serve their people. This view of chiefs as leaders who are at the same time servants, has been strengthened with the introduction of Christianity in Fiji. It must not be forgotten that Christianity has considerably changed *iTaukei* customs and traditions, including the perceptions and self-perceptions of chiefs.

In this context, it should be mentioned that the concept of 'servant-leadership' has gained considerable traction in the Pacific, particularly in the sphere of the churches, but also beyond. This concept sees leadership as 'a special case of service' (Vail 1998: xii), and the leader as servant, or, more correctly, the servant as

leader. This servant-leadership 'advocates a group oriented approach to analysis and decision making as a means of strengthening institutions and of improving society. It also emphasizes the power of persuasion and consensus seeking over the old "top-down" form of leadership' (Spears 1998: 9).<sup>77</sup>

Our research attempted to find out what types of leadership actually exist on the ground in Fiji, what both 'ordinary' people and elites think about these types, and what they think are desirable, legitimate forms of leadership. In conducting this research, we not only focussed on national political leaders and the sphere of politics in a narrow sense, but also included leadership at the various sub-national levels and in various sectors of society – economic, civil society, churches, NGOs, trades unions etc., as well as in the local customary sphere. We addressed leadership issues at all these levels, and in all these societal sectors, by following our broad understanding of politics and democracy 'beyond the state'.<sup>78</sup>

Our approach to leadership is not prescriptive (positing what 'good' leadership should look like, and how it can be achieved), but descriptive and analytical. This approach is reflected in the questions we asked in focus group discussions and interviews. We asked people who they see as their leader(s) at the different levels and in the different spheres of society (e.g. family, community, and district levels, and in church and community organisations); how those persons identified as leaders became leaders (e.g. by means of election, appointment or through hereditary means); what legitimizes them as leaders; what their responsibilities are as leaders; and how they perform their leadership roles. Furthermore, we asked about the relationship between different types of leadership, that is, about tensions, incompatibilities and conflicts between different leadership types on the one hand, and complementarities and collaboration on the other. More specifically, we also asked about experiences with certain types of leadership that are of particular relevance in a democratic society, e.g. leadership of political parties, and leadership at different levels of government, from local to central government.

Answers to these questions were rich, differentiated, exciting and sometimes surprising. There were contradictions, and differing and even opposing views with regard to certain issues; nevertheless, there were also striking similarities and common patterns. In the following sections, we present our main findings on the issue of leadership from both focus group discussions and interviews.

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<sup>77</sup> This concept was developed by Robert Greenleaf; for an overview, see Greenleaf 1998.

<sup>78</sup> See further the Introduction to this chapter.

### ***Focus Group Participants' Responses***

At the beginning of discussions, several *iTaukei* focus groups stressed that God is their supreme leader. In one focus group, a participant stated that 'from my own perspective as a leader, there is someone greater and higher than me ... and the biggest and greatest leader is God the Father' (iTM rural 04.08.11). Others confirmed this view: 'God is the sovereign leader who has all the authority in all things' (iTM rural 04.08.11). When asked the question: 'Of all the leaders you have in mind, which one do you most respect and listen to?', the women in a rural focus group replied unanimously, 'God is the first' (iTF rural 05.09.11).

### ***Traditional Leadership***

In rural *iTaukei* communities, the traditional leadership structure is mostly well-entrenched, and is generally accepted by the people. Usually, the father or husband is seen as the leader at the household level. At the community level, it is the (usually male) hereditary chiefs who enjoy traditional legitimacy in the Weberian sense: 'The chiefs are born into their positions ... Whether the traditional Fijian chief performs his duties well, he will still remain in power regardless as they are the chiefs and this is how it has always been' (iTF urban 17.08.11); 'traditional chiefly roles of leadership are passed down from one generation to the next and are mainly male-dominated' (iTF rural 22.08.11).

In principle, there is a well-established and clear relationship between the chief, as the leader, and his followers in the *mataqali* or community (although chiefly titles can be - and are - disputed, which might lead to confusion or result in a chiefly position being left vacant for a period of time). Nevertheless, the traditional leadership structure is subject to change under modern influences, and this leads to variations and changes in the traditional leadership. Today there are striking differences in leadership styles. In some communities, the traditional leaders (*Turaga-ni-mataqali* and the *Turaga-ni-Yavusa*, etc.) are seen or see themselves as leaders within a leadership collective, that is, a committee consisting of members of the *mataqali* which runs the everyday affairs of the community (e.g. iTM rural 04.08.11), or as collaborating with leaders from the state sphere (village headmen - the *Turaga-ni-koro*). 'When members of a *mataqali* (clan) get together and choose committee members to handle matters ... these committee members [are] leaders' (iTM rural 04.08.11). Even chiefs who pursue a more conservative leadership style (having the last word and taking decisions on their own), are not absolute and autocratic leaders. There are avenues for questioning their authority and holding them to account:

If the villagers do not agree with the chief's leadership, they will have to follow the proper channels - that is, the people will have to approach the chief's spokesperson and tell him that they are not happy with the



chief's leadership and [ask] if he (the spokesperson) can do something about it. ... the spokesperson then acts as the voice of the people to the chief and he ... asks the chief to change his or her ways of leadership so that the people can also be happy ... A good leader always listens to his or her people (iTM urban 09.11.11(a); similarly, iTM urban 09.11.11(b)).

Due to outside influences and better education, as well as exposure to other experiences and leadership patterns beyond the village (particularly in urban environments), there is an increasing tendency 'to question leaders' rights and bring the urban life style to the village, but the problem is they still have to listen and follow the leaders back in the village' (iTM semi-urban 29.09.11). The situation is becoming more open, however, with increasing opportunities 'to speak with the chief regarding his leadership style' (iTM semi-urban 29.09.11).

On the other hand, it is obvious that there are still rather authoritarian leaders in rural *iTaukei* communities. Some of them 'have leadership styles that make their followers afraid to speak out and causes them to feel powerless and excluded' (iTF urban 17.08.11), and some of them still hold supreme power. For example, the women of one rural focus group said that the paramount chief in their province is such a leader; whenever there are 'discussions held concerning matters of the village, district or province, if he says no, it is no, if he says yes, then it is yes; he has the last say' (iTF rural 04.10.11).

Church leaders and leaders of community-based organisations complement the traditional leadership structure at local level in both rural and semi-urban areas. While traditional leaders are not elected, some of these other leaders are, e.g. leaders of youth and women's groups, and village leaders or headmen (see iTM rural 27.07.11, iTF rural 21.10.11, and iTF rural 04.10.11). Traditional leaders and church leaders are seen as working particularly closely together, and their collaboration is seen as providing stability and guidance to the communities (e.g. iTF rural 05.09.11).<sup>79</sup>

In rural Indo-Fijian communities, leadership at the household level is usually provided by the man (husband/father), and at local level it usually rests with the village elders (described as 'people with experience' [IFM rural 12.10.11]) and advisory councils or committees. Members of councils and committees are generally male (see e.g. IFF urban 28.09.11: 'The women do not attend any meetings of the committee and so are left out of the loop'). Leadership structures seem to be less

<sup>79</sup> This well-established structure of collaboration between church and chiefs can be challenged, and the peace and quiet of communities disturbed, when new denominations come into the community; see e.g. iTF rural 05.09.11. In that village, 'only one denomination existed which is the Methodist church. But for now there is another denomination coming in called the apostolic which is causing a lot of conflict amongst villagers'.

clear than in rural *iTaukei* communities. Several Indo-Fijian focus groups reported that they do not have specific leaders, or that their leadership structures do not work properly. For example: 'At the moment, we do not have a specific leader. Even though we have a community committee, this has not worked effectively for a while now and meetings have not been called for some time. We are not sure if the committee is still in power or not' (IFM urban 28.09.11(a)); in addition, 'in the community we do not have a leader. This is seen as the main issue, as without a leader, there is no one to call for a meeting to discuss important issues that affect the community or to bring people together to make decisions' (IFM urban 28.09.11(b)). Young women complained that they are not represented in the community leadership structures, and one group voiced 'strong disappointment in the services of their advisory councillor' (IFFY rural 19.10.11). Another Indo-Fijian women's group complained about 'poor leadership in town' (IFF semi-urban 27.10.11).

Religious authorities are also seen as leaders in Indo-Fijian communities, but, in general, their leadership role is confined to religious affairs (IFF semi-urban 05.10.11). In some communities, professionals such as teachers and police officers are also seen as leaders (e.g. IFF rural 12.10.11). In semi-urban and urban settlements, the leadership issue is often more difficult, and leadership structures more complex. At the household level, again it is usually the father who leads, with some men having 'a very rough way of leading their families, and this could sometimes lead to domestic violence' (iTM urban 09.11.11(b)). In semi-urban settlements, people who originally come from different villages, and who have different backgrounds, live together (some settlements are populated by both *iTaukei* and Indo-Fijians), and this makes effective and legitimate leadership more difficult (iTM urban 09.11.11(a)). In sum, leadership structures in Indo-Fijian communities seem to be less clear and more diversified than in *iTaukei* communities. In addition, leadership structures in rural areas are more straightforward and relatively effective when compared to leadership in semi-urban and urban areas and settlements, which is more complex, or disorganized and weak.

### **Women and Leadership**

It is difficult for women to gain leadership positions, and to be accepted as leaders. In the *iTaukei* traditional leadership systems, chiefs are generally male; there are female chiefs (even very high-ranking female chiefs), but this is clearly the exception (generally only in cases where there is no male heir to the title).<sup>80</sup> A view shared by many men, both *iTaukei* and Indo-Fijian, is that women are not suited for leadership: 'Their place is the kitchen not leadership' (iTMY rural 14.11.11); and,

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<sup>80</sup> Furthermore, female chiefs are not necessarily the actual leaders of their communities. A young woman gave the following example: 'Sometimes the leader is only a figurehead. For instance, in [name of village deleted - editors] the leader of the clan happens to be a woman. However, during meetings, although she is recognized as leader of the clan, the actual decision-making is done by the men' (iTFY urban 04.08.11). On the other hand, there are also examples of strong female chiefs.

'Rituals and culture do not permit women to enter leadership roles' (IFM rural 21.09.11). Women themselves often share these views, for example, a focus group of young Indo-Fijian women said that leadership is mostly male, and they 'don't have any problems with regards to the male-dominated role of leadership. We have accepted this as the norm in traditional life' (IFFY semi-urban 06.10.11); the same opinion is shared by some *iTaukei* rural women's focus groups (e.g. iTF rural 22.08.11, iTF rural 10.08.11, and iTF rural 14.12.11). A similar view came from another group of Indo-Fijian women: 'Women should not be leaders because they do not have enough time for all that they have to do. Time is a major issue. It is difficult for women' (IFFY semi-urban 06.10.11).

But there are indications that this attitude is changing, and there are also women who are much more demanding and very confident with regard to the leadership qualities of women. Some people pointed to the fact that there are already 'lots of women leaders in our country' today (IFM urban 08.10.11), and that, with better education, chances for women to become leaders are increasing: 'What's the use of getting all that education when at the end they are told that their place is in the kitchen?' (IFM urban 08.10.11); it was felt that these educated women make better leaders than many men, and so 'ladies should take up leadership roles' (ibid). This focus group gave an example of important changes taking place: 'In our Parish we had a male Parish Pastoral Council chairperson for 25 years, but this year our Parish priest has said that there needs to be change and so we have a female PPC leader who makes most decisions of the Parish ... The times are gone when a woman's place was just in the house/kitchen or listening to their husbands' (IFM urban 08.10.11). Women made the point that conditions in the family and society would have to change to make it possible for women to take up leadership positions: 'Women would be able to handle both politics and their common roles if all husbands were helpful and understanding but the fact is not all men are' (IFFY semi-urban 06.10.11). A more conservative view was that 'when a woman leads she would need the help of the man. She cannot lead alone because it is very difficult' (iTF rural 10.08.11).

### **Leadership in Politics**

Views on whether traditional leaders should get involved in politics and strive for leadership positions in the formal state sphere are mixed. Some said that it is better for traditional leaders 'to stay away from politics' (IFM rural 21.09.11). A group of rural women was divided on this issue: some said that traditional leaders should be involved in politics, because this is 'a way of voicing the needs of the people to the government' (iTF rural 05.09.11), whilst others held the opinion that traditional leaders 'should continue with the leadership of the *Vanua*', and stay out of politics. The '*Vanua* has its own traditional structure and politics has its own structure',

therefore, 'traditional leaders should only be involved in *Vanua* and church matters' (iTF rural 05.09.11).

Leadership of the current government is generally seen in a positive light. This is very much due to its performance, or rather, the perception of its performance by people on the ground. 'There is no other government that has responded to our needs like the current government' (iTM rural 04.08.11); and, 'This government is good in a way that it gives people what they want and provides them with what they need like providing bus fare and assisting students with their school fees. Lots of developments are seen and one example is the electricity that is already underway and will be completed by end of 2014' (iTM 04.08.11). This positive assessment of the current government's performance can be found across the board; it is held by *iTaukei* men and women in both rural and semi-urban areas, as well as by Indo-Fijians of both sexes, again both in rural and urban areas, by Christians as well as Hindus, Muslims and Sikhs. The following quotes illustrate this predominant view:

...although the current government is not elected by the people, they are doing a good job, the people of Fiji can see and witness the developments that are taking place in rural areas, which include upgrading of roads, building bridges, development of schools and halls and also cleanup campaigns (iTM urban 09.11.11(a)).

With the current government, we feel that the leadership style is very pro-poor people and the leaders are very down to earth ... The current government listens to the people and tries to assist them through development projects which they have requested ... We have seen a lot of positive changes for the rural communities. Some of the changes that we have experienced under the current government are: roads have been upgraded; new health centres have been built and old ones have been renovated; the government has also brought electricity to some villages; they have also provided transportation (iTM semi-urban 29.09.11).

The work of this government is right because if they promise something, they do it. It's much better than before because now they [the government] are listening, there is a direct line to the Prime Minister. You can go and talk to him directly if you have any problems ... Before there were a lot of promises but no work (IFM urban 28.09.11(a)).

We prefer this government to the previous one as a lot has improved ... Now children's bus fare to school is free whereas before it was not. School fees have also been reduced (IFF urban 27.09.11).

The current government has made a lot of positive changes ... the streets are deemed safe even after dark after the takeover by Bainimarama (IFF semi-urban 27.10.11).

This government has done a lot for community people in attending to their infrastructure needs, like roads and electricity (iTF rural 05.09.11).

[T]his government listens to the needs of the people and consults them ... the development in the rural areas is more visible, the electricity projects as well as

The leadership provided by the current Prime Minister is seen in a particularly positive light. A group of male rural *iTaukei* said that, 'Voreqe is brilliant in a way that he is able to break the barrier between the people and the government, and politicians should learn from it' (iTM rural 04.08.11). Rural Indo-Fijian men agreed; they see Bainimarama as 'the appropriate man for the position in the current situation ... His attempts to move around the country to meet with people are a positive move' (IFM rural 12.10.11). This view is also shared by a group of rural Indo-Fijian women: 'The way he came into leadership may have been "problematic", but the leadership he took over from was not doing the country any good either, even though that leadership was an elected leadership ... It does not matter how he became the PM, we believe that he listens to everyone and that is a big thing for us' (IFF rural 21.09.11). *iTaukei* women hold the same opinion: 'These villagers have never been heard but they are heard now. And I champion him [Bainimarama] for how people are able to come to him and see him closely, his door is always open' (iTF urban 04.11.11).

Hence it can be said that the current government of the country enjoys widespread performance legitimacy among the people interviewed for this project.<sup>81</sup> When it comes to the process legitimacy of its leadership, however, results are mixed. On the one hand, people find positive aspects in the way leadership is conducted: the Prime Minister and other government officials have 'open doors', they 'listen to everyone', they 'walk the talk', they 'meet and consult', and they 'do what they promise'; thus the government also enjoys process legitimacy of leadership. On the other hand, people are aware that this is an unelected government, and they are

<sup>81</sup> There is a need to differentiate between performance legitimacy and process legitimacy of leadership: process (or procedural) legitimacy is the legitimacy stemming from procedures which are believed to constitute the right to lead, e.g. elections, legal procedures, rules, accountability mechanisms, participatory and transparent decision-making, but also heredity of royal or chiefly status, and divine selection. Performance legitimacy, on the other hand, is concerned with the outcomes of acts of governance which are believed to constitute the right to lead, e.g. security for citizens in their everyday lives, a functioning health and education system, economic and social well-being of the populace, but also distribution of gifts or performances of miracles (Inbal and Lerner 2007). Performance legitimacy, in other words, is 'legitimacy through providing services to citizens' (Brinkerhoff 2007b: 6).

often very critical about the way it came to power. For example: 'The way he [Bainimarama] became the prime minister was not legitimate. He was self-appointed instead of chosen by the people' (IFF rural 12.10.11).

Even people who are highly appreciative of the performance of the current government say that it is necessary to have an elected government: 'The best government is the government chosen by the people even though this government is good. We still need a government that is chosen by the people because that is when people's choices and opinions are heard and taken into consideration' (iTM rural 04.08.11). This sentiment is shared by rural and urban Indo-Fijian communities as well: 'With this government even though they are self-appointed they seem to be doing some good ... However what the country needs is an elected government and at least in an elected government people feel that they have a say' (IFM rural 12.10.11); and, 'The way he [Bainimarama] has come into power was illegal as he was not put in the position by the people ... [Nevertheless] Bainimarama's government is also seen to be doing a lot of good work. His takeover was hailed as a blessing for the Indo-Fijian community' (IFM urban 28.10.11). The women in another group do not agree 'with how he [Bainimarama] came into leadership but agree that he seems to be doing well for the country' (IFF rural 21.09.11). Our overall impression is that, on the basis of a positive perception of the current government's performance, people on the ground are willing to accept this government as constituting a legitimate leadership at the national level. In other words, for many people, when assessing the legitimacy of the current national leadership, the fact that this government delivers in areas such as road construction, electricity, and bus fares for school children, weighs more than the fact that it is not elected and came to power illegally.

This finding demonstrates that legitimacy and legality of leadership are not the same; leadership can be illegal in a formal-juridical sense, but it can nevertheless be legitimate in the eyes of the people. And the same holds true the other way round: a perfectly legal leadership can nevertheless lack legitimacy. This becomes clear when one looks at the assessment of the leadership of former governments and political parties; many people in the focus groups are highly critical thereof.<sup>82</sup>

Many expressed the opinion that political parties make a lot of false promises and do not deliver what they promise; and that they do not really care about the well-being of the people, and that they are out of touch with people's everyday lives. These opinions are widespread among both male and female community members and communities across the board in Fiji, be they urban or rural, *iTaukei* or Indo-Fijian.<sup>83</sup>

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<sup>82</sup> For a discussion on legality and legal legitimacy, see page 43 and 87.

<sup>83</sup> For an in-depth discussion on this issue, see page 37.

Disappointment with political parties has even led to some groups rejecting party politics and parties altogether, for example: 'The existence of political parties is not essential' (IFFY rural 19.10.11); and, 'We do not see any roles for political parties in the country as they seem to create more trouble than working for the good of the nation' (IFF semi-urban 27.10.11). From the mood and attitudes reflected in these statements, it is concluded that the leadership provided by previous governments, as led by political parties, was legal (in particular because they were elected according to the law), nevertheless their leadership lacked legitimacy, mainly due to shortcomings in performance (they did not deliver what they promised).

### ***Interviewees' Responses***

The political crises experienced by Fiji in its recent history is interpreted by interviewees as first and foremost 'a leadership crisis', with a 'leadership vacuum' at the national level (Academic 16.01.12; also NGO Leader 10.02.12). This vacuum is particularly intensely felt in the current circumstances: 'At the political level, there is a huge vacuum in leadership. The military sacked a lot of good leaders' (Academic 12.12.11(a)). As a consequence, 'there is a dearth of civil leaders, therefore who is going to take over the leadership in 2014? It is a big worry' (NGO Leader 03.10.11). Today, the quality of leadership in Fiji is seen as being 'very poor ... by and large there is lack of good leadership in the society in Fiji today' (NGO Leader 13.12.11(b)). In addition, corruption is seen as a major and widespread problem in relation to leadership in Fiji (e.g. Academic 30.08.11).

### ***Leadership Crisis***

While some focussed on the leadership crisis at the national level, others posited that this crisis permeates the whole of society: 'Currently, Fiji has a leadership crisis on many different levels. In villages there are fights over the chiefly titles. Some communities are divided by the churches. Politically, there is hardly anybody we'd want to stand up for us and fight for an election. There are lots of divisions and a leadership crisis all [over]' (NGO Leader 06.10.11). In fact, there is a feeling that there is a leadership crisis in various spheres of society and in many societal institutions, not least the churches; the questionable roles that leaders of churches and other societal organisations have played in Fiji's coups is given as evidence for such a leadership crisis.

One of the reasons given for this state of affairs is that the 'education system has failed to produce good leaders' (Academic 07.12.11). One academic made it clear that the issue of leadership is central to prospects for democratic development in the country: 'Fiji is very much a leader-driven society at all levels and in all aspects of

life' (Academic 07.12.11).<sup>84</sup> Democratic forms of leadership, however, are still in their infancy. In fact, the same academic posited that 'only NGOs/CSOs have developed a more democratic style of leadership' (07.12.11), whereas in all other societal spheres, leadership styles are undemocratic.<sup>85</sup> Accordingly, Fijian society is assessed as being 'very hierarchical' (Business 12.12.11).

The dominance of hierarchical leadership can be traced back to the socio-political and cultural structures of traditional *iTaukei* communities. Most interviewees agreed that the *iTaukei* traditional leadership system is still strong at the local level (e.g. Academic 07.12.11, and Traditional Leaders 09.12.11 and 08.02.12). They confirm the views of focus group participants with regard to the leadership role of traditional leaders: 'The chiefs govern the everyday life of their communities' (Academic 12.12.11(a)); and, 'The traditional system of leadership is well in place in indigenous rural communities all over Fiji. Even urban people when they go back to their villages accept traditional leadership and abide by the traditional rules' (NGO Leader 13.12.11(b); also Politician 07.12.11).<sup>86</sup> Traditional leaders are seen as controlling communities and exerting considerable power, but also fulfilling a host of obligations with regard to the well-being of the members of their communities. These days, those obligations are not only confined to village affairs in a narrow sense, but also comprise issues stemming from the world beyond the village. For example, one traditional leader describes her tasks as follows:

In a normal week of leadership I have to support people with applications for scholarships for their children. Often ordinary village people do not know how to fill in the forms which are very complicated. So education is an area of my responsibility. Another area is land. If people want to lease land they have to come to me. Another area is women's issues. For example, I support a horticulture project of the women of my area. We have a development committee in my village that organizes such projects. Youth have also to be included in such development projects. More than 50% of people in my village are youth. The young people are a big untapped resource. We have to assist them in developing economic activities. In fact, my biggest concern is: what can we do for the youth? Many young people are not well trained. We have to provide more training opportunities for them; we have to provide income-generating activities for them (Traditional Leader 09.12.11).

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<sup>84</sup> This assessment is shared by others: 'Fiji always had very leadership-driven politics' (Academic 09.12.11).

<sup>85</sup> A trade union leader, however, made the point that in the trades unions, all leaders 'get elected and all report back to the membership' (Other 28.09.11).

<sup>86</sup> This also holds true for the Rotuman community, which has a functioning hierarchical structure of chiefs at various levels (Traditional Leader 08.02.12).



Views on whether traditional leaders are actually capable of fulfilling and/or willing to fulfil such kinds of obligations were mixed (several interviewees said that there are 'good' and 'bad' chiefs in this regard). Apart from that, several weaknesses in traditional leadership were identified: traditional chiefs often leave their people behind and move to the city, and thus cannot carry out their leadership role properly; nevertheless they still try to 'maintain an influence even from the distance', which often leads to confusion on the ground (NGO Leader 13.12.11(a)). Confusion can also be caused if disputes arise between claimants to chiefly titles: 'Our two claimants to the title are still in dispute, so we do not have any chiefly authority or chiefly chaired meetings' (Politician 12.12.11). Furthermore, it is said that local leaders 'often cannot read or write, so they are not really suited for the job they have to do' (NGO Leader 13.12.11(a)). A more principled critique of the weaknesses of the traditional leadership system challenges the very notion of hereditary leadership: 'In Fiji, too often people are leaders because of their birth - if they are born into chiefly families or wealthy connected families - rather than because they are good leaders. You need some status to become a leader; you don't often hear about the poor, or commoners, becoming leaders' (Legal Professional 06.12.11).

There is widespread agreement that demands on traditional leaders are increasing these days, as are people's expectations, while at the same time the power and status of traditional leaders is diminishing: 'People have much higher expectations today. Even people in the rural areas are very smart and have rising expectations' (Academic 12.12.11(a)); and, 'In the olden days things were clear: the chief's word was the law. But people are better educated today; they do not just take the word of the chief as law any more' (NGO Leader 13.12.11(a)). To a large extent, chiefs have lost the power to enforce their decisions, because the punitive dimension of traditional leadership has been removed (Politician 12.12.11), and they cannot expect unquestioning obedience any more. For example, in the olden days, a chief just had to say that his 'son is getting married in two weeks' time. He didn't have to say anything else, because we knew what we had to do: provide the food and the mats etc. Now if he said that, people would say "So what? We have carried our own burden and raised our own children, why should we look after yours?"' (Politician 12.12.11).

Although it was said that 'it is difficult to hold chiefs to account' (Academic 12.12.11, and Religious Leader 05.12.11), it was also stressed that there are ways to influence the behaviour and leadership styles of chiefs: 'People can approach the "talking chiefs" (those people who speak for the chiefs) and let them know when they are not happy with the performance of a chief. The "talking chief" then can talk to the chief and ask for improvements' (Academic 12.12.11); this confirms similar statements by focus groups. 'In the olden days there was hardly any accountability of traditional leaders. But today there is a lot of public debate, and people speak their minds, for

example in village assemblies' (Politician 07.12.11). The young, in particular, are drivers of change with regard to accountability of leadership: 'Accountability is provided for; often there are village committees so that no one person can make all the decisions on his own. People are more educated today, so they start asking questions and demanding answers from their leaders. The young people might still keep quiet in public, but they are aware of issues of accountability and might find ways to challenge leaders' (Business 12.12.11). So it is particularly the younger and educated community members - both male and female - who are challenging traditional leadership: 'The traditional system of leadership is still pretty much intact among indigenous Fijians in the rural areas. However, the younger generation, particularly when exposed to modern influences in urban areas, has a tendency to move away from the traditional system. It is not a given any more that everybody obeys the chief without questioning. One has to acknowledge that in the traditional system there was (and is) abuse of power' (Religious Leader 05.12.11).

### ***Changes in Traditional Leadership***

Against this backdrop, everybody is aware that the traditional chiefly system is undergoing significant changes. This is seen as being inevitable, and it is widely welcomed, even by traditional leaders themselves. One high-ranking chief puts these changes into a wider socio-political context:

With the process of globalization, modernization, education, and exposure, a less hierarchical society is developing, which is more based on merit and achievement. That has implications for the traditional chiefly system as it weakens its structures. Its significance is diminishing and new forms of leadership and influence claim either equal or greater legitimacy. I do not think it is something to be regretted, because it is part of a natural process. My view of traditional leadership or chiefly system is that its authority and legitimacy depends on how people sense and feel that it serves the purpose as an identifier or as a symbol of who we are. If that is the case, then it serves the purpose. If people decide it no longer serves its purpose, that is something one has to accept and it is neither a good nor a bad thing. It is just a part of the process of change (Traditional Leader 23.12.11).

Therefore, there are traditional leaders who are open to change, and sometimes it is the people themselves who are more opposed to change than the traditional leaders:

I try to change things, and people do not like too much change. For example, I do manual work, and people think that this is not appropriate for somebody in my position. They have lived through the

time of my sister, and my sister never would have done manual work. But I insist on doing it, working in the garden and the house etc. People also think that I should not attend village meetings and mix with ordinary people because this also is not appropriate. But I do it. Some people feel really uncomfortable with this kind of change. As a leader I try to make people think outside the box. You have to create leadership opportunities for women and youth. The young people are more open to change. They engage more with the outside world. The internet plays an important role in this regard. They will develop new styles of leadership (Traditional Leader 09.12.11).

So while there is a general appreciation of traditional leadership, there is also an acknowledgement that it needs deliberate and planned reform.<sup>87</sup> In fact, it may be said that there is widespread agreement among the elite that 'the chiefly system needs to be reformed' (Civil Servant 06.03.12; also Government 18.11.11, and Academic 27.01.12).

In fact, there are already some remarkable initiatives for reforming the traditional leadership structures of *iTaukei* communities. Often they are driven by personalities from the educated urban elite in civil society, or academics who maintain close links with their home communities. Those members of the educated elite who have left their communities to pursue professional careers, but who simultaneously hold traditional leadership positions, often spearhead initiatives for reform in their communities. One academic, for example, explained: 'I am not only a chief, but also an academic. We have to play all these different roles ... I was born into a chiefly position in the traditional system in Fiji. Based on my education, I could make use of this position to change things for the better' (Academic 12.12.11). Another academic gave the following example of a reform initiative in his area of influence: in his district, there is currently a dispute about the chiefly title, as there are two eligible clans from which the future chief may be chosen:

My *Tokatoka* (extended clan) from Suva and the village met and discussed the criteria and articulated 17 principles of chiefly leadership. I presented it to the two contenders on behalf of my *mataqali* (clan) and they received it. They were to meet with their clans and then agree or discuss these principles as criteria for the candidature for the chiefly position. Whoever best satisfied these criteria was to be installed the next paramount chief ... In the midst of the process, one faction withdrew from using the criteria and installed their own candidate (Academic 27.01.12).

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<sup>87</sup> One strongly dissenting voice, however, posited that 'the *iTaukei* leadership system is in a real mess' (Academic 13.10.11).

As a result, this particular case had to be taken to the *iTaukei* Land Trust Board, that is, 'a mechanism of the state', for a ruling. Although this initiative for reforming the selection of a chief was not successful, it shows 'a way of building democracy at the *Vanua* level' (Academic 27.01.12).

In the context of the reform debate, some even argued that 'hereditary traditional leaders should be replaced with meritorious chiefs; people who are elected by the tribe, whose authority will come from being elected' (Politician 12.12.11). In fact, there are already elected leaders at the community level (village committees/councils), who are seen as legitimate leaders precisely because they came to their positions by way of elections; community leaders 'are legitimate leaders because they are elected at the community meeting' (NGO Leader 26.01.12).<sup>88</sup>

An important point that was often mentioned is that these days, people have to play leadership roles in different societal contexts. For example, one and the same person is a leader both in the traditional sphere and in business or civil society; because of this, they have to execute different forms of leadership and meet different expectations regarding their leadership styles. Some said that people in general are capable of handling this situation: 'There is often complementarity of traditional and modern leadership roles. You can have a person who is at the same time the CEO of a modern company in town and a traditional leader in his village ... The younger generation are pretty good at balancing these different leadership roles' (Academic 12.12.11). Others see yet more problems arising from situations such as these, pointing to the 'tension between modern political leadership and traditional leadership. These forms of leadership, at times, tend to clash' (Civil Servant 17.01.12).

### ***Chiefs and Politics***

In this context, the question of chiefs and politics was hotly debated, and similar to the views of focus group participants (see above), interviewees are also divided on the issue of the involvement of traditional leaders in politics. Some see it as 'a big problem' (Academic 07.12.11); in their view, 'some chiefs have damaged their reputation by getting involved in [party] politics, playing power games, playing the race card in political struggles, getting engaged in competition about leadership within the indigenous community, pretending that it was all for the community when in fact it was all about greed and personal financial, monetary, and material gain' (Religious Leader 05.12.11). 'The point is that when chiefs try to be politicians in a modern democratic state, they easily make promises and compromise certain

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<sup>88</sup> For the significance of village committees, see pages 127 and 136.

values, and when promises fail to materialize, trust is broken' (Academic 13.10.11). For these reasons, some insist on a clear separation between the different leadership spheres. One traditional leader explained:

Fijian society is built upon three pillars: *Vanua*, *lotu*, and government. Each pillar has its own system of leadership. These systems should operate independently from each other. Unfortunately, this is not the case today. Rather, there is a messy mix and confusion about the different roles of these three types of leadership, and this has resulted in the poor state of leadership in Fiji today. The Fijian people do not deserve that, they have to suffer from poor leadership. The three types of leaders should carry out their duties in their respective areas of responsibility, working for the same aims, but in different realms and with different approaches. Today there is confusion because of the overlap of roles. In particular, chiefs have become engaged in politics, using the *Vanua* as their power base. So the areas of *Vanua* and government get mixed up. It is not appropriate for chiefs to misuse their status on the *Vanua* for political purposes. On the other hand, the government today also interferes in issues of the *Vanua* and the *lotu*, which is not appropriate either (Traditional Leader 06.12.11).

This traditional leader also holds the view that, today, the *Vanua* 'is in chaos', because the chiefs no longer focus on their primary tasks, but get distracted from these tasks by meddling in politics (ibid). 'History has shown that chiefs going into politics have been disruptive both for the *Vanua* and the state. Chiefs should focus on their leadership role in the *Vanua*. Today people are disappointed with the performance of the chiefs. The chiefs ruined both *Vanua* and politics. Rural people have to put up with this situation' (ibid). This view is supported by others:

Chiefs should choose between being political representatives and being traditional leaders, as there is an inherent contradiction and tension between the two; they should not be both at once. If the chiefs are questioned or criticized, they put on their traditional face and demand that we, as *iTaukei*, should not question their authority. If they want to get involved in politics, they should give up their chiefly positions. Chiefs can play a role in democracy, for example, they could participate in an upper house like the House of Lords in the UK, and through that participation, give feedback on national politics (Civil Servant 06.03.12).

Another interviewee said, 'The chief has a role to play, but whether he joins a political party or remains a chief is a different issue. He cannot have both; he can only have one because both of them engage differently in the way that they exercise

leadership ... Politicians and chiefs serve totally different areas in life' (Civil Servant 20.10.11). Others do not see any problem at all with chiefs becoming politicians: 'There can be overlap between chiefly and political leadership. But this is not a problem. The tasks are the same: to look after the well-being of the people' (Politician 07.12.11). Proponents of this view are more relaxed, and even advocate chiefs taking up political leadership: 'Many chiefs are also good at moving between traditional and modern political roles' (Academic 12.12.11). In this view, the fact that some traditional leaders become politicians is seen as 'a plus for Fiji' (Legal Professional 20-25.04.12).<sup>89</sup> The point was also made that there are certain pressures on chiefs to get involved in politics: 'Chiefs have to become politicians these days in order to secure development projects and services for their village and people. This is a problem' (NGO Leader 13.12.11(b)). It was suggested that this problem could be solved through better education for chiefs: 'In their traditional leadership roles chiefs are not questioned. This has negative effects when they move into politics. As politicians they have to be transparent and accountable. But they are not used to it given their traditional status. So chiefs have to learn to separate their roles as traditional leaders and as politicians' (Other 14.12.11).

Educating the chiefs is seen as key by other interviewees too: 'The chiefs need to be trained and educated so that they can help the people to define how the church, the *Vanua* and the government can work together to make democracy work' (Civil Servant 18.01.12; also Academic 13.10.11). Some interviewees are convinced that, in principle, tensions between different spheres and forms of leadership can be reconciled: 'There are tensions between the traditional form of leadership and both the democratic form and the current form. These tensions have to be worked upon. It is necessary to have productive and good relationships between traditional leaders and government officials and other representatives of the state' (Religious Leader 05.12.11). 'There are things that can be most appropriately solved by forms of traditional leadership rather than the current political system ... For the young generation, they see the need for reform of the traditional leadership system ... There are good things in either one of the types of leadership that we have. It is just a matter of how we use both of them so that we will be able to get something out of it so that we can improve' (Civil Servant 17.01.12).

### ***Churches and Leadership***

The mostly smooth collaboration between traditional leaders and church leaders is seen as an example of how different societal spheres and leadership forms can be reconciled: 'Often chiefs and church are closely connected' (Academic 12.12.11). It was argued that this connection has become deeply ingrained in Fijian culture: 'As

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<sup>89</sup> This Legal Professional was interviewed through emailed question and answer sessions over a five day period, hence the date range (20-25.04.12) included in the reference to this interview.

an indigenous person, my traditional leadership is grounded deep in me. Christianity has renewed traditional leadership and therefore these have become part and parcel of my Christian principle. One of my worries is the nature of the relationship between my traditional leadership which is vitally linked to Christianity, and the political leadership which is introduced from the West' (Religious Leader 14.10.11). In other words, this religious leader is of the opinion that traditional leadership and leadership based on Christian principles have completely merged, that they have become one symbiotic entity; however, he is concerned that a merger between traditional/Christian leadership on the one hand, and the introduced Western-type political leadership on the other hand, will be much more difficult to achieve.

Similar to the opinions expressed by focus group participants, interviewees also see the collaboration of church and chiefs as being of major significance for the well-being and governance of communities and Fijian society at large. Some made the point, though, that 'the co-operation between traditional leadership and church leadership needs to be improved' (Traditional Leader 09.12.11). In general, the leadership of religious authorities is widely perceived as being important and well-accepted in all quarters of Fijian society, with religious leaders playing a particularly big role in rural communities (e.g. NGO Leader 26.01.12). Among the educated urban elite, there is also an appreciation of religious leaders: 'My urban Indian friends still respect their religious leaders no matter how highly educated they [my friends] are' (Academic 30.08.11).

Apart from Christian religious leaders, very few other interviewees mentioned God as the supreme leader (this was remarkably different to the focus groups). One exception was a retired civil servant, who explained: 'My thinking on leadership and leaders is very much influenced by Christianity ... For me a person who has legitimate power is one who is humble, someone who does trust not in his/her own power but in God ... A leader who is in touch with that Spirit is good' (Civil Servant 27.03.12).

Churches were criticized for their undemocratic leadership styles by some (e.g. NGO Leader 13.12.11(b)), and political engagement by churches is controversial. Some are in favour: 'I believe that the church has every right to be involved in politics - in correcting the system that is going on, in seeing that justice and care are maintained, but, and I must stress this, party politics must not be seen in the church' (Civil Servant 27.03.12). Others are against this, and advocated a clear separation of church and politics: 'There must be a separation of the secular and people of the cloth; there has to be. These two do not mix; it is like mixing water and oil. There must be a clear separation ... If a religious leader wants to be a politician, then he should hang up his collar, become a lay person' (Civil Servant 20.10.11).

### ***Women in Leadership Positions***

The issue of women in leadership is seen as problematic and in need of much more attention. At least, this was the view of outstanding women leaders; male interviewees did not have much to say on this topic. One of these women leaders complained: 'Fiji is very much a traditional male-dominated society, and village people do not think that women can do politics ... I actively encourage women to get involved in politics. But only a very few women dare to go into politics' (Other 14.12.11). One female traditional leader gave the following example:

Another example of how difficult change in leadership roles is: in our Provincial Council we have a women's representative who is ... married in. She was elected by the women because she is very capable. This is still the exception. In the past it would have been impossible to have somebody in a leadership position who is from outside. In the Provincial Council at the moment we only have three women (out of 20 plus council members). In the next Provincial Council which is to be elected in 2014, we want to have one-third women members. The women get good leadership training through their work in the development committees (Traditional Leader 09.12.11).

In general, it is only in the spheres of civil society and NGOs that women play important and visible leadership roles; it is only here that they are present as leaders in considerable numbers. All other societal sectors are dominated by male leadership, and female leaders are rare exceptions.

### ***Leadership in Politics***

Among interviewees, there is almost full unanimity with regard to the need for political parties: 'Political parties are a necessary part of a democratic life' (NGO Leader 13.01.12).<sup>90</sup> On the other hand, criticism of political parties was very harsh, with members of the current government being particularly critical: 'Our leadership failures in the past were because of this political party system. We have the political party system, the traditional leadership, and even church leadership system. The problem was that these systems were mixed up and chiefs and church leaders believed that they could make good politicians. But in a country whose politics was driven by race, they easily fell into promoting racial politics' (Government 18.11.11).

Academics and NGO representatives, as well as religious and business leaders, share this critical view: 'Political parties that we have had in Fiji have been pretty mediocre, if not disastrous' (Academic 20.02.12). Leadership structures of political parties are seen as problematic: 'So far party members have not held their leaders

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<sup>90</sup> Also Academics 30.08.11 and 03.02.12, NGO Leader 11.10.11, Civil Servants 18.10.11 and 19.01.12, Religious Leader 03.10.11, and Business 30.01.12 and 02.02.12. See pages 43 and 87.



to account. Whenever party members were not happy with their leaders, they left the party and formed a new one. So there were party splits instead of internal debates and challenges of leadership' (Academic 09.12.11; also Academic 03.02.12). Leaders of political parties are criticised for having created deep divisions in the country, and for not delivering on their promises (NGO Leader 06.10.11, Business 03.11.11, and Business 20.02.12); in addition, 'We don't need the old style politicians, the demigods who make all kinds of wild promises and do not really listen to the people' (Religious Leader 17.10.11). This assessment, which concurred with the views put forward strongly by many focus group participants, was rejected by party politicians: 'I don't subscribe to the idea that leaders disappear after being elected and don't turn up for their voters. This is a conventional stereotype which is planted onto leaders and has hung on since the colonial age. Some leaders live in their respective communities and leaders are aware of the political purpose of being seen in their constituency' (Politician 27.02.12).

Criticism of the leadership provided by the Great Council of Chiefs (GCC) is also widespread, while views on the future of this leadership institution differed: 'Unfortunately the chiefs made use of their position and the respect they enjoy in politics. The Great Council of Chiefs is called Great Council of Thieves by some people' (Academic 12.12.11).<sup>91</sup> A lack of education is blamed for the poor quality of GCC leadership: 'A lot of the members of the GCC had very little education and very little experience outside villages. Unless you train those people to improve their leadership qualities or potential, you will never get anywhere. The authority of the GCC had been eroded over the years. If you look at it today nobody is pushing for the re-introduction of the GCC' (Other 17.11.11). Others, however, still see a role for the GCC, at the same time acknowledging that it needs to be reformed (e.g. Traditional Leader 23.12.11); as a result, whether the GCC should play a leadership role in the future is currently up for debate.

Some argued in favour of a code of conduct for leaders, not only for the GCC, but also more generally (e.g. Politician 20.04.12, and Religious Leader 20.12.11). A legal professional put forward the proposition that 'a leadership model needs to be developed for traditional leaders incorporating values that are consistent with democratic principles. There should be both a Code of Conduct and Code of Ethics for traditional leaders' (20-25.04.12).

Finally, criticism of the current government by interviewees, albeit not unanimous, was much more outspoken and direct than the criticism voiced in the focus groups. The following quote illustrates this: 'The power in Fiji is totally illegitimate. The people who are controlling the country now are working there illegally and it is

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<sup>91</sup> See pages 46, 63 and 67.

unfortunate that the people are helpless and there is no legitimacy at all' (NGO Leader 10.02.12).

The view of government officials is completely different; they referred to the performance of the government to legitimize its leadership: 'Look at the results. There has been an improvement of road conditions in the rural areas where new roads and bridges are being built. There is also electricity for rural villages and communities' (Government 18.11.11). Based on this performance, Commodore Bainimarama is thought to stand a chance at becoming an elected leader. For example, one interviewee thought that, 'If Bainimarama decides to stand at the 2014 elections he will have the support of the people because of what he has done out there' (Religious Leader 17.10.11).

More balanced views not only take performance, but also process into consideration when assessing the legitimacy of the current national leadership: 'But one cannot only look at the product, one has also to look at the process. And many people say that the process through which they came into leadership positions was not right. People say: they were not elected. The leaders would carry more weight and legitimacy if they were elected. They should clean up the place and then stand for elections and go through the proper democratic process' (Business 12.12.11).<sup>92</sup>

In general, the country is seen as being in need of a new generation of young leaders: 'It is time for a generation of young leaders to emerge. The old guard is by far too contaminated by the old system. The problem is that it is not clear where these young leaders will come from' (Academic 09.12.11). Others are not that pessimistic; they see 'new young leaders emerging' (NGO Leader 11.12.11), despite the host of difficulties they are confronted with. 'I am optimistic that a new crop of young leaders is emerging. The young people are better educated' (Business 12.12.11). 'We have a whole reservoir of young, upcoming leaders with great potential to lead' (Politician 03.09.11). It remains to be seen whether these young leaders will actually emerge, and have a chance to prove themselves during and after 2014.

### **Conclusion**

Leadership structures in Fiji are complex and in flux. People are confronted with the challenge of dealing with and negotiating different types of leadership, and the changes they are undergoing. In fact, the successful negotiation of changes to the leadership structures, and of the relationships between different types of leadership, is a major prerequisite for the development of a sustainable democratic system in Fiji. Our findings suggest that there is a leadership crisis in Fiji today, with some

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<sup>92</sup> For further discussion on the issue of legality and legitimacy, see pages 70 and 87.

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 those 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, there is change all over, albeit incremental and slow, which is bringing about a fundamental transformation of leadership structures, and, flowing from that, society as a whole.

There is no doubt that leadership in Fiji today is still predominantly male and hierarchical; both participants and interviewees are in agreement on that. However, women have started to gain ground, be it in the home (for instance, where women are the breadwinners in the family, they often take up the leadership role), or civil society (a fair number of well-respected leaders of NGOs today are female). 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 are criticized for being too hierarchical). Of course the pace and extent of change differs; it is slower and less visible in rural areas, than in semi-urban and urban areas; and views on the desirability of change differ too, with rural people in general being more patient, and the urban elite being more impatient. However, virtually no-one is totally opposed to changes in leadership structures; even traditional leaders and elders in Indo-Fijian rural communities agree on the necessity for change. On the other hand, there is hardly anybody who 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. This concurs with societal processes which are currently happening anyway, in particular, the gradual hybridization of leadership. Types of leadership that are close to Max Weber's two ideal types of rational-legal and traditional legitimate authority co-exist, interact and mix, and in

the course of this, leadership is hybridized.<sup>93</sup> Our research found plenty of evidence for this hybridization.

Legitimate leadership is often based on a combination of legitimizing sources, and increasingly so. Traditional leaders are no longer seen as legitimate leaders solely on traditional grounds (heredity); rather, they also have to gain and maintain legitimacy of leadership through other processes (e.g. collaborating in village councils, or explaining leadership decisions in village assemblies), and through performance in the modern socio-economic sphere (e.g. by means of securing development projects for their followers). On the other hand, leaders in the sphere of formal state politics and business are not only seen as legitimate leaders due to rational-legal processes (through elections in particular, or on merit), but also because they enjoy traditional legitimacy in the local customary sphere (the classical example being a chief who is also a politician or businessman). Different sources and types of legitimacy of leadership can be contradictory (e.g. traditional legitimacy due to birth on the one hand, and rational-legal legitimacy due to elections on the other), but can also be complementary (e.g. performance legitimacy in the traditional realm and the rational-legal realm). Contradictions and complementarities are negotiated in the societal process of hybridization of legitimate leadership of the sort that is currently going on in Fiji; of course, this process is inevitably burdened with all sorts of problems, frictions, inconsistencies, contestations and hiccups. The question is to what extent and how this process can and should be deliberately steered and directed politically, so as to mitigate its contradictory and frictional aspects, and to enhance complementarity.

The significance of this question becomes obvious when one looks at the traditional *iTaukei* system of leadership. As has been said before, everybody agrees that this system is undergoing profound changes. There is disagreement, however, as to whether it needs explicit and direct reform, that is, political and perhaps also legal/judicial, intervention. Some are confident that, in the course of change, the current problems ('confusion' or 'real mess' are some of the stronger terms used to describe the current state of traditional leadership, e.g. Academic 13.10.11) will be overcome quasi-naturally over time, and a new structure will emerge. Others advocate active interference to implement reforms, for example, the election of chiefs; catalogues of criteria for chiefly leadership; a code of conduct for traditional leaders; training of chiefs in good governance; and/or a formal clarification of the relationship between the traditional sphere of leadership and the modern political sphere (e.g. prohibiting chiefs from entering the political sphere).

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<sup>93</sup> It is interesting that we did not find indications for the presence of legitimate charismatic leadership in the Weberian sense. One might have expected to find charismatic legitimacy in the religious sphere, or in the current government, but this is not the case. Religious leaders are more of the traditional (and sometimes the rational-legal) type; even Bainimarama is not really seen as a charismatic leader, as his legitimacy is mainly based on the performance of his government in the modern socio-economic sphere.

The most visible object of the debate about the reform of the traditional *iTaukei* system is the GCC: whether it should be abolished altogether, re-established in its old form, or whether it should be substantially reformed. Substantial reform could comprise reform of membership, and/or reform of rights and responsibilities, removing some of its formal political powers (e.g. the right to elect the President), and shifting its focus more to the preservation of *iTaukei* culture.<sup>94</sup>

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 narrower sense, including leadership structures of political parties, and accountability mechanisms for political leaders. Of course, this also has implications for the current government. Both focus groups participants and interviewees agree on the undemocratic character of the current regime, and on the desirability of having a democratically legitimized government. There is some disagreement, however, with regard to the importance of this issue. There are community members who do not place much weight on the fact that the current government is undemocratic and came to power illegally, and do not see any particular urgency in returning to a democratic system. For them, the performance of the current government - which is largely seen in a positive light - is more important. In contrast, for others, particularly those from the academic sphere and civil society more generally, the undemocratic character of the current government is much more of a concern, and they would prefer a quick return to democratic conditions. There is widespread agreement again with regard to the weaknesses and deficiencies of the leadership of previous democratically elected governments, and the need for improvements in the democratic leadership system. 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.

On the basis of our findings, it is clear that Fijians have an interest in having 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 be a good starting point for such debates, but these debates should not be confined to constitutional issues. Rather, they should be thought of as long-term endeavours. Effective and legitimate leadership cannot be installed overnight; in fact, it cannot be installed at all, it must emerge of its own accord in the context of societal and political debates, and this takes time.

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<sup>94</sup> Similar questions apply to the second house of the Fijian parliament - the Senate.

If this leadership crisis is to be successfully addressed, it must be done in a comprehensive and incremental way. Drawing on our findings, we propose the following points if this route is taken:

- undertake leadership education - both in the sense of educating the leaders, and educating the public about what constitutes good leadership;
- draft a code of conduct and a code of ethics for leaders;
- conduct targeted programmes for female and youth leaders; and,
- reform party political leadership.

One should be aware, however, that both these and similar practical measures can only achieve so much. They have to be embedded in a more general and comprehensive transformation of leadership culture in all sectors of society - in churches and other religious institutions, academia, schools, families, and professional organisations, as well as political parties and civil society organisations.

A final caveat: any plan for overcoming the leadership crisis should not merely follow a template of what 'good leadership' in the liberal democratic sense supposedly looks like, as this would only result in imposing an abstract Western model on the specific socio-cultural context of Fiji. Rather, one should work with what is already there on the ground with regard to the potential for an effective and legitimate leadership. As has been mentioned in the Introduction to this chapter, leadership in the Pacific traditionally differs considerably from leadership in other parts of the world, and this social and cultural context has to be taken into account. Of course, this context is subject to change, and with it traditional leadership, due to interaction with the outside world, resulting in the hybridization of leadership. If one wants to foster democratic development in Fiji, one has to work with the hybridity of leadership structures, and facilitate this hybridity, so that the forms of leadership which emerge will be those that are best suited to the specific Fijian situation. People in Fiji are aware of this hybridity, and they want to make it work for the good governance and development of their country. This should be kept in mind when it comes to reflecting on forms of democratic governance that are appropriate for Fiji. In other words, rational-legal legitimate authority, as prescribed in textbooks dealing with Western liberal democratic thought, is not the only - and perhaps not even the preferred - form of leadership in the eyes of the people in Fiji.

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# CHAPTER FIVE: DECISION-MAKING

## *Introduction*

For an exploration of the preconditions and prospects for democratic development in Fiji, it is of utmost importance to understand how decisions in societal and political spheres are actually made today. It is only on this basis that the limits and potential for democratic development can be assessed, given that democratic decision-making is a core element of democracy.

As with the concept of leadership, there is a vast literature on decision-making in various academic disciplines, and similar to leadership literature, the scholarly approaches are bound to Western worldviews and ways of knowing.<sup>95</sup> The centrality of the concept of rational choice in thinking and writing about decision-making is the most obvious expression of this Western bias. Academic reasoning about decision-making began with rational choice approaches. Over time, the shortcomings of the 'rational comprehensive model of decision-making' have been exposed by various disciplines, e.g. by behavioural and cognitive psychological researchers. Although as a consequence, this model is widely discredited today, it remains the primary point of reference for other decision-making theories: it is the 'ghost in the middle of the debates' as one of the leading researchers on decision-making put it (Morcol 2007b: 3).<sup>96</sup> Refined rational choice approaches are still very prominent and influential, particularly the theory of 'bounded rationality'.<sup>97</sup>

But rational choice - 'comprehensive', 'bounded' or otherwise - cannot explain decision-making in non-Western societies, given the 'deep historical and cultural roots of the notion of rationality' (Morcol 2007b: 4). All other decision-making theories, which were elaborated in discussions about, and as alternatives to, rational choice in Western social sciences, also have clear limits when it comes to the understanding of decision-making in a non-Western context. Decision-making is culturally embedded, and dependent on context: 'As the contexts of decisions vary, so do the styles of decision making' (Morcol 2007b: 14). For us, the context of decision-making is a key consideration.

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<sup>95</sup> For a recent overview of the literature, see Morcol 2007a.

<sup>96</sup> For critiques of the rational choice model, see the contributions in Part I of Zey 1992, and, for alternative approaches, the contributions in Parts II and III.

<sup>97</sup> The 'bounded rationality' concept was developed by Herbert A. Simon, who made the point that decision-making is bounded by the framing role of the human mind (emotions, habits of thought, and worldviews etc.), available information, available time, and the information-processing ability of the mind (Simon and Associates 1992).

Against this background, for the purposes of this study, our approach to dealing with decision-making is confined to core issues, which link decision-making to the central question of our research, namely the preconditions and prospects for democratic development in Fiji. This means that we do not investigate decision-making processes from different perspectives (e.g. psychological, neuroscience, cognitive or normative), nor do we address individual decision-making and its mental, cognitive, emotive and other dimensions. We also do not intend to analyse various stages and steps in the process, nor do we consider different methods of decision-making and the optimization of decision-making processes, as does a lot of the literature (for example, referring to concepts of problem-solving, cost-benefit analysis, or linear and integer programming etc.). Finally, we do not deal with all possible forms of decision-making that either were, or still are, actually used in different societies and different areas of life (e.g. flipping a coin, relying on divine revelation as a result of prayer or ritual, duels or tournaments, or automated bureaucratic procedures).

Rather, for the purposes of this project, we look at decision-making as a social and discursive process of selection between two or more alternatives (or sometimes also generating new additional alternatives), which results in a final choice with regard to an action or a standpoint. This process does not take place in a social vacuum; it is contextually embedded, and decisions are socially and culturally framed. In other words, we conceptualise decision-making as a complex and dynamic process of interaction among interdependent actors, who are related through mechanisms of power, conflict and collaboration. Such a process and its outcome are not completely understandable rationally, nor entirely predictable.<sup>98</sup> In fact, it can be said that decision-making 'is a messy process ... because its outcome is not determined through rational reasoning that leaves out other possibilities as irrational or impossible. Decision making might draw on different rationalities and involve reasonable motivation, but it will always involve the repression of other possible decisions' (Sorensen 2007: 156).

Decision-making as a social discursive process within a group of interdependent people in the public-political sphere can take the form of arguing, bargaining and voting (Elster 1998: 5). These procedures can be used separately, or in combination.<sup>99</sup> The process can be finalized by consensus (everybody agrees on the selected process), majority decision (established by some form of voting), minority decision (only a minority of eligible members of the group decides), or autocratic decision (only a single member of the group is eligible to decide, be it an autocratic

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<sup>98</sup> This understanding of decision-making is similar to network theory approaches to decision-making (see Klijn and Koppenjan 2000; Kickert, Klijn and Koppenjan 1997), and to cultural institutional theory, with its emphasis on the significance of social relations and worldviews to decision-making (Chhotray and Stoker 2009: 41-42).

<sup>99</sup> For examples, see Elster 1998: 6-8.

ruler or a technocratic expert; this person decides after consulting the other group members who may argue and bargain, but who are not allowed to vote).<sup>100</sup> Regardless of how the decision is finally taken, all members of the group must abide by it, and promote, or at least accept, its implementation. In general, there is clarity about decision-making procedures, that is, there are some institutionalized formal or informal rules according to which decisions are made, regulating who can decide what and how; these rules are relatively stable over longer periods, although they can also change over time (Chhotray and Stoker 2009: 3). Decision-making takes place in the realm of structural inequalities and asymmetries, and of power and politics (there are hardly any merely 'technical' decisions, although power-holders often like to claim there are, as this allows them to argue that there are certain circumstances in existence that exclude the possibility of making any alternative decisions).

In the context of this social-political understanding of decision-making, democratic decision-making is a special type of decision-making. At its core, it is a deliberative process in the course of which people discuss and negotiate choices between different alternatives (these discussions and negotiations are not only rational exchanges based on logical-empirical arguments and opinions, but are also influenced by a host of other factors, such as emotions, passion, interests, normative commitments, and beliefs etc.). Democratic decision-making is 'the construction of negotiated agreements' (Sorensen 2007: 157) which can be authorized formally, most prominently by voting, although this is not essential.

As noted earlier, in our understanding, the political sphere comprises all levels and all sectors of society. Accordingly, how decisions are made in the family, at local level, and in churches or trades unions etc., has significant implications for politics and the governing of the polity and society. This also has implications for understanding democratic decision-making: one has to overcome a narrow interpretation of democratic decision-making, which is focused on the 'big' democratic decisions, the most important of which are: (1) elections, where the people decide on who will represent them in parliament (these representatives are then the democratically legitimized decision-makers); and (2) parliamentary decision-making, and passing laws in the name of the people. 'From this perspective, the democratic decision makers are the voting citizens and the sovereign politicians in the representative bodies' (Sorensen 2007: 154). This

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<sup>100</sup> One aspect particular to decision-making is the right of one or more members of a given group to veto a certain decision. This means that although a majority of members or eligible members of the group take the decision, where the veto is exercised, the decision has no effect and cannot be implemented. The most famous example of such a veto power is that which may be exercised by any of the five permanent members of the United Nations Security Council. One can also think of other situations, for example: the military having the right to veto decisions of parliament in specific political areas, or the veto right of a president regarding certain parliamentary decisions. Vetoing constitutes negative decision-making.

perspective, however, is too narrow. There is a need to develop a more inclusive theory of democratic decision-making (specifically with regard to the actors involved, the arenas in which decisions are made, as well as the topics to be decided on), so as ‘to ensure that all and not only some political decisions are being regulated democratically’ (Sorensen 2007: 152). According to this reading of democratic decision-making, it comprises of a multiplicity of ‘small’ decisions at all stages in governance processes, at various societal levels, conducted by a wide range of actors, and in various societal spheres, where the boundaries of these spheres are blurred. Hence, ‘it is impossible in advance to identify a fixed realm of democratic decision making’ (Sorensen 2007: 163). Rather, the boundaries of this realm are themselves subject to discussion, negotiation and decision, and, accordingly, subject to change. This conceptualization of democratic decision-making contradicts the conventional model of liberal representative democracy, which stipulates a clear boundary between the public political sphere (which is viewed as the realm of democratic decision-making), and the private sphere (which is seen as having nothing to do with democratic decision-making). This inclusive theory is aligned with concepts of deep or deepening democracy, which focus on citizens’ participation in, and control of, decision-making in various spheres of their everyday lives (Gaventa 2006).<sup>101</sup>

Based on the understanding of decision-making presented in this Introduction, we asked the focus groups participants and interviewees what their experiences and views are of decision-making in various spheres of society, and at various levels, from their families and homes to parliament and the government. We asked what different types of decision-making processes people have experienced, and we explored understandings of legitimate and appropriate forms of decision-making. More specifically, we asked about democratic decision-making, and for people’s views on the desirability, reality, effectiveness and legitimacy of such decision-making. Again, as with leadership and other topics addressed in our research, we accumulated a rich body of highly interesting responses.

In the following sections, we present the main findings on decision-making, derived from focus groups and interviews.

### ***Focus Group Participants’ Responses***

The fact that Fiji is still a highly patriarchal society is reflected in decision-making at household level. Most people say that in the household and the family, it is usually the men (the husbands, fathers, grandfathers, and fathers-in-law) who make the decisions. This holds true across the board, for *iTaukei* families, as well as for Indo-

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<sup>101</sup> See pages xii, 50 and 152.

Fijians, and for rural as well as for urban areas.<sup>102</sup> Nevertheless, there are variations. While some say that the men in families are the sole decision-makers (which is often the case in rural *iTaukei* families (e.g. iTM rural 04.11.11),<sup>103</sup> others report that there is consultation with the women (and sometimes even the children), before the men make the final decision, and in so doing, the men take their views into consideration.<sup>104</sup> If there is no man in the family, it is often the woman who decides. In other families, the husband and wife take decisions together, and there are even some families in which decisions are made collectively: ‘My family sits together and we discuss the matter. All the family members help to make decisions’ (IFF semi-urban 06.10.11); and, ‘all the family members sit together and make decisions and this is including both the parents and their children’ (iTm urban 09.11.11(a)). While this seems to be the exception in rural areas, it appears to be more common in semi-urban and urban areas (also iTM semi-urban 29.09.11).

Furthermore, a new pattern seems to be emerging, which diverges from gendered decision-making, namely decision-making by the bread winner(s). In families in which the woman or the children are the main wage earners, it is often they who make the decisions: ‘In some families today the parents listen to their children because the children are the breadwinners in the family’ (iTm urban 09.11.119(a)); and, ‘today if the wife (mother) is the bread winner in the family, she is the only one who is going to make the decision’ (iTFY urban 04.08.11).

### **Local Level Decision-Making**

At the local level, decision-making in *iTaukei* communities takes place in the course of the interaction of chiefs and other traditional authorities, village assemblies, village committees, and the churches. In a traditional rural context, the final decision-making power rests with the chief: ‘The village headman has authority within the village whilst the chief is the one who makes the final decisions with the village headman’s advice’ (iTF rural 14.12.11), and, ‘the final decisions are made by the chief concerning village issues while the village headman sees that these decisions are carried out in the village’ (iTMY rural 22.08.11). This leaves ordinary villagers largely voiceless, and without influence on decision-making. One focus group explained that in their village, ‘We are voiceless because it is hard for us to speak up as we always respect the decision made by the chief. We also sometimes find it hard to follow the decision that was made as we do not agree with it. However, we cannot do much and have to follow it whether we like it or not’ (iTm urban

<sup>102</sup> e.g. iTM semi-urban 29.09.11, iTM urban 09.11.11(a), IFM urban 28.09.11(a), IFM urban 10.11.11, IFF urban 28.09.11, and iTF rural 21.10.11.

<sup>103</sup> ‘In the village and in the family, decision-making is the role played by the male (or father), and the woman is to follow and assist him with the running of the family. The children will have to follow what has been said by their parents’ (iTm rural 04.11.11).

<sup>104</sup> iTM urban 09.11.11(b), IFM urban 10.11.11, IFM urban 08.10.11, IFF semi-urban 05.10.11, and IFF rural 19.10.11.

09.11.11(b)). Another focus group gave the same assessment: 'In most villages only the *Turaga-ni-Yavusa* is the one who makes decisions and the villagers have to follow the decisions; because of the traditional culture in the village, the members are not allowed to talk against their *Turaga-ni-Yavusa*' (iTM urban 09.11.11(a)).

One focus group explained in more detail the process of making, communicating and implementing decisions in the traditional *iTaukei* local context:

At the *Yavusa* level the chief is the only one who makes decisions because he is the one who holds the power in the *Yavusa*. He is going to advise the *matanivanua* of his decision and this is final. The *matanivanua* will then go to the *Turaga-ni-koro* and tell him about the decision made by the chief. So the *Turaga-ni-koro* will call his committee and discuss the decision made and try to implement this. Following this, they [the committee] will call a meeting with the rest of the community and advise the people of decision made by the chief and what needs to be done (iTM semi-urban 29.09.11).

While this is the traditional style of decision-making, there are changes taking place these days. For instance, 'in some villages members are well-educated and they sometimes disagree with the decision made by the chief or the leaders. Then they voice their opinions to decide together as a whole village so all people can be satisfied and happy as well' (IFM urban 09.11.11(b)). Another group said that:

Traditionally all decisions were made by the head of the clans even though meetings took place to discuss the issue. All the members of the clan would wait for the decision to be passed down. There are, however, changes taking place ... Now leaders are taking into account the views of the people before decisions are made. In some cases, where people have disagreed with the decision made, they have challenged the leaders in this regard (iTF urban 17.08.11).

In some *Yavusa*, people can change decisions if they disagree with the chief:

In these instances, the *matanivanua* will then have to go and explain to the chief what his people have discussed regarding his [the chief's] decision. And the chief will also have to listen to what the people want because it is the people who have been doing the work in the *Yavusa* and it is because of them that the chief is there ... only in some cases is the decision of the chief overturned as, in time, he also listens to the needs of the villagers and makes the decision accordingly (iTM semi-urban 29.09.11).

Village assemblies are the places where people other than chiefs can make their voices heard, and exert some influence over the decision-making process. Often, it is said that everybody can express his (or - occasionally - her) views in the village meeting, and that all views are taken into account when it comes to decision-making (e.g. iTM rural 04.11.11, and iTF rural 14.12.11). Chiefs consult with their people in village assemblies, and consider what has been said in the assemblies when taking decisions.

In addition to village assemblies, village committees also play an important role in decision-making at local level in *iTaukei* communities (iTM urban 09.11.11(a), iTM semi-urban 07.10.11, and iTF rural 10.08.11). One chief explained that he calls village committee meetings to discuss and decide on village issues (iTM rural 04.08.11); while a focus group of rural *iTaukei* women mentioned that disagreements in their village have been addressed by forming a village committee, which helps them 'to arrive at decisions together as a village. The process of decision-making is that the committee gathers and discusses any village activities with the community members' (iTF rural 10.08.11).

In the absence of a chiefly system, the position of village committees, or committees in settlements, is even stronger in Indo-Fijian communities (e.g. IFM urban 10.11.11, and IFF urban 28.09.11). They take decisions on village or settlement affairs; issues are discussed at committee meetings, and then a decision is made through a majority vote (IFM urban 28.09.11(a)), or through consensus (IFM rural 21.09.11, and IFF urban 28.09.11). Sometimes women are committee members, sometimes not (IFF urban 28.09.11, and IFF urban 27.09.11). However, as has been mentioned earlier in this report, often committees do not work well, or have collapsed altogether.<sup>105</sup> Hence the committee structure does not cover all communities, and problems with defunct or malfunctioning committees are common.

This indicates that there is a range of decision-making styles: from the purely autocratic (the chief as sole decision-maker), to the consultative (the chief listens to the people, and makes a decision taking his people's views into account), to the more egalitarian (a group of - usually male - members of the community decides matters), to a deliberative democracy (a majority of the members of a group decides matters on the basis of a prior debate), to the consensual (the community as a whole decides on matters together).

The churches are influential in decision-making at the local level in *iTaukei* communities: 'In this community, it is mostly the Methodist church that makes a lot of decisions in the community because most of the people living in the community are

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<sup>105</sup> See pages 61 and 100.

Methodist. And for the Methodist members they always listen to the church leaders and whatever they say people have to do' (iTM urban 09.11.11(a)). Members of another urban focus group also said that major decisions in their community are made by the church:

The church leaders will announce during the Sunday service what is going to happen in the community for a particular week. Because we respect the church, we are going to abide by the decisions made by the church leaders. We feel that sometimes we community members suffer a lot regarding decisions made by the church and that is why most of us join other denominations whose leaders listen to the views of their members before making decisions (iTFY urban 04.08.11).

### ***Decision-Making at Higher Levels***

When it comes to decision-making processes at higher levels of governance, people listed 'Bainimarama', 'the Prime Minister', 'the government', or 'the district authorities' as the decision-makers, or decision-making bodies (e.g. iTF rural 05.09.11). At the same time, they said that they do not know how decisions are actually made at those levels (e.g. IFM urban 28.09.11(b), and IFF rural 28.09.11). Most reported that they have nothing to do with decision-making beyond their village or settlement, and have no option but to accept decisions made at higher levels, e.g.: 'Whatever is being decided by government will be followed by us' (iTF rural 05.09.11). Some complained about the lack of consultation (iTF urban 04.11.11), while others said that although they are actually consulted by decision-making bodies at higher levels, they often do not know whether the results of their consultations were actually fed into the decision-making process, and whether they had any real impact on decisions made. 'Government consults us, but we do not receive any feedback on the outcome ... It would be good to know that what we have shared has made a difference or has had an impact somewhere' (IFM rural 21.09.11). One rural female Indo-Fijian focus group put forward a very principled critique: 'We are not happy with the decision-making process in the community or the nation as until now we have not had any real opportunity to express ourselves apart from casting the vote during elections' (IFF rural 19.10.11).

People complained that the links between decision-making at local and higher levels are too weak. For instance, it was said that the areas allocated to advisory councillors who are supposed to provide these links are too vast, so that councillors lack knowledge of local problems and concerns, and do not fulfil their duty of bringing local and state institutions together: 'There may be a communication gap where issues raised by people are not reaching the national leadership' (IFM semi-urban 28.10.11).



Because of their exclusion from decision-making at higher levels, and a lack of information about how these decisions are actually made, some people feel uneasy about decision-making at those levels: 'There was a shared feeling that the way decisions are made at the national level was not right' (IFMY rural 23.10.11, and iTF urban 04.11.11). Others, however, are happy with the current decision-making processes at government level: '[We] feel that government decision-making at the moment is very good' (IFF urban 27.09.11).

### ***Women and Decision-Making***

Women are often excluded from decision-making: 'Women's views are barely taken into consideration; it is only the men who sit and work things out' (IFF semi-urban 05.10.11); 'At the community level we [women] are barely consulted on decisions about the community; the men usually do these tasks and women are expected to have mothers' clubs and sit away from such discussions' (IFF semi-urban 05.10.11; also IFF semi-urban 27.10.11). Some women, though, are happy with this state of affairs: 'It is written in the Bible that women should submit and listen to men and the village is also following these biblical principles' (iTF rural 05.09.11); and, 'The decision-making should only be the man's, whatever he decides is the final decision, the woman must listen to him' (iTF rural 14.12.11; also iTF semi-urban 07.10.11). Often, women can only speak and make decisions in the confines of women's-only or mothers' groups, and even then solely on women's issues (iTF rural 21.10.11). Sometimes women are involved in community decision-making indirectly via their husbands: 'Although there are no direct consultations with village women in community affairs, there is an input of women's voices as we are consulted and informed in our homes by our husbands ... we are fine with the way things are operating in our community for now' (IFF rural 12.10.11).

The usual procedure in rural *iTaukei* communities seems to be that the men do the talking in the village assembly, while the women and youth keep silent, sometimes not even being allowed to sit in on these meetings (iTM semi-urban 31.10.11). 'Decisions rest with the men, we the women are just listeners ... We are in charge of the food, cleaning the community hall and other things decided by the elders. It is the role of the women and we will always do it' (iTF rural 05.09.11).

But in some places, changes do occur with regard to the role of women in village decision-making: 'In some villages, women were not allowed to speak up during the village meetings. However, now this has changed and the "culture of silence" has been broken and women are now allowed to voice their opinions during village meetings, as well as at home, and this is seen as a major change at the village level as well as the family level' (iTM urban 09.11.11(b)). Today, for women, village meetings can be 'a place where we can voice our needs ... the men would also love to hear the voice of the women during the village meeting because of their status as

mothers and anything to do with the education of their children and any latest development of the village' (iTF rural 05.09.11; also iTF rural 21.10.11).

The position of rural women is different to that of urban women: 'Those women who live in town have more opportunities to voice their opinions as compared to women living in the village' (iTF rural 04.10.11). These differences can lead to conflict when women with an urban background want to change things in the village: 'In the village, when we go to the village meeting, only the men would be talking and making decisions and when a woman speaks, comments like "that lady has no respect and wants to speak in the meeting" [are made] ... But for us women who are educated, now we can make changes to this traditional practice' (iTF urban 04.11.11).

Today, many women are more demanding with regard to their inclusion in decision-making processes. One rural Indo-Fijian focus group put forward this demand for change: 'In communities, the trend still exists that only men participate in communal development decisions, but we feel that women also need to get involved, and this is the aspect that needs to change if we have a choice to change how decisions are currently made' (IFF rural 21.09.11). Another female Indo-Fijian focus group explained why the inclusion of women in decision-making is important:

At the moment the way they choose the committee members is not right. They should give equal rights and choose women who have a high standard of education. So if there are issues that are specific to women, then the women can go to these members and discuss this and they will feel comfortable. Otherwise, how are the women supposed to discuss some issues with men they do not know properly? ... For instance, one of our women had a problem that needed to be discussed. Because she was not comfortable discussing things with the men, she went to [the wife] of one of the committee members and talked to her. The wife then raised the issue with her husband, who then raised it at the committee meeting. If we had a woman in that position [on the committee] then we could go and talk to her directly. The lady could then raise the issue or take the woman to the meeting for her to talk to everyone about it. This would be better for us (IFF urban 28.09.11; similarly IFF urban 27.09.11).

The women in another urban Indo-Fijian focus group 'all agreed that changes were necessary in the way decisions are being made. We all want equal rights in matters of decision-making, but we aren't sure of how to achieve it because of the traditional and customary practices' (IFF semi-urban 05.10.11).

Many rural *iTaukei* women, too, want change: 'Women should be heard in meetings because of the good ideas that we have ... The men should also consider our ideas and do away with the attitude of being served or looked up to ... The women's right is never practiced in our village as elders continue our traditional way of leading and decision-making where women just listen ... There should be some adjustment to our traditional protocol so that women can freely participate and there is change' (iTF rural 05.09.11).

When asked what they would like to change about the way decisions are made, the women in another rural *iTaukei* focus group responded: 'Participation. Involve women, involve youth, involve everybody ... for everyone to be given the opportunity to speak' (iTF rural 21.10.11). This opinion was shared by an urban focus group of *iTaukei* women: 'Decision-making should be shared by both women and men' (iTF urban 17.08.11). However, women are sceptical about chances for actual change, as the reaction of one focus group of rural *iTaukei* women demonstrated: when the team asked the women what they would change if they could change the way decisions are made, the women laughed and said that decision-making belongs to the men. The NGO team moderating this discussion saw this as a gesture showing it is the norm for the men to have the final say, and that there was no hope in changing it (iTF rural 04.10.11).

This pessimistic view notwithstanding, there are signs of change with regard to women's inclusion in decision-making: 'In our house before, the man of the house usually makes the decisions because he is the one working and therefore the head of the household. But lately, we can see that they are talking to us much more about things that affect our family before we make a decision together. The last decision is still made by the father/husband, but now they talk to us women first which is good' (IFF urban 27.09.11); and, 'In the past the ladies were not allowed to express their opinions either at home or community level. But now with rising levels of literacy, women are more aware of the issues affecting them ... Women are more empowered these days' (IFF rural 21.09.11; also IFF rural 06.10.11).

### **Youth and Decision-Making**

Youth also have a very weak position in relation to decision-making:

For us youths in the community, we feel that our voices are not being heard by those in power and also by the elders. We feel that we are told of decisions that have been made and are not involved in the decision-making process, as no one asks us what we think (IFM urban 28.09.11(a)).

Youths feel that decision-making in communities is not really there for us. It is always with the elders. We just have to do what is delegated to us, and hardly have any say in decision-making (iTMY semi-urban 31.10.11).

Young people are always left aside in decision-making ... The young people believe that their voice is not heard at all levels (iTMY semi-urban 29.10.11).

As youth we are not involved and do not have any say in the decisions involving the community; it is the elders who usually decide everything (iTMY rural 14.11.11).

There are exceptions though: one group of young rural Indo-Fijian men reported that, 'We are somewhat involved in decision-making on the village level as members of soccer and youth clubs', and that, 'We are able to get our issues heard if we decide to approach him [the advisory councillor]' (IFMY rural 23.10.11). Experiences of young female Indo-Fijians were also mixed: one of the participants commented that people hardly ever listen to the voice of the young people because their opinions hold very little value, therefore the young people feel that their voices are not heard. However, another participant in the same group disagreed by stating that in her community, the elders normally want to hear what ideas the children and young people come up with (IFFY semi-urban 06.10.11).

Like women, the youth would like to be more involved in decision-making: 'Youths should have more say in the decision-making process, as we are also affected by the final decision, therefore we [the young women] would like to have a youth committee' (IFFY semi-urban 06.10.11). A focus group of male *iTaukei* youth agreed with the Indo-Fijian female youth: 'The elders should listen to our views as youths and the reason is that most of the times we are the ones that do the things that have been decided in the meeting. Our elders do not know how hard the work load is' (iTMY 14.11.11).

Among some men, there is an openness to include women and youth more meaningfully in decision-making (e.g. IFM rural 21.09.11). Reasons for this position vary, for example: 'In the Sikh religion, women are treated as equal decision-makers with men' (IFM rural 21.09.11); and, 'Youth should be involved in decision-making.

The community is not only made up of elders ... it is equally important to involve both male and female youths' (IFM urban 08.10.11).

### ***The Public Debate about Decision-Making***

In conclusion, it can be said that there is a debate among ordinary people in Fiji about current forms of decision-making, and options for changing decision-making processes to make them more democratic; therefore, it is important to recognise that real changes are actually already taking place in this area. People can imagine, and sometimes also advocate for, major changes. For example, in one focus group, some of the participants mentioned that 'at the family level, all the family members should be part of decision-making, including the children' (iTm semi-urban 29.09.11). A focus group consisting of young rural *iTaukei* men said that, 'The way village meetings are chaired should change; in every decision that has to be made the showing of our hands or voting should be done. This will allow all the people to participate in any decisions that we are supposed to make as a community' (iTMY rural 14.11.11). In another focus group, the men said, 'If we could change the decision-making process, we would like it to be more participatory and inclusive so that the people can raise their points as well with the government, and we can work on these together' (iTm urban 09.11.11(a)).

There is some concern that the government is not listening to the people: 'At the moment our voices are not being heard' (IFM urban 10.11.11; also IFM urban 28.09.11(b)), and they want to be consulted more meaningfully in the course of decision-making: 'Governments should be more consultative' (iTF urban 17.08.11).<sup>106</sup> In order to achieve such changes, people want linkage institutions, such as advisory councillors, 'to have a stronger presence on the ground in order to understand the real situation' (IFM urban 28.10.11).

Finally, it is interesting to note that NGOs are seen as potential drivers of change towards more democratic decision-making. Several focus groups mentioned that turning to NGOs, and talking to them about problems in their villages or settlements provides a way to influence decision-making at higher levels, because the NGOs have the capacity to take people's concerns to decision-making bodies beyond the reach of ordinary people (e.g. IFM urban 28.09.11(a)). Some focus groups also want NGOs to help initiate changes in decision-making procedures at the local level. For example, a focus group of rural *iTaukei* women said: 'We request your NGO (SEEP) to have a session with our men, so that they can see why it is important to involve women in decision-making' (iTF rural 05.09.11).

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<sup>106</sup> This is in contrast to what some participants had to say about Commodore Bainimarama being a particularly good and responsive listener; see page 103

### **Interviewees' Responses**

Interviewees share the view that decision-making in Fiji currently is a male domain.<sup>107</sup> 'Decision-making in Fiji today is very much male dominated ... and it is based on old age. It is the old men who make the decisions most of the time in most societal areas. Some will justify this as embedded in our culture; some will criticize it as patriarchal' (NGO Leader 11.12.11). Moreover, decision-making is seen as being very hierarchical: 'In this country we are used to a top-down type of decision-making' (Academic 27.01.12; also Politician 03.09.11, and Business 06.10.11). This hierarchical decision-making is said to have its roots in traditional *iTaukei* society, being deeply ingrained in these societal structures. Currently, there are several levels of decision-making in *iTaukei* society: from the household to the extended family (*Tokatoka*), to the clan (*mataqali*), to the *Yavusa*, to the *Bose va koro*, to the *Bose-ni-tikina* (District Council), to the *Bose ni yasana* (Provincial Council), and, until recently, finally to the GCC.<sup>108</sup> As one chief said, this multi-layered decision-making structure leads to a situation in which 'an indigenous Fijian lives a life that is, I may say, over-governed because he has to listen to all the various levels of authority ... All these authorities play their different roles in various things that are of importance to a Fijian' (23.03.12).

### **Complexities and Variations in Local Decision-Making**

Although the *iTaukei* system of decision-making appears rather clear and straightforward at first sight, it seems that in reality things are more complex and varied. We learned from the interviews that, in practice, decision-making on the ground varies to a certain extent, depending on the concrete situation in a given locality.<sup>109</sup> An academic explained: 'If you have a strong chief, he can make the decisions alone. If he waivers a little, then the group of *mataqali* leaders could be where decisions are made. Now, we have the *Turaga-ni-koro* who is the voice of the government in the village. Sometimes the *Turaga-ni-koro* is more respected than the chief because he can enforce a government decision. The *Turaga-ni-koro* has a lot more power than before and this has weakened the traditional leadership' (Academic 30.08.11). In other words, decision-making in the local context is more

<sup>107</sup> Academics 16.01.11 and 12.12.11, NGO Leaders 13.12.11(a), 13.12.2011(b), 30.08.11, 08.09.11, 13.01.12, and 10.02.12, Traditional Leaders 23.12.11 and 06.12.11, Legal Professional 06.12.11, Business 02.02.12, and Religious Leader 09.03.12.

<sup>108</sup> This description of the various layers of decision-making was given by several chiefs whom we interviewed (Traditional Leaders 23.03.12, 22.03.12, 30.04.12, and 08.02.12). It is mirrored in the formal decision-making structure of the state, with its District and Provincial Councils. District Councils (*Bose-ni-tikina*) comprise headmen of villages, representatives of women and youth, heads of tribes, and advisors from government departments; they meet quarterly. Provincial Councils sit twice a year; they comprise representatives from the districts and the heads of the *Vanua*, and they take decisions by way of majority vote (Traditional Leader 22.03.12).

<sup>109</sup> Because of the local variations in decision-making, one interviewee posited: 'One needs to probe into the micro-politics of decision-making at the community level to determine just exactly who makes the decision, and how and where it is made' (Politician 27.02.12). We think that this is a very valid point.

complicated than it appears to be. Not only can the relationship between chief and *Turaga-ni-koro* (village headman) be conflictual, thus causing confusion in decision-making procedures (Religious Leader 17.11.11), but the decision-making powers of chiefs - which are too easily taken for granted - deserve a closer look as well. Interviewees in general confirmed the view expressed by many focus groups that chiefs often play a decisive role in decision-making (NGO Leader 13.12.11(a), and Other 27.03.12), but they are not necessarily the sole autocratic decision-makers. A traditional leader explained: 'Most of our decisions are made collectively. There are only certain times when decisions are made straight from the chiefs and go directly to the people' (22.03.12). Several interviewees see chiefs as consulting with people, and taking part in a more collective decision-making process: 'Decisions are taken by the chief who is usually male. There is normally a committee that has a chair, so ultimately decisions are made by a mix of democratic governance and traditional governance. There are consultations whereby the views of the people are heard' (NGO Leader 13.01.12). One chief explained how decisions are made in his village: 'I have one council which is the heads of clans, heads of tribe that sits every month. I as chief of the village sit in that meeting as its chair ... We have the other one - the Village Council - which sits every month and looks after the development of the village'; decision-making in the councils 'is based on the majority opinion' (22.03.12). A member of the current government said that the government supports collective decision-making, and is advocating the establishment of committees that give advice to the chiefs (Government 18.11.11).

Several interviewees very strongly emphasized the collective and consensual features of decision-making in *iTaukei* communities, going so far as to argue that traditional *iTaukei* decision-making is inherently democratic. It is not only traditional leaders who hold this view, but also representatives of civil society and others, as the following quotes illustrate:

In the olden days, traditional decision-making was very consultative and consensus-oriented. The traditional system has important democratic features. A chief who really knows how to make decisions properly will always consult his people. Decision-making based on consultation and consensus is still the rule in many villages even today (NGO Leader 11.12.11).

Consensus decision-making in the *iTaukei* setting is very important. When there is consensus on a matter, then the chief accepts it as the decision of the meeting. But if there is disagreement, he makes the final decision (Other 10.11.11).

In Fijian custom, decisions are made by consensus. It is a very good system (Politician 17.02.12).

The traditional chiefly system is democratic; it is not authoritarian, even though once a chief makes a decision it becomes law. The decision arrived at by the chief is what he gleans as being the collective decision of his sub-chiefs; [men come] together and sit talking around a bowl of grog, and at the end the chief sums up what he believes they all agree on. [The others] would either agree or suggest corrections to what they had originally said. Then the chief would make the final decision (Politician 12.12.11).

Decision-making at the local level is geared towards consensus. People usually take their time, often a very long time, to talk things through and to debate the pros and cons of a matter and finally achieve consensus. In the interest of community harmony finding consensus is the preferred way of decision-making (Traditional Leader 09.12.11).

Others are far more sceptical: in their view, participation and consultation is very tokenistic. It glosses over the hard reality of undemocratic hierarchical decision-making, as one NGO leader posited: 'The chiefs make the final decisions. There is an air of consultation, but ... little to nothing is actually done about whatever issues are raised' (NGO Leader 20.09.11). This view is even shared by some chiefs: 'At village level there is limited participation and the form is superficially democratic' (Traditional Leader 23.12.11).

The differences between those interviewees who see traditional decision-making in a relatively positive light, and those who are much more critical, also play out when it comes to the assessment of the role of village assemblies as decision-making bodies. Some said that village assemblies do provide the space for inclusive and participatory decision-making in rural communities. One interviewee gave this example:

In my village, we have village assemblies on a monthly basis, more often when necessary. All adult members of the village, male and female, participate in the village assembly. Often there are also special representatives of youth or church, depending on the issues that have to be discussed. Village assemblies deal with development projects, with church activities etc. Village assemblies are a special form of democracy. Usually decisions are taken by consensus. Sometimes I as the chief have to call for a vote, then the majority decides. The chief implements the decisions of the village assembly (Politician 07.12.11).

An interviewee from Rotuma gave a similar account: 'We have village assemblies and community meetings on Rotuma. They provide spaces for people to speak out. People can even challenge the leaders. It very much depends on the person of the



leader whether he listens to the voices of the people or ignores them' (NGO Leader 13.12.11(b)).<sup>110</sup>

### ***Women and Youth in the Decision-Making Process***

Other interviewees are more critical when it comes to the role of village assemblies in decision-making. The strongest objections with regard to the allegedly inclusive and participatory nature of decision-making in village assemblies were voiced in relation to the supposedly inferior status of women and youth. This might not be an issue in Rotuma, where women are included in decision-making: 'In Rotuman tradition, both men and women are responsible for decision-making. They both have an equal voice in meetings' (Traditional Leader 08.12.12), but it is definitely an issue in *iTaukei* communities (as well as in Indo-Fijian communities, as we shall see later). Several interviewees gave assessments very similar to those given by people in focus groups. One female interviewee gave the following critical account:

At the local level, women are excluded from decision-making. Whenever there are meetings in the village, women have to bring a plate, they have to serve the food. But they do not participate in decision-making; it is the men who decide. The women have to do the work, they have to provide the services, they have to raise funds for community projects. But the decisions about the services and the funds are taken by the men ... Only when it comes to the education of the children, do women have a say too. More and more young women these days go to the urban areas, and there they are exposed to other experiences, other ways of doing things. But when these educated young women go back to the village, they still accept the traditional ways and their exclusion from decision-making in the village context (Other 14.12.11).

Others share this critical view: 'Women and youth are widely excluded from decision-making. The women provide the tea and the meals for meetings in which men make the decisions' (Academic 07.12.11). In community meetings, 'The men take the decisions, and the women make the tea and prepare the food. In public assemblies, women do not speak themselves; they always have to ask male relatives

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<sup>110</sup> Rotuman decision-making is clearly structured: 'Issues are discussed first at family level, then taken to *Hoanga*/clan meeting, before being taken to the district meeting. Finally issues are brought to the council. At each level there is discussion and debate and all adults have a say' (Traditional Leader 08.12.12). The Rotuman situation is similar to that of another minority group, the Rabi community. The Rabi Community has village committees and a council of elders as its decision-making bodies: 'The village committee is very powerful within its village boundaries ... issues are discussed in the village committee with the councillors, which are then taken up to the council for deliberation ... Issues taken to the council are critical because these are about people's daily lives, and could be social, economic, academic, ethical and even spiritual. The council discusses these issues, motions are moved and then a vote is taken and decisions made through a simple majority' (NGO Leader 21.11.11). In addition to this formal decision-making structure, respected elders of the community also wield a lot of decision-making power more informally (NGO Leader 21.11.11).

to speak for them. The same applies to young people. They are also excluded' (Academic 09.12.11; also NGO Leader 13.12.11(b)). 'If there are men and women together, the men usually do the talking and the women do not say very much or nothing at all ... Consultation with women does not happen as much as it ought' (Traditional Leader 23.12.11).

One interviewee, by contrast, argued that some women are fully included in decision-making already:

In some aspects of the *iTaukei* life, the woman is more recognized than the man. If the eldest in the family is a woman, she has more say in family and on village matters than her younger brothers. Some of our high chiefs are women. So when we talk about mainstreaming, what are we really talking about? Such ideas come from women and countries that know only one culture - the democratic culture. Sadly, some of our *iTaukei* women are in a similar situation; they have forgotten their culture, and in fact demonized it as oppressive. They have become totally rootless (Civil Servant 18.01.12).

Others are not that rigid and apodictic, but nevertheless make the point that the position of women and youth in decision-making is better than a superficial view suggests. They hint at more indirect forms in which women and youth are involved in decision-making even in traditional settings: 'The women speak out behind the scenes and have an indirect influence in decision-making. It is similar with youth. They are listened to, but they have to find older persons to speak for them in public' (Academic 12.12.11).<sup>111</sup>

Some interviewees explained this by referring to the deep respect for age in traditional *iTaukei* culture: 'Anyone can speak during a meeting, but it goes with the unwritten rule of age ... If youth speak out of turn, your father will only have to look down and you will have to stop talking right there and then. That's how strong these forms of respect are within the Fijian society' (Traditional Leader 30.04.12).<sup>112</sup>

Given these deeply embedded cultural traits, it is difficult to introduce other forms of communication and decision-making in meetings, as one traditional leader explained: 'When you encourage younger people and women to participate, there is

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<sup>111</sup> A female NGO leader posited: 'Women are a lot more influential at the household level than people think' (NGO Leader 13.01.12).

<sup>112</sup> Others alleged that youth are not interested in being involved: 'The young people are not particularly interested in the village assemblies. They have respect for the elders and let them decide. This is why we have to have a special youth representative in the village assemblies who can voice the concerns of the youth. Young people do not have the feeling to be excluded from decision-making. There is still a lot of respect for the elders among the young people. This is changing a little bit with the growing importance of individualism' (Politician 07.12.11).

a sense of amusement and slight discomfort as they do not feel comfortable expressing themselves. Any responses from them will be hesitant and one has to read between the lines. Direct discussions are not cultural' (Traditional Leader 23.12.11).

As a consequence, another traditional leader posited that, 'We need to educate our Fijians to express themselves freely in meetings no matter what happens, whether it is related to church matters, political matters or purely village matters, they have to stand up and be heard' (Traditional Leader 23.03.12).

### **Churches and Decision-Making**

The churches have a major role to play in this context. Church leaders are seen as being very influential decision-makers in *iTaukei* communities.<sup>113</sup> It is often the case that the *Talatala* is the second most important person in decision-making after the chief (Religious Leader 17.11.11). Decision-making structures and processes in the churches expose problems similar to those in *iTaukei* communities:

[Decision-making] in the church is also male dominated. Usually in the church the men are the vast majority on the board. In my church, for example, there are only two women on the board out of 12 board members altogether. And even this is a step forward. Before, there were no women at all. We got a new young progressive pastor and he said he would like to also have women on the board. So at the end of the day it was the decision of a male again (NGO Leader 13.12.11(a); similarly NGO Leader 13.12.11(b)).

Because of their rather patriarchal stance, churches' attitudes towards decision-making were criticized. One female interviewee said:

In my village, it is taken for granted that in the household the men rule the house. The men quote from the Bible to justify this state of affairs. And the church supports the men. I have experienced many church services in which the pastors told the women to obey their men and let them rule in the house. I had to walk out of church services where it was preached that the woman has to stay in the house and obey her husband and all these things. The church does not play a positive role when it comes to women and decision-making (Other 14.12.11).

Church representatives disagreed with this assessment. One interviewee from the Methodist church posited that, in his church, the decision-making system 'is very

<sup>113</sup> Academic 16.01.12, NGO Leader 13.01.12, Traditional Leader 17.02.12, Civil Servant 27.03.12, and NGO Leader 13.01.12.

much democratic ... The Methodist Church takes the voices of women and youths very seriously ... Now our Conference has one youth representative each from all divisions and one women's representative each from all divisions' (Religious Leader 17.11.11). Other church representatives referred to substantial changes that are currently occurring in the churches. A representative of the Anglican Church, for example, pointed to change due to 'the move amongst the laity calling to be more involved in the decision-making processes of the church. Previously decision-making in the church used to be top-down ... In the past it was primarily governing from the top', but today decision-making is more inclusive, based on parish meetings and local church committees (Religious Leader 14.10.11). This also includes women: 'Gender balance in decision-making processes and bodies is now an accepted practice' (Religious Leader 14.10.11).

### ***Signs of Change in Decision-Making***

Similar to *iTaukei* communities, decision-making in Indo-Fijian communities is also rather hierarchical and patriarchal according to our interviewees. They widely confirmed what the Indo-Fijian men and women in the focus groups had to say. One interviewee, for example, posited: 'In the Indian traditional system there is very little room for women to participate in decision-making ... At the family level, it is the father who makes decisions ... In the village there are meetings and women may be invited to participate in discussions, but again men decide. The village meeting is chaired by the village leader and he has the final say in matters of the village' (Religious Leader 09.03.12). In Indo-Fijian communities, though, decision-making structures seem not to be as rigid as in *iTaukei* communities with their chiefly system. Therefore Indo-Fijian communities seem to be more open to changes to decision-making processes. One Indo-Fijian religious leader explained:

It is the leader of the house who has the authority to make decisions, particularly in the Indian community. There are some who follow the traditional system, whereby the leader of the house decides and the rest have to follow, and there are others who use a more consultative approach. In the old days, whatever the father or grandfather said went. Now it is quite different. Children are able to disagree and no longer are so obedient ... So there is a change and there must be consultation (Religious Leader 20.12.11).

Nevertheless, it is still 'very difficult for the Indian men to accept a lady sitting at decision-making meetings' (Religious Leader 09.03.12).

Decision-making at national level is also seen as being imbued with the traditional style of hierarchical and patriarchal decision-making that dominates *iTaukei* society and culture: 'All the indigenous Fijian male leaders come from the traditional side

and simply apply what they know from there to their decision-making at the national level ... No matter how educated he is, he is still inbred as a chief ... and this has influenced democracy and decision-making at the national level throughout the entire history of trying to become a democratic society' (NGO Leader 20.09.11).<sup>114</sup> Accordingly, 'the way decisions have been made at national level is not inclusive, is not participatory, it is a very authoritarian sort of way' (NGO Leader 31.08.11).<sup>115</sup>

While this is a rather gloomy assessment (which was not shared by the government representatives and civil servants we interviewed), several interviewees made the point that considerable change in forms of decision-making is already occurring in various spheres of Fijian society. One academic pointed to 'positive signs of change' (Academic 07.12.11), mainly due to social transformation on a large scale. Urbanization, education and the integration of women into the workforce are mentioned in particular. Educated working women are more likely to be included in decision-making processes (Academic 16.01.11; also Academic 12.12.11). Accordingly, interviewees made a distinction between decision-making in the urban as opposed to the rural environment: 'Decision-making in an urban environment, in Suva, is different. Here women and young people have more chances to be heard' (NGO Leader 13.12.11(a)).<sup>116</sup>

In more general terms, educated people and professionals with experience in the urban environment obviously have more opportunities to influence decision-making in the local context than ordinary villagers: 'If a person is very well educated, has worked in the civil service ... they tend to be influential too because people seek their advice' (Other 13.01.11; similarly Other 10.11.11, and Other 28.09.11). Contributions of professional people are 'well considered by traditional leadership' (Traditional Leader 30.04.12).

Thus social change – in the form of better education, migration from rural areas to cities, and expansion of the formal economic sector - impacts on forms of decision-making. The following quotes confirm this point:

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<sup>114</sup> See pages 46 and 103.

<sup>115</sup> Interestingly enough, however, the inclusion of women in decision-making is seen by some as more advanced at the national level than at lower levels. One traditional leader explained: 'Most provinces have women representatives but if I take my own province as an example, they do not participate fully. We have one woman and 20 or 30 males. At national level with women's organisations and Permanent Secretaries, there is a sufficient presence of women to have their voices heard. At this level, participation of women is greater than at grassroots level' (Traditional Leader 23.12.11).

<sup>116</sup> This view was also expressed by several NGO Leaders (interviews on 11.12.11, 31.08.11, and 13.01.12).

We have a lot of young people who are challenging the decision-making processes within the village or community context, and inserting a lot of their contemporary multicultural views, and a lot of liberal, free thinking models are coming into the village system (NGO Leader 13.01.12).

One major change over the past decades in the traditional system is that the people are starting to speak these days. They criticize the chiefs, they question their authority (Other 19.01.12).

There have definitely been changes in the way decisions are made over the past 20 years. I think more men are sensitive to women ... 20 years ago when I was growing up things were never discussed or even questioned. With the younger generation now there is a lot more negotiation during decision-making (NGO Leader 13.01.12).

### ***Attempts to Reform Decision-Making***

Against the backdrop of these changes, members of different sectors of the elite see the need for deliberate political intervention, in the sense of ‘the development of a culture of democracy’ (Academic 27.01.12), that will lead to reforms in decision-making. Similar to the views expressed on the need for the reform of the concept of leadership, reform of decision-making processes is presented as a prerequisite for democratic development in Fiji.<sup>117</sup>

This process of reform must start at the household level and in families, and it should begin at an early age, as one NGO leader suggested: ‘Decision-making is something we can develop from childhood and that children get listened to and their opinions heard’ (11.10.11). Another interviewee pointed to the difficulties that people are confronted with in everyday life if they take this challenge seriously: ‘In my family now, we try to make decisions as a family. It is not easy, because we are the first generation trying to do this, and sometimes we go back to old habits. Maybe our children will do better’ (Legal Professional 06.12.11). Appropriate education is of major importance, as one academic explained: ‘Deepening democracy has to begin at household level. I teach young men at the university about human rights, and I ask them to put themselves in the shoes of their mothers and sisters and think about how they must feel being excluded from decision-making. These young men start to think about it and begin to change’ (Academic 09.12.11).

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<sup>117</sup> See page 105.

In the civil society context, including women and youth in decision-making more meaningfully is seen as a top priority, including by some traditional leaders.<sup>118</sup> Training of women is presented as ‘particularly important so as to empower them to participate in decision-making’ (Academic 12.12.11); the same applies to young people. NGOs are given a particular responsibility: ‘Some NGOs are carrying out youth programmes in rural areas, and they again and again hear the same complaint from young people: we do not have a voice’ (NGO Leader 11.12.11); this statement confirms what young people in the focus groups said. Given this situation, ‘The NGOs and CSOs have the task to educate people about informed and inclusive decision-making. They have to train people to question their leaders and raise issues. CSOs have the capacity to empower people’ (NGO Leader 13.12.11(a)). One interviewee said that ‘Civil society is very good in training women and youth in decision-making’ (Traditional Leader 06.12.11). The internal decision-making processes employed by NGOs is seen in a positive light, and in NGOs, it is often the women who are the decision-makers.<sup>119</sup>

Moreover, it should not be forgotten that there are structures in place at the community level that already practice more democratic decision-making, such as women’s groups and youth groups, and they should be supported (Academic 12.12.11). In fact, the current government seems to be committed to giving such support, and to making village committees spaces where women and youth have a say in decision-making (Government 18.09.11).

Although there is a general mood in favour of reform among the interviewees, some cautioned against too rapid a pace of change: ‘You just cannot start bringing in too many new ideas that will move away from the process of Fijian consensual agreement, because at the end of it, you do not want to have a split decision or animosity emanating from discussions of this nature’ (Traditional Leader 30.04.12); and, ‘They are trying to force us into being an individualistic society rather than a patriarchal society. I would like to see this debated. It is a slow process and can never be pushed. They are not going to solve the problems in Fiji by pushing from a patriarchal society to an individualistic society’ (Business 02.02.12).

The majority of interviewees advocate gradual change. For example, one religious leader stated: ‘Change has to be gradual, and it has to come from within the communities. And some progress can be seen, particularly due to the NGOs, women’s organisations and so on that do education in this regard’ (05.12.11). Many interviewees share the ideal of democratic decision-making, pointing to aspects like consultation, inclusiveness, deliberation, accountability and majority vote:

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<sup>118</sup> Interviews with Traditional Leaders on 23.12.11, and 06.12.11, Other 10.11.11, and Religious Leader 09.03.12.

<sup>119</sup> Academic 07.12.11, NGO Leader 13.12.11(a), NGO Leader 13.12.11(b), Other 14.12.11, Religious Leader 20.12.11, and Traditional Leader 06.12.11.

The best way of decision-making is a consultative process (Academic 03.02.12).

Participation and consultation are key values in political decision-making (Civil Servant 18.10.11).

Whoever makes decisions in Fiji should be held accountable. This should be so at village to national level, in business, in education, in law (Legal Professional 06.12.11).

What is contested, however, is what the best pathways are for achieving this ideal of accountable, participatory and consultative democratic decision-making.

### **Conclusion**

Decision-making in Fiji today is multi-faceted. The hybridity of the socio-political order in Fiji plays out in the hybridity of Fijian decision-making processes. Traditional structures and processes of decision-making co-exist with modern structures and processes. Moreover, there is not just co-existence between different types of decision-making, but these types also interact and overlap. As one academic put it: 'In Fiji, the boundaries between the traditional and modern forms of governance are uncertain all the time' (30.08.11). Accordingly, decision-making is widely hybridized, as one NGO leader held: 'We have a mixture of traditional ways of decision-making and modern elements' (30.08.11). This situation poses major challenges for all Fijians, 'ordinary' people and the elite alike; understandably enough, there is some confusion and stress.

Unsurprisingly therefore, some interviewees pointed to the disadvantages of 'a dual system of decision-making' (Politician 27.02.12), and are concerned about a 'conflict of governance models' (NGO Leader 13.01.12). One politician even warned: 'Overall, the hybrid system has served so far, but it is bound to explode at some point, because you cannot be living together and separately at the same time' (27.02.12). As a consequence, this politician does 'not see a future for ... the chiefly system in the long term', and pleaded for the abolition of the hybrid system of decision-making (ibid). Others, by contrast, are more optimistic about the possibilities of managing and facilitating the hybridity of decision-making processes, but warn against allegedly easy solutions, however tempting they may be.

In fact, the optimists referred to ongoing processes of incremental and gradual change in decision-making patterns, which slowly but surely transform the culture of decision-making in Fijian society. Both focus groups and interviews unearthed many



examples of actual change; nevertheless, change is laden with all sorts of problems and conflicts, and it would not be prudent just to sit back and wait for history to take its course. To the contrary, if one is interested in fostering the prospects for future democratic development in Fiji, one has to elaborate clear political strategies for reforming decision-making structures and processes, which are conducive to democratic development.

The starting point for such a political-strategic approach is the acknowledgement of the hybridity of current decision-making processes. Starting with this acknowledgement, one must address the challenge of how to reconcile the different systems of decision-making so as to establish a system and culture of decision-making that is perceived as being just, appropriate and sustainable by the vast majority of Fijian citizens. This does not mean abolishing one type of decision-making process, only to impose a new and allegedly better (that is, more democratic) decision-making procedure from the outside and from the top, but rather working with what is already there, trying to nurture, strengthen and improve it through a clear vision of the direction this should take. Thus, democratic decision-making should be understood as inclusive, participatory, consultative, accountable, deliberative, transparent and egalitarian.

The approach of working with local strengths in relation to decision-making can be translated into practical and concrete steps. For instance, one interviewee's summary assessment of decision-making at local level should be taken seriously: 'So, yes, the traditional chiefly and village structures have adequate ways of decision-making. What needs to be strengthened in these traditional mechanisms is the representation of women and youth' (Civil Servant 17.01.12). Taking such a statement seriously means acknowledging the functioning of decision-making structures at local level, while simultaneously initiating a debate about how to strengthen the representation of women and youth in decision-making processes. Such a debate will inevitably lead to reforms of the current decision-making structures and procedures. Moreover, the mere fact of having this debate will itself transform the ways decisions are made. Starting with reforms in the local context, this approach can be expanded so as to address all the different levels of decision-making, from the local to the national. Improving the transparency of decision-making processes at higher levels, and improving communication channels between these different levels are of major importance, so that people do not feel alienated or excluded from decision-making beyond their locale, but can get better insights into decision-making which is removed from their everyday lives.

Proceeding in this manner will not lead to the substitution of one system of decision-making for another, but to the facilitation and management of hybridity in ways that foster more democratic decision-making. The focus groups and interviews give plenty of evidence of where starting points can be found in real life for a strategy for

the gradual reform of decision-making. Participants and interviewees alike referred to values that are of major significance for democratic decision-making, such as consultation, participation and consensus-building. They perceive of decision-making as a social process of arguing and bargaining; they are also familiar with the idea of voting, and decisions taken on the basis of a majority vote, and there is an acceptance of voting as a means of decision-making. Even the more conservative sections of the populace are aware of the norms of democratic decision-making, and the need to engage with those norms. Outright rejection of democratic decision-making is clearly a minority position today. In other words, the notion of democratic decision-making has become hegemonic in today's discourse, and its proponents are on the offensive. The debate no longer revolves around the validity of democratic-decision making as a principle, but rather about how to implement this principle. In pursuit of this debate, it is prudent not to sideline or marginalize those who are still sceptical or who oppose it, as this would lead to destructive conflict. Rather, they should be offered ways to join the process of reform. At the same time, all those who see democratic decision-making as desirable, but are fatalistic about its achievability, should be shown realistic ways in which change can be brought about.

In fact, prospects for developing a Fijian-style culture of democratic decision-making which is aligned to concepts of empowered participatory governance (Fung and Wright 2003), and to deliberative understandings of democracy are quite good (Dryzek 2000; Chambers 2003). This would go beyond the shallow liberal understanding, which reduces democratic-decision making to casting a vote every so often in general elections.

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# CHAPTER SIX: CITIZENSHIP

## ***Introduction***

The idea that each of us is a member of a family, a clan and a community is universal. Belonging to something larger than the self is part of human nature, and has been the driving force of the evolution of human communities throughout history. Belonging gives one an identity, shaped by value and belief systems, rituals and ceremonies, and kinship ties and obligations that govern a community (Ravuvu 1987; Ratuva 2000, 2001; Tuwere 2002). It entitles one to peace and security, and provides the means to meet one's basic needs. In return, one is obligated to give obedience and loyalty, fulfil duties, and ensure the continuity of identity through the maintenance of rituals, spiritual visions, ceremonies, symbols, folklore and legends, protocol and etiquette. These give birth to and sustain traditional relationships. These relationships are also 'glued together by notions of reciprocal obligations and visions of common destiny ... A strong community is a prerequisite for a healthy economy because it alone produces social trust' (Rifkin 2000: 112).

The idea of citizenship is as old as the early beginnings of democracy in ancient Greece. Its meaning and application then - participation in city debate forums and entitlements to security and trade benefits - were confined to those who lived within the city walls, not outside them. It was only with the rise of modernity (17<sup>th</sup> to 20<sup>th</sup> centuries) that citizenship also came to mean rights and duties alongside trade and security (Mayo 2005; Sandel 2009). This was made possible through the creation of territorial states in the 17<sup>th</sup> century, from which the notion of the nation-state was developed. The creation of territorial states was intended to put an end to civil war and tribal warfare: firstly by appropriating violence to the state – the notion that only the state is entitled to exercise legitimate violence (Hardt and Negri 2004); and secondly, through providing an answer to the problem of diverse, competing and often conflicting interests. This was to be done by insisting on tolerance and relativism, and on the neutrality principle as being the only way to address these issues (Sacks 2000).<sup>120</sup> Therefore, citizenship is as much a political development as it is about belonging and identity.

The notion of citizenship is vested with ideas of freedoms and obligations, participation and politics, and justice. By virtue of birth, a citizen is vested with the

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<sup>120</sup> 'Toleration' is a doctrine that essentially privatized conscience; it recognizes that people may belong to a civil and political order without necessarily subscribing to the beliefs of the majority. Usually, this is thought of as part of a process of secularization. On the other hand, 'relativism' is a political philosophy that says that all goods are relative to one another, and none is superior to the others. Essentially, it is about the levelling of all public goods, such as those arising from cultures and religions, and holds to the principle of neutrality for determining justice related issues.

entitlements that a nation-state, through a social contract with its citizens, usually as defined in a nation's constitution, is duty-bound to provide. A social contract is an agreement in which citizens agree to surrender some of their rights to the state. In return, the state is obligated to protect and promote the rights of citizens (such as rights to education, health and security); provide security, services, and opportunities for development; and to secure the rule of law (Sacks 2000). This formulation assumes a relationship of trust between leaders and citizens.

However, political discontent, caused mainly by the rise in global poverty and inequality, the influence of big business in determining political decisions, and outcomes of elections around the world, led social movements to engage in what is called 'participatory' democracy, and to call for a qualitative form of representative democracy (Mayo 2005; Barr 2006). The collapse of the former Soviet Union and the fall of the Berlin Wall led to the belief that Western, or more specifically liberal, democracy had triumphed over all other political systems (Fukuyama 1992, 1995). Since then, democracy has been promoted 'within the context of strategies to make the world safe for neoliberal capitalism, globally' (Mayo 2005: 36-37). At the same time, liberal democracy, however desirable in theory, was increasingly showing major flaws in practice, even in the more established democracies such as the United States and Britain (Mayo 2005: 37). Conventional democratic state-building is aimed at the liberal representative model, applying a standard recipe of support for elections and state institutions, with some additional assistance for civil society (Carothers 1999). Civil society in this context is also understood along Western lines, and comprises NGOs, community-based organizations, business associations, and trades unions etc. At the same time, ignoring actors and institutions (such as chiefs, elders, healers, charismatic religious leaders etc.) which do not fit into the Western understanding of civil society, misses the realities on the ground in the hybrid political orders of the Global South. This liberal representative model of democracy is challenged by approaches that aim at deepening democracy:

In this view, democracy is not only a set of rules, procedures and institutional design, and cannot be reduced to only a way of competition amongst parties ... Rather, it is a process through which citizens exercise ever deepening control over decisions which affect their lives, and as such it is also constantly under construction ... Full democratic citizenship is attained not only through the exercise of political and civic rights, but also through social rights, which in turn may be gained through participatory processes and struggles (Gaventa 2006: 11).

In other words, this 'deepening democracy' approach transcends conventional understandings of liberal representative democracy through creating and expanding more participatory and socially inclusive forms of democracy. A famous

example of this is the Porto Alegre experiment in Brazil, where citizens largely determine the city's budget and development plans through city and town debate forums (Manor 2004). Its focus is on new democratic arenas and spaces (Cornwall and Coelho 2004), and on participatory governance at the local level in particular. This approach is close to deliberative understandings of democracy (Habermas 1996; Dryzek 2000), which shifts the focus from 'voting-centric' democracy to 'talk-centric' democracy (Chambers 2003), and to concepts of empowered participatory governance (Fung and Wright 2003). Thus, it can be argued that contestation among combative political parties is not the only democratic model; consensus-seeking palaver in village assemblies, for example, is another one. Although these attempts at deepening democracy by means of more participatory, inclusive and deliberative understandings constitute a step forward in relation to the liberal representative model of democracy, they also tend to reproduce the dominance of Western Euro-American thinking about democracy. The concept of citizenship, which underlies this line of thought, is a case in point.

The Euro-American concept of citizenship 'is based on the assumption that there is a universal notion of individuality and "self" that simply does not hold in large parts of the postcolony' (Koelble and Lipuma 2008: 6). This Western notion of individuality and, accordingly, a citizenry and electorate composed of individuals, who act as 'rational' and 'self-interested' citizens and voters, is far from reality in hybrid political orders in the Global South. Here people identify themselves in the first instance not as individuals, citizens of the state, voters, or members of civil society; rather, they define themselves as members of some sub- or trans-national societal entity (e.g. kin groups, tribes or villages), and/or as deeply embedded in communal networks, as members of local and kin-based communities, whose interests and actions are inseparable from those of their community.<sup>121</sup> This applies equally to political leaders, public servants and the wider community. People are not so much individuals in the Western sense, but members of a community tied into a network of social relations and a web of mutual obligations; these obligations are much more powerful than their obligations as 'citizens'. Accordingly, 'from a Pacific perspective the emphasis on individual human rights clashes with more traditional concerns for collective – or family, community or village – rights' (Henderson 2003: 234).

Under such conditions, it is neither desirable nor achievable to build citizenship by simply imposing Western models on societies that, to a large extent, operate according to logics that are very different from those of Western societies. It would be negligent to gloss over the frictions that exist between traditional identities as members of local ethnic communities on the one hand, and a national identity as a citizen of an introduced democratic state on the other. Nevertheless, a broadly

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<sup>121</sup> Moreover, the Western presupposition of 'rationality' is also rather narrow and culturally bound, and cannot be applied in different cultural contexts. History has shown that the modernist assumption that 'irrational' behaviour will be eradicated in the process of transition to 'modernity' does not hold.

constructive interaction of these identities is essential for building citizenship and democracy under a hybrid political order. Greater connection between government and communities with the concurrent emergence of a broader understanding of citizenship are fundamental to a working democratic state, and to accountability at all levels. Endeavouring to build citizenship through undoing or ignoring the forms of social relationships that already exist, and through which people define their identities, is not likely to be productive. 'Citizenship, and a broader, more inclusive sense of community, could be sought through engagement with, rather than rejection of, community life at the local level' (Brown 2007: 290). The challenge is to find ways of positive mutual accommodation and engagement of the multiplicity of identities, narratives, texts and traditional forms, so as to develop a new synthesis of citizenship.

This chapter presents a summary analysis of the responses of focus group participants and interviewees to questions regarding citizenship, by grouping all their responses together.<sup>122</sup> This approach differs to that taken in all earlier chapters (which were written by different authors), where participants and interviewees responses were disaggregated. The reason for this change in approach is that there was significantly less information forthcoming from participants and interviewees which directly concerned the issue of citizenship. Rather, information about citizenship was often obliquely or indirectly referred to in dealing with other issues, such as democracy. Therefore, participants' and interviewees' responses are grouped under the following sub-headings: 1) national identity and race relations; 2) freedom and obligations; 3) perceptions of the rule of law in relation to citizenship; 4) elections, political parties and their relevance to citizenship; 5) citizens' participation beyond elections; and 6) visions and prospects. While noting that there is an overlap with other chapters in this report, the issues being highlighted and discussed in this section are only those which have a direct bearing on citizenship.

### ***Focus Group Participants' and Interviewees' Responses***

#### ***National Identity and Race Relations***

Identity is perhaps the most crucial element of citizenship. Culture, religion, production, and to some extent, the self, are composites of what identity means. For the *iTaukei*, there are 'three ... institutions that are important for us – the *lotu* (church), the *Vanua* and the *matanitu* (government). These represent the three powers vested in the chiefs – spiritual, economic and political. These determine the identity of the *iTaukei*' (Civil Servant 18.01.12). More specifically, 'to be a citizen means to own land, to be a member of a *Tokatoka* (extended family), *mataqali* (a land-owning unit) and *Yavusa* (collection of land-owning units)' (iTM rural 27.07.11).

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<sup>122</sup> See Annex number 2 to this report.



For Fijians of Indian descent, identity is defined by birth, close family relationships and production – successes in education, business and careers. There are significant differences between *iTaukei* and non-*iTaukei* views on identity; for example, the ‘communitarian’ view of identity is much more pronounced among the *iTaukei* focus groups and interviewees than Indo-Fijian participants and interviewees.

However, there is also a shared view with regards to identity. It is best defined in relation to the narratives of others, which includes language, history, customs and family relations, and holds that the human person is best understood in connection with the stories of others. As one interviewee stated, ‘Being a citizen of Fiji to me means understanding our history, and how everyone came to be here, and then finding ways for us all to live together’ (Legal Professional 06.12.11). The importance of this point to constructing a national narrative based on a particular view of ‘who we are’ needs to be seriously considered: ‘We all belong here, born and bred in this country. Our ancestors might come from Africa, India or the Philippines, but we are all one people. If we can instil that into the younger generation and look at merit, we will go a long way to achieving a united nation’ (Government 17.11.11). Simply put, the shared conception of identity is best understood from a narrative point of view: most communities seem to describe their identity in relation to a situated place with its multiplicity of narratives and texts, such as culture, history and religion.

*A Common Name: ‘Fijian’*

The common name ‘Fijian’, which was decreed by the current government to apply to all citizens, is acceptable to most participants and interviewees:<sup>123</sup> ‘Citizenship is important because of identity, which is a natural need of any human being. We need to be identified with a place and a group of people. It provides us a feeling of security ... Citizenship must be inclusive, fair and provide a national identity – we now have a common name; that’s a start’ (Academic 27.01.12). Most participants and interviewees cited ‘birthright’ as the reason for their acceptance of the common name: ‘We belong to Fiji, we were born here, and we have full rights here’ (IFM urban 10.11.11). While the distinctiveness of ethnic identities at village, community and national levels is affirmed, there is the realization that a national identity is needed and has been long overdue. It is also believed that a common name could assist in eliminating racial discrimination:

It is a good thing that today everyone is called Fijian. It is long overdue. We have been discussing the issue of identity since independence, but no government has taken a firm decision on it. I think it is the right decision for the right reason, because there is really no other name that includes everyone. The reason why I think it is the only appropriate

<sup>123</sup> Also iTF rural 22.08.011, iTF rural 05.09.11, IFF urban 21.09.11, iTM rural 16.10.11, Religious Leader 08.09.11, Politician 27.02.12, Other 19.01.12, NGO Leader 13.12.11(a), Academic 27.01.12, Legal Professional 01.12.11, Traditional Leader 23.12.11, and Religious Leader 20.12.11.

choice is the fact that any other name for the citizens ... would suggest that non-indigenous people had a second class style status (Traditional Leader 23.12.11).

It is felt that the common name will help in strengthening a sense of belonging to Fiji, and loyalty and duty towards each other (Academic 16.01.12). Finally, 'I think it is long overdue that at least there should be one national identity. All the people of the country now have one name and that makes a difference. I must be frank: where credit is due, it must be given' (NGO Leader 10.02.12).

There are some who disagree with the use of 'Fijian' as the common name for all citizens, as one participant stated: 'I do not agree with the idea that we share the common identity, because they have their own countries and places where they hail from' (iTM rural 16.10.11); this sentiment is shared by some others.<sup>124</sup> This dissent is not helped by the fact that there is confusion surrounding the difference between the concepts of citizenship and belonging to a cultural tradition; in particular, some thought that being a citizen means being an *iTaukei*: 'To be a citizen means to own land, to be a member of a *Tokatoka-mataqali-Yavusa* ... custom, language and behaviour are all part of citizenship' (iTM rural 27.07.11); another participant saw the issue slightly differently: 'That indigenous Fijians are now called *iTaukei* is also imposed from the top. People are confused about the differences in terminology - "Fijians", "indigenous Fijians", "*iTaukei*" - it is all a bit much and very confusing' (Traditional Leader 09.12.11). Some saw the common name as implying shared ownership of what are traditionally *iTaukei* resources, such as land and fishing grounds: 'It's okay that everyone is called Fijian, but only one thing that the *iTaukei* should keep in mind [is] that you own land and resources' (iTF rural 05.09.11). Hence, it was felt that classifying everyone as Fijian would be problematic because of possible implications in relation to *iTaukei* resources, because the term 'Fijian' is usually used interchangeably with the term '*iTaukei*', and also because of differences in values, cultural practices and identity

Such views not only highlight the lack of awareness and consultation, but also the need for education about Fiji's common identity. Education plays an important role in alleviating ethnic suspicion, as one interviewee stated: 'The education system under which the schools have become multi-racial has done a lot to minimize the problem. It certainly alleviated a lot of the suspicions' (Business 10.02.12). Some interviewees regard the policies on the zoning of schools and changing school names to reflect the vision of a 'Fiji for all' as positive, not only with regards to forging good ethnic relations, a sense of belonging, and a common identity, but also with regard to development in general. 'The future has to be Fiji for Fijians in regard

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<sup>124</sup> iTF urban 17.08.11, NGO Leader 13.12.11(b), Traditional Leader 17.02.12, Politician 20.04.12, and Business 02.02.12.

to citizenship and belonging. It is also good in attracting former citizens to come back and help to get this country going. The policy of changing school names to reflect unity and oneness, and the zoning of schools is a positive move too' (Business 12.10.11).<sup>125</sup>

Aside from the conflicting views expressed on the common name and identity, some interviewees stated that there is an emerging cosmopolitan identity, and highlighted its various aspects (Traditional Leader 06.12.11 and Academic 09.12.11). Three of the main factors cited as contributing to this emerging identity are education, urbanization and international exposure through travel, study and work. 'Globalization and more frequent and more intense connections to the outside world contribute to the development of an inclusive Fijian identity. Particularly overseas travel makes people aware of their Fijian-ness' (Religious Leader 05.12.11).<sup>126</sup> Marriages between members of the different ethnic groups also contribute to this emerging identity, which has helped to overcome racial-ethnic boundaries (Religious Leader 18.11.11).<sup>127</sup> Changes in eating habits, food and dress cultures, and the form of the English language used today, particularly among the young generation, also contribute to this emerging identity: 'There are a lot of changes going on in the younger generation, in the ways they dress and behave, and the expectations they have. And these changes take place in all the ethnic groups, and they bring young people together across ethnic lines. They learn about different lifestyles, about different styles of learning' (Academic 12.10.11); and, 'These days you see young Indian boys wearing the *sulu*, the traditional indigenous Fijian dress ... You can also see it when you look at the English that is spoken in Fiji. We are developing a specific Fijian English. There is a mixed culture emerging, not least in the context of globalization' (Other 14.12.11).

### *Dual Citizenship*

Some interviewees believe that there may be developmental benefits from allowing dual citizenship:

Those that leave the country should be able to retain their citizenship. This brings a lot of benefits to the country. Many left because they were compelled to, but they still love this country ... People with roots here, who want to be Fijian should be given citizenship and because they belong here, even if they live overseas, they will do things for Fiji – at times of natural disaster, for example, they can mobilise to help. They know that they are always welcome back (Academic 27.01.12).

<sup>125</sup> Also Civil Servant 17.01.12, Academic 07.12.11, Business 30.01.12, Academic 09.12.11, and Government 11.11.11.

<sup>126</sup> Academic 12.12.11 and Traditional Leader 06.12.11.

<sup>127</sup> Religious Leader 14.10.11, NGO Leader 13.12.11(b), and Religious Leader 17.11.11.

Another interviewee said, 'The people who have been here can agree with what the government has done by giving all citizens of Fiji a common name and I agree with that too. I also don't have a problem with dual citizenship. We had a skill drain and lost a lot of good people in the past. The intention of allowing dual citizenship is to try and win back some of the people who have migrated ... True citizens are trying to help out in developing the country' (Other 19.01.12).<sup>128</sup> However, political instability was cited by one interviewee as being an obstacle to building a lasting notion of citizenship: 'We have to generate stability ... People are fed up with instability, the coup culture. They desperately want to have stability for Fiji. Then citizenship can develop and flourish' (Traditional Leader 06.12.11).

### *Race Relations*

While most participants and interviewees are accepting of the common name, some believe that acceptance should come about organically from communities themselves, through awareness and dialogue, and not through a decree (NGO Leader 11.12.11; also Traditional Leader 22.03.12).<sup>129</sup> Some feel that the change of name will not make any difference, because ethnic and cultural differences remain: 'The differences will still be there ... Even if people were asked to speak the same language or wear the same clothes, the differences will still be there. Ethnic relations will still be as they are ... so I do not foresee any major change that will come about with calling everyone a Fijian' (Religious Leader 18.11.11).<sup>130</sup> For some, however, real change 'will be gradual. There are signs of an emerging Fijian identity ... these changes have [to] develop gradually; they come from the grassroots people themselves' (Other 14.12.11).<sup>131</sup>

There are concerns that the common name was introduced too fast without consultation and agreement; and that therefore, there should be education about this issue, so that the people accept and understand the rationale behind it (Traditional Leader 23.03.12; also NGO Leader 11.12.11). It is a work in progress and needs 'more open public debate. People must be given the opportunity to really participate in public debate ... one has to keep in mind that it took a long time elsewhere to develop a national identity. One should not expect too much too quickly from people in Fiji' (Academic 09.12.11); and, 'In the long run, it's better to educate the people. It will be gradual, but the outcome will be better. The government should promote inter-ethnic relations' (Academic 16.01.12). Generally, most participants and interviewees believe that race relations are much better now than in the past,<sup>132</sup> but noted that race becomes a problem when it is politicized by

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<sup>128</sup> Also Civil Servant 06.03.12, Business 12.10.11, Civil Servant 17.01.12, and Business 30.01.12.

<sup>129</sup> See also footnote 123 on page 155 for additional references.

<sup>130</sup> Also Academic 07.12.11, NGO Leader 13.01.12, and Religious Leader 09.03.12.

<sup>131</sup> Also Academic 16.01.12, and Civil Servant 18.10.11.

<sup>132</sup> iTM urban 09.11.11, Legal Professional 12.12.11, and Traditional Leaders 23.03.12 and 23.12.11.

politicians in their election campaigns, mostly in relation to urban areas, and, more specifically, in the central division.<sup>133</sup>

The idea that one's story is tied to the narratives of others is an obvious starting point for improving race relations. Helping citizens to recognise that their ethnic and religious narratives, while particular, are intertwined, is essential to national unity and belonging (NGO Leader 11.10.11). Learning one another's language and culture is essential for strengthening citizenship and national identity: 'Building good relationships with other races is a good thing, as I have experienced with the Indians in my community. For example, when I sell my [goods] at the market and if Indian customers pass me by, when I speak their language fluently they will surely buy my produce' (iTF urban 05.09.11); 'These Indian friends that I have, we listen to each other. Most of my aunties are married to them. I have learned their language and ways. We communicate well with each other' (iTF rural 05.09.11); 'For Muslims and Hindus when we visit them and mix a bowl of grog, they would sit and talk with us because they respect the *Vanua*' (iTF rural 05.09.11); and, 'When we were kids, we really didn't grow up knowing Indo-Fijians. This kind of thing has kept us separate until now. This is where we must start, by getting our kids together, learning each other's culture and language. Maybe our kids can put right what we have not been able to' (Legal Professional 06.12.11). People need 'to learn to look beyond their own family and their own community. They have to see themselves as members of the society and state of Fiji as a whole' (Traditional Leader 06.12.11). One interviewee believes that 'Fiji has to give its citizens this sense of belonging, and identity. It will not be done overnight, but what has happened so far is a beginning even though it will take another 100 to 200 years until we can say, without self-consciousness, that I'm a Fijian, you are a Fijian, we are all Fijians' (Academic 20.02.12).

### *Strengthening the National Identity*

Most interviewees believe that sport can play a key role in strengthening national identity: 'Sport plays an important role in forming a national Fijian identity; rugby is regarded as our religion, the common religion of all people living in Fiji. Everybody is enthusiastic about it; it is no ethnic thing' (Business 12.12.11).<sup>134</sup> The national anthem and the flag were other key elements identified as being important to reinforcing a national identity. It was suggested that these should be reviewed to adequately reflect the reality of Fiji: 'We need a new flag for Fiji, expressing more appropriately the specific Fijian national identity. The national anthem should be changed and the Fijian language should be used for it' (Politician 07.12.11). Another

<sup>133</sup> iTF urban 17.08.11, iTM urban 09.11.11, IFM urban 10.11.11, Traditional Leader 23.03.12, Traditional Leader 17.02.12, NGO Leader 21.11.11, Legal Professional 12.12.11, Business 30.01.12, Academic 12.12.11, and NGO Leader 13.12.11(a).

<sup>134</sup> Also NGO Leader 13.12.11(b), Traditional Leader 06.12.11, Academic 12.12.11, Business 12.12.11, and Religious Leader 05.12.11.

interviewee suggested that Fiji needs to address the remnants of the British monarchy, as seen in the flag and Fiji's currency: 'If Fiji is a republic, then it makes no sense to have this flag and these coins and bank notes that we have' (Academic 07.12.11).<sup>135</sup> Community education and rallying citizens around Fiji's national symbols are crucial to forging a common identity. One interviewee highlighted the unifying significance of national symbols: 'We [need] to pay attention to the symbols that unify our people. This is because they strengthen a sense of identity, of belonging to one nation, one people' (Civil Servant 17.01.12).

In summary, education about citizenship, and not just voters' education, is necessary: 'We need to have some form of citizenship training, maybe in schools. This should not just be voter education, but broader than that, so that children growing up in Fiji understand their rights, and their responsibilities [and] that issues around religion and race can be discussed too' (Academic 02.12.11). It should include conversations on the distinctiveness of ethnic identities, so that understanding and appreciation can be strengthened, which in turn could contribute to strengthening Fiji's common identity. 'Strengthening the Indians' sense of citizenship and alleviating the fears of the *iTaukei* can only come about through an appreciation of each other's cultures, religions and traditions. Dialogue would be the best means to address this ... There's no long term programme in government that looks at addressing "cultural encounters"' (Religious Leader 17.10.11). One interviewee suggested that 'there has to be very clear policy around ethnic relations so that everybody as citizens of this country has rights to housing and education, and there also needs to be respect for different ethnicities' (Other 13.01.12).

### ***Freedom and Obligations***

In response to the questions on democracy and decision-making,<sup>136</sup> the view that citizenship includes rights and duties was presented: 'For me citizenship means ... someone belongs to this country with the right to participate fully in discussions affecting the country. It is a duty too, the duty to take part in decisions affecting the country, the duty to uphold the law, and the duty to do all things to maintain its integrity' (Traditional Leader 23.12.11).

### ***Individual and Community Approaches***

There are two different perspectives on human freedom and obligation: the first sees rights purely on an individualistic basis, meaning that obligations are assumed by consent only. The second approach to rights and obligations sees these in relation to the cultural and religious context, so that obligations are assumed on the basis of

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<sup>135</sup> An Academic (12.12.11) also said that the *iTaukei* need to decolonise their thinking: 'Although demographics have changed and the indigenous Fijians are the majority today, they still are dominated by fear. This is a remnant of colonialism. They have to de-colonize their minds'.

<sup>136</sup> See Annex number 2 to this report.

solidarity and loyalty, not by consent. An example of the first approach is as follows: 'A citizen of Fiji is anyone born in Fiji ... we all have a right to freedom of speech and the right to worship different religions ... we should also be following the rule of law' (iTF urban 17.08.11). As one interviewee noted, today the emphasis is much more on individualism rather than community: 'We're pushing for individualism and then we pull the communal because it holds back individual growth. We emphasise the individual to the exclusion of the common good' (Academic 13.10.11). An example of the second approach is found in the following quote: 'Freedom for the *iTaukei* is an illusion. Rather, we tend to appreciate our freedom by being responsible and showing respect for each other. Freedom is not freedom for its sake, but the freedom to be responsible. So, yes, obligation and responsibility are two of the pillars in the *iTaukei* society' (Civil Servant 18.01.12). These different approaches to understanding freedoms and obligations seem to be the crux of the problem.

Nevertheless, some interviewees do not think that freedoms necessarily conflict with traditional systems of governance; if rights are seen not from a 'Western' point of view, but from a traditional one, and related to accepted social norms and expected behaviour, conflict should not arise. 'You have essential democratic freedoms like freedom of choice or freedom of speech [that are] also embedded in Fijian society. Of course, the way they express themselves ... in traditional Fijian society do not follow Western concepts of democracy. For example, freedom of choice or freedom of speech is executed within the bounds of expected and accepted behaviour' (Academic 12.12.11).<sup>137</sup> So, although not clearly articulated, the debate over whether individual rights have priority over the community and national good, or vice versa, is really a debate about human freedom. The concept of human freedom is an important element of citizenship, because of its influence on the notion of how democracy can be approached in the Fijian context:

Our democracy should be defined and based on the idea of responsibility, not on rights as understood by the Western countries. Democracy from the *iTaukei* perspective is about responsibility and the fulfilment of those responsibilities. There are, of course, certain areas that we are weak in, such as good control systems, meaningful participation of women, good leadership, etc. Indeed, we all want good governance, respect for the rule of law, freedom, consultation and dialogue. But these things are understood and implemented differently in different social and cultural contexts (Civil Servant 18.01.12).<sup>138</sup>

<sup>137</sup> Also Religious Leader 20.12.11, Civil Servant 06.03.12, Religious Leader 14.10.11, and Traditional Leader 30.04.12.

<sup>138</sup> Also Academic 12.12.11. For additional discussion of this issue, see pages 56, and 72-75.

### *Freedom of Expression*

In the context of rights and obligations, the right of citizens to information and free expression is seen by some interviewees as very important. In relation to the right to information, this is seen as essential to citizenship beyond elections, particularly if citizens are expected to be active. Education, dissemination and interpretation of information are crucial elements not only for building a sense of citizenship, but also for preventing the manipulation of citizens by political parties or politicians. As noted by one interviewee: 'At present people are still manipulated easily, there are still elements of racism around. Again, to change this is very much an issue of education. People have to learn to interpret information' (NGO Leader 13.12.11(a)). In addition, literacy and education are seen as empowering for women, as noted this focus group: 'In the past the ladies were not allowed to express their opinions either at home or community level ... But now, with the rising levels of literacy, women are more aware of the issues affecting them ... Women are more empowered these days' (IFF urban 21.09.11). The point is that to establish and strengthen deep democracy in Fiji, information flow, interpretation and exchange is crucial.

As regards the right to free expression, this is seen as including the freedom to dissent: 'Demonstrations are needed so that if they haven't heard the voices of the people, they will know what the people are going through by the demonstrations' (IFM urban 10.11.11). It is in this context of development that freedom of the media, and the role the media plays, is perceived to be beneficial: 'The role of the media in Fiji is also very important. The media should be harnessed to develop our nation' (Academic 20.02.12).<sup>139</sup> At the same time, this interviewee stated that media freedom is not absolute:

People must understand that not all rights are absolute, and rights must be exercised responsibly. Media freedom is one of those rights that's not absolute ... It's a personal view that this freedom does not necessarily give people the licence to publish or do anything they want. In a country as small as ours, it is crucial that issues are negotiated among the parties concerned, rather than being sensationalised in the media. In other words, they should be free to report responsibly (Other 10.11.11).

However, some interviewees stated that there is currently no media freedom: 'The absence of a free media also influences my reading. I have stopped buying the local newspapers' (Politician 27.02.12; also Legal Professional 12.12.11).

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<sup>139</sup> Also NGO Leader 11.10.11, Government 17.11.11, and Other 10.11.11.



### *A Culture of Silence*

One of the constraints to the freedom of expression - identified mainly by *iTaukei* participants and interviewees in both rural and urban areas - is the so-called 'culture of silence'.<sup>140</sup> This is related to the social and cultural expectation that women and youth, and to some extent men who do not hold a status, will not express an opinion in formal village meetings: 'Hindrances for democratic development are the dominance of men, the conservative Pacific culture, the culture of silence' (IFF urban 23.11.11); and, 'You have a culture of silence ... in our society, in which the voice of those not heard may still be harbouring indifference to the idea' (Traditional Leader 30.04.12). The desire of many for greater participation by women and youth in decision-making at the local and national levels is obstructed by the existence of this 'culture of silence': 'I find it hard in the village meetings to express myself; some also find it hard to speak their mind at home at the family level' (iTF semi-urban 23.11.11); and, 'Women are not listened to at the local level. When it comes to village assemblies, they have to sit in a special place, and they have to provide the food. Women are excluded from decision-making at the local level, and so are the young people. [They] have to provide for the logistics of a village assembly, but do not have a say in it' (NGO Leader 13.12.11(a)).<sup>141</sup> The active participation of women and youth in village and community discussions and decision-making, although very minimal, is seen as critical to the idea of citizenship by most interviewees, and some participants. However, while advocating for the participation of youth, an interviewee noted the need for youth education on democracy to assist youth in avoiding being vulnerable to political manipulation: 'Young people are going to have to understand and learn about what democracy is. If that does not happen, they will be very vulnerable to a lot of the political ploys that are typical of any election' (NGO Leader 12.01.12). The participation of women and youth, though, would greatly contribute to discussions and decisions on leadership and governance: 'If women's voices are included in the meeting, you will see changes in [the] village' (iTF rural 05.09.11).

Another negative consequence of this 'culture of silence' is that it 'does not encourage initiative and responsibility, but rather makes people dependent and passive. People wait for those in authority to make decisions or give directions. They are afraid to speak up and often obey blindly. Thus people tend to lack drive, enthusiasm and creativity' (iTF urban 04.08.11). One participant confirmed this, by saying: 'Some societies, like Fiji, tend to be authoritarian. People are expected to accept without question the decisions of the chiefs, church authorities and politicians. They are to obey humbly and not challenge those decisions' (iTF urban

<sup>140</sup> For a more detailed discussion of the issue of the so-called 'culture of silence', Nabobo-Baba, U., (2006), *Knowing and Learning: An Indigenous Fijian Approach*, Suva; University of the South Pacific, chapter 6. Also Bain, A., and Baba, T., (eds), (1990), *Bavadra: Prime Minister, Statesman, Man of the People - Selection of Speeches and Writings*, Fiji: Sunrise Press.

<sup>141</sup> Also iTM rural 29.11.11, iTF urban 17.08.11, iTF rural 05.07.11, NGO Leader 12.01.12, and Other 14.12.11. See pages 100, 114 and 131.

04.08.11). Furthermore, ‘they are not encouraged to dream about how things could be different and how they could take responsibility for bringing about change. Unfortunately, this “culture of silence” is found in the family, the village, community, politics, the church and the school. It creates a “domesticating” model of development - not a “liberating” one’ (iTF urban 04.08.11).

However, what may be seen as a ‘culture of silence’, might simply mean that people are acting and voicing their views through other indirect ways, as provided for in the traditional system within certain parameters: ‘Everyone has a say in the decisions that are made by engaging in discussion and consultations during the village meetings’ (iTF rural 22.08.11). In communities where active participation in decision-making is not yet the norm, there is change occurring: ‘Changes [are] happening at village level because everyone is allowed to talk in these kinds of meetings. It will be in the best interest of the community itself that no-one dominates, but everybody is equal through the decisions that we make’ (iTF semi-urban 23.11.11). Many, however, already see the traditional *iTaukei* system as being participatory and democratic: ‘The process ensures the participation of everybody, right from the family unit where issues are discussed, to the clan and then to the *Bose va koro* (village meeting); then the outcomes move to other levels in the system. In this way, people’s voices are heard ... women and youth have their own decision-making mechanisms, but they always inform the Chief and the village meeting about these’ (Other 10.11.11). It is in this context that the traditional system is perceived as not being authoritarian (Politician 12.12.11).<sup>142</sup>

In addition to issues with participation within certain communities, there are also problems for entire communities whose voices are not heard, and which do not have access to the mechanisms necessary for them to actively participate in Fiji’s political life; there was reference to the Rabi, Kioa, and the descendants of Solomon Islanders and Ni-Vanuatu in particular (NGO Leader 26.01.12, and Other 27.03.12). These minority groups would be disenfranchised if Fiji were to do away with the communal voting system (Other 27.03.12).

In summary, the status of freedom, insofar as participants and interviewees are concerned, cannot be adequately gauged. Rights and obligations in their current usage are seen as too individualistic and unrelated to the multiplicity of moral narratives that most people in Fiji live by, and communicate through. Most people see themselves as communitarians, meaning that rights and duties are not assumed through consent, but by being in solidarity with one another. Citizenship rights were affirmed as crucial for self-expression, meaningful participation in governance, and development at the local and national levels; what is being advocated here is a direct form of participation in decision-making. On the other hand, the traditional

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<sup>142</sup> See page 137, for further details of the system of decision-making in the *iTaukei* system.

system was seen as democratic, containing elements of consultation and participation in decision-making. There are already some democratic mechanisms in place, such as committees in which issues are discussed, decisions made, and processes whereby decisions made by these committees are taken up in other forums; participation in these forms is indirect.

### ***Perceptions of the Rule of Law in Relation to Citizenship***

Both participants and interviewees see the concept of the rule of law as being much wider and deeper than the mere processes and procedures of law and its attendant institutions; in other words, as encompassing more than the liberal understanding of the rule of law. For one interviewee, the 'most important point' of the rule of law 'is the restoration of right relationships within the community. The rule of law is much more than its legal aspect. It is about how we are to live our lives. So for the *iTaukei*, the concepts noted earlier and the vision of the *Sautu* is the means and goal. These things are not written down as they are in modern day practices of constitutions, legislation, and policies; these are generally understood as traditions' (Academic 13.10.11).<sup>143</sup>

### ***Morality, Religion and the Rule of Law***

The point made here is that culture, religion and family teach virtues and values that give rise to informal rules; these were cited as being more important than state laws in terms of day-to-day behaviour for most participants and some interviewees across ethnic groups. 'The rules that we follow ourselves are learnt from our mothers, like the principles we follow on how to live in the house and outside the house. We learn all of this at home first' (IFM urban 28.09.11).<sup>144</sup> It is felt by some that the spiritual aspect of Fijian life would be lost if the notion of the rule of law adopted is the liberal one: 'Rule of law, similar to democracy, [should] not [be interpreted] strictly in the Western sense of the term. You can have rule of law in unwritten form, in oral form ... In this form of law even spiritual and environmental dimensions are included which usually do not figure in the Western type rule of law' (Academic 12.12.11).

Against this backdrop, many also cited religion as the primary source from which they were taught rules and principles: 'Religion taught things like respect for your neighbour, not to steal and commit crimes and other lessons' (IFM urban 10.11.11).<sup>145</sup> In addition, 'Religion is important to practicing politics; if there is no

<sup>143</sup> The term '*Sautu*' is very rich in meaning; it captures concepts such as peace, justice, fullness and wholeness. It also refers to a state of affairs where want is absent and where there is a sense of fulfilment. Another usage of the term refers to the 'common good'; that is, not only to rights and responsibilities, but also to the respect shown to the chief, and to each other (Civil Servant 17.01.12).

<sup>144</sup> Also IFF urban 21.09.11, iTM rural 27.07.11, NGO Leader 21.11.11, Other 27.03.12, Traditional Leader 17.02.12, and Academic 16.01.12.

<sup>145</sup> Also iTM semi-urban 16.10.11, iTF rural 05.09.11, Academic 30.08.11, Religious Leader 20.12.11, NGO Leader 13.01.12, NGO Leader 21.11.11, NGO Leader 20.09.11, Religious Leader 17.11.11, and Traditional Leader 23.03.12.

practice of religion, then corruption will be evident. We need to understand our moral principles. Only then will we be able to practice clean politics. Everyone should be aware of the morality taught in their religion' (IFM rural 21.09.11). This is a significant point because it asks for the kind of politics that takes moral questions seriously, and does not ignore the multiplicity of sources of rules - family, religion and culture - from which the people of Fiji draw in order to situate themselves. At least one interviewee stated that the role of religious bodies in providing ethical perspectives on issues affecting society is crucial: 'Churches and religious organizations should be allowed, or even asked or encouraged, to give comments on ethical or moral things affecting us as a society ... they should be the conscience of Fiji, and not part of the problem' (Legal Professional 02.12.11). Another interviewee also suggested that inter-faith dialogue should be introduced in schools because it 'gives our children a better vision of the higher being' (Government 17.11.11).

#### *Mentoring and Respect for the Rule of Law*

Traditionally, communities such as the *iTaukei* had mentoring systems, where children and youth were taught the 'dos and don'ts' to prepare them to be good citizens, respecting the 'rule of law' as understood in the village.<sup>146</sup> Discipline and values-education of children and young people is still being done by extended families (such as uncles, grand-uncles, aunties and grand-aunties), albeit in only a few places: 'There are very, very few *Yavusas*, very few villages where these things are still very much intact' (Civil Servant 20.10.11). As a result, 'no one else feels good about teaching or telling the children of people about what they should and shouldn't do. This is because they feel that the obligation to teach the child these things is not there anymore. The sense of community is missing' (Civil Servant 20.10.11). While some view such a system of mentoring as good, they also think that it needs reform if it is going have relevance in the future. As one interviewee explained, 'this is because it did not empower children to be creative and be critical thinkers in their own context but rather reinforced passiveness ... When students start to ask why they do it, they can't think of any reason why they shouldn't do it, because they have never had the background to law and order explained to them' (Religious Leader 07.10.11).

In summary, there needs to be an intensive programme on mentoring: 'Training and education programmes include the formation and mentoring systems of the various cultures, traditions, and religions in Fiji. So part of building citizenship capacity and belonging is the learning and appreciation of Fiji's citizenship mentoring and formation systems in its various cultures and religions' (Civil Servant 18.10.11). In addition, religion, culture, and family were cited as the sources of most people's values and principles, and for some, there was an expectation that these texts should

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<sup>146</sup> E.g. Civil Servant 20.10.11, Religious Leader 07.10.11, and iTM rural 27.07.11.

ground and influence politics. Their importance to citizenship lies in building civic institutions and forums, where inter-faith and inter-cultural dialogue, and engaging with difficult moral matters, can occur. While it cannot be guaranteed that such mechanisms will create understanding and closer relations between ethnic groups, it is worth trying to create these, rather than not trying at all.

### ***Elections, Political Parties and Their Relevance to Citizenship***

The following section looks at participants' and interviewees' perceptions of political participation and representation insofar as citizenship issues are concerned, and is based on their responses to questions about democracy and leadership in Fiji.<sup>147</sup> Discontent and scepticism about politics are the predominant feelings among all the respondents both in the focus groups and the individual interviews, across all ethnicities, genders and age groups.<sup>148</sup> Nevertheless, most participants and interviewees view elections as being critical to their participation in governance, as citizens. However, there were participants who feel that there should be no elections, and that the current government should continue to rule Fiji.<sup>149</sup> This position is apparently taken in reaction to the failures of past governments to honour their election promises; to what the participants and interviewees perceive as the 'irrelevance' of elections (given that coups have ended the reign of most democratically elected governments in Fiji); and to positive developments in their communities, which they ascribe to the current government.

Most interviewees and participants affirmed the importance of the role of political parties in a democratic system through their representation of citizens' interests; they are, however, critical of the parties' performance.<sup>150</sup> The accountability of political parties to citizens is a key issue: 'One of the big problems all over the world with democracy is that there is not enough accountability; even where there are accountability rules and structures, they seem to be misused. People with the most money, and who have the highest-ranking contacts control democracies, which ... is not a democracy at all. We have to find a better system for Fiji; otherwise we will just keep having more coups' (Legal Professional 02.12.11). Furthermore, 'When we as citizens don't trust the people who are ruling us, we have to have checks and balances and inputs; more than that, we've realised that if we don't have checks and balances, we can't trust anyone' (Legal Professional 07.12.11).

In addition, many called for the reform of political parties and the system of governance, in order for these to be grounded specifically in the cultural, religious

<sup>147</sup> See Annex No 2 to this report.

<sup>148</sup> See the chapters on Democracy and Leadership for detailed analyses of the participants' and interviewees' responses in this regard see pages 37 and 114.

<sup>149</sup> IFM urban 08.10.11, iTM semi-urban 31.10.11, and IFM urban 10.11.11.

<sup>150</sup> See pages 37, 43, and 104. Also IFM rural 23.10.11, iTM semi-urban 29.09.11, iTM urban 09.11.11, Academic 16.01.12 and Business 12.10.11.

and political realities of Fiji: 'Fiji [has its] own local cultures. This has to be taken into account. Western-style democracy should not be rushed into these countries from the outside. Outsiders have to understand this. There has to be much thinking about the process through which democracy can become a home-grown democracy in Fiji' (Business 12.12.11).<sup>151</sup> Such reforms are seen as imperative, not only in strengthening citizens' active participation in political affairs, but also in curbing the excesses of individualism, thus having a positive impact on the quality of democracy in Fiji. As one interviewee noted, 'Today we live in the era of the "I" generation, the first singular. People only think of themselves. People only talk about themselves. And this mind-set of course also has an impact on the quality of democracy and leadership' (Academic 12.12.11).

However, two interviewees believe that political parties are no longer relevant, and suggested moving away from party politics, towards a non-party system where leaders are elected on merit (Business 10.02.12, and Religious Leader 17.10.11). In addition, 'Political parties don't help people's capacity to think for themselves, much like the traditional system of governance. We should, therefore, do away with them in our governance system. In the past, they took advantage of the vulnerability or gullibility of people' (Government 18.11.11).<sup>152</sup> Other, alternative ways were also suggested for organising Fiji's political life:

With the new vision ... of "Fiji for all", they [political parties] would have to be inclusive of all races in their membership and not based on ethnicity. We may not yet reach that level of maturity where race does not matter much in our politics. But, if we can begin to experiment in our own districts and communities or with the municipal and town council elections, the experience and lessons learned may help us to understand how it will work at the national level ... The key is to start with small experiments (Other 10.11.11).

Another interviewee noted that 'Porto Alegre in Brazil and the Scandinavian countries have some interesting models of representation which we can study and propose for Fiji to replace this political party system. So there are alternatives on political representation around the world. With our communal way of life, it may be worthwhile to study these models as a possible way of political representation' (Government 18.11.11).<sup>153</sup> While these fundamental changes may help to improve civic responsibility and co-operation, they would require much discussion and awareness of their advantages and disadvantages, and implications for governance.

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<sup>151</sup> Other 10.11.11, and Religious Leader 14.10.11; see also the chapter on Democracy, page 41.

<sup>152</sup> IFM semi-urban 12.10.11, Religious Leader 14.10.11, Religious Leader 17.10.11, and NGO Leader 08.02.12.

<sup>153</sup> See page 153 for a brief explanation of the Porto Alegre experiment.

### ***Citizens' Participation Beyond Elections***

There is another possible form of political participation for citizens, that is, 'participation beyond elections'. Part of the discontent expressed by participants and interviewees in relation to elections has to do with the lack of processes through which citizens can engage on pertinent issues of governance, development and justice, both at local and national levels. NGOs, both collectively and individually, are working on this issue, but have not been able to develop a coherent process of engagement. As one focus group noted, 'In terms of being a responsible citizen, there are no proper avenues to voice our opinions if we wanted to. The politicians in the government are only seen in our area during times of elections, and then they are unreachable when we want to contact them regarding the "plans" they had discussed during their campaign' (iTF urban 04.08.11). The essential task, then, is for civil society to develop such a process for engagement: 'You have to put processes in place which allow people to participate in public life on a non-racist basis' (NGO Leader 13.12.11(a)); and, 'My mantra is that you need strong institutions to underpin democracy; otherwise democracy just becomes electoral change' (Legal Professional 12.12.11). It was also for this reason that, as one interviewee opined, 'Democracy will only work properly if there are avenues for integration, dialogue and negotiation' (Civil Servant 18.01.12).

Building civic institutions is one thing, but getting people to participate is quite another, as several interviewees stated: 'Citizenship is something you need to stay active in. We have to constantly make the effort to make our views heard' (NGO Leader 08.09.11); and, 'The concept of citizenship means the citizen has responsibilities to the nation. You are a responsible person of the nation to see it go forward and enhance the development and all other possibilities for a good future for Fiji. A citizen must contribute positively to building the country, not just sit back and relax. I think more people are doing so' (Religious Leader 20.12.11). One of the important responsibilities is to ensure the accountability of leaders (Business 12.10.11). It was for this reason that most interviewees suggested the importance of a comprehensive civic education programme on citizenship and politics in schools and communities.<sup>154</sup> 'For democratization in Fiji, we really have to begin from the grassroots. We need more workshops in the villages to at least empower. When we teach, we empower' (Academic 16.01.12.)<sup>155</sup>

The 'participation gap' needs to be addressed by looking at processes of engagement on 'deep democracy': 'Citizens must be able to participate in politics and decision-making on an everyday basis. We already have some of this in Fiji today, but it definitely needs improvement. One good example is transparent budgeting; people have to be involved in budgeting and consulted about it. So I am

<sup>154</sup> Academic 16.01.12, Civil Servant 18.10.11, Civil Servant 17.01.12, Legal Professional 02.12.11, and Government 17.11.11.

<sup>155</sup> Also Government 18.11.11, Civil Servant 18.10.11 and NGO Leader 13.12.11(b).

talking about a deeper kind of democracy. Such deep democracy has to be established in all spheres of societal life' (Academic 09.12.11).<sup>156</sup> The main point is that Fiji needs to build institutions of citizenship: 'Democracy has to start from the bottom up. Discussions about rights and responsibilities have to begin in the home ... wherever we can we have to practice democracy so that we can see our responsibilities as democratic players in a national democratic system. Discipline, rights and responsibilities are all very important' (NGO Leader 30.08.11); and, 'We must build institutions. I've said to so many people: you made the mistake of supporting and promoting governments which were flawed in many ways, and so were the elections that put them in; why didn't you build institutions?' (Legal Professional 07.12.11). Building civil society institutions, however, will need to involve building trust across ethnic groups, and in these institutions themselves. Resources relating to trust already exist within the various cultural traditions in Fiji, such as the value of reciprocity and obligations emanating from solidarity and loyalty. It is on such resources that institutions such as citizens' forums could be built, and village or community assemblies could be strengthened.

A crucial part of the exercise, at least in urban areas, is to see how city and town councils can be politically re-organised to amplify citizens' participation, and a sense of responsibility outside elections: 'We need structures and processes that involve the people much more actively than what we've had since independence. Switzerland has this system of consultation on issues, beginning with the neighbourhoods and then it goes up until it reaches parliament' (Religious Leader 17.10.11); and, 'For democracy to thrive in the future there needs to be more meaningful consultation. It needs consultation at all levels and dialogue and discussions. It needs to be something that is not prevented but discussions that are listened to and understood and people also know what's happening' (NGO Leader 11.10.11). Similarly, the idea of representation has a crucial civic dimension: 'Representation in a modern political state is very important. The idea of inclusiveness demands representation. But representation shouldn't be only at the national level but here in the local setting. We come together and talk seriously about the issues. That's the kind of education our people need. If political parties respect the people, they won't put up somebody the people don't respect' (Academic 13.10.11).

In summary, citizenship beyond elections is indeed a crucial element of being a citizen. Most of the participants and interviewees cited believe that for democracy to be sustainable and meaningful, civic institutions such as village, community, town and city assemblies need to be built; the participation of citizens in such forums needs to be guaranteed; the crucial role of civil society groups in deepening

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<sup>156</sup> See the Introduction to this chapter for an explanation of 'deep democracy'.



democracy should be recognized; and the importance of information flow, dissemination and interpretation should also be recognized.

### ***Visions and Prospects***

In response to questions about what they thought about democracy, leadership and citizenship, glimpses of what most participants and interviewees envision and feel about the future of Fiji were gleaned; these are presented below.

Most respondents acknowledged that diversity is a fact: 'We have a diverse culture here in Fiji and this is a great thing. It's a human value that you should respect diversity. You are not going to make all the different trees become one because each tree has its own special needs' (Business 02.02.12); 'Diversity is God-given. If we learn to appreciate it, then it's a blessing, where people can bring all their resources, all their input together to contribute to the common good of the nation. But if we regard diversity as a curse then race and religion become divisive issues' (Civil Servant 17.01.12); and, 'That we are different is a lovely thing and not a bad thing. Fiji is an exciting place because of that diversity' (NGO Leader 11.10.11). However, the difference lies in how this should be honoured. The contradictions in relation to how freedom, justice, obligations, and the rule of law should be understood in the context of Fiji are not tragic, but rather highlight the enormous potential for Fiji to create a much more vibrant form of democracy and active citizenship: 'Our diversity calls us to some serious re-looking at our structures and systems. We need to review those in order to allow people to appreciate and enjoy the diversity we have and, at the same time, not to discriminate or segregate. We should not be frightened of our diversity ... Our diversity should be a source of empowerment where different cultures and religions are a source of blessing' (Civil Servant 17.01.12).

How diversity should be honoured is of course a subject for debate, but it should not be taken to mean levelling the good of Fiji's many cultures and religions. Nor should honouring diversity be seen as an exercise in neutrality; rather, it involves moral engagement, as is well-articulated by the following quote: 'An inclusive vision of multiculturalism - where the weak and the powerless are heard and included in decision-making - has an impact on how people see themselves as citizens of Fiji, whether one is economically poor, physically disabled or racially different. It is a platform on which we can stand and look across at one another, and say we're pushing this country forward together' (Academic 13.10.11). There is a desire for a better life, which is felt comes from meaningful participation in decision-making: 'If we could change the decision-making process, we would like it to be more participatory and inclusive so that we can raise our points as well with the government and we can work on these together ... in this way people will also learn and listen to each other and also support each other' (iTM urban 09.11.11.) The

assumption is that active and positive participation will contribute to achieving a 'better' life, although no-one explained what they thought this better life would be like. However, it was assumed that having a greater say in decision-making, governance and development would be fundamental to achieving this good or better life.

The majority of participants and interviewees appealed for equality for all citizens: 'There should be equal rights for everybody as everyone is born the same way' (IFM urban 28.09.11). Theoretically, the rule of law conception of equality guarantees this, but, as noted in the section above, its application is inconsistent on this issue; those with economic power and status are seen to have better access to justice than those who do not.<sup>157</sup> Similar to the need for an independent judiciary, the political system should ensure equality for all citizens. As one interviewee noted: 'My long term vision is for us all to be equal in terms of political clout and not to differentiate between the ethnic groups ... We all have to take responsibility' (Academic 30.08.11). It is also important to rethink some of the assumptions of democratic culture and principles: 'For Fiji to have a sustainable, democratic way of life, it needs to define for itself the democratic norms of rule of law, freedom of speech, freedom of association, etc. We are talking about a society where communalism is primary, is almost like our essence. So communal respect, communal decision-making is much more common' (Other 10.11.11.) There is a perception that there is inequality in Fijian society at present; a change in government, either through democratic means or coups, does not necessarily mean that inequality is lessened: 'All governments past and present are similar. Only those at the top level know and benefit, while village people do not know much' (iTF rural 10.08.11.) In practice achieving equality is elusive both in terms of rights and basic needs, nonetheless, it is an ideal that is worth striving for. In articulating a common vision, however, there need to be serious discussions about the term 'equality' itself, and the various institutions required to ensure accessibility, independence and fairness, which are fundamental to achieving equality.

There is a sense that social justice ought to be an important aspect of Fiji's democracy: 'The concept of justice is also there in the *iTaukei* society. We break the rules, we get punished. But we also ensure that the poor among us are looked after. These are two sides of the justice coin. Rule of law alone is not enough; it needs to be balanced by a concern for the disadvantaged' (Civil Servant 18.01.12; also Religious Leader 30.10.11, and Other 10.11.11). Justice in this sense means not merely the 'rule of law', but rather the more substantive version of it – the insistence that justice is also about ensuring that no-one is excluded from receiving the benefits of society, especially the poor and the disadvantaged. Most focus groups see redistribution through development projects, as is currently being done, as crucial: 'We have

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<sup>157</sup> See pages 69 and 71.

experienced positive developments with the current government, such as upgrading of roads, new health centres, electricity to some villages, and provision of transport. You see this government is good. Even when they can't build roads, they provide the transport. Like they gave 26 horses to the village in Naitasiri where there was no road and no other transport could reach the village' (iTM semi-urban 29.09.11); and, 'The current government has down-to-earth leaders. They brought many developments to rural areas, such as bridges, houses, roads, halls, hospitals. They also have plans for squatters to secure land and resettlement' (iTM urban 09.11.11; also IFM urban 28.09.11). While such views were expressing a stated goal of delivering utility through any form of government – elected or otherwise – it was rather the inference that a just society involves care for people's development, and that the maximisation of welfare or utility is important that should be noted. One interviewee stated that the *iTaukei* view of the 'rule of law' is essentially about redistribution: 'It regulates redistribution and exchange. It is very well adapted to the societal environment. It has developed over centuries, and it is a basis for the resilience of community life' (Academic 12.10.11).

In summary, the common good is about a vision for Fiji and its fundamental principles. What the content of that vision and its key values ought to be is a matter for conversations among citizens: 'The emphasis here is the vision of Fiji for all. To achieve that vision, there needs to be much discussion and negotiation of diverse interests. But as long as potential leaders know and believe this vision, then everything else will be negotiated with confidence and in good faith' (Civil Servant 17.12.11). Issues gleaned from and highlighted by the participants and interviewees, such as: diversity, a vision of a better life, social justice and equality, form an excellent starting point for a national conversation. 'We face the reality that we are multicultural country, so there is some kind of common ground that we have to work from ... The leaders of churches and religions are coming together and mapping out some common ground where they can agree on these values. The Interfaith search group seemed to operate on a similar grain – coming together to work out some common grounds and values' (Academic 13.10.11). Ultimately, being a citizen of Fiji means to truly belong to and identify 'wholly with Fiji, and that your patriotism is for Fiji in its entirety in good times and bad times' (Traditional Leader 30.04.12).

### **Conclusion**

The core issues regarding citizenship, as raised by both the participants and interviewees either directly or implicitly, are noted throughout this chapter. Identity, freedom, obligations and perspectives on the rule of law are issues that have the potential to enrich and strengthen institutions of citizenship, e.g. citizens' assemblies in communities, villages, towns and cities. Much attention, however, needs to be focused on the different perceptions and theories of these concepts, and a methodology should be developed to ensure their consistency and vibrancy. Many

more resources in terms of funding and personnel need to be invested in current inter-cultural, inter-faith and peace dialogues, and into developing comprehensive citizenship education programmes. The input of civil society groups, such as NGOs and religious bodies, is crucial to the quality of such programmes. At the same time, while it is important for civil society to maintain its own diverse approach to citizenship education, there is also the need for it to engage in deliberations about some of the difficult moral questions confronting Fiji today.

Much of this will depend on the identity the people of Fiji choose for themselves; their understanding of freedoms and obligations, and the rule of law; and whether they wish to limit Fiji's form of politics to rights on the one hand, and welfare on the other, or whether they will take a bold step to define its politics through moral engagement. For now, political education in schools and communities about politics and democracy, and citizenship participation and representation in politics, is crucial.

There is much discontent about the state of politics in Fiji, with issues surrounding political participation and representation focussing mostly on the nature of politics. What is important to note is that while political scepticism is of grave concern to participants and interviewees, their affirmation of the role of political parties in democracy and the need for reform is hopeful. There is a definite link between the discussion on identity, freedom and justice, and the reform agenda of political parties. Consensus on these issues will greatly influence the kind of life the people of Fiji wish to live and work in. Citizens' forums are crucial elements in discussing the common good and issues of social justice. The kind of politics and vision that the people of Fiji will eventually develop for themselves will hopefully not be about levelling the good of cultures, religions and philosophical traditions; rather, it should be about a vision of the common good that takes seriously difficult moral questions, and brings these to bear on economic, political and social policies.

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# CONCLUDING CHAPTER: PERSPECTIVES AND IMPLICATIONS

A crucial question with regard to the formation of citizenship and building a sustainable and healthy democracy was posed by Archbishop Petero Mataka. He wrote, 'One of the most fundamental questions that we need to wrestle with ... is how can we establish relationships that are secure enough to become the basis of co-operation and negotiation, without the use of force or violence?' (Fiji Times, 2007:7).

The history of public debate in Fiji shows that it has mostly been focussed on the role of the state in the protection and advancement of human rights and economic growth, and how it could best to enable citizens to pursue their own interests. However, in a country that is pluralistic and so diverse, with a history that is marred by the politics of race and coups, and competing religious and economic interests, Fiji needs a new approach with which to negotiate some of its most difficult and contentious issues. A great deal of concern was noted in the responses of the participants and interviewees about democracy, national identity, freedom, justice and obligations, which are crucial issues in relation to democratic governance and citizenship. In this concluding chapter, we propose a new approach to reforming and organizing Fiji's political governance, and discuss its implications for Fiji's national identity and narrative, political participation and representation, and the common good and social justice.

## ***A New Approach: The Narrative Conception***

In a publication titled *After Virtue*, Alasdair MacIntyre proposes what he calls a narrative conception of the human person: 'Human beings are storytelling beings. We live our lives as narrative quests. I can only answer the question "What am I to do?" if I can answer the prior question "Of what story or stories do I find myself a part?"' (1981: 201). Further on he says, 'I can only make sense of the narrative of my life only by coming to terms with the stories in which I find myself' (1981: 222). The narrative approach also shows how moral deliberation involves reflections within and about the larger life stories of which one's life is a part. Says MacIntyre:

We all approach our own circumstances as bearers of a particular social identity. I am someone's son or daughter, someone's cousin or uncle; I am a citizen of this or that city, a member of this or that guild or profession; I belong to this clan, that tribe, this nation ... as I inherit from the past of my family, my city, my tribe, my nation, a variety of debts, inheritances, rightful expectations and obligations. These

constitute the given of my life, my moral starting point. This is in part what gives my own life its moral particularity ... the story of my life is always embedded in the story of those communities from which I derive my identity. I am born with a past; and to try to cut myself off from that past, in the individualistic mode, is to deform my present relationships (1981: 204-205).<sup>158</sup>

Moral deliberation about rights and obligations is more about interpreting one's life story, than exerting one's will. It involves choice, but the choice comes from the interpretation of one's narrative; it is not a sovereign act of will.

In the narrative conception, there is a third category of obligations, which MacIntyre calls 'obligations of solidarity', which cannot be explained in contractual terms (1981: 205.) He writes, 'Unlike natural duties, obligations of solidarity are particular, not universal; they involve moral responsibilities we owe, not to rational beings as such, but to those with whom we share a certain history. But unlike voluntary obligations, they do not depend on an act of consent. Their moral weight derives instead from the situated aspect of moral reflection, from the recognition that my life story is implicated in the stories of others' (1981: 205).

Thus, MacIntyre's criticism of moral individualism is that it denies the special responsibility we have for one another as fellow citizens; it fails to capture the loyalties and duties whose moral force consists partly of the fact that living by them is inseparable from understanding ourselves as the particular persons we are as members of a family, clan, village, community, people and nation.

In short, the narrative view of the human person, in which understandings of justice, rights and obligations are derived from the interpretation of the narrative of one's life story in connection with others' stories, takes moral engagement with difficult moral questions of our time seriously. Asking people to leave their moral and religious convictions behind when they enter politics or discuss human rights or socio-economic issues may seem to be a way of ensuring tolerance and mutual respect, but, in practice, the opposite can also be true. As Sandel explains, 'Deciding important public questions while pretending to a neutrality that cannot be achieved is a recipe for backlash and resentment. A politics emptied of substantive moral engagement makes for an impoverished civic life. It is also an open invitation to narrow, intolerant moralism. Fundamentalists rush in where liberals fear to tread' (2009: 243).

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<sup>158</sup> See also Sandel 2009: 222-223, and Sacks 2000: 149-150.



### ***The Narrative Conception: Implications for Democratic Development and Citizenship***

Fiji should seriously consider the narrative conception as the basis and working political theory for guiding a process of reform, because of its significance to constructing a national narrative, and strengthening a national identity.

There is a real desire for co-operation; for example, some participants and interviewees either directly or indirectly cited the need for inter-cultural learning and interaction. The lack of investment and interest in these areas, however, presents a serious difficulty; these important areas have been ignored by governments past and present, as well as aid agencies. This is due to the 'results based orientation' in their funding criteria, leading to governments and aid agencies 'rarely pay[ing] much attention to these local institutions ... because they get in the way of industrialized "efficient-scale" production' (McKibben 2007: 199). Much more interest and many more resources need to be invested in current efforts on inter-faith, inter-cultural, and peace dialogue by government, religious and cultural institutions and civil society organisations.

Most participants and interviewees referred to their families, villages and communities as sites for the cultivation of habits and virtues for citizens and leaders (see also Barr 2006: 11). Religion, culture and tradition are the sources from which these are learnt: 'These are the birth places of public affection' said Edmund Burke (cited in Sacks 2000: 152). Therefore, education about Fiji's national identity and citizenship cannot simply be about rights and duties, but also about cultivating 'obligations of solidarity' and habits of co-operation. This will enhance both a personal and a communal sense of security and association: 'The knowledge that you matter to others', says McKibben, 'is a kind of security that no money can purchase' (2007: 156). Economic creativity and politics depend on ensuring the health of villages and communities.

Securing and protecting human rights are essential. Most participants and interviewees believe that this will help ensure their meaningful participation and creativity in Fiji's political life. The issue, however, is that human rights education tends to regard religion and culture as 'deposits', rather than the very things through which people learn to be human, and where virtues are nurtured and promoted. Criticism of moral individualism derives from the fact that it is only concerned about the self, and not much else. Admittedly, much has been done in the last three decades, but a great deal more human rights education still needs to be done. The challenge today is to anchor human rights education in the cultural and religious narratives and traditions of the people. This can contribute to a much healthier and robust civic life.

### ***Political Participation and Representation***

The politics of race, and its consequences for Fiji, has been well-documented over the past three decades (Ratuva 2001, 2002; Newland 2006; Rakuita 2007). In addition, as the responses from both participants and interviewees showed, there is increasing scepticism about politics in Fiji. The lack of virtue and leadership qualities of politicians, their poor decision-making, the self-interest of political parties and political leaders over and above the interests of the people and that of the nation, are seen as resulting in the deterioration of trust and confidence in politics in general (Barr 2006). This is not peculiar to Fiji, but affects democratic systems around the world, even well-established liberal democracies (McKibben 2007; Garton Ash 2005; Mayo 2005). Why is this so, and what form of politics is needed to engender co-operation and conversation in Fiji's diverse society? To understand the scepticism about politics in Fiji, we need to look at two issues: participation scale, and forms of representation. These are by no means the only issues, but provide a good starting point for discussions in Fiji.

Reflecting on similar problems in liberal democracies, Frank Bryan and Susan Clark undertook a study to find the reasons behind the decline in citizens' political participation. One of the conclusions they reached was that size matters to the meaningful participation of citizens (cited in McKibben 2007; see also Hardt and Negri 2004: 243-247). As they noted: 'A village with three hundred or four hundred voters can expect 40 percent of them to show up for town meetings; by the time the population reaches four thousands or five thousands, the proportion drops below 10 percent' (McKibben 2007: 170.). The reason for this, they argued, was because in a large town, each voter makes less difference, but in a smaller group, there is more social pressure to be a good citizen if one knows most of one's neighbours. This idea was pioneered in Porto Alegre, Brazil, with astounding success (McKibben 2007). The ideal size of a group in which meaningful participation can take place, and personal relationships can be established is 150 (Sacks 2000). Says Malcolm Gladwell, 'The figure of 150 seems to represent the maximum number of individuals with whom we can have a genuinely social relationship, the kind of relationship that goes with knowing who they are and how they relate to us' (2004: 179).

Political representation and the quality and ethics of elected leaders were clear concerns among participants and interviewees. In their study, *Multitude: War and Democracy in the Age of Empire*, Hardt and Negri distinguish three forms of representation (2004; see especially 243-247.) The first form is 'appropriate' or 'patriarchal' representation, which they describe as 'the weakest link and the strongest separation between the representatives and represented' (2004: 245). The second form is 'free representation', which they articulate as 'stand[ing] in the middle position, typical of parliamentary systems, in which the represented have some direct connection to the representatives but their control is constraint' (2004: 246). The third form is 'instructed representation', which they define as occurring

'when the represented constantly control the representatives ... the various mechanisms that create stronger connections and bind the representatives to the instructions of the represented all serve to lessen the autonomy of the representatives' (2004: 247). They cite the participatory procedures for determining budget allocations in Porto Alegre in Brazil as one example of a mechanism which can reduce the separation of the representatives from the represented. As they note, 'The institutions of political representation must allow ... citizens to express their plural desires and demands while at the same time allowing the state to synthesize them as one coherent unity' (Hardt and Negri 2004: 247).

The idea that political governance should aspire to neutrality on the meaning of the good life represents a departure from ancient conceptions of politics, which were about achieving a just society. Aristotle argued that the purpose of politics was to develop distinctive human capacities and virtues, to deliberate about the common good, to acquire practical judgement, to share in self-government, and to care for the community (Sandel 2009: 193-194). Politics is one profession among many, but it is essential to the good life, which implies that politics should be about more than elections and governance; it should also be about the decisions and actions of citizens at family, village and community levels. For Locke, Kant and Rawls, a just society is simply about maximising the freedom of choice (Sandel 2009). Negotiation and compromise are derived from this view of politics, and the economics of today are premised on this idea. This is the subject of Kevin Barr's critique in his book, *Thinking About Democracy Today*, where he says that democratic politics is no longer about the good of society, but about the interests of business, the powerful and those with status (2007; see also Mayo 2005, and McKibben 2007). Both of the above-mentioned views on politics - Aristotle on the one hand, and Kant and Rawls on the other - are reflected in participants' and interviewees' responses. Some see politics and democracy as a means for welfare provision, while others believe that politics in a democratic state should be about the protection of and the maximisation of human rights.

The moral engagement approach to politics, however, holds that a free and just society cannot simply be achieved by maximising welfare on the one hand, or securing maximum freedom of choice on the other. Rather, as Sandel notes, to 'achieve a just society we have to reason together about the meaning of the good life, and to create a public culture hospitable to the disagreements that will inevitably arise' (2009: 261). The challenge, he says, 'is to imagine a politics that takes moral and spiritual questions seriously, but brings them to bear on broad economic and civic concerns' (Sandel 2009: 262). This approach to the conduct of politics does not entail relativism or tolerance; both are inadequate to deal with the politics of race in Fiji. Simply put, Fiji cannot afford to ignore its diversity of cultures and religions, and their potential to contribute to a robust civic life; this is hugely significant to Fiji's context.

### ***Political Participation and Representation: Implications for Democratic Development and Citizenship***

If, instead of the politics of race and the maximisation of welfare and freedom of choice, Fiji begins a transition towards adopting a politics of moral engagement, what are the implications for democratic development and citizenship in Fiji?

Most participants and interviewees preferred the retention of political parties, both as a means of representation of diverse interest groups, and a mechanism through which citizens can participate in the democratic process of elections. At the same time, they indicated the need for reform of political parties and politics in general. A politics of moral engagement would, therefore, encourage political parties to engage with other political parties, rather than in competition or in opposition to each other on key moral questions of the day. This would mean creating political forums at village, community, town and city levels for collaborative deliberations on difficult moral questions facing the people.

To complement the district councils, village, community, town and city citizenship forums should be established to monitor the accountability of leaders, and to engage citizens in dialogue on important moral questions of the day. The aim should be to foster habits of co-operation among ethnic communities, and to obtain meaningful participation of citizens in discussing key political issues of the day. NGOs have been conducting public forums for years on a variety of issues, but these have tended to be hosted mostly in towns, and attended by elite groups in Fijian society. What may need to happen instead is for civil society groups and political parties to collaborate in creating pockets of political forums around the country. Such 'deep democracy' mechanisms will certainly help with the development of citizenship and civic institutions.

An instructive system of representation should to be seriously considered for adoption in Fiji. This would inculcate a greater sense of responsibility in citizens and their representatives towards each other, and the accountability of leaders to their people. Political discontent has partly resulted from the degree to which citizens are separated from their leaders. However, such a system of representation would need to go together with the reform of political parties and politics in general. Civil society organisations, such as NGOs and religious and cultural institutions, would need to collaborate in advancing such a system of representation in relation to the state and political parties.

Political education needs to form part of any education about citizenship. Political participation is about much more than taking part in elections and governance; it is also about the active participation of citizens in the leadership of, and decision-making processes in their villages, communities, towns and cities. This participation

could range from organising and resourcing district council meetings, debating budgets and feasibility of projects, monitoring procedures for input, discussions and debate, to procedures for selecting and electing political leaders. Some NGOs are already working in these areas of empowerment with regard to budget education and submissions; these excellent initiatives could be further developed into regional forums.

### ***Common Good and Social Justice***

Both participants and interviewees made recurring references to the politics of race, and its divisive and negative impact on the social life and economic development of Fiji. Implicit in their responses is the desire for an inclusive vision for Fiji; to achieve that, Fiji would need to agree, through consensus, on a vision of what is good for Fiji.

Bryan Hehir defines the ‘common good’ as ‘the goal of each individual society to create a broad social fabric of spiritual, material, and temporal goods from which all would benefit’ (2007: 17). It is defined as the shared values and principles, achieved through consensus, which provide a society with, in general terms, a moral vision of what its common life is and aspires to be, to guide and measure its performances in governance and development, as well as civic life. The Dalai Lama has also been a strong advocate of the common good; he writes: ‘I believe that at every level of society – familial, tribal, national, and international – the key to a happier and more successful world is the growth of compassion’.<sup>159</sup>

Bishop Apimeleki Qiliho has made reference to the term ‘public morality’ and defines it as the ‘moral and civic values that through public consensus, were agreed upon and cemented, most prominently in a country’s constitution’ (Fiji Times 2006: 7). He then went on to make the following interesting, but disturbing remarks: ‘We lost the moral vision that guided us in the first 15 years, and, since 1987, we endeavoured at every turn to contest the foundational values - respect and valuing diversity, caring for the needy, national unity and placing a high value on the distribution of wealth and resources - that held our country together in our early years of independence’ (Fiji Times 2006: 7). Clearly, Bishop Qiliho is referring to a vision of the ‘common good’ for Fiji, which includes the values he listed above. If Fiji has lost its vision, particularly of its ‘common good’ as asserted, then the people, with the facilitation of the state, must rebuild it; it cannot be otherwise.

One of the key aspects of this vision is social justice: the term ‘social justice’ is comprised of two concepts - charity and justice - and is often referred to as ‘distributive justice’. What social justice signifies, says Jonathan Sacks, is that ‘no one should be without the basic requirements of existence, and that those who have

<sup>159</sup> The Dalai Lama’s website can be found at: <<http://www.dalailama.com/page.10.htm>>.

more than they need must share some of their surplus with those who have less' (2000: 114.) He went on to add that this 'is absolutely fundamental to the kind of society we are charged with creating, namely one in which everyone has a basic right to a dignified life and to be equal citizens' (ibid; see also Newland 2006). In this sense, and viewed in totality, a free and just society cannot be built solely on the rule of law. It also requires social justice - a just distribution of resources and opportunities. The fundamental aim of social justice, therefore, is to restore dignity to all those who are poor, marginalised and deprived. It is a goal that governments should continually work towards; it should not be left to goodwill alone (although this is also important), to ensure that it is progressively addressed.

### ***Common Good and Social Justice: Implications for Democratic Development and Citizenship***

If Fiji were to embark on a journey of moral engagement, it would need organising mechanisms, properly resourced. At one level, political parties, traditional leaders, and parliamentary committees can work together to guide the reform process in Fiji. At the local level, citizens' forums, as well as village and community assemblies, can also guide this process. There are three important tasks in this regard: (a) to articulate answers to the question: how do Fijians want to define the 'common good' for Fiji?; (b) to develop monitoring indicators for whatever Fiji decides to be its vision of this 'good'; and, (c) to actually monitor these indicators, and act on their measurements and outcomes in continually striving to reach the goal set as the 'common good'.

The conceptualisation, implementation and monitoring of these tasks would be a huge challenge. However, this very process could empower ethnic co-operation and relations, enhance mutual respect, and ultimately engender a greater sense of responsibility in citizens, and their greater participation in the governance of Fiji. Fiji needs a more robust and engaged civic life than the one it has been accustomed to since independence. These suggestions can complement the institutional and policy changes at state, social and cultural levels.

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## **KEY RECOMMENDATIONS**

The following key recommendations are based on what was said to us by the focus group participants and the interviewees. The chapters in this study contain other recommendations, which should not be lost sight of; however, the authors have agreed that these key recommendations are the most important for democratic development in Fiji. In drafting them, we have tried to be as accurate as possible in interpreting what people said to us, and as true to their intent and meaning as possible. The following list of key recommendations is neither exhaustive, nor should the order of it be seen as indicating any particular priority; rather, it draws together and attempts to group the most important and recurring recommendations from the preceding chapters.

1. The one-person-one-vote electoral system should be adopted as it is seen as the most suitable electoral system for Fiji because it values citizens' individual votes equally.
2. Financial and personnel resources should be committed by the government to both new and ongoing initiatives on inter-faith, inter-cultural and peace dialogues, which are recognised as essential activities for the democratic reform process.
3. Education programmes should be strengthened, or developed and implemented in Fiji as soon as is realistically feasible. Specific examples include:
  - a. Review and strengthen or develop leadership training programmes for democracy for all those assuming leadership positions in all sectors of society, as well as aspiring leaders. This should include chiefs, civil service personnel, church and other religious leaders, traditional leaders, and leaders of political parties. These programmes should include training on leadership, management, good governance etc. In addition, specific, targeted programmes should be conducted to encourage and empower both current and aspiring female and youth leaders.
  - b. Review and strengthen or develop programmes on civic education in schools and communities, grounded in the cultural and religious context of the communities and Fijian society at large. In particular, primary and secondary schools should include an examinable course in civic education (including the rule of law, human rights issues, the current laws

- applicable in Fiji, as well as the institutions involved in implementing and enforcing these laws and how they function).
- c. Furthermore, adult civic education programmes for communities all over Fiji should be organised in close collaboration with government and civil society organisations. These programmes should be funded by government, without challenging the independence of these organisations. Adult civic education in communities should be sensitive to local conditions and must be culturally appropriate (e.g. including sections on 'obligations of solidarity' and habits of co-operation), and should be conducted in the first language of community members (Fijian, Hindi etc.).
  - d. In this regard, effort and resources should be invested in strengthening or developing and publicizing a common terminology in Fiji around democracy, governance, citizenship, rule of law and human rights issues, which would assist in the inclusion of all citizens in the issues of the day.
4. Establish citizens' forums in rural and urban areas to monitor the accountability of leaders, and to engage citizens in dialogue on important political, social, economic, environmental and moral questions of the day. Citizens' forums can be used for collecting and discussing information on the performance, financial status, conduct and regulations of state institutions, political parties and societal organisations and their leaders.
  5. Strengthen and increase the use of public forums in different centres of the country for discussing what is good for Fiji. Use national events to generate discussion in these forums, such as the national budget. Use public forums as a way to inform and educate communities and people about critical issues, thereby enabling them to discuss decisions which affect them in particular, such as environmental and economic decisions (e.g. establishing industry in their areas).
  6. Conduct research into the various systems of representation, including the instructive system. This research should focus in particular on their benefits, and their implications for building trust in the political system, increasing the accountability of political leaders to their constituencies, building better race relations, and enhancing the voice of the people in policy decisions.
  7. Develop codes of conduct and ethics for all leadership sectors; in particular, these should cover the government, parliamentarians, civil servants, church leaders, traditional leaders, and politicians etc. Any code(s) of conduct developed for politicians and parliamentarians should be legally enforceable.

8. Consider re-constituting and reforming the Great Council of Chiefs so that it becomes an advisory body to the government, responsible solely for safeguarding iTaukei language, customs and culture.
9. Decision-making on economic policies and economic development should serve the common good, be transparent and contribute to social justice. Therefore the government of the day should ensure public debate and discussions on important economic issues such as trade agreements, the exploration of natural and mineral resources, taxation policies, and the privatisation of public services. Future policies and legislation dealing with these issues should reflect that public debate; in addition, existing policies and legislation should be examined, and where inconsistent with this debate, should be re-considered and amended.
10. Conduct research into the content of current customary rules applicable in Fiji, as well as the role customary rules play in people's lives. In addition, conduct research into the current state of the relationship between these customary rules and state law, identifying possible problems and conflicts between these two systems. Decide what approach should be taken nationally to the customary rules system; that is, whether customary rules should be integrated into state law, or remain separate. If they are to remain separate, ensure that customary rules and state law are complementary; this should also apply to any procedures and institutions required in both systems in order to recognize and uphold customary rules. This should be done in close collaboration with the *iTaukei*, academics, state institutions, civil society organisations and traditional and religious authorities.
11. Ratify, in particular, three of the main international human rights conventions: the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Incorporate them into domestic legislation, and bring all current laws into line with these conventions. This should be done in such a way as to tailor them to Fiji's particular circumstances. Finally, establish and resource effective enforcement mechanisms in order to promote and protect these rights.
12. Ensure the independence of the judiciary and the separation of powers in any future constitution; guarantee this through enacting or amending any subordinate laws, regulations, processes and institutions either supporting or regulating the judiciary, as well as the executive and the administrative branches of government

13. Engage in a national debate about the future role of the military in Fiji, in particular its role in protecting Fiji and the constitution. In this process, consider the following points made by participants and interviewees: (a) that the military be made subservient to any government elected democratically under a constitution approved by the majority of the Fijian people; (b) that the military continue its role in peace-keeping overseas; (c) that the military play a key role in Fiji's development (e.g. through building infrastructure, disaster response and rehabilitation, and assisting with teaching young men and women a trade); and (d) progressively reduce the size of the military so that it is commensurate with the size of the Fijian population.

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# ANNEXES

## ***ANNEX 1: LIST OF INTERVIEWEES WHO WAIVED ANONYMITY***

All interviewees participated in this project in their personal capacities, and as such, all opinions expressed therein are their personal opinions, and not those of their institutions, political parties or organisations. The inclusion of these interviewees' names on this list should not in any way be interpreted as implying that they agree with the contents of this report. In total we interviewed 83 people, and of those, the 43 interviewees listed below chose to waive their anonymity.

Ms Shamima ALI  
Mr Felix ANTHONY  
Dr Tupeni BABA  
Fr Kevin BARR  
Mr Derek BENTLEY  
Mr Mick BEDDOES  
Mr Krishna DATT  
Mr Jone DAKUVULA  
Ms Emele DUITUTURAGA  
Dr Alumita DURUTALO  
Adi Ateca GANILAU  
Ratu Epeli GANILAU  
Br Fergus GARRETT  
Mr Josateki GONAIVALU  
Ms Chantelle KHAN  
Ms Sashi KIRAN  
Revd Josateki KOROI  
Mr Pradeep LAL  
Mr Richard LUCAS  
Ratu Joni MADRAIWIWI  
Ratu Sakiusa MAKUTU  
Mr Pio MANOA  
Mr Paul MANUELI  
Mr Solo MARA  
Ratu Tevita MOMOEDOMU  
Ms Peni MOORE  
Mr Richard NAIDU  
Dr Vijay NAIDU  
Ms Mere NAILATIKAU  
Mr Satendra NANDAN  
Mr Alipate QETAKI  
Bishop Apimeleki QILIHO  
Mr Sitiveni RABUKA  
Mr Tarterani RIGAMOTO

Ms Nazhat SHAMEEM  
Mr Agni Deo SINGH  
Mr Jyoti TAPPOO  
Mr Daryl TARTE  
Dr Sandra TARTE  
Ms Asilika ULUILAKEBA  
Ratu Meli VESIKULA  
Mr Peter WAQAVONOVONO  
Revd Akuila YABAKI



## **ANNEX 2: LIST OF MAIN AND FOLLOW-UP QUESTIONS**

Moderators and consultants were asked to begin focus group discussions and interviews with the main questions in each area (which they could order in any way they saw fit), and then use the follow-up questions, if required, to encourage further discussion. Each main question was intended to kick start discussion in a neutral fashion. Moderators were also encouraged to use open questions to elicit details in relation to responses, such as 'why', 'who', 'when', 'where' and 'what'.

### **Area 1: Democracy**

**Main Question:** What do you understand when you hear the term 'democracy'?

#### **Follow-up Questions:**

- How do you feel about the term democracy?
- What do you think of the democratic process at the different levels:
  - Village or community level?
  - Provincial level?
  - National level?
- How important is it for you to have some form of democracy?
- How important is it for you to have elections?
- When it comes to elections, what are the main principles that guide you in making your decision to vote for a particular candidate or party?

### **Area 2: Rule of Law**

**Main Question:** What kinds of rules and laws guide your conduct?

#### **Follow-up Questions:**

- Identify the levels (constitution, state law, customary law) and their set of rules and conduct that you adhere to mostly?
- Are there any rules that are in direct conflict with each other? If so, what are these different rules or laws?
- What happens when different laws/rules are in conflict? Which law wins and why?
- How and where did you learn about rules and laws?
- Who enforces rules and laws?
- How do you feel about the way the rules/laws are enforced in Fiji?
- Do you feel all people are treated equally before the law? Why or why not?
- What are your experiences with:
  - Police?
  - Army?
  - Courts?
  - Traditional Law?

### ***Area 3: Leadership***

**Main Question:** Who do you see as your leader(s)?

**Follow-up Questions:**

- How did your leader(s) reach their positions?
- Who do you think has legitimate power in Fiji?
- To what extent do you feel that your culture/identity is protected by a democratic government?
- How do you see the role of political parties in Fiji?
- What are your experiences of the political developments in Fiji?
- Share your experiences as to whether you think you have benefited from, or suffered under, different governments.

### ***Area 4: Decision-making***

**Main Question:** How are decisions made at household level, community level, district level, provincial level and national level?

**Follow-up Questions:**

- How do you take part in decision-making in your community or village?
- How are you represented at the:
  - Village or community level?
  - District level?
  - Provincial level?
  - National level?
- Do you think that your voice is heard at any of these levels?
- How do you feel about the way decisions are made at these various levels?
- Who influences decision-making in your community?
- In what other ways are you, or can you be, part of decision-making?
- Identify an area in the traditional system that allows you to participate actively in decision-making?
- If you could change the way decisions are made, what would you change?

### ***Area 5: Citizenship***

**Main Question:** How would you identify yourself as a person living in Fiji?

**Follow-up Questions:**

- What does citizenship mean to you?
- What does it mean to you to be a citizen of Fiji?
- Identify any areas at community, village, provincial and national level at which you feel you can best express yourselves as citizens of Fiji?
- Today all people are classified as 'Fijians': how do you feel about this?
- What do you think relationships are like between different ethnic groups in Fiji today?

## ABOUT THE AUTHORS

### **Dr Volker Boege**

Dr Volker Boege (born 1952) is a Research Fellow with the School of Political Science and International Studies (Polsis) at the University of Queensland in Brisbane, Australia, as well as being a director of the Peace and Conflict Studies Institute Australia (PaCSIA), a Brisbane-based NGO. He has studied history, political science and German literature, and has a PhD from the University of Hamburg, Germany. In Germany, he worked for various peace research institutes and universities, inter alia the Institute for Peace Research and Security Policy at the University of Hamburg, the Institute for Development and Peace at the University of Duisburg, and the Bonn International Centre for Conversion (BICC). He moved to Australia, and started working with the Australian Centre for Peace and Conflict Studies (ACPACS), at the University of Queensland, in 2005.

Dr Boege's research focuses on issues of natural resources and conflict, peace-building and state formation, as well as local non-Western approaches to conflict transformation. His regional area of expertise is the South Pacific and Southeast Asia. He is currently involved in research projects addressing issues of peace-building, conflict transformation and state formation in Bougainville (Papua New Guinea), the Solomon Islands, Vanuatu and East Timor. Dr Boege has published numerous papers, articles and books in the fields of peace research and contemporary history.

### **Mr Aisake Casimira**

Mr Casimira is presently working with the Pacific Conference of Churches (PCC) as one of its Ecumenical Animators. He is responsible for their programme on Ecumenism, and acts as the programme's co-ordinator. He previously co-ordinated the Governance and Leadership programme of the Pacific Conference of Churches, and has conducted workshops with the churches in the Pacific on governance.

Prior to joining PCC in 2006, Mr Casimira was the Executive Director of the Ecumenical Centre for Research, Education and Advocacy (ECCREA) from 2000 – 2005. He has written and published various newspaper articles, has made presentations at national, regional and international meetings, has published papers in the Pacific Journal of Theology of the South Pacific Association of Theological Schools (SPATS), and in 2008, published a book entitled *Who Do You Say I Am? – Investigations into the Interactions between the Bible and Culture*.

He is a member of the Boards of the following civil society organisation: the Institute for Research and Social Analysis of the Pacific Theological College, Fiji Media Watch, the People's Community Network, the Citizens' Constitutional Forum, and the Catholic Education Board of the Archdiocese of Suva.

**Dr Manfred Ernst**

Dr Manfred Ernst is the Director of the Institute for Research and Social Analysis (IRSA) of the Pacific Theological College (PTC) in Suva, Fiji. He has studied political science, sociology and modern history, and has a PhD in Philosophy from the University of Hamburg, Germany. He has been living and working in Fiji for 18 years: from 1991-1994, and again since 1998.

From 1982 to 1990, he worked for a variety of non-governmental organizations, and as a freelance journalist in Germany with a focus on research, writing on political, social and economic development in Central America and the Caribbean.

From 1995 to 1998, Dr Ernst worked for the German church-based development agency, Bread for the World, as its policy adviser for the Asia Pacific Desk, doing consultancy work in Indonesia, the Philippines, Bangladesh and Papua New Guinea. He has published several books, both as the author or a co-author, and has written numerous book chapters and journal articles on a variety of subjects, mainly related to economic-social development issues, and the sociology of religion. In the Pacific Islands, he is best-known as the author of *Winds of Change - Rapidly Growing Religious Groups in the Pacific Islands* (1994); as the co-author and editor of *Globalisation and the Re-Shaping of Christianity in the Pacific Islands* (2006); and as co-author and editor of *The Pacific Islands at the Beginning of the 21<sup>st</sup> Century: Religion, Culture and Society* (2009).

**Ms Felicity Szesnat**

Ms Szesnat was born in South Africa, where she became interested in human rights law through her work in the anti-apartheid movement. She worked for the Pietermaritzburg Agency for Social Awareness, before heading up the Monitoring Division of the Independent Electoral Commission in Southern Natal, South Africa, for the first democratic elections in 1994. Thereafter, Ms Szesnat obtained her LLB from the University of South Africa. Ms Szesnat lived in Fiji from 1998 to 2001, during which time she did volunteer work with the Fiji Women's Rights Movement, and the Citizens' Constitutional Form, assisting in particular with research for the court case regarding the abrogation of the 1997 Constitution, the *Republic of Fiji v Prasad*, decided in 2001.

Moving to the UK, Ms Szesnat worked for the Refugee Legal Centre for several years, representing people seeking asylum in the UK. In 2005, Ms Szesnat obtained her LLM in International Human Rights Law at the University of Essex. She has also worked as a senior research officer in the Human Rights Centre at that University, conducting research in the field of private security companies, with special emphasis on Fijians employed abroad by these companies. Ms Szesnat has written on, amongst other things, the classification of the armed conflict in Colombia, and the use of small arms in the commission of rape as a system of war in the Democratic Republic of the Congo. She is currently completing her PhD in Law at the University of Essex, focussing on the law of armed conflict.