

the past decade. Whether he will pursue his convictions within his own government is yet to be seen, but considering the precarious majority his government holds it is perhaps unlikely. While UMP spokespeople have reiterated their allegiance to the Vanua'aku Pati and publicly supported its policy imperatives, key government members, including the deputy prime minister, have been targeted for investigation (*Trading Post* 19 May 2001).

The relative calm of Natapei's term in office has been shadowed by the recurrent fear that each political event will trigger greater conflict. Over the past decade Vanuatu has managed to resolve its crises peacefully. However, events in Solomon Islands, Fiji and Papua New Guinea have encouraged the view of social breakdown in Vanuatu as inevitable. Senior government officials have consistently distanced Vanuatu from the social and political disintegration in neighbouring Melanesian countries and criticized regional media for their exaggerated and inaccurate reporting. Arthur Caulton reiterated these points when he accepted the mantle of acting police commissioner: 'Alphabetically, Vanuatu comes last, at the bottom of the group but this is not a disadvantage since we have taken our time over the last 22 years to learn from the mistakes of our neighbour countries' (*Trading Post* 31 August 2002). The Natapei administration has demonstrated its willingness to take on difficult targets and possibly risk unrest to fulfil its core political aims. Whether Caulton's statements were pure rhetoric, intended to support these aims, or provide grounds for believing that Vanuatu will not become part of the so-called 'arc of instability', remains to be seen.

Epilogue

In national elections in May 2002, the Vanua'aku Pati was initially returned with 14 seats, but attracted 3 independent candidates, giving it numerical superiority in the House over its coalition partner the UMP, which won 15 seats. The governing coalition thus has a majority of 32 of the 52 seats, and the VP retained the prime ministership.

Paul Ren Tari was not re-elected to the seat of Maewo in the May 2002 elections: he was defeated by Philip Boedoro (VP). He is currently seeking compensation for the charges brought against him by the Natapei government.

IN SPITE OF MR SPEIGHT?

FIJI'S ROAD TO THE GENERAL ELECTIONS OF 2001¹⁴

Brij V. Lal

George Speight's seizure of the Fiji parliament on 19 May 2000 now seems like a bad, nightmarish dream. Contrary to all provocations and incentives to violence, Fiji managed, but only just, to retrieve itself from the precipice of national disintegration. A year later, Speight was tried for treason, and is currently serving a seven-year sentence, though moves are afoot to have him pardoned. In August 2001 the country went to the polls, returning Laisenia Qarase's newly-formed Soqosoqo Duavata ni Levenivanua to government with thirty-two seats. The Labour Party, his main rival, won twenty-seven. The holding of the election was an important development, but instead of resolving the country's many deep-seated problems it compounded them. Qarase breached the constitution under which he was elected by refusing to have Chaudhry in a multi-party cabinet. The constitution provides that any political party with more than 10 per cent of seats in parliament is constitutionally entitled to be invited into cabinet. Under a formula provided for in the Korolevu Declaration, Qarase would have twelve cabinet positions and Chaudhry eight. Labour challenged the government's decision. The Fiji Court of Appeal ruled in Labour's favour, but the matter will be settled finally by the Supreme Court in early 2003. Meanwhile, Fiji remains marooned in the shallows. Whether the people of Fiji will accept the verdict of the court, whatever it might be, remains to be seen.

The early days following the hijacking of the Fijian parliament were a time of great confusion and apprehension for the people of Fiji. After fifty-seven days,

¹⁴ For background to the coup see Lal (2000a, 2000b). This paper draws from my personal archives on political developments in Fiji, which can be consulted at the Centre for the Contemporary Pacific at the Australian National University.

the hostages were released following an agreement (the Muanikau Accord) the military negotiated with the rebels. But the agreement was declared null and void when the rebels breached its terms. For its part, the military accepted the abrogation of the constitution, asked the then president, Ratu Sir Kamisese Mara, to step aside, which he did, and installed a civilian administration headed by the merchant banker and bureaucrat Laisenia Qarase. The interim administration took a number of early decisions designed to win public support and placate the international community. It announced a new Constitution Review Committee, headed by Fijian academic and nationalist hardliner, Professor Asesela Ravuvu, to review the 1997 constitution and recommend further measures to enhance Fijian control of the political process. The committee, disbanded in mid July, was boycotted by the Indo-Fijian community. The report has still not been released to the public.

To win Fijian support, the interim administration outlined a 'Blueprint for Affirmative Action on Fijian Education'. The aim of the Blueprint was to 'transform all Fijian schools into centres of cultural and educational excellence, facilitate and provide the quality education and training Fijian students need for their own individual development, and to adequately equip them for life in a vibrant and developing economy,' and to 'inculcate into Fijian parents the understanding that education is the key to success in life and to therefore place the education of their children highest on their list of priorities'. An affirmative program for indigenous Fijian education has been in place since independence in 1970, but has failed to bear the desired fruit. Critics asked whether considering Fijian education in isolation, with the experience of the past failures in mind, would necessarily lead to the expected outcome. The interim administration, keen to collect Fijian votes, pressed on regardless, announcing other racially-based affirmative action programs for the indigenous Fijian and Rotuman communities.

With the interim administration in place, local and international pressure on Fiji mounted for a swift return to parliamentary democracy. At first the interim administration demurred, citing security reasons for delaying elections. But then followed a series of events which forced its hand in unexpected ways. The first, and perhaps the most important of them, was a court case challenging the abrogation of the 1997 constitution and the legality of the interim administration. The case was launched in the Lautoka High Court in August 2000 before Justice Anthony Gates, by a displaced farmer from the violence-ravaged southeastern Fiji, Chandrika Prasad. In his landmark ruling, handed down in November, Justice Gates found in Prasad's favour on all counts. The declaration of emergency by the president was invalid, and the revocation of the

constitution unconstitutional. The parliament, the judge said, was 'still in being', and he ordered the president to reconvene it 'at his discretion but as soon as possible'. The judgement caught the interim administration by surprise, partly because it had not expected it to be so far-reaching.

As expected, the interim administration took the High Court decision to the Court of Appeal, the Supreme Court having been abolished by decree on the advice of the chief justice. The court, consisting of five overseas judges and presided over by Sir Maurice Casey of New Zealand, heard the appeal from 19 to 22 May and handed down its decision on 1 March. It declared that the 1997 constitution remained the supreme law of the land, and that the parliament had not been dissolved but prorogued for six months. But it ruled, against Justice Gates' decision, that the office of the president under the 1997 constitution had become vacant upon the resignation of Ratu Sir Kamisese Mara.

It was landmark decision, broadcast live to the nation. In the 29-page ruling, the court carefully treated every objection raised by the interim administration. A major contention of the interim administration was that the 1997 constitution 'did not adequately protect their [indigenous Fijian] interests'. The court concluded that the constitution was the result of a comprehensive process of consultation; that it contained iron-clad protections for fundamental Fijian interests and concerns, and that it could not be altered without the support of the indigenous Fijians themselves. Contrary to the interim administration's claim, the 1997 constitution had 'received almost universal acclaim'; it cited Major General Sitiveni Rabuka's praise for the document as 'an expression of confidence and hope in our collective future'.

The interim administration had also argued strongly that the electoral system based on the alternative vote had 'proved extraordinarily complex, the results remarkably ambiguous and its merits as a tool for promoting ethnic cooperation highly questionable'. With another voting system, preferably the first-past-the-post, Fijian parties would have emerged victorious. The court ruled otherwise, after a close analysis of the voting figures. 'Whichever system had been used', it concluded, 'the voting figures would have made the FLP [Fiji Labour Party] the largest individual party by a substantial margin'. The court also rejected the interim administration's claim that it was effectively in control of the country because the populace had acquiesced and the revolution had succeeded. The court was satisfied that freedom of speech and mobility were inhibited, with the application of emergency legislation hindering the expression of dissenting views. That is, the test of acquiescence had not been proved, the evidence to the contrary being overwhelming.

The court's decision caused commotion in the country. The military, which had given an undertaking to respect the decision, demurred. But the interim administration, to its credit, accepted the decision, as also did the Great Council of Chiefs, albeit with some reluctance. The interim administration would not resign, but committed itself to a general election at an unspecified date. That decision caused comment, but the deposed government itself was divided. Mahendra Chaudhry advised the president to dissolve a reconvened parliament and call for fresh elections. However, his deputy, and rival for leadership, Dr Tupeni Baba, wanted the president not to dissolve parliament but to call for the formation of a government of national unity from among the elected members of the old parliament. The rift between the two men, long simmering, was now in the open. When the president refused to heed the deposed prime minister's advice, the Citizen's Constitutional Forum (CCF), a non-government pro-democracy movement, took the matter to court. In July, Justice Scott rejected their case, invoking the contentious concept of 'doctrine of necessity' to justify the president's extra-constitutional action, while the interim administration de-registered the CCF for its alleged interference in politics.

The performance of the judiciary, especially that of the chief justice, had been severely criticized long before Scott's decision. The Fiji Law Society passed a vote of no confidence in Sir Timoci Tuivaga and asked him to step aside, criticizing him for his unconstitutional advice to the president and for his role in drafting a decree abolishing the Supreme Court. The public skirmishes involving the judiciary and the Law Society damaged public confidence in an institution whose reputation for integrity and impartiality had, thus far, remained untainted. The various court challenges following the Court of Appeal decision generated more heat than light. After March 2001, the battle had shifted from the court of law to the court of public opinion, though some local lawyers thought otherwise.

Meanwhile, once the date for the elections was announced, political parties began to prepare for the campaign. Chaos was the order of the day. The Labour Party fractured over Mahendra Chaudhry's leadership. Dr Baba attacked his former leader as a 'monster', a dictator who had breached every principle of democratic governance. About to face the disciplinary committee of the party, and unable to topple Chaudhry in the caucus, Baba along with some of his close supporters resigned to form a new Fiji Labour Unity Party. The party won two seats in the 2001 election, though its leader, Dr Tupeni Baba, was unsuccessful, and subsequently resigned to accept an academic position at the University of Auckland.

For his part, Chaudhry welcomed the prospect of serving as prime minister again, dismayed some of his own supporters who wanted to him to hold his political ambitions in check for a while, and inviting the wrath of the Fijian nationalists, who vowed never to accept him in the top job again. The National Federation Party, decimated at the polls in 1999, began to regroup, but without its longtime leader, Jai Ram Reddy, who announced his retirement from active politics. The party, once again, fared badly at the polls, winning only one seat (which was invalidated by the High Court; the Supreme Court later ruled that the High Court had acted wrongly, but was unable to override the decision because there is no appeal from the Court of Disputed Returns). Labour was the clear winner in the Indo-Fijian electorate.

On the Fijian side, factionalism and fragmentation reached endemic proportions, despite persistent efforts by the Fijian Methodist Church to promote a dialogue of unity among Fijians. George Speight's supporters on the island of Vanua Levu formed the Conservative Alliance, naming George Speight as its president in absentia. In the west, Apisai Tora, ever mercurial, launched yet another party, the Bai Kai Viti, which would compete for votes with the party he launched for the 1999 elections, the Party of National Unity. The Soqosoqo ni Vakavulewa ni Taukei (SVT), launched by the Great Council of Chiefs in 1990, and the party in power throughout the 1990s, changed leaders in June 2001, veteran politician Filipe Bole replacing the hardliner Ratu Inoke Kubuabola, but to little avail – the party failed to win a single seat. In early 2002 Bole resigned from the SVT to launch yet another Fijian party, the Fijian Democratic Party. Laisenia Qarase, the interim prime minister, launched his own party, the Soqosoqo ni Duavata ni Lewenivanua (SDL). The SDL emerged the clear winner, sending some of its rivals into extinction or forced exile.

Fijians were disenchanted with all this fragmentation and splintering; they yearn for political unity, but that dream is as elusive as ever. The era of the rule of paramount chiefs, which began in the 1960s, ended with the departure from the national scene in 2000 of Ratu Sir Kamisese Mara. Younger chiefs aspiring for national office are too deeply embroiled in provincial and local politics to carve out a national niche for themselves. At the same time, their role in national politics is challenged by Fijians of non-chiefly rank. Furthermore, election from traditional provincial boundaries of twenty-three Fijian seats accentuates provincial and regional sentiments at the expense of forging overarching national loyalties. On the Indo-Fijian side, too, the departure of the best and the brightest to other countries has had a significant negative impact on the calibre of leaders available to the community.

As it awaits the outcome of the court case before the Supreme Court, expected sometime next year, the Qarase government has once again opened up debate about the relevance of democracy to Fiji. Its institutions and practices, it says, are inimical to Fijian interests, and antithetical to the social ethos of a society based on hierarchy and privilege. Many in government and in the wider Fijian community argue that Fiji should always have an indigenous Fijian as head of government. That call is emotionally appealing but fraught. For the question is not whether to have a Fijian head of government, but which Fijian will be acceptable to a militant Fijian minority at a particular point. Recent Fijian history is replete with examples of Fijians turned out of office by Fijians themselves. They include Ratu Sir Kamisese Mara and Major General Sitiveni Rabuka. Fijian soldiers mutinied against their commander Frank Bainimarama. And George Speight (who claims to be a Fijian of sorts) has been put behind bars by Fijians who have benefited from his treasonous action.

The prime minister has also floated the idea that land ownership should be taken into account in determining the structure of executive power. Fijians now own 90 per cent of all land in Fiji, and that fact, he asserts, should be reflected in the composition of parliament. This anachronistic proposal, sure to be rejected by the international community, raises another issue: how will those provinces, such as Ba, which have more land than, say, the maritime provinces, be accommodated in a system founded on the logic of property-based representation? Qarase has also expressed personal support for a completely race-based electoral system, arguing that Fijians and Indo-Fijians have always voted on racial lines. While that is true, it raises questions about the apparent Fijian and Indo-Fijian attachment to their primordial roots when people in many developed and developing multi-ethnic societies are able to cross ethnic and cultural boundaries with ease. The answer is simple, but those in power are not prepared to countenance it: Fiji has always had a race-based electoral system which encourages and rewards ethnic attachments. If we create an electoral system based on race, people will vote along racial lines.

There are other issues, too, which provoke debate. The government has embarked on a deeply contested race-based affirmative action policy in favour of the indigenous Fijians on the assumption that they alone are in need of special assistance. Critics cite independent research to argue that poverty cuts across ethnic lines and that other communities also need help in specific areas. In parliament, government ministers vilify the Indo-Fijian community ('wild weeds', in the words of Social Welfare Minister Asenaca Caucau) and call for the abolition of public holidays for Hindu and Muslim festivals (Senator

Bulanauca), without being reprimanded by the prime minister for their hurtful comments. Meanwhile, the plight of those whose leases have not been renewed, and who have been forced to look for alternative employment, continues to worsen. Two years after the Speight saga, fundamental social and political questions about the nature and purpose of politics in Fiji remain unresolved.

ISLANDS OF NEGLECT

Benjamin Reilly

Weak governance, widespread corruption, economic mismanagement, rising crime, and violent ethnic conflicts are undermining the stability of the island nations of the South Pacific. As some countries assume the status of Somalia-like 'failed states', the formerly benign South Pacific islands represent a growing threat to regional security.

This process has been hastened by the lack of attention to the region's problems by traditional powers like the United States, Australia and New Zealand. Now, rising Asian powers like China and Taiwan – which have important diplomatic, economic and strategic interests in the region – are moving to fill the vacuum created by the weakness of the region's states and their debilitating internal conflicts.

The facts of these internal conflicts are grim. Over the past year, there has been a coup in Fiji, followed two weeks later by the overthrow, at gunpoint, of the Solomon Islands government and a bloody civil war between rival ethnic militias. There has also been insubordination by the disciplined forces in Vanuatu, the assassination of a cabinet minister in Samoa, and growing criminal influence in 'microstates' like Nauru and Tuvalu. In March 2001 the region's largest country, Papua New Guinea, saw a short-lived uprising by elements of the Defence Force against their own government as part of a pay dispute.

The region is also mired in sub-standard economic performance. In fact, the South Pacific is on a par with sub-Saharan Africa in its per capita GDP, literacy and schooling rates, public health statistics and, ominously, in its lack of economic opportunity for young job seekers. What underlying forces are driving this 'Africanization' of the South Pacific region?

Civil-military relations

Growing tensions between civilian governments and their armies across the region – exemplified by last year's events in Fiji and the Solomon Islands, and the recent military insurrection in Papua New Guinea – is problem number one.