

19. The People's Charter: For or against?¹

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The military junta is in the process of creating a 'People's Charter' for Fiji. The charter's objectives (ending racism and corruption and ensuring good governance) are praiseworthy. And the charter has the support of eminent persons, like Archbishop Petero Mataca. But the eminent persons forget the hard lesson of the 2000 crisis: That 'the method is just as important as the cause' and that how the charter is put in place is just as important as the good objectives themselves. The public are being asked to build a castle on a foundation of sand, violently thrown up on the beach by a military storm.

For two decades, Fiji has struggled, despite traumatic coups, peacefully to build a political consensus between our two major ethnic groups. This process culminated in the 1997 constitution, which was legally approved by all the institutions in the Fiji parliament, by all the major political parties representing all the ethnic groups in Fiji, and by the Great Council of Chiefs. This constitution is the only genuine lawful covenant between all our peoples. Central to this covenant is the multiparty provision by which any political party that had seven or more seats in the parliament would be invited into cabinet to help in the running of the country. This is invaluable protection, not just for minority groups like Fiji-Indians but for any geographical entity, like Vanua Levu or Western Fiji, which feels strongly enough to have its own party representing their own interests in parliament. This provision did not work well in 1999, nor in 2001. But it was beginning to work in 2006. This peaceful cooperation was violently overthrown by the military.

We keep hearing the call: 'Let us move on', 'Let us rebuild Fiji'. We would all like to do that. But why are eminent persons like Archbishop Mataca turning a blind eye to the violent, illegal origins of the charter? Commodore Voreqe Bainimarama, using the force of guns, illegally deposed the President. The Commodore illegally appointed an interim prime minister, who dissolved parliament. The Commodore illegally appointed a president. An interim government was appointed, with the Commodore as prime minister. There is no escaping the fact that a democratically elected government was illegally and violently deposed, on allegations of vote-rigging and corruption which, a year on, have yet to be proven.

The results of the 2007 census suggest that, even if any small voting irregularities are found and corrected, there would have been no substantial change to the

composition of the 2006 parliament or the multiparty government thereafter constituted.

The charter is coming in through the force of guns. Today the guns are in the command of the Commodore, whose stated objectives appear noble. Tomorrow, they may be in someone else's command, whose objectives may be less noble. What recourse will any citizen have (Archbishop Mataka notwithstanding), should those same guns again be turned on another government, with equally unproven allegations of wrong-doing? Far from ending the culture of coups, this 2006 coup has simply strengthened the 'coup mentality' in the Republic of Fiji Military Forces, in whose hands we taxpayers have entrusted the guns of violence and death. To support the charter initiative of this military junta, as the Archbishop does, is to legitimize the violent illegal methods that have created this junta.

A charter (like a constitution) is like any other piece of paper: It is only as good as the will of the people who support it. Despite the Archbishop's pious justification of the proposed charter, the only legal and popular covenant before us is the 1997 constitution. Any future charter must ultimately be consistent with the 1997 constitution, and approved by a parliament lawfully constituted under that constitution. That must require the support of all the major parties, including the *Soqosoqo Duavata ni Lewenivanua* (SDL). The military cannot thrust the charter down the throats of the Fijian community, the bulk of whom support a party that is rejecting the charter. And it is surely natural for them to do so because the charter is being created by a military that violently removed from government a party they backed in large numbers in May 2006, and by shadowy and not-so-shadowy figures riding on the military's back.

We should remember that many people rejected the reconciliation and *matanigasau* process that the Qarase government, with the support of the Methodist Church, attempted to force upon the Fiji Labour Party (FLP) in late 2004, despite the FLP's rejection of it as not being genuine. No doubt there were merits in that reconciliation and *matanigasau* process. And, no doubt, the Methodist Church leaders then, just like the Catholic leaders today, had very pious quotes from the Bible to support the process. But reconciliation could not be enforced if the victims did not wish to accept it for whatever reason. And neither will this charter survive if the leaders of the Fijian people feel that it is being thrust down their throat after their party has been illegally kicked out of office (just as the FLP was in 2000).

For the good of the country, the Commodore needs to return real authority to the pre-coup President, Josefa Iloilo, as he was appointed under the 1997 constitution. The President needs to recall the parliament elected under the 2006 election. The President needs to order the Commodore, and the leaders of the SDL and the FLP to meet and form a government of national unity, drawn from

parliament, the Senate and outside if necessary. Given the circumstances in which the military has taken on the role of 'guardian of good governance' (GGG), nothing whatsoever will be served by having an election in 2009. The government of national unity should run this country until 2011, the normal end of the term of the elected 2006 parliament, with the military continuing as GGG, but in the barracks where it belongs. Regardless of whether or not the Commodore likes it, Mr Qarase should be returned as the lawfully elected prime minister (just as Commodore Bainimarama should have returned Mr Chaudhry to that position after ending the 2000 coup).

No doubt Mr Qarase will be amenable to giving Mr Chaudhry the opportunity to continue as finance minister for another four years, and see what he can build out of the ashes we are in. That government of national unity would be required to consider honestly all positive initiatives of the military junta, such as the charter, the Fiji Independent Commission Against Corruption, electoral reform, etc. Those initiatives that are approved (if necessary with revision) would be subsumed under the constitution, with the necessary support of a lawfully constituted parliament.

To facilitate cooperation between the major political parties, the President would appoint an independently constituted committee of conflict resolution, which would hand down binding decisions on the two major parties should they disagree on any fundamental issue. A government of national unity would have the support of Pacific Islands Forum member countries, including donors.

It would have the support of a 'restored' judiciary, members of which would be spared the legal and moral contortions of adjudicating on the cases now in court.

The investor community (local and foreign) would be reassured and we should have healthy economic growth for the next five years – enough to fund blueprints, greenprints and any colour affirmative action for disadvantaged groups.

Such a government of national unity would have the support of all peoples of Fiji. We could then all, with a clear conscience, help with the process of building Fiji, the charter and any other positive initiative we can dream up.

ENDNOTES

¹ This chapter was originally written in November 2007.