



State, Society & Governance in Melanesia

Celebrating 20 years of SSGM and 70 years of Pacific studies at The Australian National University

Fiji's New Parliament and Democracy

Avinash Kumar

In Brief 2016/14

Parliaments play a crucial role in enhancing democracy, especially in countries that are transitioning from an authoritarian regime to a democratic system. Parliaments are perhaps more important for these countries because they have the potential to pioneer and embrace political change towards democracy (Ziegenhain 2008). In Fiji, the 2014 election and the subsequent return of the parliament were hailed as a positive step towards the restoration of democracy. More importantly, simply by returning, Fiji's parliament vindicated itself as a resilient institution that has the potential to survive against the odds (Kumar 2012). However, the re-emergence of the parliament has provided evidence both for and against the view that Fiji is on the road back to democracy. This In Brief explicates the two positions by assessing a few key developments in Fiji's new parliament.

One of the significant achievements of the current Fiji parliament has been the appointment of a woman as its speaker. Furthermore, for the first time, 16 per cent (8/50) of the members of parliament (MPs) are women. This proportion is also the highest in the Pacific. Some have hailed Jiko Luveni's appointment as a remarkable advance towards gender equality and empowerment in Fiji and the Pacific, while others argue that, as a loyal member of the ruling FijiFirst Party, she merely does the bidding of the government.

Fiji's new parliament has also moved away from race-based political rhetoric. From the 1970s onwards such rhetoric dominated not only Fiji's politics in general but also parliamentary debates. In the first sitting of parliament, the speaker, despite protests from the opposition parties, disallowed the use of vernacular language. Standing Order 28 of the current parliament clearly states that 'a member must address the Speaker in the English language'. The opposition argued that their freedom of speech was being undermined. The English requirement is seen by many, however, as a progressive move for democracy. Similarly, in 2015, the speaker disallowed an opposition MP's request for the government to furnish a breakdown of the number of

civil servants in Fiji by ethnicity — ethnic Fijians, Fiji Indians, Rotumans and the other minor communities in Fiji (Fiji Parliament Daily Hansard 9/2/2015).

The above cases demonstrate the positive role of Fiji parliament in addressing the adversarial racial discourse in Fiji. In the past, previous Fijian parliaments reinforced poor race relations between the major ethnic groups: the ethnic Fijian and the Fiji Indian community. Politicians frequently used vernacular language and the issue of race in the parliament to incite ethnonationalistic feelings (Firth 2015; Lal 2006). For instance, in 1975, the Fiji parliament debated a motion put forward by an ethnonationalist MP, Sakeasi Butadroka, asking for the repatriation of the Fiji Indians to India (Fiji Parliament Daily Hansard 9/10/1975). He was disowned by the prime minister, Ratu Kamisese Mara, but, in the view of many Indo-Fijians, not sufficiently. More recently, in 2002, MP Asenaca Caucau called upon her fellow ethnic Fijians to 'keep a careful and guarded watch over fellow Indo-Fijians because they are like weeds. They tend to push to grab to take over the land and the nation' (Fiji Parliament Daily Hansard 28/7/2002). On the latter occasion, the parliament failed to condemn race-based abuse. In the circumstances of Fiji, where race has defined the political debate for so long, the current parliament's proactive stand on race-based deliberations could be seen as pro-democratic, especially by supporters of the government.

Notwithstanding the above, the current Fiji parliament suffers from a considerable defect: the executive–legislative relations are overtly skewed in favour of the executive. This is a fundamental obstacle for the prospect of a robust democracy in Fiji.

To begin with, the number of parliamentary sitting days has been reduced from seven to four weeks in a year. This has reduced the opposition from directly scrutinising and questioning the executive. Moreover, on some instances, the executive has bypassed the rules of the parliament. For instance, through a ministerial statement in January 2015, Prime Minister Frank Bainimarama introduced a plan to

change Fiji's national flag (that has the emblem of the British Union Jack) on 10 October, the anniversary date of Fiji's independence from Britain. The government argued that it was time to let go of this colonial legacy. The opposition Social Democratic Liberal Party (SODELPA) tabled a petition, signed by about 1500 Fiji citizens, to the parliament demanding that this exercise must first be put through a referendum (Fiji Parliament Daily Hansard, 12/2/2015). Although the petition was referred to the Justice, Law and Human Rights Parliamentary Committee, the prime minister proceeded with processes leading to the flag change. Similarly, in December 2015, the Fijian government was seen to be interfering in the work of the Parliamentary Standing Committee on Foreign Affairs and Defence when it ordered a halt to an inquiry on torture. The government claimed that the committee members were not qualified and that the investigations should be carried out by the police. However, according to law expert Bill Hodge, this was a major assault on the notion of 'separation of powers' as only the parliament via a motion, not even the speaker who is the head of the parliament, has the powers to terminate the operations of a parliamentary committee (Radio New Zealand 22/12/2015).

Recent events further demonstrate executive dominance. On 1 February 2016, Fiji's Registrar of Political Parties suspended one of the opposition parties, the National Federation Party (NFP), for 30 days for a breach of the Political Parties Registration Decree. In parliament the speaker then suspended Standing Order 46 (Notices of motion required), so that the three NFP parliamentarians would be suspended immediately without the usual two days' notice of motion (Swami 16/2/2016). Furthermore, Standing Order 117 (Chairperson of a standing committee) was amended hastily to change the chairmanship of the Public Accounts Committee (PAC), which was occupied by the opposition (Bolatagici 10/2/2016). The government argued that the PAC was acting beyond its jurisdiction and was becoming very political.

The incumbent government controls the institution of parliament because it has an absolute majority (32/50 seats) and hence has created a 'parliamentary dictatorship' (Cain 17/2/2016). However, as the representatives of the people in parliament, the opposition MPs (and the government backbenchers) have the right to perform the oversight function by questioning the executive. This function is the hallmark of democracy. The challenge therefore is on the backbenchers of Fiji's parliament, both in government and opposition, to constrain the executive. However, this may be difficult given that the current laws are very harsh on MPs who oppose a

party directive in the parliament (Section 63, Constitution of the Republic of Fiji, 2013).

The new parliament that has emerged after the 2014 elections symbolises Fiji's path to democracy. In some instances, it has demonstrated positive attributes but excessive dominance by the executive not only reduces the oversight function of the parliament but also makes it a 'rubber stamp' institution. This predicament certainly does not augur well for the prospects of a robust democracy in Fiji.

Author Notes

Avinash Kumar is a 2016 Pacific Research Fellow, ANU College of Asia and the Pacific.

References

- Bolatagici, L. 10/2/2016. [Fiji Speaker Suspended Rules of Parliament to Suspend MPs](#). *Fiji Times*.
- Cain, T.N. 17/2/2016. [Now You See It ... Now You Don't: How to Make Democracy Disappear](#). *Vanuatu Daily Post*.
- Firth, S. 2015. The Fiji Election of 2014: Rights, Representation and Legitimacy in Fiji Politics. *The Round Table: The Commonwealth Journal of International Affairs* 104(2):101–12.
- Kumar, A. 2012. The Resilience of the Legislature in Fiji. PhD thesis, The Australian National University.
- Lal, B.V. 2006. *Islands of Turmoil: Elections and Politics in Fiji*. Canberra: ANU E Press and Asia Pacific Press.
- Radio New Zealand. 22/12/2015. [Fiji AG Out of Line — Law Expert](#). Radio New Zealand.
- Swami, N. 16/2/2016. [Speaker Steadfast](#). *Fiji Times* online.
- Ziegenhain, P. 2008. *The Indonesian Parliament and Democratization*. Singapore: Institute of Southeast Asian Studies.

