

Excerpts from Dr Brij Lal's Handwritten Draft Speech to the Accountants' Congress.

When Mr. Murray McKenzie invited me to address your convention, I told him in all my naiveté that I didn't know anything about Accountancy. 'Not many accountants do either,' he replied. That put my mind at rest. When he said that I should focus my address on the present and the future, I had to tell him that I made my living by predicting the past. He said reassuringly, 'You will do just fine.' So here I am, and I thank you for the privilege of being with you today.

The invitation to speak at this gathering was extended to me at a time that is so rapidly vanishing beyond recall. The constitution was still in place, even though it was observed more in the breach; a political dialogue process, although fraught and flawed in many ways, was under way; the international community was expressing a cautious and conditional willingness to get engaged to rescue Fiji from the cul-de-sac it was in; and there was a glimmer of hope – just a glimmer – that Fiji might finally find its feet on the ground again.

But all that is now gone. There is now no pretence about finding a solution to Fiji's political problems in a timely fashion, in consultation with its friends in the regional and the international community. Fiji is now telling the world: we will find solutions to Fiji's problems on our own terms, in our own time. The international community must not dictate terms. Fiji is a sovereign nation. Leave us alone. There is a palpable sense of exasperation in the voice of the interim administration: we are the guys who are on the right side of history; we are doing the right thing; why doesn't the world understand us? Why indeed.

This question goes to the heart of the topic given to me: 'Fiji and the International Community: Acceptance or Isolation: Are these the only choices?' My response is: No. I don't think Acceptance and Isolation are the only two choices available to the international community when dealing with Fiji. There is another alternative: Accommodation. And there is an alternative to Monologue: Dialogue. I shall return to this theme later.

This coup is in marked contrast to the first coup of 1987. The world then was a simpler place. The fax machine was the latest invention, and it was possible to deprive society of the oxygen of information and commentary. But the world since then has changed beyond recognition. Now censorship is enforced in Fiji and self-censorship encouraged, but technology cannot be so easily intimidated. Blogsites abound, spreading information as well as misinformation to all those who want them across the world. The boundaries are simply too porous to be easily policed. They are transgressed at the click of a button. The whole exercise of controlling speech is futile and self-defeating.

There is another difference with 1987. Then the message was clear, even though it was based on spurious assumptions. The message was the defense of indigenous rights against the interests and aspirations of an immigrant community. The international community,

unable or unwilling to decipher the more unseemly motives of the principal actors, was willing to believe the message. But the message this time around is not clear, which is one reason for the present confusion. Initially the coup was justified as a 'Clean Up Campaign.' A few months later, another rationale crept in: electoral reform and the implementation of a so-called Peoples' Charter, the latter a kind of development plan, presented to the people as the military's exist strategy and as a panacea for all the ills afflicting the nation. More recently, another rationale has crept in: to create a perfect, corruption free, politics-free society. As the interim prime minister puts it, 'I want to rid politics from decision making that has an impact on our economy, our future. We cannot be beholden to petty politics, communal politics, provincial politics and religious politics.' He did not use the word, but he could have been talking about creating a utopia. And when you are engaged in that mammoth task, timeliness and accountability are irrelevant.

In 1987, the military coup was always intended as a means to an end, and not an end in itself. The end was the entrenchment of Fijian control of the political process. After a few chaotic months, Sitiveni Rabuka eventually handed power back to civilian rulers who then chalked the path back to parliamentary democracy. Now the situation is different. You do not have on the national stage chiefs of mana and overarching influence, such as Ratu Sir Kamisese Mara or Ratu Sir Penaia Ganilau, who can exercise a moderating, stabilizing influence on developments. Now, the military having hobbled indigenous institutions of power, is much more intent on being centrally involved in reshaping the future of the country in its own image. They are here to stay: that message comes out loud and clear from a whole raft of things the interim administration has done since abrogating the constitution on April 10th. Whether it is civil society organizations, the media or the Fiji Law Society, the message from the military is the same: we are in control, and we intend to remain in control for a very long time.

The military and the interim administration have tried very hard to convince the international community that their main aim is to create a truly democratic society in Fiji that is just and fair to everyone. They want an allegedly very undemocratic constitution to be re-written so that every citizen has equal rights. One would have to admit that there are some – perhaps many – people both in Fiji and abroad who are willing to believe this, and give the interim administration the benefit of the doubt. That is, they believe that the military is dead earnest about creating a perfect democracy, after which it would voluntarily leave the stage for politics to operate as normal.

I am prepared to accept this assertion for the sake of argument, just as those who embrace the military's vision must, by the same token, accept the position of those who express grave reservation, as many in the international community do. There is the argument that by simply having a non-racial system of voting will not remove race as a factor in politics. Just look at Guyana or Malaysia, to take just two examples, and the evidence is clear. There are those who argue that an electoral system, however perfect, is a means to an end, and not an end in itself. So a prior question has to be asked: what kind of political culture do you want to create in Fiji? I do not believe that this debate has taken place here. A view has been asserted, but it has not been properly argued.

But let us, again for the sake of argument, assume that the interim administration's proposed electoral system is adopted. Two questions then arise. What is the quid pro quo? Will the military then retreat to the barracks? And what happens if the results thrown up by the new system, whatever they are, are deemed unacceptable to the military? There is another point to consider. Now that we have no constitution in place, the interim administration can simply decree its preferred electoral model into existence and then proceed to hold elections under it, as happened under the 1990 constitution. At the back of my mind is another thought that I want to express in the hope of having it debated. And it is this. Increasingly, it seems to me, the powers-that-be are engaged in a project that goes beyond tinkering with the electoral system. They are intent on fundamentally re-structuring of society. To put it another way, they are engaged in creating utopia in Fiji, as I suggested earlier. This plants seeds of doubt in my mind about elections being held in 2014. 2024 perhaps, but certainly not 2014. I hope I am wrong.

A central plank in the interim administration's defense of defiant stance is the notion of sovereignty. Sovereignty, simply defined, is the line that distinguishes one nation state from another. Historically, there have been two philosophical positions on sovereignty: one by Thomas Hobbes and another by John Locke. The difference between the two lies in the extent of the obligation the state has to its citizens: in one minimal, in the other considerable. There is now another dimension to consider: globalization, which renders national boundaries porous through the impact of travel and technology. Sovereignty is now not an absolute concept, but a contingent one, intersected at various points by provisions of international law. From the Nuremberg trials onwards, the world has understood international law as not only adjudicating disputes between states but also holding states accountable for the fundamental violations of the human rights of its citizens. Look at international intervention in Afghanistan, Iraq, Rwanda, Somalia, East Timor and Kosovo, and you will see what I mean. So Fiji cannot and should not expect immunity or exception from international disapproval for what has happened here. The consciousness of civil, political and human rights is now too deeply entrenched in many international instruments and conventions to be ignored or violated with impunity.

Indeed, Fiji is a signatory to many of these instruments. Let us take the Biketawa Declaration. Its seven or so principles include 'Upholding democratic processes and institutions which reflect national and local circumstances, including the peaceful transfer of power, the rule of law and the independence of the judiciary, and just and honest government,' and 'Recognizing the importance of respecting and protecting indigenous rights and cultural values, traditions and customs.' And the Declaration stipulates the precise steps to be taken in the event of strife in a member country: the convening of Forum Foreign Ministers meeting, creating a Ministerial Action Group, appointing a fact-finding mission, and so on. And this is precisely what happened in the case of Fiji. So I am puzzled at Fiji's umbrage. A few days ago, Forum Secretary General Slade expressed a view that is worth pondering: 'The welfare of the region is inextricably tied up with the welfare of Fiji. But the present situation in Fiji involves clear disregard of the core values of democracy, good governance and the rule of law recognized by all Forum members, as

well as the vast majority of the international community, as crucial to the future peace and prosperity of the Pacific Forum region.’ That sentiment is unexceptionable.

Let me take another declaration, the Cotonou Agreement, about which many of you probably know a great deal. There are four fundamental principles which underpin the Agreement: Equality of Partners and Ownership of Development Strategies; Partnership; Dialogue and Mutual Obligation, and finally Differentiation and Regionalization. I would be happy to elaborate on these principles during discussion. But what is important in the context of Fiji is an additional provision in the Cotonou Agreement. Article 8, titled ‘The Political Dimension,’ provides that all parties to the Agreement ‘shall contribute to peace, security and stability and promote a stable and democratic environment.’ The dialogue ‘shall also encompass a regular assessment of the developments concerning the respect for human rights, democratic principles, the rule of law,’ and ‘shall take full account of the objective of peace and democratic stability in the definition of priority areas of cooperation.’ It is all there in black and white, and I am again at a loss to understand Fiji’s puzzlement at being told that what it is doing is wrong and unacceptable. The EU will not relax its stance. That much is certain. This is not necessarily what I or many of us want. This is, quite simply, the way things are. And the sooner the people of Fiji are told the truth, the better it will be for everyone.

It is no secret that the interim administration is unhappy with the reaction of the international community, and it has singled out Australia and New Zealand for particular criticism in relation to their alleged interference in Forum decision making about Fiji. There are several points to consider. The Forum position has hardened over time in direct response to Fiji’s intransigence. Tonga’s Fred Sevele was sympathetic to Fiji in the beginning, as was PNG’s Michael Somare. Both were disappointed at Fiji’s snub of Pacific leaders’ meeting in Niue and then in Port Moresby. Fiji needs to recognize that Pacific leaders are not pawns in the hands of Australia and New Zealand, and it is deeply offensive to Pacific Island leaders for Fiji to think so. And there is a further point to consider. Why should anyone express surprise that Australia and New Zealand are using their diplomatic leverage in the region to effect an outcome they want? You would surely expect democratic countries to champion values that underpin their own political culture and not condone practices which seek to subvert them. But having said that, I know that the international community does want to help, provided there is genuine willingness on the part of the interim administration to engage in inclusive dialogue. Fiji’s siege mentality in the circumstances is understandable, but it is also a hindrance to progress.

It is perhaps this closed mindset that obscures a clear perception of the international reaction to Fiji. I recall what then Minister Mahendra Chaudry said when the Rudd Labour government was elected into office. He welcomed the new government and said that he was hopeful that Canberra would show a more sympathetic appreciation of the situation in Fiji. I was asked to respond to this on a Hindi radio talk show. The whole world came crashing down on my head. I said that the change of government would not alter Australia’s position on Fiji, and gave three reasons. One was that no Australian political party would ever condone a military coup against a democratically elected government. Two, that after thirteen years in the wilderness, the ALP having won power

at the ballot box could hardly be expected to condone its violation in its own neighborhood. And three, Australia would not take a position on Fiji without consulting its closest partner New Zealand, which had already condemned the coup in the strongest terms possible. All this was, or should have been, commonsense.

Today, some in the interim administration are making a similar noise about China. Let me say at the outset that I hope the interim administration is right and that Chinese aid, trade and investment will flow into Fiji in ample measure in the years to come. But I am not optimistic. Why? We have been on this route before, soon after the 1987 coups when Fiji embarked on a 'Look North Policy' with great enthusiasm, not the least to teach Australia and New Zealand the lesson that they were not indispensable to Fiji's development. Nothing tangible came from that initiative. Nothing. And I am not sure that much will come out of the current China drive either. China's strategic interest in Fiji is limited. Its regional policy is driven by the Taiwan factor. At this time of global financial crisis, no country, including China, will invest in an environment characterized by systemic instability and periodic eruptions. And for China, Australia and New Zealand are far more important than Fiji. For that reason alone, China is unlikely to do anything in direct defiance of Canberra and Wellington.

The interim administration has repeatedly told the international community and anyone else who would listen, that merely having elections will not solve Fiji's problems. I agree. Elections by themselves don't solve anything. That is common sense. What they do is to provide the basis of legitimacy for governance. This fundamental point has escaped many who place trust and confidence in the military and the interim administration. Fiji tells the international community that Fiji's constitution is 'undemocratic' and that it has to go if Fiji is to develop into a fair and just society. I have alluded to this before, but let me make some additional points. I do not know what criterion is used to define democracy. What I do know is that international laws allow for a certain margin of appreciation to accommodate a country's unique culture and history and traditions and for these to be incorporated into its constitutional structure. There is no one-size-fits all.

Second, I know that the 1997 constitution attempted to deal with *the* most fundamental problem that has beset Fiji since the inception of party politics in 1966. That problem was not a flawed electoral system (although the first-past-the-post most certainly was), but the systematic exclusion of one community, the Indo-Fijians, from sharing power. They were the perennial 'Other' of Fijian politics. The compulsory power-sharing provision in the 1997 constitution was designed to address that problem. And in 2006, for the first time in Fiji's political history ever, there was a genuinely multi-ethnic, multi-party government in place. A new beginning was being made, however tentatively. Consider the sweet irony: Fijians and Indo-Fijians were in government, while the opposition was led by a General Voter!

Third, I know that there are other forms of democracy other than the Westminster variety, respected and practiced in many stable democracies. One such, upon which the 1997 constitution was partly founded, was what Arend Lijphart has called 'Consociationalism'

whose principal characteristics are: a grand coalition of elites representing different segments of society; guaranteed group representation so that no major community is excluded from power; mutual veto over matters of particular concern to the different communities; proportionality in political representation; and segmental autonomy that allows for the maintenance of different cultural identities. This, too, a model of democracy, and Fiji's 1997 constitution meets its test fully. In this version, reserving seats for distinct communities is not the evil that the advocates of the Westminster model make it out to be.

Fourth, I know that no country will ever enjoy political stability so necessary for economic development unless there is basic respect for the rule of law. You may have the most perfect constitution in the world, the most perfect model of democracy on paper, but as long as you have a large standing military in an environment characterized by violence and disorder, there will always be a threat to peace.

The time for apportioning blame about what happened is over. The question now is: where do we go from here? First, we need to confront the inescapable truth that Fiji cannot go it alone, that sooner rather than later, it will have to engage with the international community Fiji will have to adopt a more open and inclusive approach. Many initiatives contemplated by the interim administration are praiseworthy, and I have no doubt that there would be a meeting of minds on many of them. That is why there is an urgent need of tact and diplomacy. Fiji is an island, I have said so many times before, but it is an island in the physical sense alone. The words of John Donne come to mind: 'No man is an Island, entire of itself; every man is a piece of the Continent, a part of the main; if a clod be washed away by the sea, Europe is the less, as well as if a promontory were, as well as if a manor of the thy friends or thine own were; any man's death diminishes me, because I am involved with Mankind.'

As a practical matter, the interim administration, if it is serious about returning Fiji to parliamentary democracy in a timely fashion – and I have already expressed my doubts before – it should deign backwards from 2014 and draw up a timetable for taking the country to elections. Without that demonstrable commitment, the international community will not engage. That much is clear. No one wants to be taken for a cheap ride.

It would also be helpful if the interim administration set out in specific detail what aspect of the abrogated 1997 constitution it finds problematic so that areas of agreement and disagreement among the different stakeholders can be clearly identified. The problems Fiji faces are huge, but they are surmountable. The international community will come to the party but it will have to be convinced of Fiji's genuine desire to engage in an inclusive dialogue. In the end, though, solutions to Fiji's problems will have to be found here, devised by the people of this country. And no solution will be sustainable and enduring unless it is based on tolerance and a sensitive understanding of this country's diverse inheritance. It must be based on the understanding that dissent does not mean disloyalty. President Obama said it well in Cairo earlier this month. He said that 'in order to move forward, we must say openly to each other the things we hold in our hearts and

that too often are said only behind closed doors. There must be a sustained effort to listen to each other; to learn from each other; to respect one another; and to seek common ground.' Fiji can realize its potential that is so within its reach. That is its challenge and its opportunity.

I want to end by quoting again words from President Obama's Cairo address which are apt for my purposes. He said: 'I do have an unyielding belief that all people yearn for certain things: the ability to speak your own mind and have a say in how you are governed, confidence in the rule of law and equal administration of justice; government that is transparent and doesn't steal from people; the freedom to live as you choose. These are not just American ideas; they are human rights, and that is why we will support them everywhere.'