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# Soldiers, chiefs and church: unstable democracy in Fiji

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Stephen McCarthy

## Abstract

The qualities of democracy in Fiji are strongly influenced by ethnic divisions and indigenous sources of power and legitimacy in society. Periods of constitutional democracy interrupted by successive coups garnering conflicting support suggest that a more stable Fijian democracy requires a delicate balance of tribal, religious, ethnic and military interests. Successful democratic and governance reform requires the inclusive deliberation of all major groups in civil and political society, and not merely one that purports to represent all. Only by improving the qualities of democracy in Fiji will Fijian politics emerge from its cycle of coups and offer a more stable form of government.

## Keywords

democratic qualities, ethnic divisions, Fiji, indigenous power, military

## Introduction

Locating Fiji on the scale of democratic politics is a challenge, given the many interruptions to democratic rule in the country's history. Fiji has been classified by some as an example of a 'stabilized hybrid regime' and perhaps even a 'limited democracy' (Morlino, 2009a: 284, 287). These regimes, further, are said to display an authoritarian past or a traditional one (Morlino, 2009a: 293). In addition, Fiji has also been labelled by some as a 'communal democracy' – a mixture of Westminster and indigenous traditions – and, like Malaysia, there exist strong ethnic divisions inherent in its society and politics (Ratuva, 2005). Indeed, one of the major causes of political instability in Fiji has been the ethnic divide between native Fijians and Indo-Fijian immigrants which had been promoted by the British since their colonization of the islands in 1874.<sup>1</sup> Indians were encouraged to immigrate and work the sugar plantations while native Fijian labour was discouraged and their culture respected. Following consultations between the British Governor and local chiefs over the governing of indigenous Fijians, the *Bose Levu Vakaturaga* (Great Council of Chiefs) was established in 1876. Ethnic divisions in society, therefore, along with the institutionalization of influence by one ethno-cultural body over future governments, would characterize the nature of Fijian politics following independence in 1970.

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Fiji has experienced four coups since independence (three military, one civilian), the most recent occurring in late 2006. This has led many commentators to argue that Fiji has adopted a coup culture as an inevitable consequence of the polarity caused by ethnic divisions in Fijian society and politics. Others have labelled Fiji as a fragile, weak, or failed state, which for various reasons may be neither helpful nor appropriate (Fraenkel, 2006a; Lawson, 2003; Ratuva, 2008; Reilly, 2000; Rotberg, 2004). Failed state indicators, for example, are too broad to allow a meaningful and objective assessment of political development and 'state-building' proposals generally ignore cultural and traditional factors. Furthermore, it may not be appropriate to extrapolate findings drawn from the literature on failed states in Africa, for example, to the Asia-Pacific region (Fraenkel, 2004a). It is possible, however, to argue that, given the nature of its internal political instability, Fiji can be regarded as an *unstable democracy* when considered over an extended period of time. Similarities can be found throughout the Asia-Pacific region. Lipset (1959), for example, singled out Thailand as a case where the social stability of the nation, even with its occasional coups, stood out in sharp contrast to the situation in the neighbouring former colonial nations of Southeast Asia. Thailand's recent political history also includes a military coup in 2006 followed by military rule for over a year and continued political instability since. Fiji, in other words, is more like Thailand and less like Burma where military rule has been entrenched, either directly or indirectly, since 1962.

Like Thailand in Southeast Asia, Fiji was also once seen as a jewel of democracy in the South Pacific and, because of its central location and relatively well-developed infrastructure, Fiji became the host and headquarters to many regional, international, and inter-governmental organizations serving the Pacific. These include the South Pacific Forum–Pacific Islands Forum Secretariat based in Suva, part of the Secretariat of the Pacific Community, the South Pacific Applied Geoscience Commission, the International Labor Organization, the World Health Organization, and numerous departments of the United Nations. Fiji is also an important centre for education in the South Pacific – the University of the South Pacific based in Suva is the Pacific's principal multiethnic tertiary institution servicing the entire region. In addition, Fiji is of theoretical and analytical importance for the comparative study of democratic qualities in the Asia-Pacific region. Fiji's customs and traditions are reflected in the formal and informal powers granted to unelected elites in a manner that resonates well across several Asian and Pacific nations that possess a strong monarchical or tribal heritage – including Thailand, Malaysia, Brunei, Tonga and Vanuatu. The changing role of Fiji's military in politics and society is also reflected in the history and the present circumstances of numerous Asian democracies – especially Thailand, Indonesia and the Philippines. In addition, Fiji's ethnic divisions not only provide a prime resource for the study of democracy in ethnically divided states but also draw strong parallels across several Asian countries – particularly Malaysia and Singapore. Because of Fiji's central importance in the Pacific region, therefore, it is a justifiable inclusion in our comparative study of the Asia-Pacific and for drawing useful lessons for the entire region.

Given that Fiji has essentially been under military rule since the coup of 2006, albeit under the auspices of an 'interim government', it is difficult to classify the country as any form of democracy at present. By expanding our coverage to include the period of democratic politics that existed prior to the coup, Leonardo Morlino's framework might suggest that Fiji encountered a gradual deterioration from *inefficient democracy* to *minimal democracy* although this can never truly convey the reality of military rule (Morlino, 2009b). *Minimal democracies* are said to be devoid of all dimensions that can improve a democratic regime – the rule of law, accountability, responsiveness, freedom and equality – and tools of subversion are often used (Morlino, 2009b). Fiji approximates an *inefficient democracy* prior to the coup although there are some important differences. *Inefficient democracies* like Fiji are said to be based on a majority system; they host

clean elections; parties, parliament and the press are usually free to express their criticisms; and the courts block unconstitutional policies. Citizens are said to delegate others to make decisions on their behalf but lose the opportunity to check on their performance once elected, various organs of government fail to carry out their watchdog function, and the rule of law is only minimally respected (Morlino, 2009b; O'Donnell, 1994). Moreover, there is said to be widespread corruption and limited independence of the judiciary along with lengthy waits for the resolution of legal disputes. Aside from the independence of the judiciary (at least until the early post-coup period) and a reasonable respect for the rule of law, many of these attributes would have been present in Fijian politics prior to the coup of 2006. Corruption in the government and the bureaucracy, for example, was recognized to exist and there was talk of establishing an anti-corruption body prior to the coup. Elections were 'clean' and parties, the parliament, and the press were free to express their criticisms. The electoral system was majority based but the Constitution also encouraged power-sharing whereby opposition MPs representing their own ethnic-based constituencies were invited into the cabinet.

This article will gauge the overall quality of democracy in the Fiji system by following Morlino's framework for assessing eight dimensions or qualities of democracy (Dressel, Morlino and Pelizzo 2011; Morlino, 2009b). It will provide empirical evidence and analysis of these dimensions in the context of the pre-coup and post-coup environments in order to give an overall assessment of democratic deterioration and the prospects for improvement. It will be shown that ethnic divisions in Fijian society and politics have had a marked influence on many of the qualities of democracy, that an unelected hereditary body based on Fijian 'tradition' has impacted both positively and negatively upon Fiji's democratic qualities, and that the role of Fiji's military will likely continue to have a major bearing on future democratic qualities. Moreover, the article will show that the qualities of democracy in Fiji have been strongly influenced by the struggle between elites and socio-political institutions shaped by traditional forces. This conflict is best revealed during times of crisis when elites' interests are either threatened by or are aligned with those of the major traditional institutions of power and legitimacy in Fiji. Historically, it has been the interests of the military that have prevailed in Fiji's political struggle and while a militaristic rule of law can accommodate a democratic constitution only up to a point, a more stable form of democracy will not emerge until their independent and apolitical role in Fijian society is clearly articulated and understood. Democratic stability in Fiji would require the precarious balancing of all elite and institutional interests in such a way that it also accommodates ethnic divisions in society and politics. By analysing the qualities of democracy in Fiji, it is also hoped that a realistic appraisal may be given of the impediments facing Fiji's democratic prospects and the reforms needed for establishing a more stable form of democracy.

## The qualities of democracy in Fiji

In order to see how pre-coup Fiji departs from some of the attributes of *minimal democracy*, and to gauge the overall quality of democracy in the Fiji system (as well as to assess the prospects for recovery), the following sections will adopt Morlino's framework for assessing eight dimensions or qualities of democracy by elaborating on some of these features. These dimensions are divided into five procedural dimensions (*rule of law*, *electoral accountability*, *inter-institutional accountability*, *participation*, and *competition*), two substantive dimensions (*freedoms* and *equality*), and finally output (*responsiveness*). As we proceed through these basic dimensions, our analysis will include both the pre- and post-coup environments, as well as content illustrating a general decline in these qualities both since independence and, more recently, since Fiji's latest coup.

## Rule of law

The rule of law in Fiji – assessed on the basis of individual security and civil order, institutional and administrative capacity, and effective fight against corruption – has undergone a series of fluctuations and erosion since independence, and particularly in recent years.<sup>2</sup> Following independence, Fiji underwent a 17-year period of constitutional parliamentary democracy under the rule of the native Fijian Alliance Party. In 1987, an Indo-Fijian coalition party won the general election with overwhelming support from the Indo-Fijian community but with very little support from ethnic Fijians. Two military coups occurred in 1987, led by Colonel Sitiveni Rabuka, followed by a new Constitution in 1990 that institutionalized the dominance of ethnic Fijians in Fijian politics. A president, to be appointed by the Great Council of Chiefs, would replace Fiji's former Governor General and, at least in name, the country would become a republic. Another Constitution was adopted in 1997 without a referendum, and a third (civilian) coup in 2000 followed the elections of 1999 which had returned the Indo-Fijian Labor Party and for the first time had brought an Indo-Fijian prime minister, Mahendra Chaudhry, to power. The civilian coup led by the Fijian national George Speight instigated the sacking of the Chaudhry government by the president, Ratu Sir Kamisese Mara. The coup was suppressed by the Republic of Fiji Military Forces (RFMF) under the command of Commodore Voreqe (Frank) Bainimarama who appointed the ethnic Fijian Laisenia Qarase as 'interim prime minister'. Qarase formed a new political party, *Soqosoqo Duavata ni Lewenivanua* (United Fiji Party or more commonly, SDL) to successfully contest the 2001 and 2006 elections in a coalition with the Matanitu Vanua (MV) party that was formed in Vanua Levu by chiefs and supporters of the 2000 coup.

Fiji's coup of late 2006 was unlike the previous coups because the event was not aimed at protecting the interests of indigenous Fijians against ethnic Indians. Rather, it came about as a result of a culmination of personal grievances held by its leader, Bainimarama, and others against the government and the impending legislation of Prime Minister Qarase.<sup>3</sup> In contrast to Bainimarama's call to apply the rule of law to rebels and perpetrators of the 2000 coup, the Qarase government sought their amnesty and pushed for the establishment of an independent unity commission as part of a reconciliation initiative – the Reconciliation Tolerance and Unity (RTU) bill – to address the causes of the crisis and to resolve Fiji's ongoing political instability. Qarase had announced two more contentious bills before the 2006 election – one concerning customary fishing grounds (the Qoliqoli Bill), the other concerning ancestral land claims (the Indigenous Claims Tribunal Bill). Bainimarama claimed all three proposals would cause division and conflict among Fijians. The tension between the government and the military highlighted both modern and traditional conflicts expressed through state institutions (Durutalo, 2006). The RTU Bill promoted reconciliation through 'restorative justice' based partially on the Fijian custom of *veisorosorovi* (traditional apology) where the 'wrong' and the 'wronged' are brought together to discuss and resolve their problems. Yet this approach was not welcomed by non-Fijian ethnic groups who saw that the Bill, if adopted, would endorse two sets of laws in Fiji – a rule of law for all as well as a rule of customary law primarily for the benefit of indigenous Fijians. Hence Bainimarama's grievances in this instance aligned strongly with those of the non-ethnic Fijians. In addition, whereas Qarase respected the positions held by those in the Great Council of Chiefs (GCC), Bainimarama marginalized the GCC and paid scant regard to the people in those positions. In this sense, Qarase's respect for traditional sources of legitimacy and customary law in Fiji opposed Bainimarama's militaristic application of the rule of law.

Upon seizing power in late 2006, Bainimarama appointed an interim prime minister and dissolved Parliament. Unlike his predecessor Sitiveni Rabuka in 1987, or himself in 2000 after the Speight coup, Bainimarama chose not to immediately abrogate the 1997 Constitution and went to

great lengths to appear to be operating within the rule of law.<sup>4</sup> He removed only chief figures in government institutions opposed to his regime – these included the president, vice-president, police commissioner and acting police commissioner, the solicitor general, the chairman of the public service commission, the chief justice, and the chief magistrate. He also later reappointed the president so that he and his new interim cabinet could be ‘legally’ appointed.

The Fijian economy had struggled to perform before the coup, and budget cuts since have raised the potential for corruption in the government and public administration. Members of the public service were not required to publicly declare their assets or gifts received in the course of their work and there was no independent audit of the assets or interests of senior public service officials prior to 2006. Numerous allegations of corruption at senior levels were made, former auditors general had exposed widespread abuse and ineptitude in government agencies, and cases were filed with the courts. However, recommendations by the Law Reform Commission in 2003 to set up an independent anti-corruption commission were never acted upon by the government. Following the coup, and the military’s announcement of a big ‘clean up’ campaign to eradicate corruption within the public administration, government and politicians, Bainimarama removed a layer of senior officials, heads of government departments, statutory bodies and public enterprises, and demanded that allegations of executive level corruption in government be investigated. Reforms were introduced aimed at cutting expenditures and initiating staff replacements with little to no experience – job cuts occurred across the public service and forced early retirement (at age 55) was introduced for a large number of senior managers. Many public offices were filled by military officers or civilians appointed by the military, thus reducing the scope for professionalism or better performance.

The interim government set up the Fiji Independent Commission Against Corruption (FICAC) but it was to be headed by the deputy military commander and staffed mainly by ex-police and army officials. The few cases which eventually appeared before the courts were the targets of Bainimarama’s original campaign – board members of statutory bodies, public enterprises, and Qarase himself (Larmour, 2010). A strong suspicion, therefore, developed over FICAC’s independence from political interference. The interim government also announced that there would be major reforms to Fiji’s twelve municipal councils in an effort to clean up corruption. The 12 mayors and municipal councillors had their terms shortened from four years to three. Their contracts expired in 2009 – fresh elections are not due to be held until the reform process is carried out. It will take some time before more professional appointments to the Anti-Corruption Commission are made and concrete measures to identify and prevent corruption are adopted.

Fiji’s judiciary had maintained a reputation for independence prior to 2006 although lengthy delays were experienced in bringing cases before the courts. In the *Prasad* case of 2000, the Fiji High Court had ruled that Bainimarama’s earlier revocation of the 1997 Constitution in 2000 was unconstitutional and the decision was upheld the following year by the Court of Appeal. Judicial independence has suffered considerably since the coup as many expatriate judges resigned from their positions (including justices serving on the High Court, the Supreme Court, and all expatriate justices serving on the Court of Appeal), arguing that their positions and their independence had been compromised. Nevertheless, the courts continued to sentence army and police officers found guilty of crimes. In 2008, the High Court ruled in favour of the interim government in *Qarase v. Bainimarama* and declared that the president was entitled to use prerogative powers that existed outside of the Constitution in exceptional circumstances. In 2009 the Court of Appeal reversed the High Court’s decision and declared that the president had no such prerogative powers, that the Constitution thoroughly delimits the powers of the president to dismiss an elected prime minister, and that the Constitution was drafted on the basis that the people of Fiji wished to avoid a

recurrence of such instability and coups. This triggered the president's abrogation of the Constitution, the dismissal of the judiciary, and the ushering in of a 'new legal order' of Public Emergency Regulations or rule by decree. Since abrogating the Constitution, the interim government has intimated that the basic rights of Fijians are still in place (although they are no longer guaranteed under the Constitution), and the president declared in his Revocation Decree that all other existing laws, decrees and promulgations were still in force. The government also took over the regulatory powers of the Fiji Law Society – a military officer was appointed chief registrar of the court in charge of the registration of all practising lawyers in Fiji.

The Fiji police force was undergoing significant reforms prior to the 2006 coup and its reputation for professionalism was improving – allegations of misconduct in both the military and the police force were investigated and officers and soldiers were punished with suspension or dismissal. The police commissioner was sacked following the coup and the police force was disarmed by the military. Having no previous police experience, the former head of the navy division of the RFMF was installed as the new commissioner but was replaced in 2010. Appointments and promotions within the force have taken place along kinship lines and since 2006 have been used as a way of rewarding loyalty to the regime. Complaints of corruption and police brutality have been investigated by FICAC and the CID, leading to the suspension and sentencing of some officers. However, it can no longer be assumed that the courts would challenge any arbitrary police or military action that is justified on national security grounds.

### *Electoral accountability*

Fiji has held ten 'clean' general elections for the House of Representatives since independence in 1970, under three constitutions, and the pattern of elections has been influenced by four coups. The Electoral Commission, a Human Rights Commission, and the Ombudsman act as watchdogs to the electoral process. The 1997 Constitution established a preferential or first-past-the-post voting system which some believed created a considerable advantage for indigenous Fijian parties, including Qarase's SDL party. The system was defended by Qarase in response to proposals to introduce proportional representation. This proposal was included in the interim government's People's Charter, as well as a reduction of the voting age from 21 to 18. According to Qarase (2007), proportional representation would encourage smaller parties and multi-coalition governments, and more uncertainty, with no clear mandates to rule on proposed policies.

Fiji's last general election for the House of Representatives in 2006 was generally regarded as being free and fair, with policies and information about the parties made available by a free press. The Commonwealth Observer Group reported a credible election with conditions existing for a free expression of will by the electors and that the results reflected the wishes of the people. Any shortcomings were not the result of a systematic effort to 'fix' the process, nor were they on a sufficient scale or of such a nature as to threaten the reliability, integrity and credibility of the elections (Commonwealth Observers Group, 2006). Although the Fiji Labour Party (FLP) and the SDL parties attracted most support (together winning 67 of the 71 seats), smaller parties as well as independents also contested the election. Fiji was considered to have a free and energetic press at the time of the 2006 election and it was often a staunch critic of government policies and politicians. The Commonwealth Observer Group reported that political parties were able to campaign freely without intimidation and that the media coverage was balanced and fair. Voters were well-informed prior to the elections through the print media, talk back radio, and Fiji TV, whose programmes treated all political parties equally (Commonwealth Observer Group, 2006).<sup>5</sup> However, it will become clear that holding free and fair elections reveals little about the levels of political competition and responsiveness in Fiji.

### *Inter-institutional accountability*

Fiji's inter-institutional accountability is complicated by the constitutional empowerment of an unelected hereditary body, the Great Council of Chiefs (GCC), to influence the composition of the Senate and the presidency. The 1997 Constitution reduced the GCC's power somewhat but it retained the right to appoint 14 of 32 senators and, in consultation with the prime minister, to appoint the president and vice-president. The president is the head of state and commander-in-chief of the military forces (RFMF) and, according to the Constitution, the executive authority of the state is vested in the president. Because of the potential 'prerogative' powers of the unelected president, his powers were limited by the Constitution – including his powers to dismiss a prime minister. The 2006 coup led to many reversals in Fijian politics: although they appeared to have supported the three previous coups, the GCC (and the Methodist Church) declared the 2006 coup illegal and unconstitutional, refused to meet with its leaders, and warned Bainimarama against dismissing the president (who was himself a chief). Most of the high chiefs remained strongly opposed to the coup and, as the bulk of ethnic Fijians seemed quietly opposed to the coup, the chiefs' interests aligned with their people's support.<sup>6</sup> The deposed prime minister also maintained the support of the GCC – an alliance which forced Bainimarama to reform the institution itself. Bainimarama voiced concern over the GCC's growing politicization and declared it a 'security threat', suspended all meetings and cut its funding.

Since the coup of 2006, the removal of parliamentary rule, and the subsequent abrogation of the Constitution, there have been no formal checks and balances on the power of the executive or the judiciary.<sup>7</sup> The constitutional and audit courts became highly influenced by the interim government and would continue to be so with new judicial appointments being screened ultimately by the interim cabinet (including the attorney general). Lower courts rarely rule against the government on cases reviewing executive action and decisions against the government are suppressed with stay orders issued by the Appeals Court. There remain no laws in place requiring members of the executive, the legislature, or the judiciary to publicly disclose their assets and therefore potential conflicts of interest. As a consequence, there is no independent audit of the members of each branch of government. An Office of the Ombudsman was created by the 1990 and 1997 Constitutions as well as the Ombudsman Act 1988. Because of relative inaction, most aggrieved citizens reported complaints against public officials to the Human Rights Commission.

The military as an institution should be included in any account of the democratic qualities of countries such as Fiji, given its significance as a political force. In 1971, six months after independence, the Fiji Military Force established its own school and two years later Parliament approved the addition of 'Royal' to precede its name. The 1990 Constitution established the Republic of Fiji Military Forces in line with events at the time, and the 1997 Constitution continued its existence and outlined various formalities to do with command over the forces, appointments, discipline, and removal of members. The RFMF has grown to be the largest military force of any island state in the Pacific region, including that of Papua New Guinea. Its functions include sending many of its members to serve overseas in UN peacekeeping operations – a role that has been increasingly denied to the rank and file since the 2006 coup. Having participated in three coups since independence, the RFMF has historically played a significant part in Fiji's political trajectory and, lacking effective accountability, it has shown no signs of this trend abating in the near future. Indeed, according to their own People's Charter (NCBBF, 2008), this role would become more expansive – the military sees itself as having a more integrated role in society as well as some political role in the future. The military views itself as a legitimate part of the community rather than independent of it – an arbitrator of ethnic disputes and the ultimate bestower of legitimacy on a government.



In many respects it has usurped this role from the GCC yet offers only military culture as a substitute for indigenous custom and tradition. At the same time, the rank and file soldier has become increasingly aware that employment in the RFMF is no longer a respected job and that the Force has lost credibility in recent years. Ultimately the RFMF could only become a more independent institution by respecting the rules of constitutional democracy and the outcome of elections. Since their own budget relies upon the performance of the interim government, which is monitored by a military council of the RFMF, a continuance of the current economic situation that threatens their own salaries could produce factions within the military and prompt unilateral action towards a return to constitutional democracy – though their own role in any return to democracy may continue to prove problematic under the current thinking.

### *Political participation*

Fijians participate formally in elections, with high voter turnout rates recorded in general elections though considerably less for municipal elections – reflecting a traditional pattern of apathy towards local government elections.<sup>8</sup> Since 1970, elections have been scheduled to be held at regular intervals in accordance with various constitutions although these intervals have been interrupted by coups. All citizens had the right to form political parties though usually only those who could afford the considerable costs of running a campaign would participate and women rarely ran for public office. Proposals for electoral reform put forward by the interim government were launched under the National Council for Building a Better Fiji (NCBBF). The Council's 'People's Charter' released in 2008 included proposals to reduce the voting age from 21 to 18 and to reform the electoral system (replacing the preferential or first-past-the-post system with proportional representation) which, according to the Charter, had promoted a 'coup culture' (NCBBF, 2008). The Charter recognized that Fiji must put an end to the cycle of coups, and redefine the role of the military to bring it closer to the people by engaging with society and supporting it in various ways. These included proposals for the RFMF to offer youth training, as well as a call for a national dialogue on the RFMF's legitimate mechanisms to enable the military to dialogue with the government on good governance issues. The Charter also envisaged increasing ethnic and gender representation in the military; parliamentary oversight of the military; and improving the relationship between the public at large and the military. The Charter suggested the need to 'identify how state security institutions such as the police and military can take part in normal institutional engagement with civil society organizations, religious organizations, and other community organisations in various programs', and that 'this institutional engagement should be an ongoing process' (NCBBF, 2008: 15, 19, 48–49).

The two most powerful groups with the potential to influence the state in Fiji are the Great Council of Chiefs and the Methodist Church. Approximately 80 percent of indigenous Fijians, or about one-third of the population, are members of the Methodist Church. It is the largest religious organization in the country and, in addition, about 99 percent of the military are indigenous Fijians. Church-led opposition to the interim government would therefore pose a threat to the military regime, both in the general community and from within its own ranks. The majority of indigenous Fijians see no real separation of church and state – the Lotu (church), Vanua (people and land) and Matanitu (king or state) are traditionally harmonized and this is reinforced by the Church to promote Fijian unity. The Church opposed the People's Charter and at the Methodist Consultative Council of the Pacific in 2009 it criticized the abrogation of the Constitution and called for its return as well as a return to democracy via fresh elections. The Church also called for an independent judiciary and media, stating that any changes to the electoral system must be

democratic, constitutional, participatory and inclusive. The Church's opposition to the Charter was joined by the paramount chiefs of Fiji after the interim government had restructured the Great Council of Chiefs and raised proposals which would in essence reform indigenous customs and hierarchical structures, creating an apolitical role for the GCC. In response to these criticisms, the interim government banned the Church's annual conference and arrested its leaders – by 2010 a total of 27 Church ministers were in detention for criticizing the government and planning to defy the ban on their annual conference. The ban was extended to cover all divisional and quarterly meetings and is set to remain in place until 2014. At the same time the interim government promoted their own alternatives to undermine these traditional centres of indigenous power – a Christian revivalist movement called the 'New Methodists' and a Council of Chiefs for 125 lower-level chiefs which was convened at the military's barracks in Suva.

Fijians had access to various civil society groups elsewhere prior to 2006 and there was a strong presence of various non-government organizations, including some that promoted transparency, anti-corruption, and good governance procedures. International and domestic non-government organizations (NGOs) regularly took part in workshops and some meetings at the invitation of the government (e.g. Economic Summit, Poverty Summit, Law Reform Commission). In addition, the 1997 Constitution was the result of recommendations put forward by the Fiji Constitution Review Commission after conducting an extensive and inclusive consultative process involving elite negotiations and public participation. Some constitutional provisions were intended to resolve disputes through power-sharing proposals so as to avoid the instability that had already led to two coups. In comparison, although the interim government's People's Charter was alleged to be the result of inclusive consultations (although the SDL party and the Methodist Church refused to participate), the interim government's reaction to public criticisms of its Charter would suggest otherwise.

Since 2006, the activities of civil society organizations have been monitored and NGOs critical of the interim government have been targeted. NGOs have been excluded from taking part in government policy-making, and cases of individual harassment and intimidation have been reported. The interim government is particularly averse to NGOs that promote transparency, good governance, and exposing corruption – the impression being that the interim government would prefer to maintain a monopoly on fighting corruption and defining good governance for themselves. Fijians have also taken part in non-conventional forms of participation in the past – including protests and marches – particularly against the Qarase government's pro-indigenous Fijian policies, which were common prior to the 2006 coup. Freedom of assembly since the coup has been heavily restrained and trade union activities have also been limited. Union leaders critical of the interim government have been detained and their meetings cut short – any meetings and rallies that are permitted are monitored by a heavy police presence. Both the Fiji nurses' strike and the Fiji Teacher's Association strike were met with police and military intimidation in 2007. Many Fijians have taken to registering their protests on the internet.

### *Political competition*

Despite a relatively stable party system, political competition has been restrained in Fiji due to the tradition of voting along ethnic lines for the major ethnic-based parties.<sup>9</sup> In the 2006 election, approximately 81 percent of Indian-Fijians voted for the FLP and about 80 percent of indigenous Fijians voted for the SDL in their own communal constituencies; there was little variation in this communal voting pattern for both parties across the country (Fraenkel, 2006b). The reasons for this ethnic and kinship-based voting trend stem from the creation of ethnic-based parties during the 1970's independence period. The traditional voting patterns have been sustained by an immature

Westminster party system and a constitutional democracy interrupted by a series of coups. Thirteen parties along with two independents contested the 2006 election, yet the two major parties (SDL and FLP) between them won over 80 percent of the vote and all but four seats in the parliament. On the output side, the government has alternated as a result of an election especially when large numbers of Indian Fijians have turned out to vote. The FLP, for example, was elected in its own right in 1987 and 1999, only to be dismissed on both occasions by subsequent coups. In addition, the larger parties to date have displayed only minimal intra-party pluralism – the 1997 Constitution encouraged power-sharing whereby opposition MPs representing their own ethnic-based constituencies were invited into a multi-party cabinet. However, Chaudhry's refusal of the invitation and insistence that his party members vote against the government's budget suggest that the proposal was fraught with danger – the idea was also dropped by the interim government's People's Charter.

There are also no laws governing the operation of political parties in Fiji, including party financing disclosure laws, although MPs are expected to declare their interests should the government engage in dealings with party financiers. There are also no limits on donations to parties or candidates from individuals or corporations and there is no independent body monitoring or auditing campaign finances, thus raising the potential for political corruption and nepotism, as well as limiting meaningful competition among candidates. The most effective method of addressing these problems so as to promote transparency and accountability would be the introduction of disclosure laws covering party income, and electoral expenditure limits. However, the adoption of measures of this kind is not forthcoming.

### *Freedom*

The 1997 Constitution contained a Bill of Rights including provisions that secured a full range of freedoms. The Bill of Rights also established a Human Rights Commission which handled many cases of alleged police and military misconduct, often leading to suspensions or dismissals. Although the Bill of Rights protected the right to freedom of speech and expression, including freedom to seek, receive and impart information and ideas, and freedom of the press and other media (Section 30 (a) and (b)), there was no accompanying Freedom of Information Act. Moreover, public servants were restrained in their provision of current information to the public (as opposed to archived documents accessible under the Public Records Act) by the threat of penalties for disclosure under the Official Secrets Act. Thus, prior to the 2006 coup, although freedom of information was said to exist, it was highly restricted in practice despite the lobbying of various NGOs to amend the situation. Since the coup, breaches of basic human rights formerly protected by the judiciary and the Constitution are more easily justified on the grounds of national security. Military rule and the abrogation of the Constitution have meant that basic civil and political rights were no longer guaranteed and most freedoms have been seriously curtailed.

The freedom of Fiji's once vibrant and critical press declined significantly in the years following the 2006 coup. Freedom House and Global Integrity scores for press and media freedom do not include all developments in the deterioration of this freedom in recent years.<sup>10</sup> Publishers, editors and journalists critical of the regime have been threatened, detained, harassed, prosecuted, and deported – all of which has encouraged high levels of self-censorship. Media outlets are monitored and often assigned an on-site military or Ministry of Information censor. In 2009, the interim government closed down two Australian Broadcasting Corporation FM radio transmitters, seized all broadcasting licences and issued temporary ones. In June 2010, the government introduced new media regulations and announced the creation of a Media Regulation Authority (MRA) with the

power to demand that journalists revealed their sources on reports concerning corruption or abuse of power. The MRA also limited foreign ownership of media outlets to 10 per cent – Fiji's oldest and perhaps most critical newspaper, the *Fiji Times*, was forcibly sold to local business interests in September 2010. The interim government also became alarmed over critical online content and attempted to address the issue of critical internet blog sites through monitoring and blocking domestic access. It regularly monitors internet chat rooms on anti-government websites and approached major internet service providers to restrict internet access and block contentious sites. By late 2009, access to anti-government blog sites was being routinely blocked by sources upstream. In July 2010, the interim government also issued the Compulsory Registration of Customers for Telephone Services Decree. This decree, which was approved by the cabinet, required all current and future users of mobile cellular phones to register their personal details (including a photo identification) with their telephone service provider within a month of the commencement of the decree.

### Equality

Equality is related to the allocation of economic, cultural and social resources as well as the existence of discriminations. These factors are related to social, economic, and cultural opportunities and in turn the levels of human and economic development. Inequality in Fiji was measured in 1968 and 1977 when it registered respectively 46 and 42.5 per cent – a value which was higher than that of Indonesia, Japan and Taiwan, but lower than in Malaysia, the Philippines, or Thailand.<sup>11</sup> Estimates of poverty in Fiji have fluctuated since independence but the general trend is worsening and a higher percentage of the population has fallen below the poverty line. Approximately 15–20 per cent of Fijians now live in squatter settlements and there is a higher concentration of these in Suva, where nine camps already exist.<sup>12</sup> Low income and poor health have contributed to vertical and horizontal inequality, increased household poverty and high drop-out rates from primary and secondary schools, and increased crime rates, destitution and depression (Gounder, 2007).<sup>13</sup>

Fiji's fragile economy has been affected by rising national debt as well as declining national revenues since 2006. Minimal resources are directed towards welfare projects although the interim government announced a plan for Poverty Alleviation Affirmative Action to reduce the poverty of Indian Fijians (most notably rural Indian Fijians). This was criticized because poverty is also widespread across indigenous Fijians and others who comprise a greater percentage of the population. The Methodist Church also conducts its own poverty alleviation projects. Discrimination has been institutionalized by laws restricting the sale and transfer of native land to prevent the ownership of these lands by Indian Fijians. Indian Fijians are concentrated in the retail and transport sectors and comprise the majority of the poorer urban working classes – those working in the agriculture sector are usually the poorest and have no secure land tenure on their farming leases. A declining economy and institutionalized discrimination have encouraged many Fiji Indians to emigrate – the 2007 census showed Fiji Indians had declined as a proportion of the population from 43.7 per cent in 1996 to 37.6 per cent (Fraenkel, 2009). Although the composition of the public service is diverse, more senior positions in government agencies have tended to be occupied by indigenous Fijians. Various affirmative action programmes have been conducted in Fiji since 1987 favouring the appointment of indigenous Fijians over Indian-Fijians, and gender discrimination has occurred regarding pay. In addition, while the RFMF claims that its recruitment policies are not racially motivated, the military is overwhelmingly comprised of indigenous Fijians (99 per cent). The RFMF's budget has also undergone a 40 per cent increase since 2006 while most other public sectors have suffered budget cuts.

## **Responsiveness**

Measuring the level of responsiveness or support for democracy in a poor ethnically divided country is problematic and may reveal little about the legitimacy of the government (i.e. the ethnic-based party in power). Politicians are constrained or encouraged to set agendas and policies that accommodate their ethnic support base. Since voters, parties, and politicians generally act along well-established lines of ethnic interests, responsiveness or satisfaction will depend upon the ability of any government to meet these demands and will flavour perceptions of legitimacy accordingly (Morlino, 2009b). Moreover, if performance relates to responsiveness, then poor performance on both sides of the ethno-political divide tells us little about the overall responsiveness and legitimacy of a government. Fiji suffers significant limitations in terms of the resources available to the government and hence the capacity to respond to the needs of all Fijians. The interim government's ability to achieve any meaningful level of approval (or legitimacy) through the provision of economic security to the people of Fiji has been further constrained by the political, diplomatic, and economic sanctions imposed since the coup of 2006 – including trade and aid sanctions from Australia, New Zealand, the United Kingdom, and the European Union, and suspension from the Commonwealth and the Pacific Islands Forum. In lieu of the proceeds from sugar because of falling world sugar prices, the only regular source of income for Fiji has been tourism boosted primarily by the devaluation of the Fiji dollar and the promotion of discounted tourist packages. One quarter of the population rely on the sugar industry, which is badly in need of reform, and infrastructure has deteriorated across the country.

On the other hand, that most indigenous Fijians disapproved of the RFMF's takeover in 2006, and three years later their abrogation of the Constitution – a constitution in which indigenous Fijians had already forfeited their monopoly over the House of Representatives and the office of the prime minister – may tell us at the very least that indigenous Fijians see a democratic form of government as more legitimate than military rule. They may also respect their indigenous institutions like the GCC more than their leaders' abilities to manipulate and abuse them. That the 2006 coup was followed by yet another round of Indian-Fijian emigration might also suggest that Indian-Fijians prefer Fiji's unstable form of democracy over military rule. Any lasting Indian-Fijian support for the coup and the interim government has become more ambivalent – those who had supported the coup were disillusioned when Chaudhry was forced to leave the cabinet facing allegations of corruption and tax evasion.

## **Conclusion**

Examining the quality of democracy in Fiji shows us that political legitimacy in the Asia-Pacific remains an important consideration and that non-state sources of political legitimacy continue to provide sources of instability and recovery. Fiji has experienced its fourth coup in 20 years – communal differences and personal grievances have caused political instability and military intervention on each occasion. Long-term political stability in Fiji will require some compromises over the principles of democratic quality, including some consideration for the quasi-state power of the Great Council of Chiefs as an institution, and some accommodation for ethnic divisions in society and politics. In the Fijian version of democracy, an unelected but constitutionally empowered body has been influential for the purpose of endowing political legitimacy on governments even though its position may seem undemocratic. Moreover, since the proper role of customary law in the legal framework of Fiji society remains contentious, matters concerning all Fijians would best be treated through public debate and possibly referendum. Major policy reforms including contentious land

reform proposals or electoral reforms would similarly best proceed through a fully inclusive and deliberative process in order to reduce future political instability. The interim government's People's Charter, it would seem, failed to undergo this test. Likewise, in order to avoid future debates on whether a new constitution is representative of all Fijians it must undergo the same process and gain greater legitimacy through referendum.

It often appears in Fiji that there is more respect for the rule of law than for constitutional democracy itself. Yet for the interim government to focus on undertaking constitutional reforms while at the same time abrogating an existing constitution diminishes the fact that the military's role in politics and society is expanding, that any unacceptable outcome might trigger another coup, and that the RFMF must ultimately take responsibility for addressing the 'coup culture' in Fiji – not by suggesting vague 'reforms' but by re-thinking its own role in society. While the qualities of democracy in Fiji have been strongly influenced by the struggle between elites and traditional socio-political institutions, the interests of the military have prevailed in recent years and indeed throughout the various coups in which they were involved – either to restore indigenous considerations or to correct perceived grievances against their own members. A more stable form of democracy requires the articulation of an independent and apolitical role for the RFMF in Fijian society before any attempt can be made to balance other elite and institutional needs.

Domestic variables such as traditional sources of power, political culture and the strength of civil society are likely to remain critical to regime outcomes in the Asia-Pacific region (Morgan, 2005; Turnbull, 2002). A prudent understanding of the quality of democracy in Fiji requires some understanding of the traditional institutions and sources of power and legitimacy, which include tribal, ethnic, cultural and religious factors that are respected, tolerated, promoted or manipulated by the elites and the masses within the country but which are often ignored in our calculations of democratic quality (Fraenkel, 2004b; Lawson, 1996, 1997; Ratuva, 2003, 2005). By adopting Morlino's framework to analyse the qualities of democracy, we can see that modern comparative democratic research may struggle to account for traditional sources of power and conflict in regimes like Fiji. Democratic indicators can disguise much of the reality in these regimes and their use may also reveal conflicts within the theoretical frameworks themselves. Traditional institutions may lean towards democracy or non-democracy, or both – a fact that ultimately reveals that the preservation of elite and institutional interests may often be the paramount consideration. Some indicators may also reveal very little in non-democracies or minimal democracies like Fiji and require further nuance and explanation or qualification. Free and fair elections, for example, can co-exist with low political competition – a feature which is common in hybrid regimes across the Asia-Pacific region. Likewise, responsiveness, or legitimacy, can prove to be difficult to define and measure when a regime is both ethnically divided and reliant on multiple sources of legitimacy.

In Fiji's stabilized hybrid regime, authoritarianism and tradition continue to co-exist. The obstacles to turning this regime into a liberal democracy by improving some of its democratic qualities are considerable, and may not so easily be overcome by short measured steps involving institutional change. Indeed, the institutional contours of Fiji's form of democracy appear to be fixed in the oldest civic traditions of the country (Morlino, 2009b) and any significant change in these institutions could encounter strong resistance from the GCC, the Methodist Church, and the RFMF. The political culture and traditions of Fijians, as well as the strong ethnic divisions in Fiji's politics and society, reinforce the character of Fiji's hybrid regime. Yet at the same time there remains strong indigenous support to push the country towards greater democracy. Because of these challenges, Fijians will continue to wrestle with constructing the most appropriate model of government for their people for some time to come.

**Notes**

1. Recent studies have noted that Fiji is not simply an ethnically diverse society, but that it is a bifurcated one. This means that various ethnic groups are not engaged in common institutions (Fraenkel and Firth, 2007) and the polity is not properly constituted.
2. Individual Security and Civil Order is assessed on the basis of Cingranelli's PHYSINT (physical integrity variable). The data for Fiji show a worsening from 2006 onwards. Institutional and Administrative Capacity is measured on the basis of the World Bank's Government Effectiveness variable. Analysis of these data shows a marked decline in government effectiveness from 2002 to 2004, and again from 2006 onwards. Effective Fight against Corruption is measured on the basis of Transparency International's (TI) Corruption Perception Index. TI reports that in 2005 the level of corruption in Fiji was 4 out of a maximum 10. In addition, Global Integrity's measures of governance and anti-corruption in its Global Integrity Index report on Fiji compiled in 2008 reveal an indicator for Anti-Corruption and Rule of Law of 79 (Moderate) – which includes Anti-Corruption Law 100 (strong), Anti-Corruption Agency 83 (strong), Rule of Law 75 (moderate), Civil Service Regulations 31 (very weak), and Law Enforcement 58 (very weak).
3. In November 2000 after a mutiny at the Queen Elizabeth Barracks, rebel soldiers of the Counter Revolutionary Warfare Unit had made an attempt on Bainimarama's life, which he escaped by fleeing his house.
4. In contrast to Fiji, the Thai military after their coup in 2006 decided to abrogate Thailand's 1997 Constitution and chose to immediately rule by decree.
5. Electoral Accountability may be assessed on the basis of press freedom during the electoral cycle. Freedom House data reveal that the Fijian press had been constantly somewhat free prior to 2006, that there has been some variation in how free it has been, and that after the coup there has been a constant erosion of press freedom. The press in Fiji (print and broadcast) was regarded by Freedom House to be 'free' from 1980 to 1987, 'not free' in 1988 (following the coup of 1987), 'partly free' from 1989 to 2002 (including the coup of 2000), 'free' from 2003 to 2006 (coup in 2006), and 'partly free' from 2007 to 2009 (Freedom House, 2009, 2010). In addition, the 2008 Global Integrity indicator for the Media was 81 (strong), Election Integrity was 87 (strong), and Political Financing 4 (very weak). However, CIRI's ELECS (electoral self-determination) data illustrate that the right to electoral self-determination has become increasingly eroded.
6. This case was unlike previous situations where chiefs were pressured to adjust their position in line with popular Fijian support. Compare this with Ratu Kamisese Mara's challenge in 2000 and his belief that 'a chief without his or her people's support was not a chief' (Lal, 2006: 201).
7. The Polity IV Executive Constraints reveals that the power of the executive has become, from 2006 onward, increasingly unconstrained. A second measure is Global Integrity's 2008 indicators for Executive Accountability – 40 (very weak), Legislative Accountability – 44 (very weak), and Judicial Accountability – 35 (very weak).
8. Voter turnout in 2006 was 87.7 percent of registered voters in the general election and it has varied from 60 to 95 percent across different electorates in the past (Commonwealth Observer Group, 2006). But voter turnout was only 29 percent in the local municipal elections in 2005. The 2008 Global Integrity indicator for Voting and Citizen Participation was 87 (strong) and for Civil Society Organizations – 91 (very strong).
9. This phenomenon is replicated elsewhere in the Asia-Pacific region where similar ethnic divisions in society persist (e.g. Malaysia). Political Competition is measured on the basis of two indicators: the number of parties that were able to win at least one seat in parliament, and the difference in the strength of the first and the second largest party. Four parties won parliamentary seats in the 2006 general election when the difference in percentage terms in the size of the first and the second largest parliamentary party was 7.04 percent.
10. The Freedom House scores for Political Rights and for Press Freedom in Fiji unsurprisingly show a worsening of political rights and civil liberties, which is also reflected in the scores for press freedom. In 2004 and 2005, the Freedom House score for political rights was 4, and for civil liberties 3, and

- the country was classified as 'partly free'. From 2006 to 2009, these scores had increased to 6 and 4 respectively although, unlike Burma, the country remained classified as 'partly free' (Freedom House 2005–2009, 2010). CIRI's Civil Rights/Empowerment Rights index shows that civil rights worsened in 2006. In addition, Global Integrity's 2008 indicator for Public Access to Information was 15 (very weak).
11. The United Nations Development Programme's Human Development Index (HDI) value for Fiji was higher than for most of the other Pacific Island nations. However, Fiji's global HDI world-wide ranking fell from 44 in 1996, to 66 in 1998, to 92 in 2003. In 2007, the HDI value for Fiji was 0.741, which gave the country a rank of 108 out of 182 countries with data. Compared with selected Asian countries, Fiji's HDI value and GDP per capita in 2007 (PPP US\$ 4304) both fell behind those of Thailand and the Philippines but were ahead of Indonesia, India and Cambodia.
  12. Estimates have put the incidence of poverty (unable to meet basic nutritional needs) in Fiji at 7–9 percent of the population in 1977, and 25.5 percent living below the poverty line in 1990–1991. The latter was adjusted upwards to 34–35 percent, with greater poverty occurring in rural areas over urban areas (11–12 percent greater), and greater poverty occurring among Fijian-Indians over indigenous Fijians in both rural and urban areas (Narsey, 2008). The most recent estimate is 45 percent derived from the Household Income and Expenditure Survey for 2008–2009 (*Fiji Times*, 2010).
  13. The UNDP's Human Poverty Index (HPI-1) value for Fiji, compared against all countries with available data, was 21.2 percent in 2007. This indicates a steady deterioration in Fiji's world ranking – from 41 in 2001, to 49 in 2003, to 79 in 2007 (among 135 countries). In 2007, Fiji ranked behind Thailand (41), the Philippines (54) and Indonesia (69) on the Human Poverty Index, but ranked ahead of Cambodia (87) and India (88). It also ranked 102 out of the 155 countries with both HDI and Gender-related Development Index (GDI) values generated by the UNDP – behind Malaysia, Thailand and the Philippines, but ahead of Indonesia, Cambodia and India.

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