

# Fijian military objects to draft constitution

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Fijian police confiscated copies of a draft constitution late last month, highlighting the determination of the military regime headed by Commodore Frank Bainimarama, the self-appointed prime minister, to retain control over the future trajectory of the small Pacific nation.

Bainimarama, who previously announced elections would be held in 2014, had sought to give the process a legal veneer. He appointed a constitutional commission, headed by Kenyan legal academic Yash Ghai, to write a replacement for the 1997 constitution that Bainimarama overturned when he seized power in 2006.

When Ghai presented the draft, however, and organised for 600 copies to be printed for general distribution, the police impounded them, claiming that he had acted illegally. In defiance of the police action, Ghai published the draft constitution on the Internet on 28 December.

According to the military, Ghai's mission ended with the completion of the draft, which will be examined by a constituent assembly, whose members will be selected by Bainimarama.

Despite the thinness of the junta's democratic façade, the US and its allies, Australia and New Zealand, have accepted Bainimarama's political timetable, dropping restrictive sanctions that were imposed after the 2006 coup. In response to the sanctions, the junta had turned to China for diplomatic support and investment.

Washington softened its stance toward Fiji as part of President Obama's so-called pivot to Asia, aimed at undermining Chinese influence. Its earlier policy, largely left in the hands of Australia and New Zealand, had opened the road for China to gain a foothold in the Pacific. Last year, Canberra and Wellington fell into line with the US shift, resuming diplomatic relations with Suva.

Australia's Labor government this week welcomed

the draft constitution. Foreign Affairs Minister Bob Carr's spokeswoman said it was "a substantial document and another step along the path towards Fiji's return to democracy."

But Bainimarama's regime opposes Ghai's draft because it would undermine the military's dominance. An explanatory document accompanying the draft states: "One of the most basic of all constitutional principles is that the military's function is to serve the people, and thus to be under its civilian authorities."

Ghai proposed to give Bainimarama and the military immunity from prosecution for the coup and crimes committed by the junta if they swore an oath of allegiance to the new constitution. However, a National Security Council, made up mostly of civilians, would reduce the military's role "over time". Only that council could declare a state of emergency, a restriction that would be anathema to Bainimarama and the military leaders.

The military's submission to the constitutional commission raised the possibility of it being allocated reserved seats in the parliament. The submission said Australian foreign minister Carr had alluded to "Reserved Seats in the Parliament for the RFMF (Republic of Fiji Military Force)" during a visit to Fiji last May.

During that visit, when journalists asked Carr to comment on that suggestion, he responded dismissively, saying: "Well I don't think that should distress you." His evasive reply pointed to the sensitivity surrounding the efforts of the regional powers to erect a democratic fig leaf over their bid to reinforce their hegemony over the South Pacific.

The military submission claimed to be neutral on reserved seats, but made clear its intention to retain the right to intervene to ensure that any future government maintained its agenda. The RFMF would "monitor the ongoing situation in Parliament and in Fiji ensuring that

what it has adopted since 2006 ... is fully implemented,” the submission stated.

Bainimarama’s regime is orientated to sections of the Fijian capitalist class and pro-business members of the chiefly elite. The junta has adopted measures aimed at eliminating barriers to investment and private profit. In this regard, the ethnic Fijian nationalist wing of the elite, which sought to maintain political and economic privileges for the traditional chiefs, was curtailed.

The draft constitution retains the Great Council of Chiefs (GCC), but restricts its role to acting as a custodian of Fijian customs. By contrast, the 1997 constitution empowered the GCC to select the president and vice president.

The draft also provides for three national languages: English, Fijian and Hindi. The previous parliament was conducted in Fijian, discriminating against the ethnic Indian population. In addition, the draft abolishes the 1997 constitution’s communal voting roll, which allocated seats along racial lines, and ensured an ethnic Fijian majority. The proposed voting system would be based on a form of proportional representation, with the country divided into multi-member electoral districts.

Significantly, however, the draft retains customary land ownership, which the chiefly elite currently uses to restrict access to economic rivals. Converting land ownership to freehold is seen as a precondition for fully opening up Fiji to market forces.

The military regime is hoping that the endorsement of its political timeline and lifting of sanctions by the Western powers will pave the way for an influx of foreign capital to overcome the country’s economic stagnation. Its Investment Fiji agency has set a target of \$US350 million in implemented foreign direct investments projects for 2013, an increase of nearly 20 percent. Such investment, however, will be predicated on intensifying the exploitation of Fijian workers and small farmers.

Political conflicts remain. The Fijian Labour Party, which had earlier joined the junta’s “interim government”, has endorsed the draft constitution, but the United Fiji Party (SDL) has refused to commit itself. The SDL is a racially-based party aligned with Fijian native chauvinists opposed to any diminution of their communal privileges.

Despite the dispute over the constitution being couched in terms of democracy, a draft Public Order

Law will come into force as soon as the president signs off on any constitution. The law contains measures against riot, violent disorder, affray, public processions and public assemblies, which will inevitably be used to suppress struggles by the country’s working class and poor.



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