

## **Adapting postcolonial island societies: Fiji and the Solomon Islands in the Pacific**

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**ABSTRACT:** Sovereign Pacific island states attract little attention from the great powers. They achieved independence peacefully, mostly from the United Kingdom, and have generally maintained functional democratic societies. Nonetheless, some Pacific states have struggled with the political, institutional and economic legacy of colonization. Tensions between indigenous norms and practices and the expectations of a transposed Western model of society have led to crises. This paper focuses on two Pacific Island states, Fiji and the Solomon Islands. The collapse of the state in the Solomons at the turn of this century, and repeated military coups in Fiji, are due in part to the failure of British-derived institutions to be fully accepted. In both these countries, indigenous people have proposed reforms of these inherited models. Nonetheless, as we shall see, the recent rewriting of these two countries' constitutions has maintained the fundamentals of the Westminster system, and a government by Westernized indigenous élites.

*Keywords:* colonial legacy, Fiji, independence, indigenous elites, institutional adaptation, Pacific islands, small island developing states, Solomon Islands

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### **Introduction**

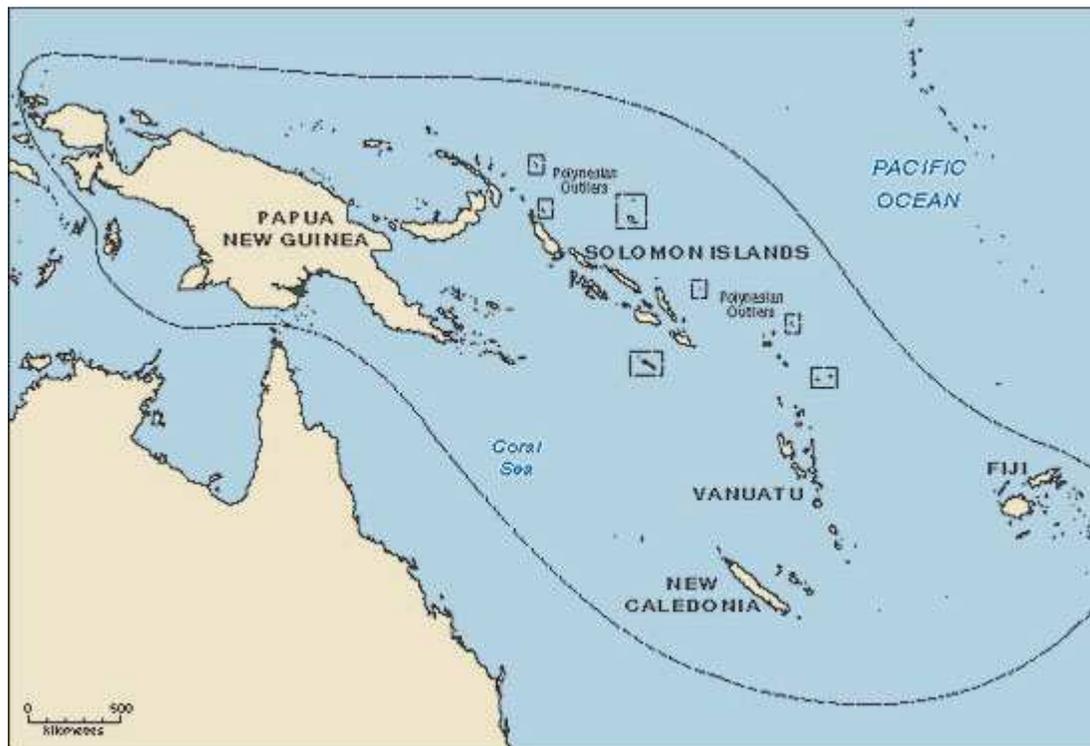
Apart from New Zealand and Australia, the Pacific island region today encompasses twelve sovereign states, all of which were previously either part of the British Empire, or were US overseas territories. On the one hand, almost all these states are healthy parliamentary democracies, with an independent judiciary upholding the rule of law and the freedoms of the individual. On the other, most of them face similar challenges. Small and remote, with little or no clout on the international stage, they often have few natural resources, little scope for economic development, and rely more or less heavily on remittances sent home by migrants, as well as on foreign aid. More to the point for this paper, some Pacific states have struggled with the political and institutional legacy of colonization. Tensions between indigenous norms and practices and the expectations of a transposed Western model of society have led to crises. This paper focuses on two Pacific Island states, Fiji and the Solomon Islands. The collapse of the state in the Solomons at the turn of this century, and repeated military coups in Fiji, are due in part to the failure of British-derived institutions to be fully accepted. In both these countries, indigenous people have proposed reforms of these inherited models. This paper aims to look at whether or not institutional and constitutional reforms, in these small island societies, have indeed meant a significant shift from British to indigenous models of governance.

## Colonial policies

It is fair to say that, even at the height of imperialism, the British had fairly little interest in the Pacific Islands. Mostly colonized at the end of the 19<sup>th</sup> century (Fiji became British in 1874, and the Solomons in 1893), they tended to constitute a neglected backwater of the Empire. They were never destined to be settler colonies, and the British had no great zealous plan to profoundly transform or ‘civilize’ the indigenous populations.

Fiji and the Solomons both belong to the broad geo-cultural region known as Melanesia – (see [Figure 1](#)) – but their pre-colonial societies were markedly different.

**Figure 1: Melanesia.**



Source: Development Policy Centre, Australian National University, Canberra, Australia. Retrieved from <http://devpolicy.org/state-society-and-governance-in-melanesia20110502/melanesia/>

From the 16<sup>th</sup> century, Fiji developed a hierarchical chiefly system, introduced by its then powerful and interventionist neighbour, Tonga. By the 1850s, Seru Epenisa Cakobau, the high chief (*tui*) of the Fijian island of Bau, attempted to unify Fiji into a kingdom on a Western model, so as to obtain recognition from Western powers. In the pre-colonial Solomon Islands, there was no such attempt at political and institutional unification, whether on Western or indigenous principles. Indeed, while Fijians had a long-standing notion of Fiji as a geo-cultural and linguistic entity (by a process of self-differentiation with neighbouring Tonga and Samoa), there was no indigenous concept of the ‘Solomon Islands’ as such: and consequently no indigenous name for the archipelago. Solomon Islanders spoke over a hundred different languages, and comprised a similar number of fully independent communities, with a variety

of political models. While some had a Polynesian-style chiefly and aristocratic system, most were rather more egalitarian, acknowledging the temporary and informal leadership of enterprising and successful individuals. This made the Western concept of a unified nation-state with a centralized government far more alien even to Solomon Islanders than to Fijians.

British intervention in the lives of Solomon Islanders was minimal. The administration was under-staffed, and had only a very small budget. Local authority was delegated to indigenous appointees. While the situation in the Solomon Islands was one of *de facto* colonial neglect, colonial rule in Fiji was characterized by specifically defined policies of ‘preservation’ of the indigenous way of life. This meant confining indigenous commoners to their villages, under the continued authority of their chiefs, and purposefully isolating them from what was deemed to be the modern world. The expression “paramountcy of indigenous interests” became the guideline and the mantra of colonial policy in Fiji (Lal, 2006, pp. 2-3). Since Fijians were to be spared and indeed excluded from working on the colony’s sugar plantations, large numbers of workers were shipped in from India in the late 19<sup>th</sup> and early 20<sup>th</sup> centuries. Subjected to exploitative working conditions, Indians, who had come with their wives and children, eventually outnumbered indigenous Fijians by the 1940s.

### **Transitioning to independence**

It was not until the 1960s that the British gave any serious thought to the prospect of independence in their small Pacific Island colonies. The number of trained indigenous civil servants in the colonial administrations throughout the region had been significantly increased. It was from within their ranks that a small indigenous elite emerged, ready to govern in accordance with the norms, models and practices handed down by the British. The Solomon Islands, where mission stations still provided most of the country’s rudimentary healthcare and education, where the literacy rate was only 10% and where no university or general institute of higher learning had yet been set up, was rushed to independence in 1978. Unlike the case in the Solomons, in Fiji there *was* pressure for independence – but it came from the Indians, and was fiercely resisted by indigenous chiefs. Independence and democracy, the latter feared, would mean handing over political power to Indians, who constituted a majority of Fiji’s population.

In the words of Tom Otto and Nicholas Thomas, the post-independence state would itself be “a colonial artefact, [but] it [was] difficult to imagine a viable political alternative for Pacific Island societies” (Otto & Thomas, 1997, p. 12). The period of supervised colonial autonomy in the 1960s and 70s, under British guidance, was designed to get indigenous islanders –and Indo-Fijians– used to the prospect of self-government within the framework of an elected legislature and responsible executive, functioning along the lines of British parliamentary procedures.

Per the 1978 Constitution, the Solomons are a Commonwealth realm. Queen Elizabeth II is the nominal head of state. The country’s political institutions are similar to those of New Zealand or Australia, and it applies English common law. There was only one substantive concession to the Solomon Islands’ cultural and historic particularities: the constitutional recognition of indigenous customary law. Defined as inherently local (rather than national), customary law in principle prevails over common law and equity, but does not supersede the Constitution or Acts of Parliament (Schedule 3). In other words, indigenous customs may be annulled implicitly or explicitly by Parliament, but should otherwise be

applied and upheld by the courts, insofar as they are compatible with the fundamental human rights enshrined in the Constitution. In practice, however, customary law “is often ignored” by the courts, except in resolving disputes over land rights (Corrin, 2012, p. 226). This is due partly to the sheer diversity of customs throughout the country, and partly to the Solomons’ lawyers and judges having been trained primarily in the application of common law. The courts, grounded in English procedures and legacies, often find it easier to apply uniform rules than to untangle the complexities of customs. This contributes to a disconnect between the state and a majority of the people, particularly in rural areas where “customary law is far more relevant, and the contents of the Constitution and statutes are a mystery” (Corrin, 2012, p. 226). The *de facto* marginalization of indigenous legal norms and traditions, superseded by a transposed Western legacy, has not helped to legitimize the state in the eyes of local communities.

In Fiji, the issue of what political institutions to adopt was more contentious. Leading voices in the Indo-Fijian community insisted on the people’s right to an equal, non-racial democracy. In contrast, the indigenous chiefs who had long propped up British colonial rule were concerned to preserve their prerogatives, and stood for the defence of indigenous minority interests. The result of the negotiations was relatively complex. Fiji became independent in 1970 as a Commonwealth realm. The colonial-era Great Council of Chiefs was maintained as an advisory body, empowered to appoint over a third of the members of the upper house of Parliament. As a national body, the Great Council of Chiefs was a Fijian particularity, with no equivalent in most other Pacific Island countries. In both houses of Parliament, Indians were purposefully under-represented, seats being attributed on an ethnic basis. The aim was to assuage the fears of indigenous Fijians (notably concerning the preservation of indigenous land rights), and to make predominantly democratic institutions acceptable in their eyes. Ratu Sir Kamisese Mara, a high chief and Oxford and LSE graduate, became the country’s first Prime Minister. Politics were ethnic-based from the start, and the rules on parliamentary representation very much encouraged them to remain that way. Indigenous political supremacy was in principle guaranteed, but within the framework of a largely British parliamentary system.

Although the Constitution makes a brief vague reference to customary law, the specifically indigenous courts which existed during the colonial era ceased to function three years prior to independence, and were never revived. Conversely, the *Fijian Affairs Act 1978* set up a Fijian Affairs Board empowered to “make regulations to be obeyed by all [indigenous] Fijians” (Article 6). Preserving the measures set up during colonial times, and giving them a statutory basis, it provided for specifically indigenous bodies of local government, tasked with making regulations applicable solely to indigenous people in particular for their “health [and] welfare.” Provincial councils are thus the top subnational level of a purely indigenous administration, and are almost always headed by the highest chief of the province. Below them are sub-provincial and village councils, for the predominantly indigenous villages. There is no requirement for these regulations to be in any way grounded in custom. They do, however, enshrine a continued distinction in the norms and rules applicable to indigenous Fijians, as opposed to their non-indigenous fellow citizens.

## **Crises in Fiji**

Over the decades that followed independence, indigenous leaders – politicians, chiefs, intellectuals and the clergy of the almost exclusively indigenous Methodist Church – came to argue that the institutions and values inherited from the British were incompatible with core Fijian traditions. In 1992 indigenous lawyer Isikeli Maitoga argued there was an incompatibility between on the one hand the indigenous, traditional political culture of deep respect for aristocratic chiefly authority, and on the other the essentially Anglicized political culture of Indo-Fijians, who had embraced the values and practices of Western individual democracy (Maitoga, 1992, p. 64). The tension, in his view, was inherent in the Westminster model, predicated upon disagreement and bipolarized argument. Fiji citizens of Indian background felt understandably entitled to criticize and contradict their political opponents, who most often were indigenous chiefs. Maitoga argued that indigenous Fijians tended to view this as an intolerable lack of respect.

In 1991 Asesela Ravuvu, a conservative indigenous academic, a professor of Pacific Studies at the University of the South Pacific, had gone further, famously describing democracy as a “foreign flower” ill-suited to Fijian soil (Ravuvu, 1991, p. x). He had previously lamented that “new ideas ... , whereby the rights and freedom of the individuals are unduly emphasized,” had weakened the cohesion, common purpose and values of Fijian society (Ravuvu, 1983, p. 106). Ten years later, having become a Senator for the indigenous nationalist SDL party, he wrote that by bringing Indian migrants into Fiji during the colonial era, the British had betrayed the trust placed in them by the indigenous islanders. In this indigenous nationalist narrative, increasingly prominent in the 1990s, democracy itself was a British and Indian artifact which deprived indigenous Fijians of control over their own affairs, subverting their customs which therefore had to be reasserted, re-imposed.

In 1987, two successive military coups removed governments perceived to be too ‘Indian’. A new Constitution in 1990 reduced Indian representation in Parliament, and reserved the highest political offices to indigenous Fijians. In 1997, under international pressure, coup author Prime Minister Sitiveni Rabuka allowed a new Constitution which restored full civic rights to Indians. By this point, Indians had fled the country in such numbers that they were now a minority (43.7%); indigenous Fijians, for the first time since independence, had become the largest ethnic group, and constituted more than half the population (50.7%). Nonetheless, the Labour Party won a clear majority in the 1999 general election, and its leader, trade unionist Mahendra Chaudhry, became the first Indo-Fijian to serve as Prime Minister, with a predominantly indigenous Cabinet. Twelve months later, he and his government were overthrown and taken hostage by a group of armed civilians. Their leader George Speight, an indigenous Fijian, a commoner like Rabuka, echoed the rhetoric of the previous coups: Indians should not presume to govern a country which was not their own, and could not be trusted to preserve indigenous interests.

Following the release of the hostages and Speight’s arrest, and fresh elections, conservative indigenous nationalist Laisenia Qarase formed a coalition government including the Conservative Alliance, a far-right party founded by Speight’s supporters. Qarase was openly suspicious of Westminster-style democracy. Drawing closely on indigenous nationalist academic Asesela Ravuvu’s ideas, he outlined the distinction between on the one hand the divisiveness and individuality promoted by Western liberal democracy, and on the other the cohesion of Fiji’s traditional indigenous social structures, where “there is a dialogue and there

is consultation and a lot of issues are resolved by consensus among elders” (q. in Senivatane, 2001). On the day of his accession to power, he addressed the Great Council of Chiefs, and pledged to “ensur[e] the paramountcy of [indigenous] interests” within Fijian society (Qarase, 2000). To that end, he implemented a comprehensive policy of ‘affirmative action’ to enhance social and economic opportunities for indigenous Fijians. His rhetoric, substituting an ethnic divide in a place of a more complex socio-economic one, depicted indigenous Fijians as an underprivileged majority, and Indians as being the privileged economic power in the country, despite the poverty of many Indian farmers.

Qarase was re-elected Prime Minister in 2006. When he announced his intention to reserve ownership of the islands’ foreshore and seabed to indigenous communities, and to offer conditional amnesty to the imprisoned authors of the 2000 coup, Commodore Frank Bainimarama, head of the armed forces, ordered him to desist, or face being overthrown. When Qarase proved reluctant, Bainimarama overthrew him in a military coup in December 2006.

Fiji’s fourth coup was like none before it. This time, indigenous nationalists were on the receiving end, rather than being the perpetrators. An indigenous chief of relatively low rank, Bainimarama managed to hold the almost exclusively indigenous army loyal to his ‘anti-racist’ cause. He abrogated the Constitution, suspended Parliament, muzzled the press, abolished the Great Council of Chiefs, and promised reforms in view of a more stable and peaceful democracy, based on a principle of equal and non-racial citizenship.

### **Crisis in the Solomon Islands**

The crisis of the inherited model of the nation-state in the Solomon Islands has shown both similarities and differences with the repeated crises in Fiji. Conflict erupted in 1998 when the provincial authorities on Guadalcanal sought to expel residents of Malaitan origin or descent, who had been migrating from the neighbouring province since the 1940s in search of work in Honiara, the capital. Indigenous islanders on Guadalcanal accused them of monopolising jobs, occupying lands and controlling the local economy. Malaitans on Guadalcanal took up arms to prevent their own expulsion; violent conflicts between armed ethnic indigenous militias lasted two and a half years, resulting in about 50 deaths and the displacement of 20,000 people. The Solomons have no army; and the police, overwhelmed, became effectively an ethnic Malaitan militia; the state found itself incapable of restoring order. In June 2000, even as Prime Minister Chaudhry in Fiji was being held hostage by Speight’s militia, an armed Malaitan group took Solomon Islands Prime Minister Bartholomew Ulufa’alu hostage, so as to press home its claim for the defence of the Malaitan minority. This provided a grim, striking parallel between the two nations. Ulufa’alu was released unharmed, but not until he had agreed to resign.

A peace agreement in October led to the voluntary disarming of most of the combatants. Others, however, remained in control of parts of both Guadalcanal and Malaita. As an Australian report put it,

the dubious motives of 1999 and 2000 ... gradually shaded into ... outright criminality facilitated by the availability of firearms and the absence of an effective police force (Wainwright, 2003, p. 23).

Australian analysts described the Solomon Islands as a “failing state,” noting that the British had done very little nation-building prior to their withdrawal in 1978: “The crisis in Solomon Islands is less about the collapse of a coherent, functioning state, and more about the unravelling of the apparatus of colonial rule” (Wainwright, 2003, p. 27). Put simply, most Solomon Islanders had never developed a strong sense of shared nationhood beyond their local, traditional and linguistic community. Certainly the transposed Westminster institutions of statehood did not now provide the means to hold the country together. The state, in the hands of a small, hastily colonial-educated elite, disconnected from the traditions and expectations of the indigenous societies, appeared as a shallow artefact. The breakdown in law and order, worsened by years of rampant government corruption, now rendered the state unable to carry out its basic obligations to its own people.

In 2003, the Solomon Islands Parliament agreed to an Australian-led offer for regional intervention. This marked the beginning of RAMSI, the Regional Assistance Mission to Solomon Islands. Involving fifteen Pacific countries but spearheaded by Australia and New Zealand, RAMSI’s objective was first to disarm the militias, then to work with the country’s authorities for a thorough, belated rebuilding of its institutions and infrastructure. This, RAMSI indicated, would be a long-term partnership. Australian, New Zealand and various Pacific Island soldiers, police officers, lawyers, prosecutors, accountants and a broad variety of political, legal and economic advisers would be here to stay for a number of years. Though RAMSI was keen to stress that it sought to bolster rather than undermine the Solomon Islands’ sovereignty, in practice the country’s security and the functioning of its key institutions and public services were now in foreign hands.

### **Institutional reforms**

In the early 21<sup>st</sup> century, the consideration of constitutional reform has come in the wake of violent crises and the breakdown of ordinary political procedure: foreign intervention in the Solomon Islands, and the forceful imposition of ‘interim’ military rule in Fiji. Yet the attempts at institutional reforms towards greater legitimacy and stability in recent years are not unprecedented; in both countries, they build upon, or depart from, earlier attempts.

#### *Solomon Islands*

As early as 1982, Solomon Islands Prime Minister Solomon Mamaloni appointed a commission to review the Constitution, with explicit instructions to look into the feasibility of a less centralized, federal form of government, permitting greater local autonomy. Mamaloni’s defeat at the 1984 elections put an end to that first questioning of the Constitution. Nonetheless a second committee was set up in 1987 by Prime Minister Ezekiel Alebu with Mamaloni, the Leader of the Opposition, as its chairman. This time the committee was given no specific instructions beyond organising wide-reaching public consultations. Given Mamaloni’s view that the very creation of the Solomon Islands as a sovereign state, subsuming the previously independent indigenous communities, was “the greatest error of the British administration” (Mamaloni, 1992, p. 10), it was evident what direction the review would follow. The committee issued two distinct sets of proposals without expressing any recommendation or preference. The first set of proposals was for a federal system, in which significant powers would be delegated to the states. There would also be a “primacy of custom

and indigenous authorities” over Western-inspired institutions. Common law principles and courts would be phased out and replaced with customary tribunals. In essence, the country’s judiciary would be fully Indigenized – something which no Pacific Island country has done. The second set of proposals was less ambitious: not a federation, but greater powers to the provinces, and the creation of an exclusively indigenous national Senate in which “chiefs and traditional leaders” would sit as an upper house of Parliament. This proposal would seem to be inspired by the Constitution of Fiji, the only Pacific Island state to have incorporated customary chiefs, as such, into its legislature – albeit with limited powers. The commission’s report was never acted upon, and was soon quietly forgotten (Ghai, 1990, pp. 322-327).

In the year 2000, following the brief coup and kidnapping of his predecessor by ethnic militants, new Prime Minister Manasseh Sogavare launched yet another commission for constitutional reform. It has dragged on ever since. Unlike its predecessors, it did not simply issue recommendations, but drew up successive drafts for a new Constitution, in 2004, then again several times since 2009. Composed of Solomon Islanders from across the country, the commission has carried out public consultations, working with foreign constitutional experts – including the Kenyan Yash Ghai, and Canadians Ronald Watts and Phillip Knight. The most recent draft version to have been published by the commission was in 2013. There has been an updated version since then, but it has not been made public. Following a change in government in 2014, authorities admitted there was “no timeframe in place” to complete the reform, due to financial and logistical difficulties (CEDAW, 2014). The process has revived from dormancy before now, but its ultimate outcome appears uncertain.

Under the 2013 draft Constitution (Constitutional Reform Unit, 2013), the Solomons would cease to be a Commonwealth realm, and would become a federal republic. The strikingly explicit preamble states that Solomon Islanders’ indigenous social order was federal, and that the unitary model inherited from the British is incompatible with that tradition. Therefore, the country is adopting new institutions grounded in its “original roots”, which would establish “a federation of our pre-existing nation-states.” The legitimacy of Indigeneity, history and tradition would, implicitly, enable Solomon Islanders to identify at last with their broader nation, by anchoring it in the people’s attachment to their local communities – themselves retroactively and somewhat anachronistically described as “nation-states.” Implicitly too but quite clearly there could be no restitution of sovereignty to these small-scale indigenous nations; therefore a federation was the only means by which to proceed. That is a novelty in the Pacific; never before has a Pacific Island country rewritten its constitution explicitly to denounce the British institutional and judicial legacy as inadequate, and to substitute one defined as ‘indigenous’ in its place.

In brief, the proposed reforms in the 2013 draft include the following: There would be three levels of government: federal, state and community (Constitutional Reform Unit, 2013, Article 54). The nine provinces would become states. Each state would in turn delegate part of its powers to ‘Community Governments’. The latter are defined in Article 141 as based on the,

autonomous existing systems [of governance] through chiefs and other traditional leaders since time immemorial but evolving and or modified appropriately to suit the changing circumstances of our time.

This point is not further developed, but suggests of course an intention to synthesize indigenous practices with the requirements of a post-colonial nation-state. Communities, like states, might each have their own Constitution, though a note within the draft indicates that this idea is not yet finalized.

The powers of the federal government would mainly be restricted to matters such as public finance, defence, trade, citizenship and foreign affairs, while also encompassing health, and the training of teachers. Powers entrusted to community governments by the draft Constitution include practical local matters such as the inspecting and auditing of schools, and the regulating of community health and hygiene measures, but also the enforcing of moral standards of individual behaviour and the strengthening of indigenous traditions. Thus their foremost power or duty would be to “regenerate essential values of traditional governance and leadership systems including customary arbitration methods.” On this note, the draft provides that,

clan or tribal communities or any section of such communities shall exercise authority to administer their own system of justice according to their distinctive juridical customs, traditions and procedures (Constitutional Reform Unit, 2013, p. 139).

Customary justice may be applied through whatever customary methods may exist in different communities, and does not require a formalized court system. Customs may not be applied if they are contrary to the Constitution, to statute law, or to the basic principles of democracy and “general humanity.” Implicitly, therefore, customary law would supersede common law, which has not been the case in practice until now.

Lastly, the draft seeks to address the flaws in the application of the Westminster system. The absence of any meaningful party political system has distorted the application of the British political model in the Solomons and in several other Pacific states. There are no major parties; only a fluid, ever-changing number of empty-shell parties, with little or no real existence outside of Parliament, and virtually no substantive differences between them. As a result, no party ever wins a majority of seats in an election (with one brief exception in 1989), and the ensuing coalition governments have been unstable, with frequent party-hopping and repeated motions of no confidence. The draft’s very first article provides that the new republic will apply “adversarial and/or consensual democracy where appropriate” (Constitutional Reform Unit, 2013, Article 1(i)). While it does not exactly explain how, this is once more an aim to synthesize what is perceived as a core indigenous Melanesian value (discussion and the search for consensus) with what would remain in essence an adapted and ‘corrected’ form of the Westminster system. The draft would prohibit party-hopping (Article 96), restrict the frequency of motions of no confidence against the executive (Article 99), limit the number of political parties (Article 206) and introduce a preferential voting system (Article 202). The latter would be a departure from the British model, and would encourage cooperation between parties, more within the spirit of ‘Melanesian governance’. The constitutional limitation on the number of authorized parties is one of the most surprising elements of this draft, but must be viewed within the same framework of objectives as the previous points: a search for stability, a strengthening of party politics so that the Westminster system may actually work as it was intended, and as it does ‘naturally’ in the United Kingdom without the need for such explicit restrictions or requirements.

Thus, the aims and rationale of the draft Constitution appear twofold. First, despite its explicit criticism of the inherited British model in the preamble, the Westminster system would essentially be maintained, albeit with pragmatic adaptations to ensure its smooth functioning and to make the Solomon Islands' politics more like the United Kingdom's, in a sense. Second, and in contrast, a partial indigenization of the country's political and judicial institutions. Rather than try to indigenize national politics, this would be achieved through decentralization, and the constitutional recognition and empowerment of very local, small-scale indigenous modes of governance. The draft remains somewhat vague on the practicalities, but presumably the diversity of the country's traditional modes of community government would be respected, institutionalized and enshrined. In this sense, the draft respects the frequently raised point that indigenous customs are inherently local, grounded as they are in village communities; they are therefore difficultly transposable to the wider nation-state.

### *Fiji*

Fiji, for its part, has experienced four different Constitutions. The second of these, in 1990, 'indigenized' the government simply by excluding Indians from the highest offices. In 2000, following the resolution of George Speight's coup, indigenous nationalist interim Prime Minister Laisenia Qarase entrusted like-minded academic Asesela Ravuvu to chair a committee on reviewing and amending the 1997 Constitution, which had restored the full civic rights of Indo-Fijians. The committee was dissolved by court order, on the grounds that an interim government should not be considering amendments to the Constitution. Nonetheless, Ravuvu published a brief report, with recommended guidelines for a future Constitution. In it he attacked Indo-Fijians, accusing them of invoking "democracy, equality and human rights" as a means to thwart indigenous aspirations for the nationhood and sovereignty lost at the start of the colonial era. He described Indo-Fijians as *vulagi*, the Fijian word for 'guests'. The implication was spelled out, in case it was insufficiently clear: Indians were not Fijians, and should not seek political power in a nation that was not theirs. There should be a "return of all government authority into [indigenous] Fijian hands" (Lal, 2006, pp. 213-214). Qarase publicly approved these recommendations, and mulled over the idea of reserving over 80% of seats in Parliament to indigenous Fijians, who constituted just over half the population (Lal, 2006, pp. 213-214). In practice, Qarase's need to secure international legitimacy and recognition for his government ensured this would not happen. The Ravuvu report was, if not forgotten, at least set aside.

The 2006 military coup, which deposed Qarase's ethnic nationalist government, took the country in quite the opposite direction. Coup leader Frank Bainimarama promised a new Constitution with an aim towards 'nation-building'. The stated objective was to foster a sense of common citizenship, transcending narrow ethnic loyalties. There was much work to be done in that regard. There was little inter-ethnic mingling, and a great deal of mutual incomprehension between communities (Cottrell & Ghai, 2010, p. 277). Thus one of Bainimarama's policies was to enforce the teaching of the Fijian and Hindi languages to all school pupils, along with an appreciation of one another's cultures and values. The state would no longer categorize citizens by 'race', except in order to preserve indigenous land rights. Multiculturalism would replace ethnocentrism, seeking to break the indigenous nationalist narrative whereby the nation was equated with its indigenous people. While indigenous

conservatives argued back fiercely – as much as possible within the bounds of a strictly censored media –, and while many Indo-Fijians were cautiously hopeful, Jon Fraenkel, an academic who had spent eleven years in Fiji, was scathingly dismissive. Bainimarama’s power-grab, he wrote, had merely been,

a coup of the radicals amongst the westernized elite, who sought to superimpose a national consensus upon a divided social order. ... It was a coup of utopians (Fraenkel & Firth, 2009, p. 449).

This ties in with indigenous conservative critiques. Bainimarama, in that sense, is viewed as both as the man who imposed an eight-year military dictatorship on the country, and as the vector of ‘foreign’ ideals (individualistic liberal democracy, ‘one person, one vote’, multiculturalism, etc.), grafted through the barrel of a gun onto a society which views them as alien and threatening.

Fiji’s new Constitution was drafted and adopted in 2013. It did not derive in any meaningful sense from the people, being rather a product of the government’s own choices. A commission chaired by Kenyan academic Yash Ghai produced a draft Constitution following widespread public consultation. The government, however, seized and destroyed the copies, and issued and imposed its own Constitution, without recourse to any elected constituent assembly. The government’s Constitution granted irrevocable and absolute immunity from prosecution or liability to all those involved in the 2006 coup, foremost among them Prime Minister Bainimarama (Articles 157 and 158).

The recognition of indigenous customary land ownership in the very first line of this Constitution is intended to assuage largely unfounded fears stoked by nationalists over the span of several decades. It is strengthened by Article 28, which confirms that indigenous land is inalienable. In terms of institutions, the Senate and the Great Council of Chiefs, both already defunct in practice, are abolished. A single-chamber Parliament is introduced, to be elected via a system of proportional representation of party lists. With some symbolic importance, Article 53 provides very explicitly: “each voter has one vote, with each vote being of equal value, in a single national electoral roll comprising all the registered voters.” Ethnic electoral rolls, and ethnic representation in Parliament, are thus abolished. With indigenous people now constituting a majority of the population, this measure was not as controversial as it would once have been. In all other regards, Fiji’s institutions under the terms of this Constitution are Westminster-inspired. The relationship between Parliament and the Cabinet is a reaffirmed codification of British custom; the President, appointed by Parliament, is a purely ceremonial head of state, bound to act solely on his ministers’ advice (Article 82). In contrast with the Solomon Islands’ current draft Constitution, there is therefore no attempt or wish to change (part of) the country’s political institutions towards more indigenous norms or practices; quite the reverse. Nor is there any mention of indigenous customary practices or customary law, other than in the preamble, and in regard to the preservation of indigenous customary land. Fiji and the Solomon Islands, both rewriting their Constitutions at roughly the same time, have therefore adopted somewhat different paths.

Fiji held elections in September 2014, which were found to be broadly free and fair by Australian and other Commonwealth observers. While Frank Bainimarama’s FijiFirst party obtained a clear majority of seats, demonstrating a broad level of support across different ethnic communities, deposed Prime Minister Laisenia Qarase’s supporters, indigenous

conservatives, make up a solid opposition bloc in Parliament.<sup>1</sup> They continue to stand for the recognition of indigenous interests. During the election campaign, they promised (Sodelpa, 2013) to reinstate the Great Council of Chiefs, accused Bainimarama of wanting to destroy Fiji's chiefly system and traditions, and stated openly that Bainimarama was little more than a puppet to his ethnically Indian Attorney-General Aiyaz Sayed-Khaiyum. They also warned that indigenous land ownership was insufficiently protected by the new Constitution.<sup>2</sup> Politically stoked indigenous concerns thus remain an issue in Fiji, as does the question of institutionalized recognition for indigenous chiefly authority within the framework of the state.

### Analytic remarks

Veenandaal (2003, p. 11) remarks that Caribbean island states experienced a long period of exposure to Westminster institutions and norms, during a long and transformative colonial history, "to the point that they have apparently come to regard the system as autochthonous". He contrasts this with larger, continental former colonies in Asia and Africa. Though he does not examine former British colonies in the Pacific Islands, it is clear that Fiji and the Solomons differ in this regard from the Caribbean. In the Pacific, colonial rule was shorter, and comparatively less intrusive, lacking a fundamental transformative, 'civilizing' aim. In addition, of course, these Pacific states retain their indigenous populations, in a manner the Caribbean islands do not. Despite colonial policies marked by relative neglect (Solomons) or paternalistic 'preservation' (Fiji), these two countries upon independence abided by the expectation that they would adopt British political and judicial institutions, (almost) irrespective of indigenous local norms. Like other peoples undergoing a formal process of 'decolonization', indigenous islanders thereby found themselves deprived of "agency [in] defining themselves and ... articulating their own concerns and interests" (Baldacchino, 2008, p. 39) regarding the institutional framework of their 'postcolonial' state – except insofar as Fiji's chiefs, formerly the linchpin of the colonial regime, were empowered to dominate the Fijian Senate, and less formally the entire Westminster-derived state. The transition to independence through the adoption of an outside political model meant pruning and discarding indigenous elements which could not be subsumed neatly into the Westminster norm (such as representing Fiji's aristocracy in the upper house of Parliament, making it the rough equivalent of a House of Lords).

The current (Solomons) or recent (Fiji) rewriting of colonial-derived national Constitutions, guided by non-islander, foreign international experts (from Kenya, Canada, *etc.*), coupled with the ongoing, Australian-led 'nation-building' efforts through RAMSI in the Solomon Islands, would appear to suggest that the colonial institutional legacy has been reworked or adapted without being fundamentally challenged. Now, just as in the 1970s, and in the absence of any clear pre-colonial model for a unified nation-state, the assumption appears to be that 'there is no alternative' to the core British norms and structures. Roger Wettenhall (2001, p. 167) suggests there has been a tendency for small island states to

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<sup>1</sup> FijiFirst obtained 59% of the vote and 32 seats out of 50. The Indigenous conservative party Sodelpa obtained 28% and 15 seats. This suggests that about half of Fiji's Indigenous population voted Sodelpa – and about half voted FijiFirst. (The Labour Party, marred by infighting, was wiped out, receiving less than 3% of the vote.)

<sup>2</sup> Under the terms of the 2013 Constitution, the provision protecting Indigenous customary land ownership cannot be repealed except with the approval of three-quarters of members of Parliament, subsequently assented to by three-quarters of Fiji's citizens via referendum.

“emulate [colonial governing] patterns in a fairly unreflecting way.” Do the recent constitutional reforms undermine this view? Clearly not in Fiji, where Prime Minister Bainimarama’s aim was precisely to enforce a Westminster-type state as a bulwark against any racist, exclusionary equating of the state with the country’s indigenous majority and with chiefly rule. By contrast, the reform process in the Solomon Islands is grounded – officially – in the notion that the British political model is an alien, alienating one – which, rather than being swept away, is being combined with indigenous island norms through a process of stratification. The level of the nation-state, the archipelago, lacking any indigenous precedent, would remain the preserve of Westminster institutions, while at the village, community, island level, indigenous customs and structures would be empowered, in ways yet to be fully determined.

Complicating any potential questioning of the basic political framework of these British-structured states may be their dependence on Western, Commonwealth powers such as Australia. For Fiji and the Solomon Islands, their historic but now dormant relationship with the United Kingdom has transitioned into geographic proximity with, and economic and security dependence on, Australia and New Zealand. Veenandaal (2013, pp. 5-6) suggests that small, vulnerable island states will tend towards political similarity with powerful democratic Western donor states, whether or not the political structures of a large Western state are truly suited for a small island society wrought by ethnic disunity and small-scale local island allegiances.

Further, analysts argue that the very particularities of small island societies (scale, closely bounded communities, *etc.*) make the essential norms of larger, historically stable democracies more difficult to instil. In such,

small social systems ..., personality politics can override other considerations and can lead to patron-client relationships, nepotism [and] corruption (Benedict, 1967, p. 8).

As Veenandaal (2013, p. 4) points out, this gets worse in Melanesian societies where “the distribution of gifts in return for political support” is a deep-rooted indigenous practice, pre-colonial in origin. When combined with electoral campaigns, it has led to blatant vote-buying, as well as to a sense that Parliament is a chamber for competing local community interests, with members jockeying for government jobs so as to provide material benefits to their voters, rather than a chamber for the consideration of properly national issues,

Due to the smallness of electoral districts, politicians are dependent on the support of only a small number of voters, which means that they are almost forced to listen to these demands. [As a result,] patron-client linkages largely determine relations between citizens and politicians (Veenendaal, 2013, p. 9).

This is particularly true in the Solomon Islands, where personality-based politics, grounded in the far too often corrupt local power base of Members of Parliament, has prevented the emergence of a Westminster-style party-based politics. Hence the (at first glance) surprising attempt by the draft Constitution to enforce a system with a strictly limited number of national-based, multi-ethnic political parties, in an effort (ironically) to kick-start a more British type of politics. In Fiji by contrast, the solution adopted by the new Constitution has

been to altogether abolish constituency-based parliamentary representation, substituting a nationwide party proportional electoral system in its place.

## Conclusion

In both the Solomon Islands and Fiji, and notwithstanding differences between the two colonies, the British did little to prepare most of the indigenous population for independence, or for participation as citizens in a unitary nation-state. (While the Solomons did not have a Legislative Council until 1960, Fiji's included indigenous representatives from 1904. The latter, however, were appointed chiefs. Indo-Fijians elected representatives from 1929, while indigenous Fijian commoners remained disenfranchised until 1963, represented under aristocratic rather than civic principles.) Keen to withdraw as quickly as possible from the last remnants of their empire, the British superimposed Westminster political institutions over the subsisting local indigenous governance practices, with little attempt to reconcile the two. In both Fiji and the Solomons, these transposed institutions have struggled to graft themselves. They have resulted in enduring instability; their legitimacy and suitability have been repeatedly questioned. It may be that the sustainability of democracy also faces challenges particular to archipelago states, encompassing small, diverse island societies with small-scale village communities and deeply anchored local loyalties, priorities and power bases. But the issues faced by these two countries have also been distinct. In the Solomon Islands a meaningful, grassroots sense of shared nationhood has failed to emerge and transcend the strong cultural and linguistic diversity of indigenous communities rooted in their ancestral lands. In Fiji, in contrast, despite some regional differences, there is a broad sense of cultural, linguistic and national cohesion within the indigenous community.

Thus, in the Solomons, constitutional reform has aimed at strengthening the legitimacy of the state's political and judicial institutions by recognising and integrating indigenous governance practices at a local level. Were the current draft constitution to be adopted, it would go further in that regard than any other Pacific Island state to date. It would also, however, reaffirm the primacy of the Westminster political model at the federal level, with reforms aimed at bringing it *more* closely in line with British practices, rather than less. In Fiji, the idea of national state institutions founded on indigenous traditions was all but impossible from the start, due to the presence of a large non-indigenous community, who during the colonial era had been kept largely segregated from indigenous society. There, indigenous conservatives have for several decades sought to equate the indigenous community with the nation, and formally re-empower indigenous chiefs accordingly. The 2013 military-backed Constitution, by confirming the abrogation of the Great Council of Chiefs, abolishing ethnic representation in Parliament and giving no formal recognition to local indigenous institutions, seeks to take the country in quite the opposite direction. These issues remain a line of fracture within Fijian society. It remains to be seen whether Bainimarama's model of an egalitarian multicultural state, potentially still backed by military force, is in the long term more viable than any alternative.

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