State, Society & Governance in Melanesia

Suspension of Opposition MPs in Fiji's Parliament

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Fiji's new parliament that emerged in 2014 after eight years of military rule revived the prospects for parliamentary democracy in that country. However, concerns have been raised about the suspension of Opposition members of parliament (MPs). These suspensions highlight broader issues regarding executive–legislative relations in Fiji's parliament and the prospects of a robust parliamentary democracy in Fiji. This In Brief examines the MP suspensions, highlights some of the concerns that have been raised both in Fiji and abroad and considers some implications.

The Three Suspensions

To date, three Opposition MPs in the Fiji parliament have lost their seats due to prolonged suspensions made by the Privileges Committee and the House of Representatives (both of which are dominated by the Fiji First Party). Article 76 of the parliamentary Standing Orders stipulates 28 days maximum suspension of MPs for disorderly conduct and suspension of one calendar year for disobeying the speaker. The three suspensions were, however, arbitrary and contrary to the governing rules of the Parliament of the Republic of Fiji.

Ratu Naiqama Lalabalavu of the Social Democratic Liberal Party was the first Opposition MP to be suspended, in May 2015, for two years for making 'scurrilous and derogatory statements in the iTaukei language' (native Fijian language) against the speaker of parliament, Jiko Luveni, in one of his party constituency meetings. Despite protests from the Opposition, the Privileges Committee noted that the 'contempt matters … must be taken seriously to protect the dignity of the legislature' and Lalabalavu's actions were 'unprecedented and … severe and gruesome … [as he] viciously and scandalously attacked the Hon. Speaker and made a mockery of the institution of Parliament and … it would be difficult to find such contempt in other jurisdictions' (Privileges Committee 2015:8–11). Lalabalavu was further asked to make a public apology to the speaker and barred from entering the parliament precincts.

Similarly, the former National Federation Party MP Roko Tupou Draunidalo was suspended for the remainder of the term of parliament for calling the education minister a 'fool' and 'idiot' and uttering the phrase 'dumb natives' during the June 2016 sitting of parliament. The Privileges Committee noted that MP Draunidalo's actions had 'the potential to promote or provoke feelings of ill-will or hostility between communities or ethnic groups and … [was] not only a grave and serious breach of privilege but a contempt of Parliament' (Privileges Committee June 2016:8–9). She was further asked to make a public apology and was barred from the parliament building.

In a similar vein, in the July 2016 sitting of parliament, Social Democratic Liberal Party MP Ratu Isoa Tikoca was suspended for the remainder of the current parliamentary term for breaching parliament's freedom of speech rules (Standing Order 62) by listing the names of Muslim officials serving in state offices in Fiji and using the words 'my kind' and 'this elite group'. While the Opposition argued that parliament was the 'House of free speech', the Privileges Committee noted that the 'thinly veiled attack by Hon. Tikoca against a minority community must not be tolerated' and parliamentary privilege should not be used to 'incite racial discord as was so often done in the past'. Once again the majority view of the Privileges Committee was that MP Tikoca's 'actions were not only a grave and serious breach of privilege but a contempt of Parliament' (Privileges Committee September 2016:7–10).

Concerns Raised

Apart from the Opposition parties in Fiji's parliament, concerns were raised both in Fiji and abroad about the severity of the punishment handed down to the respective MPs. For instance, the Fiji-based Non-Government Organisation Coalition on Human Rights indicated its opposition to the suspension of MP Draunidalo and called on the Fiji parliament to reconsider on the grounds that the suspension discouraged other MPs from debating national issues and at the same time undermined the perception of the parliamentary process

and democracy in Fiji (FWRM 6/6/2016). Likewise, Amnesty International demanded the reversal of Ms Draunidalo's suspension, which it construed to be a breach of freedom of speech. It warned that the suspension compromised Fiji's chances for a bid to the membership of the United Nations Human Rights Council, and therefore 'letting Draunidalo take up her rightful place in parliament, with all due protections for her right to freedom of expression, [would] be an important first step' (Amnesty International 3/6/2016).

The Inter-Parliamentary Union (IPU) called for the lifting of the suspensions of the three MPs after receiving submissions from the Social Democratic Liberal Party and the National Federation Party. In the case of MP Lalabalavu, the IPU, while denouncing his diatribe, characterised his two-year suspension 'inappropriate', illegal and 'wholly disproportionate' since it deprived his electorate from representation. It further instructed that his suspension be lifted 'either through a new decision by parliament, or as a result of the outcome of the pending constitutional challenge'[1] (IPU 23/3/2016:3–4). The IPU also expressed concern about MP Draunidalo's suspension, noting that it was 'deeply concerned'. It called for a swift lift of her ban as freedom of expression was essential in parliament and pointed out there was no legal basis for the suspension. The IPU pointed to a 'trend' in Fiji for long-term suspensions of vocal Opposition MPs, warning this had serious consequences on the function of the Opposition in parliament (IPU 27/10/2016a:4). The IPU indicated a similar assessment of MP Tikoca's suspension and called for a swift lifting of his suspension on the grounds that Tikoca's views were within the bounds of legitimate freedom of expression irrespective of the sensitivity of the issues addressed (IPU 27/10/2016b:4–5).

Notwithstanding the above concerns, the Fiji parliament chose not to reverse the three suspensions. Both MP Draunidalo and MP Tikoca resigned[2] so as to let their vacancies in parliament be filled by the next candidate from their parties' lists. (Under Fiji's open list proportional representation system, vacancies are filled by the highest-polling candidates for the party of a departing incumbent.)

Implications

The suspension of the three MPs needs to be seen in the context of a broader set of restrictions on the Opposition in Fiji's parliament. First, the Fiji First Party government led by Frank Bainimarama has used its majority to override parliamentary procedures. There is a risk that Fiji's parliament could be turned into a 'rubber stamp' institution which fails to carefully scrutinise government policies or other actions. Second, the departure of the three vocal and experienced MPs has undermined the role of the Opposition parties in scrutinising the executive, a role that is crucial to a well-functioning parliament. Last, but not least, the MP suspensions have raised serious questions about the independence of parliament and about the prospects for parliamentary democracy in Fiji.

Author Notes

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Endnotes

1. MP Lalabalavu lodged a legal challenge in the High Court for his suspension and to date the court has not ruled on it. His two-year suspension ended in May 2017.
2. After resigning from parliament, MP Draunidalo joined a new political party — HOPE — as its new leader (Naikaso 4/3/2017).

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