

KEYNOTE SPEECH AT THE 22ND ANNUAL GENERAL MEETING , NEW ZEALAND HOUSE, LONDON, SATURDAY MAY 15TH 2004

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The Chairman of the Society, Mr Michael Walsh introduced Dr Dewa , who had been one of the two hundred and twelve young Fijian men and women who had joined the British army in 1961. On leaving the army he had resumed his education, eventually gaining a PhD. He had then held academic posts in the University of Papua new Guinea and the University of the South Pacific He was elected as an MP to the Fijian Parliament in 1994, a position which he held until the coup in 1999. He is currently conducting research in the UK for a book on land use.

Your Excellencies, including the recently retired, ladies and gentleman:

It was 1977; I was working in Papua New Guinea when I received a phone call from Fiji. A rare experience in those days when there were no such thing as the superhighway or mobile phones. The call was to inform me that the Alliance Party had lost the recent general election, the second since independence and I was to go and stand in the next one. 'Why me?' I demanded. 'Well you are coming home, aren't you?' was the reply.

I had been away from Fiji since 1961, seeing the world courtesy of the British Army. Little did my people know I was now working my way back to Fiji and definitely not to go into politics. Now, thirty-four years after Fiji became an independent member of the British Commonwealth family of nations, she has come a long way: nine general elections, three coups, two and a bit constitutions, etc. In 1987 I was teaching at the University of the South Pacific when the Alliance Party lost the election for the second time The late Ratu Mara was still its leader. People tend to forget the Alliance Party had a wake-up call in 1977 when the party lost to the National Federation Party (NFP), whose victory was short-lived because the NFP could not form a government. The then Governor-General, Ratu George Kadavulevu Cakobau called on the Alliance to form the government. Later in the year, 1977, another general election was called and the Alliance was returned to office. The next general election in 1982 saw a significant drop in the Alliance majority.

Many of my colleagues at the University of the South Pacific were instrumental in establishing the Labour Party in 1985. University policy barred academics from actively participating in party politics and attempts were made to identify politically active academics. Labour Party members at USP stayed under cover for some time for fear of losing their jobs. Homes were burgled for no obvious reasons but to ransack as if looking for something. It was the view that intruders were looking for evidence of Labour Party membership. When USP colleagues who were members of the Labour Party came out of the closet the break-ins stopped. I declined to join the Party as I was leaving the country at the end of 1986. When I left Fiji in 1986 I had a feeling the Alliance would lose the election

and there could be trouble. I did not expect anything like a military take-over when the Labour Party won the 1987 election.

In retaliation Rabuka forcibly took over government, set up a military junta, handed power over to a civilian administration, took over the government for the second time, replaced the Constitution with his own, then handed power back to a caretaker government with the late Ratu Mara as Prime Minister. The caretaker government stayed in control until the General Election of 1992 under a new Constitution, and the Soqosoqo Vakavulewa ni Taukei (SVT) won with Rabuka as Prime Minister.

A hallmark of the Rabuka administration, both forced military and elected SVT, was financial mismanagement on a massive scale. The caretaker government left him a healthy bank account after the first coup. The civilian administrations under Mr Josefata Kamikamica, Ratu Mara's finance manager, salvaged what Rabuka left behind and put the finances back on an even keel before handing it back to the SVT in 1992. Fiji was now running with what was labeled as the 1987 Constitution, which reserved 37 seats for native Fijians, 27 for Indo-Fijians, 1 for Rotumans and 5 for Others. In the 1992 election SVT picked up the 37 seats for native Fijians and in coalition with the 1 Rotuman and 5 Others, formed the Government. The 27 Indo-Fijians made up the opposition. Government's failure to put through the Appropriation Bill in 1993 was further evidence of Rabuka's monetary mismanagement.

Fiji went to the polls again in early 1994 after the Appropriation Bill did not go through Parliament. The poll results in 1994 reduced the government majority by 5 native Fijian seats which went to the Fijian Association Party (FAP) members, who joined the opposition. A top priority of the FAP was to plug the financial waste in government. It was difficult as public feeling amongst indigenous Fijians were still stacked against non-indigenous including FAP who were seen as traitors to their own people.

Rabuka's wish to take the FAP back into the fold provided a ray of hope. Negotiations for an SVT / FAP alliance took off in earnest. The FAP were agreeable but with conditions. SVT agreed to all the conditions but one. The condition to institute a commission of enquiry into all allegations of corruption was totally unacceptable to the SVT. The FAP remained in opposition until the next election in 1994.

The 1987 Constitution was loaded with 'positive discrimination' in favour of the poor, with the belief that the indigenous Fijians make up the majority of the poor sector in the country. Abuse of office by the SVT administration of the time was a landmark of monumental proportions. A lasting legacy by the Rabuka government was the collapse of the National Bank of Fiji.

Pressure from various quarters was put on government to review the Constitution. Top of the agenda was the election system, in particular the distribution of seats. The SVT government preferred to preserve the status quo and retain 37 reserved seats for native Fijians with 27 reserved for Indo Fijians. The opposition thought otherwise.

Australia's National University, ANU in New Zealand offered to give us a grounding on constitution in a divided society. IFAP and NFP members attended the two-week seminar. The SVT did not attend. We came back, and we were still worrying over the numbers. I remember the day very well when it was agreed that Jay Ram Reddy, the leader of the NFP, and Rabuka should go behind closed doors, and discuss it. Whatever they come out with was to be approved. The rest of us went and drank grog while we waited. They were in there for about an hour. When they came out, they had agreed the system that is now running. Somehow or other Rabuka had changed his mind. I don't know what Jay Ram Reddy had said to him.

Rabuka had been persuaded to accept the preferential system reserving 23 seats for native Fijians, 19 for Indo-Fijians, 1 for Rotumans and 3 for Others. 25 seats were open to all and sundry to contest. Each voter was allowed two votes, one for his racial group and one for an Open seat. However, Government members were hostile to the new seat allocation reflecting the views of the native Fijian electorate. A clause in the then current 1987 Constitution meant that if a person resigned or was dismissed from his political party he forfeited his seat in Parliament. This gave Rabuka the leverage to coerce his party members to accept the new seat allocation.

The first resolution signed by the Parliamentary Constitutional Review Committee (PCRC) was the agreement on the election system including the seat distribution. That was the turning point in what seemed at the time an impossible task. Rabuka went off to Brussels the following day and returned full of the glowing reception to that first resolution by the European Union.

On a visit to the International Parliamentary Union (IPU) in Geneva to publicise the new Constitution the Fijian delegation was asked as to where the election system originated as it was a total novelty. 'It's Fiji's contribution to world politics', was the reply.

Back in Fiji, the native Fijians were still agitating against the new constitution. It seemed unfair when commentators at the time, (some still do today), pointed out that the SVT Fijian-dominated government led by Rabuka had overwhelmingly supported the 1997 constitution. In actual fact SVT party members and the native Fijian electorate never accepted the new Constitution. This was mainly because the electorate did not understand the constitution except the reduction in the number of reserved seats from 37 to 23, which alienated current Parliamentary members of the SVT. In Parliamentary circles it was common knowledge that the native Fijian electorate was not happy with the Constitution and there was unease knowing how it had passed through Parliament. Rabuka's popularity with the native electorate suffered.

A move to delay the dissolution of Parliament for the next general election, to allow time for the dissemination of information about the new constitution, was squashed by the SVT. The election in 1999 under the new Constitution saw the

SVT humiliated with 7 seats out of a possible 48. The Labour Party/Fijian Association Party coalition formed a coalition government.

Rabuka's support for the 1987 coups came from rural native landowners- Knowing how passionate Fijians are about land; Rabuka had made them believe that the Indo-Fijian dominated government of 1987 would take their land away. Most Fijians are members of the Methodist Church. To strengthen his support Rabuka became a lay preacher and banned most activities on Sundays in accordance with the wishes of the local Methodists. At one point he said that God told him to carry out the coup.

A catalogue of indiscretions, both personal and public, during Rabuka's term in office capped by the unpopular new constitution contributed to the fall of the SVT government at the polls in 1999. For the second time, the Labour Party was sworn into office, not without hiccups this time. There was dissatisfaction amongst native Fijians in the government coalition. Suggestions for the Labour government to support educating the public on the merits of the new Constitution were ignored

The attendance of the Indo-Fijian Prime Minister (Mahendra Chaudhury) at the Great Council of Chiefs (GCC) meeting was ill timed. Though membership of the GCC of the Prime Minister was a proviso of the new Constitution the move did not go down well with the Fijian electorate. The clause was included with the assumption that a Fijian would always be Prime Minister. A suggestion made to government to allow a native Fijian member of Cabinet to deputise for the Prime Minister at the GCC for this meeting was ignored.

The lack security at Parliament, given the previous experience of the Labour Party in 1987, was perhaps a sign of arrogance. The new Parliament building renders itself to security measures much more easily than the old one where the 1987 coup was staged. The land issue was again raised now there was an Indo-Fijian dominated government in power. Recruitment of possible supporters of a take-over was quite open. Meetings to plot the take-over were held within the Parliament complex. The final straw was the introduction of a Land Reform Bill by government while the landowners were still reeling from the result of the election. Though the Bill had merits opposition opportunists had a field day whipping up anti-government sentiments.

When the event of May 2000 did take place, there was surprise all round, not at the event but that it was spearheaded by George Speight whose claim to Fijian roots was not common knowledge. Accusations, counteraccusations, claims, counter claims and denials concerning who was really behind the coup were the order of the day immediately following the hijack of government.

Indigenous Fijians believed the constitution was stacked against them to allow non landowners to govern. This would allow government to usurp (legally?) land. This was the information used by the perpetrators of the rebellion to gather support. It is hard to tell who exactly was, or were, the true instigator of the rebellion. Those in the forefront immediately after the event included current

government parliamentarians, opposition parliamentarians, unsuccessful candidates in the latest general election, tribal chiefs, and businessmen.

During the confinement of the Prime Minister and his government, attempts to rope in the support of ex-British army personnel failed. The head of security guarding hostages in the Parliament complex was an ex Special Air Services (SAS) member of the British Army. Other ex SAS personnel had visited the country during the time of hostage taking but they did not stick around and left. Rumours about an imminent invasion by a foreign power were used to entice ex British Army personnel to join forces with the rebels. With the exception of two, British Army veterans were not involved in the rebellion of 2000.

The land issue is a useful tool for gaining native support for whatever agenda one wants to promote. Land in Fiji is divided in three main classifications. That which is held by native landowners classed as Native land(80%), and the other 20% split between Freehold land and State land. Freehold land and State land is available for the public to buy or lease. The Native Land is held in trust for the native landowners by the Native Land Trust Board (NLTB). It is available for lease but not for sale to the public.

For years native landowners have had to seek NLTB approval for any commercial activity they wish to carry out involving their land This is a requirement of the Native Land Act which set up the NLTB. The approval process is a long-winded exercise: the approval is not always forthcoming and there is total conflict to the concept of ownership.

Freehold land owners can do as they please with their holdings while native land owners always have to seek approval from the NLTB. Many proposals from native landowners remain just that due to NLTB non-cooperation resulting in loss of interest by potential investors, some from overseas.. This has created a suspicion in the minds of native owners over the years that perhaps the land is not really theirs. Every so often native owners engage in activities, sometimes illegal, to publicise their ownership of the land This has given native land tenancy a bad image within and outside Fiji, thus increasing the value of what little freehold land there is.

During the Colonial era the British Administration endeared itself to native landowners when it banned the outright sale of land to outsiders which created what is today classed Freehold land. The Alliance government, which succeeded colonial rule, was viewed as a native Fijian government under the late Ratu Mara, and native landowners felt ownership of their land was secure. However, during the 17 years of the Alliance government the NLTB had a practice that totally misled the landowners. An application for the use of native land from an investor to NLTB would be forwarded to the appropriate landowner for what NLTB termed as landowners 'approval' for the use of their land. Alternatively the NLTB could advise the prospective investor to personally seek an approval letter' from the appropriate native landowner The landowner may agree or disagree and inform the NLTB accordingly. The NLTB in the meantime will have its own view on the application. At the end of the day, it is the decision of the NLTB which will prevail whether it agrees with the landowners or not

It has never been properly explained to landowners that they do not have exclusive right to their land like they believe they do. But the practice has left landowners confused and easily misled to believe that their proprietorship is under threat.

The law according to the Native Land Act of 1940 which established the NLTB transferred all rights from the native landowners to the NLTB. Today native landowners are asking who owns the land, NLTB or the landowners. A return of the rights to landowners by amending the Native Land Trust Act would go a long way towards settling the long running saga of land issues.

Fijians are proud people. The knowledge with the practice that they have full control of the land of their forefathers, where the land-owning unit can sit in council and decide on the future of their land, is true independence. As landowners they need to know they are influencing the destiny of their ownership. At the moment they have no say whatever except to wait and receive land rentals which are negotiated and agreed upon by the NLTB who also decide what the land is used for and by whom. It is the opportunity to practise the rights of ownership that has been denied the Native landowners, making claims by commentators that native Fijians own over 80% of the land meaningless. Both Rabuka (in 1987) and Speight (in 2000) played the land issue to recruit support.

Native landowners, because of the prevailing conditions of their ownership, are readily agitated when told their ownership is under threat. This is how the disturbances of 1987 and 2000 recruited support. The landowners are misled into thinking that their land is under threat from a non-Fijian government. The misleading thing about the supposed threat to native land ownership is the fact that the constitutions of 1970, 1992, and 1997 all specifically spell out conditions under which native land may be alienated by government or anyone else for that matter. The relevant clauses make it practically impossible to deny native Fijians 'ownership'. Under the Group Rights section, the Constitution requires a special majority both in the Lower and Upper House to amend the Land Act. The definition of special majority makes it practically impossible to amend the act unless the majority of native Fijians are included in the majority of the votes.

Ladies and gentlemen, I will have to stop. Before I do I want to remind you of Pope Paul IV's description of Fiji on his visit some years ago. His description: 'Fiji is the Way the World Should Be'

That, ladies and gentlemen, is still true today.

Mr. Michael Peart. I hope I can still call you Fred. I think you put your finger on it with the two things really. One was that things were never really explained to the people of Fiji in their own language I think the first constitution too years and years to be translated. I remember that when the third constitution, the proper constitution was

being discussed in Parliament talking to Jitoko the Cabinet Secretary and saying we must get this translated. You really must. If you don't explain it to the people they won't understand it, particularly as you pointed out the very complex voting system - non-transferable votes and all sorts of things; very complicated mathematical equations.

I think the other thing you put your finger on really although you didn't use the word was really the arrogance of the leaders in not bringing the people along with the.. The Suva people were just going ahead with their own decisions. Tenure of eighty percent of the land is a great legacy of British rule but it has been used as a political jigsaw

Mr Jone Tuisovuna: I was one of Dr Dewa's translators. The villagers didn't understand the constitution at first but the translation helped understand parts of it. After the second coup, villagers read the Fijian translation and their attitude changed from support for the coup to support for the constitution

Rev Brian Macdonald-Milne. What ought to be done with the land outside Suva?

Speaker. We should amend the Land Act to give the rights back to the owners, and re-form the NTLB as a land registry.

Mr Vernon Scarborough. I've just come back from Fiji. It's still a very nice country. Last year's tourism figures were the highest for ten years: a sure sign that people see it as an attractive destination. Many of the visitors are from the UK. There is increasing investment in tourist facilities signifying optimism and confidence among investors. Air Pacific, for example is buying new aircraft and building new hotels.

Politically people want Qarase and Chaudhury to work together for the good of the country. There is now more positive discrimination in favour of Fijians: they are getting a foot in the door.

The Chairman, Mr Michael Walsh thanked Dr Dewa for a fascinating talk which gave a privileged insight into some of the behind-the-scenes events in Fiji's recent story.

Notes provided by Dr. E Smith