



Ethnic Blindness in Ethnically Divided Society: Implications for Ethnic Relations in Fiji

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Abstract

This chapter critically examines Fiji’s approach to ethnicity by adopting an “ethnically blind” approach to constitutional and political reform since the 2006 military coup. As a multiethnic and culturally diverse society, Fiji has witnessed political conflicts arising from this ethnic and cultural diversity. Since gaining independence from the United Kingdom in 1970, Fiji politics have been marked by an alternating pattern of coups and constitutional reform. The country has instituted various constitutional arrangements with a view to meeting group claims to difference and equality. While the 1970 and 1997 Constitutions sought a form of multicultural compromise with the realities of Fiji’s demographic makeup, demands for continued ethno-political paramouncy by sections of the indigenous Fijian (*iTaukei*) population led to the overthrow of the democratically elected governments in 1987 and 2000. The 1990 Constitution institutionalized

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the privileged ethno-political status of indigenous Fijians. Following the 2006 military coup, Fiji embarked on a nation-building program designed, inter alia, to create unity by eliminating official categorization based on ethnicity. It is argued that national integration in the Fijian context has been an attempt to forge “unity in diversity,” seeking to wish away sociocultural differences and imposing uniformity in spite of complex cultural, ethnic, and religious diversity. This “ethnically blind” approach has the potential to create more conflict and pose obstacles to unity, peaceful coexistence, progress, and stable development. It recommends that national integration and its benefits can be realized only with the development and entrenchment of a supportive public culture, understanding, respecting, and tolerating differences occasioned by sociocultural diversity.

Keywords

Ethnic diversity · Ethnic conflict · Divided societies · Ethnic-blindness · Constitutional reform · Fiji politics

Introduction

Constitutional deliberations in pre- and post-independent Fiji have mostly revolved around the issue of ethnic distribution of power. Constitutional frameworks in Fiji prior to the 2006 coup were organized on the basis of treating ethnic communities as corporate entities with group rights. The first three post-independent constitutions in Fiji (the 1970 Independence Constitution, the 1990 Constitution, and the 1997 Constitution) were based on the assumptions that there are distinct communities divided by their race; that these communities are homogeneous, sharing common interests; and that their group interests are opposed. Despite the tumultuous history of constitutional democracy, Fiji embarked on yet another, constitution-making process in 2012, fifth in its 48 years since independence, the result of which is the 2013 Constitution, touted as an “ethnically blind” constitution. Claims have been made that this constitution would usher in an era of democratic consolidation and provide much needed political stability.

In the four decades since independence in 1970, Fiji has had six coups (four successful, two unsuccessful) and a mutiny (2000). Up till 2017, no fewer than four constitutional approaches have been adopted in Fiji highlighting the obstacles faced by many divided societies in designing appropriate constitutions. Fiji’s post-independence history of constitutional reform has been defined by competition between three very different conceptions of the Fijian nation and (hence) of Fijian nationalism. Constitutional discourse in Fiji has presented ideological security to citizens in the form of three visions, represented as “ethno-cultural,” “civic,” and “multiculturalist.”

The first approach, in the lead up to independence in 1970, was evident in a series of discussions and debates held in Fiji and Britain. It involved a contestation between civic and ethnic nationalism resulting in constitutional recognition of the three most prominent ethnic groups through the electoral provisions in the constitution and

entrenchment of indigenous Fijian interests with veto power granted to the Great Council of Chiefs nominees to the Senate. A second approach, prompted by the coups of 1987, paid even more attention to differences, constitutionalizing indigenous Fijian hegemony and transforming Fiji into a hegemonic ethnic democracy. The instability created by the hegemonic ethnic democracy prompted a new set of constitutional debates producing yet another approach. This third approach, beginning in the mid 1900s, involved a transition from the hegemonic ethnic state to a more multicultural democracy. The strategy involved the adoption of a constitution that recognized ethnic groups as corporate consociations while aiming to transcend ethnic differences in the long run through the centripetal electoral system and provisions for a multi-party executive. This transformation did not provide the desired democratic stability as Fiji suffered more attempted removals of democratically elected governments in 2000 and 2006.

2012 marked the beginning of yet another set of debates and negotiations that have continued to the present. It produced a fourth approach that was version of the civic nationalist strategy proposed, but rejected, in the lead-up to independence. The motive behind this approach is to move Fiji away from accommodating ethnic group interests to an “ethnically blind constitution,” aimed at de-ethnicization of the political sphere and the creation of a unified civic state. However, this latest approach has been compromised by the militarized transition to democracy intended to preserve the pre-2014 status quo, an expanded role of the military in domestic politics, and the persistence of popular belief in the paramountcy of indigenous Fijian interests.

Ethnic Blindness

The concept of “ethnic blindness” is closely associated with the “color-blind” ideal. While explicit racism validates beliefs about racial superiority and social inequity, color-blind racial approaches embody a repudiation of racism even in extending to contest the concept of race itself (Bonilla-Silva 1997).

The theory of color-blindness proposes that racial categories do not matter and should not be considered when making decisions. The primary tenet of this approach is that social categories should be dismantled and disregarded and everyone should be treated as equal individuals (Walton et al. 2014: 112; Schofield 1997: 252; Ullucci and Battey 2011: 1196; Vorauer et al. 2009: 838–839; Ryan et al. 2007). Ethnic blindness as an approach to issues of ethnic-racial difference centers on the premise “that racial group membership and race-based differences should not be taken into account when decisions are made, impressions are formed and behaviors are enacted” (Apfelbaum et al. 2012: 205). In other words, everybody should be “judged as individual human beings without regard to race or ethnicity” (Ryan et al. 2006, 2007: 618; Neville et al. 2000). Ethnic blindness is related to the notion of a post-racial society where ethnicity/race does not matter and racism is a thing of the past (Appiah and Gutmann 1996; Cho 2009; Ono 2009). Calls for ethnic blindness are not just normative but prescriptive as well, which is briefly expounded on the

following section. Acknowledging the existence of ethnic groups emphasizes differences, which then brings about discrimination and is seen as a system of perpetuating stereotyping (Markus et al. 2000; Tajfel and Turner 1979; Peery 2011: 473). Ethnic blindness can prevent prejudice and discrimination: “If people or institutions do not even notice race [or ethnicity], then they cannot act in a racially biased manner” (Apfelbaum et al. 2012: 205). Therefore, proponents of ethnic blindness choose to avoid or ignore race in interpersonal interactions under the belief that it would decrease racism.

The concept of ethnic blindness for the purposes of this chapter is closely linked to the idea of color blindness in that an ethnically blind constitution is one which does not recognize ethnic differences but treats all citizens equally giving them equal recognition. This is reflected in the theories of “politics of universalism” integration and civic nationalism.

The Integration (Ethnic Blindness): Accommodation Debates

The question of how constitutions should respond to the challenges of ethnic nationalism has prompted two main approaches to constitutional design: (i) states which tend to disregard ethnic differences and to treat all persons as citizens with equal rights and obligations (sometimes described as “the liberal” or ethnically blind state) and (ii) states which are based on the political recognition of ethnic groups as rights-bearing entities (“ethnic-based states”). The latter can be subdivided into two groups: one in which a majority dominates other communities (“hegemonic state”) and the other which is more consensual and aims at power sharing and proportionality (“consociational state”).

Academics overwhelmingly assert that ethnically divided societies require accommodative constitutional designs to avert political instability and violent conflict. This stance has variously been characterized as “widely held,” “dominant,” and “a panacea” (Reilly 2001: 20; Binningsbø 2013: 89). By contrast, “the scholarly orthodoxy has long rejected majoritarian approaches” (Reilly 2001: 20). Arend Lijphart declared in 1994 that consociationalism is “the only workable type of democracy in deeply divided societies” (as cited by Reilly 2001: 169). Timothy Sisk and Andrew Reynolds assert “the alternative [to accommodation] is nearly always a catastrophic breakdown of the state and society” (Reynolds and Sisk 1998: 30). Reynolds later elaborated “parliamentarism, proportional representation, and power-sharing structures provide the foundational level of inclusion needed by precariously divided societies to pull themselves out of the maelstrom of ethnic conflict and democratic instability” (Reynolds 1999: 268). By contrast, he insisted, integrationist constitutional frameworks lead to “increased ethnic hostility” and “political instability” (Reynolds 1999: 269).

However, a smaller but slowly growing group of academics is skeptical that accommodative institutions are the only, or even the best, constitutional design to promote political stability in deeply divided societies. These scholars argue that accommodating groups on the basis of their differences serves to manifest and

sharpen these divisions, perpetuating and intensifying intergroup conflict. They further contend that guaranteeing government posts or other benefits to particular groups is anti-democratic and undermines the political competition necessary to promote good governance via accountability. Fixed quotas also can prove particularly divisive over time if there is a significant change in the underlying dynamics on which they were based (Roeder and Rothchild 2005: 37).

The ongoing debate whether states should accommodate or attempt to integrate the ethnic differences of citizens demonstrates a fundamental normative disagreement over the mechanisms of inter-ethnic cooperation. Each approach proceeds from different assumptions and epistemological positions regarding the durability and malleability of politically mobilized ethnic identities. Integrationists focus primarily on the long-term normative vision of the state, while accommodationists are (allegedly) more concerned with the immediate, short-term pressures states face (Pildes 2008: 175). Both approaches translate into a much broader set of policy options with regard to constitutional design in divided societies than the familiar Lijphart–Horowitz debate has generated (Choudhry 2008, p. 27). In the following section, I will briefly summarize the principle differences between the accommodationist and integrationist approaches to managing ethnic difference.

Accommodation

In general terms, accommodationists promote dual or multiple public identities and advocate equality with institutional respect for difference (Choudhry 2008: 27). They assume ethnic identities in segmented societies are resilient and not susceptible to short-term transformation. However, they do not necessarily believe identities are primordial and fixed (Bertrand 2008: 209; McGarry et al. 2008: 52).

Accommodationists seek to ensure each ethnic group has the public space necessary to express its identity, make its own decisions in areas of critical importance, and protect itself against the majority (McGarry et al. 2008: 42). The result is the design of public policy, which permits the institutional expression of differences in the public sphere, such as minority language rights. Consociational techniques advocated by Arend Lijphart (1975, 1977, 2008) and others (McGarry and O’Leary 2005; McGarry et al. 2008; etc.) are examples of approaches to accommodating cultural pluralism (power-sharing executives; proportionality; segmental autonomy, territorial or corporate, along ethnic lines; mutual veto rights among groups; and arbitration mechanisms). Centripetalism, advocated principally by Donald Horowitz (1991, 2000, 2002, 2007), is another example of how states can accommodate ethnic difference, albeit at the integrationist end of the spectrum. The political incentives this approach advocates to encourage intergroup cooperation assume that the existence of ethnic political parties is inevitable (Choudhry 2008: 27).

Integration

Integrationists, by contrast, believe political instability and even further conflict are a consequence of group-based partisanship in political institutions, since they empower elites that have a vested interest in maintaining these social divisions. They reject the idea that ethnic difference should necessarily translate into political differences and instead argue for the possibility of a common (civic) public identity (Choudhry 2008: 27). As McGarry, O'Leary, and Simeon note (2008: 73), integrationists advocate such an approach even when ethnicity is served as the basis of political mobilization, since they believe ethnic identities are seldom as long-standing or as deep as supporters of accommodation suggest. Accordingly, integrationists support constitutional strategies that promote a common public identity, which transcends, crosscuts, and minimizes ethnic cleavages, without (importantly) demanding ethno-cultural uniformity in the private sphere. Examples of such strategies include common state institutions, "ethnically blind" public policies, the promotion of individual rather than communal rights, the design of mixed or nonethnic territorial entities, and electoral systems which encourage the formation of pre-election coalitions across ethnic divides (Sisk 1996: xi).

Integration/ethnically blind constitutional design is concerned with de-ethnicization of politics emphasizing the importance of state neutrality among different sub-national identities. The difference between integration and accommodation models is that the accommodation models acknowledge the importance of recognizing public and private ethnic groups, identities, needs, and aspirations, although to varying degrees. The accommodationist models of constitutional design can be anywhere on a spectrum from mild ethnicization to appropriation of the state by a dominant ethnic group. Centripetalists are closer in their commitment to the long-term de-ethnicization of politics by focusing on the need to design institutions that reward moderates from different groups as opposed to the radicals. Consociationalism is more open to greater recognition of ethnic groups than centripetalists by being inclusive of radicals. On the extreme end of accommodation is hegemonic control, whereby the state and the dominant ethnic group appropriates its institutions for the purposes of promoting the dominant group's demand for political control of the state.

To contextualize the integrationist-accommodationist debate in Fiji's political landscape, throughout the history of nation building in Fiji especially after 1970, there emerged two competing visions of the emerging nation-state: a struggle between claims for indigenous Fijian ethno-nationalism and civic nationalism. Debates around constitutional design have exposed a persistent tension between civic nationalism and ethno-nationalism, that is, between political equality, on the one hand, and the need to maintain distinct identities, on the other.

Colonial Rule and the Politicization of Ethnicity in Fiji

Political instabilities in post-independent Fiji are a result of colonial policies that were instituted since British colonization in 1874. Policies of indirect rule aimed at placating indigenous Fijians and the divide and rule policies that separated ethnic

groups since the introduction of indentured Indian laborers has had a lasting impact on solidifying ethnic identities in Fiji. These policies later created problems for the British government in the lead-up to independence, contributing to political instabilities after independence.

In order to thwart European settler exploitation of indigenous Fijian labor and land, and protect indigenous Fijian culture and tradition, Fiji's first Governor General, Sir Arthur Gordon, reorganized the social modes of control to keep order and stability in Fiji (Robertson and Tamanisau 1988: 7; Srebrnik 2002: 189). This meant that preserving the doctrine of the "paramountcy of [indigenous] Fijian interests," implied in the Deed of Cession, was of the utmost importance. Gordon instituted a policy of "divide and rule," of which indirect rule was a major part of this policy.

Through the divide and rule policies, constitutional policy in colonial Fiji was developed with regard to ethnic differences. Initially, the Legislative Council was composed exclusively of nominees by the Governor. Although indigenous Fijian chiefly hierarchy was integrated into the running of district administrations, the Council of Chiefs played an advisory role at the national level (MacNaught 1982). Subsequent changes, from 1904, to representation in the Legislative Council incorporated nominees of the Council of Chiefs, elected nonofficial Europeans, and, from 1929, Indo-Fijian representatives elected from a communal roll. Despite granting franchise to Europeans and Indo-Fijians, effective power was retained by the Governor and his Executive Council. As moves toward independence gained momentum in the 1960s, adult franchise was extended to indigenous Fijians (much to the opposition of indigenous Fijian chiefs), women, and other groups. Since the end of indenture in 1918, Indo-Fijians had consistently demanded common roll and political equality (Gillion 1977: 130). However, the colonial administration and especially European members of the Legislative Council resisted these demands fearing that open franchise combined with a majoritarian system would end up with Indo-Fijian political dominance. They therefore supported communally based electoral rolls. Nevertheless in 1929, the colonial government agreed to the principle of parity in representation in the Legislative Council between elected representatives from the three major communities despite discrepancies in population between Europeans on the one hand and Indo-Fijians and indigenous Fijians on the other. The main outcome of this was that this policy created and fostered many misperceptions between the two major ethnic groups.

Constitutionalizing Ethnicity in Post-independent Fiji

Since decolonization began in Fiji in the 1960s, debates around constitutional design have witnessed contentious debates around integrated, nonracial state, based on individual rights and those who favor of a political order based on ethnic communities: civic and ethnic nationalisms. Until the coup of 2006 and the resulting 2013 Constitution, the issue of nation building and citizenship in Fiji has been secondary to ethnicity and ethnic accommodation.

In the lead-up to independence, while Indo-Fijian leaders through the Federation Party advocated common roll electoral design and political integration, indigenous Fijian leaders through the Fijian Association, together with European political leaders, opposed common roll and political integration (Norton 2002; 134). They were suspicious of the Federation Party proposals, as the demographic changes during that period would mean Indo-Fijian political domination.

Indigenous Fijians viewed the Deed of Cession as a “protective” document that would preserve and protect their “rights and interests with regards to ownership of land and chiefly titles,” arguing that their interests should be paramount. As independence became imminent, this protective understanding turned into a more “assertive” one fueled by uncertainty of how their “interests would receive special recognition in the new constitutional order” (Norton 2013; 426). Indigenous Fijian demands were seen as providing for rules and structures that would ensure and provide for political paramouncy – that “only if Fijians were in control of Fiji’s political leadership, their interests could be protected” (Norton 2002; 134).

The solution, after intense series of closed-door negotiations in 1969 and 1970 between the leaders of the two major ethnic groups, was a consociational arrangement, encapsulated in the 1970 Constitution, whereby the indigenous Fijians and Indo-Fijians were allocated the same number of parliamentary seats (for an in-depth analysis of the provisions of the 1970 Constitution, see Ghai and Cottrell 2008). To appease indigenous Fijian concerns, which feared political domination by Indo-Fijians and loss of land and political rights, there was agreement that the Senate would provide greater indigenous Fijian representation with veto powers over legislation affecting indigenous Fijian interests (Vasil 1972; 28).

The 1970 Constitution provided hopes that democracy could be made to work in Fiji. In the peaceful transition to independence, leaders from both parties worked well together, establishing a good personal rapport proving to people in Fiji and abroad that genuine multicultural cooperation was possible. Despite this, ethnic polarization was still evident during elections, with voters choosing the comfort of the ethnically based parties, a result of the racially based electoral system (Alley 1970, 184–186; Ghai and Cottrell 2008; 291–292).

In the April 1987 elections, the NFP/Fiji Labor Party coalition defeated the incumbent Alliance Party. Three weeks after the elections, Sitiveni Rabuka led a military coup, with the support of the iTaukei movement and the chiefs, to oust the NFP/FLP government. Initially, Rabuka claimed national security, alluding to the threat posed by the Taukei Movement’s agitation and demonstrations, as the reason for carrying out the coup (Ghai 1990: 13; Lawson 1991: 257–259). However, the language that materialized after the coup revealed the reason to be threats of an Indo-Fijian-dominated government to indigenous Fijian political supremacy (Ghai 1990: 13; Lawson 1991: 260–261).

In a subsequent coup in September 1987, Rabuka declared Fiji a Republic, severing all ties with the British monarchy (Lal 1993: 276, 2002). This led to the abrogation of the 1970 Constitution and the promulgation of a new constitution constructed to secure “paramouncy of [indigenous] Fijian interests” (Lal 1993: 274). The 1990 Constitution provided for indigenous Fijian domination in the

legislature and executive – 37 out of the 71 seats in the lower house were reserved for them and 24 out of 34 Senate members were to be nominated by the Great Council of Chiefs (GCC). In addition, the President appointed by the GCC would always be a Fijian chief, and the posts of the Prime Minister and other ministries were reserved for indigenous Fijians seats (for an in-depth analysis of the provisions of the 1990 Constitution, see Ghai and Cottrell 2008).

The constitution also “enhanced the entrenchment of legislation protecting Fijian land and other interests” (Ghai and Cottrell 2007: 297–300). The protection provided to specific acts of parliament now encompassed any bill “affecting land, customs or customary rights.” (These acts included the Fijian Affairs Act, the Native Lands Trust Act, the Natives Land Act, the Fiji Development Fund Act, the Rotuma Act, the Rotuma Lands Act, the Banaban Lands Act, and the Banaban Settlement Act. Relevant sections?) The GCC Senate appointees were accorded the power of veto with rules specifying that no less than 18 of the 24 Senate members appointed by the GCC had to support it for the bill to pass (Section 78, *Constitution of the Sovereign Republic of Fiji 1990*). The parliament and the executive were also given unlimited powers to establish affirmative action programs and policies for “promoting and safeguarding the economic, social, educational, cultural, traditional and other interests of the [indigenous] Fijian and Rotuman people” (Chapter 3 “Fijian and Rotuman Interests,” *Constitution of the Sovereign Republic of Fiji 1990*).

Despite its ethnically biased orientation, there was one bright spot in the Constitution; it provided for a review of the Constitution before the end of 7 years after its promulgation (Section 161, *Constitution of the Sovereign Republic of Fiji 1990*). In 1995 the government set up a three-member Constitutional Review Committee (CRC), tasked with recommending changes to the 1990 Constitution. In doing so, the Commission had to balance the principle of indigenous Fijian interests while also guaranteeing having full regard to the rights, interests, and concerns of all ethnic groups. While the Commission’s recommendations indicated their intention to radically transform Fiji politics through arrangements aimed at de-ethnicization of politics (see Reeves et al. 1996), the Joint Parliamentary Sector Committee’s (JPSC’s) deviation from these recommendations signaled their intention for cosmetic transformation thereby retaining the fundamentally ethnic character of the state while making some efforts toward dismantling the hegemonic ethnic state.

The 1997 Constitutional arrangements included a mixture of consociational and centripetal features. The communal allocation of almost two-thirds of seats in the House of Representatives is a feature of corporate consociationalism, treating major ethnic groups as corporate entities. It also attempted to move away from race-based politics through the introduction of 25 common roll seats. An appointed 32-member Senate was retained; however, there was a reduction in the number of GCC nominees from 24 to 14 who retained their power of veto over all legislation affecting indigenous Fijians thereby retaining the principle of paramountcy of [indigenous] Fijian interests’ but only in a protective sense. The GCC was granted constitutional recognition in the 1990 Constitution; however the 1997 Constitution went further and provided for its roles and functions (Section 116, *Fiji Islands Constitutional Amendment Act 1997*). Chapter 13 of the Constitution (Group Rights) also provided

for entrenchment of laws relating to indigenous Fijians, Rotumans, and Banabans and their land and provided for procedures on how to alter the laws. It also provided for the parliament to enact legislation regarding customary laws and for dispute resolution in accordance with traditional processes, for distribution of royalties to landowners and registered customary fishing rights for mineral and resource extraction (Sections 185–6, *Fiji Islands Constitutional Amendment Act 1997*). Another feature of consociationalism in the Constitution was the mandatory power sharing in the executive whereby the Prime Minister was constitutionally mandated to invite all parties that attain 10% or more seats in parliament to be part of their cabinet in proportion to their composition in Parliament (Section 99, *Fiji Islands Constitutional Amendment Act 1997*).

The electoral provisions of the 1997 Constitution reflect the preferences of the political scientist Donald Horowitz, who preferred a power-sharing model comprising “centripetal, integrative or incentive-based techniques” which he suggests is most likely to foster moderation and conciliation on the part of all concerned. Horowitz recommends the AV system as the best option for divided societies as he believes that political elites must be afforded political and electoral incentives with the aim of “making moderation pay” (Horowitz 1990: 451–475). The notion behind this system is to provide politicians with incentives to seek electoral support from groups beyond their own ethnic community.

While the alternative vote, preferential voting, seemed like an appealing idea, it did not have the desired impact that the CRC foresaw: it did not encourage cooperation between ethnic groups but led to shady deals across ethnic lines, geared mainly to weaken those parties within ethnic groups committed to racial integration (for more see Fraenkel 2001, 2006). The power-sharing executive provisions also it did not work at all well because of the lack of commitment of the leading parties to sharing power. After the 1999 elections, when the Fiji Labour Party (FLP) won and invited Rabuka’s Soqosoqo ni Vakavulewa ni Taukei (SVT) to participate, the latter responded with a number of conditions, which Prime Minister Chaudhry interpreted as a rejection. In 2001, after another coup and return to civilian rule, the Soqosoqo Duavata ni Lewenivanua (SDL) party leader invited the FLP to participate while suggesting that there was “insufficient basis for a workable partnership” and went on to recommend a Cabinet with no FLP members (Supreme Court of Fiji: Qarase v. Chaudhry 2003). Resolution of these disputes has involved repeated resort to the courts. In the first case, the Supreme Court held that Chaudhry was not bound to accept the conditions imposed by the SVT for joining government (Supreme Court of Fiji: President of Fiji Islands v. Kubuabola 1999). In the second case, the Supreme Court held the prime minister in breach of the constitution (Supreme Court of Fiji: Qarase v. Chaudhry 2003). The matter went back to court in 2004 over the precise interpretation of the constitution on allocation of seats (Supreme Court of Fiji: President’s Reference, Qarase v. Chaudhry – Decision of the Court 2004).

After the 2006 elections, a power-sharing Cabinet did come into being; before the “conventions” that the Supreme Court had advised could develop, another coup ensued the country a few months later, led by the head of the military, Commodore Bainimarama. Initially Bainimarama insisted that the coup was carried out to protect

the 1997 Constitution claiming Qarase was violating the spirit of the Constitution by pursuing a controversial legislation that would grant amnesties to those convicted in the 2000 coup. He argued that this legislation would “divide the nation and will have very serious consequences to our future generations.” He proclaimed that the military “not only adheres to the rule of law and the Constitution but more importantly believes in the adherence to the spirit of law and the Constitution” (Ghai and Cottrell 2007: 311).

Reorientation to Authoritarian Civic Nationalism

In April 2007, the Bainimarama regime announced its intentions to review the 1997 Constitution with the goal of “ridding the Constitution of provisions that facilitate and exacerbate the politics of race in such areas as the registration of voters and the election of representatives to the House of Representatives through separate electoral rolls” preferring an electoral system that was based on one person-one vote (Fiji Ministry of Information 2007). Speaking at the UN General Assembly in 2007, Bainimarama argued that Fiji’s independence was built on shaky foundations (i.e., race-based constitutions) that separated Fijians. Democratic politics that had been practiced in Fiji was therefore divisive and constrained efforts at nation building. He announced that Fiji had to do away with race-based politics, committing to reforms that would entail greater democratization that would ultimately end coup culture (Bainimarama 2007). The coup and its ideology therefore sought to supplant the politics through a nation-building project.

This was initiated under the guise of a state of emergency. The military government acquired extraordinary powers that permitted the armed and police forces to quell dissent, with force if necessary. In the aftermath of the coup and the eventual abrogation of the 1997 Constitution in April 2009, decrees were put in place that severely restricted freedom of movement, assembly, and expression (including media freedom) (Bhim 2011: 2).

In his quest to de-ethnicize Fijian politics, Bainimarama challenged the Methodist Church and the Great Council of Chiefs, institutions that indigenous Fijians hold dear and with reverence causing much concern among indigenous Fijians (Lal 2009: 31–32, 2009: 77; Norton 2009: 112, 2015: 113–125; Ratuva 2011: 112). Bainimarama stated that the military did not have to please the chiefs nor the Methodist Church and was in the best position to institute political and constitutional reforms that would benefit everyone, regardless of their ethnicity (Norton 2009: 112, 2015). He further argued that indigenous Fijians needed to change their mindset that the nation and democracy belonged or should belong to the chiefs (Bainimarama 2007).

Fiji’s transition to democracy that began with the Bainimarama regime’s constitution-making process was carried out in a restrictive political environment (Kant and Rakuita 2014; Kant 2014a, b). For 6 years, the regime was successful in controlling and silencing most dissenters and the media. In 2012, the regime released two decrees to pave the way for the drafting of a new constitution: the Fiji Constitutional (Constitution Commission) Process Decree 2012 or Decree 57 and the Fiji

Constitutional Process (Constituent Assembly and Adoption of Constitution) Decree 2012 or Decree 58. Decree 57 stipulated 11 nonnegotiable principles which had to be reflected in the constitution which aimed at de-ethnicization of Fijian politics: common and equal citizenry; a secular state; removal of systematic corruption; an independent judiciary; elimination of discrimination; good and transparent governance; social justice; one person, one vote, one value; elimination of ethnic voting; proportional representation; and voting age of 18. A five-member Commission was appointed by the regime, headed by Professor Yash Ghai. The Commissioners started their work in July 2012 and wound up operation in December 2012 with the presentation of a draft Constitution to the President (Kant and Rakuita 2014).

The 2012 Commission's draft constitution marked a departure from previous constitutions, a significant move away from the consociational character that defined previous constitutions to one that was intent on civic nation building and integration. It had a difficult balancing act to manage. While the regime wanted ethnically blind/integrationist provisions in the constitution, the Commission after listening to people's views decided to maintain certain aspects of iTaukei institutions and provide for protection of language, culture, traditions, and practices, although making a distinction between the public and private spheres. In the 1990 and 1997 Constitutions, the GCC had been recognized as a public institution with important powers conferred to it, but in the 2012 draft, the GCC was classified as a civil society organization with only advisory powers. Section 47 provided for rights to join and maintain cultural, linguistic, and religious association and practices. The GCC was given constitutional recognition as a nonpartisan organ of civil society, namely, as a custodian of iTaukei culture and traditions (Section 56, Fiji Constitution Commission Draft Constitution 2012).

In January 2013, the regime dumped the Commission's Draft Constitution. The President informed the people that, the commission's draft while it included some good provisions, "many of the provisions of the Ghai draft position us in the past" (Fiji Times Online 2013). He directed the regime to put together a new draft. The regime released its draft in March and held its own "consultations" on it.

In August 2013, the regime released the final version of the Constitution that would take Fiji to elections, which was promulgated by the President in September. The 2013 Constitution in the Preamble makes references to the indigenous Fijians and Rotumans as the first inhabitants of Fiji, recognizing their lands, unique culture, customs and traditions, and language. It also recognizes the same for all the other later immigrants. For the first time, it makes mention of a common national identity, which remains to this day a thorny issue within the indigenous Fijian community.

The recognition of indigenous Fijian customary land ownership in the Constitution is intended to appease suspicions stirred up by ethno-nationalists over most of Fiji's independent history. It is strengthened by Article 28, which confirms that indigenous Fijian, Rotuman, and Banaban land rights are inalienable, while Section 30 provides for fair distribution of royalties from minerals extracted from traditional lands and/or customary fishing grounds.

In terms of institutions, the Senate and the Great Council of Chiefs, both already defunct in practice, are no longer constitutionally recognized. A single-chamber

Parliament is introduced, to be elected via a system of proportional representation of party lists (Section 53, Constitution of the Republic of Fiji 2013). With some symbolic importance, Article 53 provides very explicitly: “each voter has one vote, with each vote being of equal value, in a single national electoral roll comprising all the registered voters.” Ethnic electoral rolls, and ethnic representation in Parliament, are thus abolished. With indigenous people now constituting a majority of the population, this measure was not as controversial as it would once have been. In all other regards, Fiji’s institutions under the terms of this Constitution are Westminster-inspired. The relationship between Parliament and the Cabinet is a reaffirmed codification of British custom; the President, appointed by Parliament, is a purely ceremonial head of state, bound to act solely on his ministers’ advice (Section 82, Constitution of the Republic of Fiji 2013).

The Indigenous Fijian Challenges to “Ethnic Blindness”

With minimal recognition to ethnic and cultural identities, the 2013 Constitution aims to develop a culture of civic nationhood. However, the transition to the “ethnically blind” ideology is fraught with challenges (Kant 2017). Indigenous Fijian political and traditional elites have opposed the provisions of the 2013 Constitution condemning the “interim military government” for “failure to protect the group rights of indigenous Fijians” and for appropriating control over “native Fijians semiautonomous government (Matanitu Taukei)” (Lalabalavu and Kepa 2013). Local NGOs (including the newly formed Fiji Native Tribal Congress (FNTC)) protested to the United Nations Committee on Elimination of Racial Discrimination (UN CERD) about the regime abolishing the GCC without consulting the indigenous Fijians. Similarly, the NGO Coalition on Human Rights (NGOCHR) objected to the regime’s actions registering concern around the “dismantling and restructuring of what have hitherto been identified as indigenous institutions without appropriate consultation with stakeholders,” calling on the regime to “conduct an open dialogue process with the iTaukei people on the change to their name, the removal of the Great Council of Chiefs (GCC) and revision of land laws in recognition of the 2007 United Nations Declaration on the Rights of Indigenous Peoples” (NGO Coalition for Human Rights 2012: 10–11). The NCOHR further called on the regime to publicly declare its position on “the status of the iTaukei people so as to provide certainty to them of their position in the future society of Fiji” (NGO Coalition for Human Rights 2012: 10–11).

The FNTC, in its submission to the UN CERD Committee, objected to the regime’s move via decree that all citizens would be known as “Fijians,” a term that previously was used to refer only to the indigenous Fijians. “The Decree changed all references of “Fijian “indigenous” or “native” that appeared in the law, government publications and communications, replacing it with the term “iTaukei”” (Fiji Government 2010).

The FNTC submission claimed that the regime violated rights of indigenous Fijians and that the actions and rhetoric of the regime were to “wipe out entirely

the group rights of indigenous Fijians and to thereby make Fiji a plural society of individuals where individual rights only is paramount” (Fiji Native Tribal Congress (FNTC) 2012: 42).

The UN CERD Committee, while noting the regime’s moves to provide development on the basis of need rather than ethnicity, was concerned about the lack of consultation with indigenous Fijians on reforms relating to indigenous Fijian institutions. The Committee recommended that the government initiate appropriate processes for consultation with indigenous Fijians on policies which affect “their identity, ways of living and resources, in line with the Convention, the United Nations Declaration on the Rights of Indigenous Peoples and the ILO Convention on 169 on Indigenous and Tribal Peoples” (UN Committee on the Elimination of Racial Discrimination (CERD) 2012: 4).

The calls by indigenous Fijian political and traditional elites, the CSOs, and the UN CERD Committee have gone unheeded by the regime. The promulgation of the 2013 Constitution paved the way for parliamentary elections in September 2014. The constitution had brought an end to communal voting, a feature of previous constitutional arrangements. Seven political parties contested the election; however, the main competition was between FijiFirst and SODELPA.

FijiFirst promised a new, modern, secular Fiji free of the crippling legacies of a racially divided past and was more toward the reformist, secularist, modernist, and multiethnic end of the political spectrum, while the SODELPA promised the restoration recognition and power for the iTaukei greater protection for indigenous Fijian land ownership, the restoration of the Great Council of Chiefs, reservation of “Fijian” as the identity for indigenous Fijians, and the establishment of a Christian state placing it at the “protectionist, ethno-nationalistic and conservative end of the continuum” (Ratuva 2015: 143–145). The NFP, FLP, and PDP advocated multiculturalism while also promising to review the Constitution and provide recognition and a role for the GCC.

Describing the 2013 Constitution as “Godless,” SODELPA manifesto spoke of how the Constitution “ignored the role of Christianity in the development of Fiji.” Secularism became cast as an attempt “to encourage worship of an unknown deity.” SODELPA insisted that when it formed government, a new constitution would “ensure God’s rightful place in our supreme law” and “uphold Christian values and principles” (Social Democratic Liberal Party (SODELPA) 2014). SODELPA’s leadership constantly attacked the Bainimarama Government and the 2013 Constitution for undermining indigenous rights, claiming that by abrogating the 1997 Constitution, the entrenched protection of native land rights had been removed. One specific objection was that without a Senate, and the representation afforded to the GCC through this body, all that was required to change Taukei land ownership in the new unicameral legislature was a simple majority vote in parliament (Fiji Times, 11 September 2014: 29).

Beginning with the usual reference to the 1874 Deed of Cession as the basis for iTaukei monopoly of land ownership, SODELPA’s manifesto proceeded to list all the actions of the Bainimarama Government that had purportedly undermined these. The list included appointing government sympathizers to staff the Native Land Trust

Board (NTLB, now iTaukei Land Trust Board) and opposition to the Qarase government's Qoliqoli Bill dealing with the ownership of coastal areas, including those used for surfing. The manifesto also made clear that its principal objection was to the transfer of control over native lands away from the chiefs, manifested in the GCC, to the Minister responsible for indigenous Fijian affairs.

The main opposition party SODELPA, managed to secure almost 28% of total votes cast (more than 98% from indigenous Fijians) during the 2014 elections. SODELPA increased its popularity in the 2018 elections as they received almost 40% of total votes. These votes were overwhelmingly from indigenous Fijians due to SODELPAs appeal to the Christian religion, and indigenous Fijian tradition and culture. It thus seems that there remains strong support for constitutional recognition of indigenous Fijian culture and tradition and indigenous Fijian hegemony. The image of indigenous Fijians as iTaukei (owners of the land) remains a potent symbol. What distinguishes Fiji from most divided societies is the presence of an ethnic group with claims of indigeneity, which has created a higher and more abstract level of belonging than just citizenship. The idea of prior occupation has afforded indigenous Fijians grounds for insisting on being given priority in the political and cultural spheres.

Since elections in 2014, SODELPA in parliament has consistently raised issues with regard to Bainimarama's regime and FijiFirst's blatant disregard for issues important to indigenous Fijians and the suppression of indigenous rights since the 2006 coup. MP Niko Nawaikula claimed that Bainimarama – and later his 2013 Constitution – contravened UN-mandated indigenous rights by abolishing the GCC and the exclusive Fijian name and by denying indigenous Fijian self-determination (FBC News 2017).

In response to SODELPA, Bainimarama claimed that "SODELPA keeps summoning up the past and preying on the fears of the iTaukei people about the security of their land and their way of life," ... "it is divisive. It is offensive. And it simply isn't true ... There is no threat to iTaukei – to our land, culture, institutions or religion" (Fiji Sun 2015).

Other signs of indigenous Fijian disquiet emerged. Fear of losing privileged constitutional status, small groups of indigenous Fijians in Nadroga/Navosa and Ra provinces, under the influence of an indigenous Fijian expatriate, residing in Australia, who urged them to rise up against the Bainimarama government, declared their provinces sovereign Christian states. Those involved in this blamed the secular, ethnically blind 2013 Constitution. A statement from the group echoed familiar ethno-nationalist themes about alleged British failure at independence in 1970 to return Fiji to descendants of the original signatories of the 1874 Deed of Cession. The Ra group denounced the "oppressive, dictatorial and tyrannical nature of the Bainimarama/Khaiyum regime," with its "nirvana concept of a polity of equality," and "dream" of a "modern progressive Fiji." The Uluda Declaration purported to express the aspirations of "ethnic peoples, first nation peoples of Fiji and therefore sovereign people of this land." It criticized the government's "perverse form of social engineering which employs constitutionally enshrined laws of 'mainstreaming' with

which it enforces intensive assimilation that selects only the native Fijian race as its target group” (Field 2015).

As a consequence, by September 2015, 63 persons had been arrested and charged with sedition (Armbruster 2015). Fifteen people charged with sedition in Ra were all found guilty in September 2017, while court proceedings are underway for those charged in Nadroga/Navosa case (Deo 2015).

While for the time being Bainimarama has been successful in restraining and suppressing indigenous Fijian nationalism, SODELPA has demonstrated that appeals to ethno-nationalism remain a potent force with a large enough section of the indigenous Fijian population. Demographic changes in Fiji’s population especially the continuing decline in the Indo-Fijian population since the 1980s do not guarantee that demands for indigenous Fijian political dominance are likely to disappear in the near future.

Conclusion

In recent decades, liberal constitutionalism, integration, and ethnic-blindness have come under criticism for enforcing homogeneity thereby ignoring diversity that exists within many nation-states by political theorists (Tully 1995: 58; Taylor 1992: 38; Kymlicka 1996; Parekh 2000). Charles Taylor (1992: 38) locates his reflections on the politics of recognition in multicultural countries against the historical setting of the development of the modern idea of identity, since in his view this idea also explains the growth of the politics of difference. Recognition, Taylor states, indicates mutual relations between individuals, who regard each other as both equal yet separate (Taylor 1992: 25). James Tully (1995) states that different groups (based on immigrant status, gender, indigeneity, linguistic and religious differences) seek constitutional recognition of their cultural diversity. In criticizing liberal constitutionalism, he argues that constitutions are based on the assumption that societies are of a homogenous culture; however in practice it is structured in a way whereby diversity is either excluded or attempts are made to assimilate people (Tully 1995: 58). He further points out that a constitutional order that attempts to provide a structure for the resolution of issues that deal with the interests of the state and its diverse communities cannot be seen to be just if it prevents different cultural objectives for self-determination and government (Tully 1995: 6). His recommendation is that a constitution should be a “form of accommodation” of cultural diversity, of inter-ethnic conversation in which people from culturally diverse backgrounds negotiate settlements on their forms of association over time.

Numerous attempts at constitutional design in Fiji have endeavored to reconcile demands for democracy with demands by some indigenous Fijians that the state should promote their indigenous Fijian nationalist aspirations. Colonial rule shaped a state structure symbolized not only by the political divisions of indigenous Fijians from other groups but in a system that kept them tied to an increasingly “traditional way of life” under the authority of chiefs. The entrenchment of a doctrine of paramountcy of indigenous interests, while well-meaning in its initial design, has

been a catalyst for a highly narrow-minded form of ethno-nationalism. Political instabilities in Fiji while detrimental to social and economic relations have also presented an opportunity for dialogue. Coup-makers and their supporters have relied on designing and implementing constitutions to support their objectives, whether they be in the form of indigenous Fijian nationalism in the case of 1987 and 2000 or of promoting civic nationalism and ridding Fiji of communal and ethnic divisions (in the case of 2006 coup). However, the problem with the opportunities offered has been political manipulation by the victors of coups to design constitutions to ensure their short-term political survival rather than attempting to truly find solutions to Fiji's problems.

In a divided society, people will be reluctant to work together unless ethnic groups to which they belong are afforded recognition. However, civic integration (ethnic-blindness) is also important because it urges people to work together politically thus making it easier to allocate goods and services within the state; for democracy to take root, recognition of ethnic groups might be warranted, while for democracy to consolidate, people must be willing to transcend their ethnic group interests and take a broader view (common good).

This constant negotiation and redefinition of inter-ethnic relations is a price divided societies has to pay if consolidation of democracy is to be achieved. Constitutional (re)design is not a final solution as norms, processes, and institutions have to be modified in an ever-changing process and should be viewed as chains of recurring intercultural dialogues and negotiations. As Hanna Lerner and James Tully suggest, constitution-making and reforms in divided societies should not be seen as revolutionary moments but as an evolutionary process (Tully 1995: 183–184; Lerner 2011: 39;194). While a constitution can address the institutional aspects of democracy relatively straightforwardly, addressing the foundational features is more complex as in a divided society there are contending perspectives on the character of the state. Similarly, Adeno Addis (2009: 75) contends that constitutional design in divided societies should not be seen as an attempt to be a final solution to the persistent problems the society faces. Tully, Lerner and Addis argue that controversial issues such as national identity, nation-building, and official language, and state religion should be deferred for future deliberation, arguing in favor of constitutional ambiguity on these issues as an initially. Conflict is highly probable if the constitution attempts resolve the foundational problems of a divided society.

In Fiji, as in many divided societies coming out of conflict, it is clear that the short-term pressure to democratize has not been sufficient to foster democratic stability. What is required is ensuring sustainable long-term systems and processes of reconciliation that aims to bring about profound change in attitude, in conduct, and in the quality of governance systems, socioeconomic environment, structures, and institutions. Transitions to democracy usually involved political elites without much regard to necessary societal changes to ensure future stability. These elite negotiated agreements most times assume that these political resolutions will allow conflicting groups to reconcile and live in harmony. This view overlooks the deep cleavages that still exist. Post-conflict reconciliation in divided societies requires a process that goes beyond inclusion of elites; therefore it should be designed in such a

way that is long-term and involves civil society organizations and the community at large. Overlooking a process of deeper reconciliation at the grassroots has the potential to create more problems for the transition and compromises long-term stability.

References

- Addis A (2009) Deliberative democracy in severely fractured societies. *Ind J Glob Legal Stud* 16(1):59–83
- Alley R (1970) Independence for Fiji: recent constitutional and political developments. *Aust Outlook* 24(2):184–186
- Apfelbaum EP, Norton MI, Sommers SR (2012) Racial color-blindness: emergence, practice and implications. *Curr Dir Psychol Sci* 21:205–209
- Appiah KA, Gutmann A (1996) *Color conscious: the political morality of race*. Princeton University Press, Princeton
- Armbruster S (2015) Fiji PM ‘Distracts’ with Overseas Plotter Threat. SBS News, 31. <http://www.sbs.com.au/news/article/2015/08/31/fiji-pm-distracts-overseas-plotter-threat>. Accessed 30 Apr 2017
- Bainimarama VJ (2007) Statement by H.E. Commodore Josaia Voreqe Bainimarama, Prime Minister of the Republic of Fiji Islands. 62nd session of the UN General Assembly, New York
- Bhim M (2011) Stifling opposition: an analysis of the approach of the Fiji Government after the 2006 Coup. Canberra: SSGM Discussion Paper Series
- Binningsbø H (2013) Power sharing, peace and democracy: any obvious relationships? *Int Area Stud Rev* 16(1):89–112
- Bonilla-Silva E (1997) Rethinking racism: toward a structural interpretation. *Am Sociol Rev* 62(3):456–480
- Cho S (2009) Post-racialism. *Law Rev* 84:1589–1649
- Choudhry S (2008) Bridging comparative politics and comparative constitutional law: constitutional design in divided societies. In: Choudhry S (ed) *Constitutional design for divided societies: integration or accommodation?* Oxford University Press, New York, pp 3–40
- Deo D (2015) 15 people charged with sedition found guilty by the high court. Fiji Village (Suva, Fiji, 23 September 2015), <http://fjivillage.com/news-feature/15-people-charged-with-sedition-found-guilty-by-High-Court-Judge-r52ks9/>. Accessed 30 Sept 2017
- FBC News (2017) Nawaikula brings up constitution and rights. (Suva, Fiji, 13 September), <http://www.fbc.com.fj/fiji/54456/nawaikula-brings-up-constitution-and-rights>. Accessed 19 Sept 2017
- Fiji Government (2010) *Fijian Affairs (Amendment) Decree 2010*. Decree 31 of 2010. Government Printer, Suva
- Field M (2015) On snake gods and edition in Fiji. Micheal J. Field. <http://michaeljfield.tumblr.com/post/128137108353/on-snake-gods-and-sedition-in-fiji-these-are-the>. Accessed 25 Mar 2016
- Fiji Ministry of Information (2007) *Moving in the right direction*. Retrieved March 14, 2017, from Fiji Ministry of Information: http://www.fiji.gov.fj/uploads/Roadmap_2007.pdf
- Fiji Native Tribal Congress (FNTC) (2012) *Supplementary report to the committee on the elimination of racial discrimination for the Republic of Fiji*. Fiji Native Tribal Congress (FNTC), Suva
- Fiji Sun (2015) Full speech: new Kadavu Provincial Council Opening. <http://fjijun.com.fj/2015/02/19/full-speech-new-kadavu-provincial-council-opening/>. Accessed 25 Mar 2016
- Fiji Times Online (2013) The President Ratu Epeli Nailatikau’s Address on Fiji’s Constitution and Constituent Assembly. January 10. Retrieved September 29, 2015, from Fiji Times Online: <http://www.fjijtimes.com.fj/story.aspx?id=222129>

- Fraenkel J (2001) The alternative vote system in Fiji: electoral engineering or ballot-rigging? *Commonw Comp Polit* 39(2):1–31
- Fraenkel J (2008) Political consequences of Pacific Island electoral laws. In: Rich R, Hambly L (eds) *Political parties in the Pacific Islands*. ANU Press, Canberra, pp 43–68
- Ghai Y (1990) A coup by another name? Politics of legality. *Contemp Pac* 2(1):11–35
- Ghai Y, Cottrell J (2007) A tale of three constitutions: ethnicity and politics in Fiji. *Int J Const Law* 5(4):639–669
- Ghai Y, Cottrell J (2008) A tale of three constitutions: ethnicity and politics in Fiji. In: Choudhry S (ed) *Constitutional design for divided societies: integration or accommodation?* Oxford University Press, Oxford, pp 287–315
- Gillion K (1977) *The Fiji Indians: challenge to European dominance, 1920–1946*. ANU Press, Canberra
- Horowitz D (1990) Making moderation pay: the comparative politics of ethnic conflict management. In: Montville JV (ed) *Conflict and peacemaking in multiethnic societies*. Lexington Books, Lexington, pp 451–475
- Horowitz D (1991) *A democratic south Africa: constitutional engineering in a divided society*. University of California Press, Berkeley
- Horowitz D (2000) *Ethnic groups in conflict*. University of California Press, London
- Horowitz D (2002) Explaining the Northern Ireland agreement: the sources of an unlikely constitutional consensus. *Br J Polit Sci* 32(2):193–220
- Horowitz DL (2007) The many uses of federalism. *Drake Law Rev* 55:953–966
- Kant R (2014a) Constitution monitoring report: September 2013–September 2014. In: Citizen's Constitutional Forum Limited (ed) *Fiji in transition: towards a sustainable constitutional democracy*. Citizen's Constitutional Forum Limited, Suva, pp 105–146
- Kant R (2014b) The roadmap to democracy and Fiji's 2012 constitution-making process, SSGM In-Brief Series. The Australian National University, Canberra
- Kant R (2017) Casting a blind-eye: is Fiji's 2013 'Ethnically-blind' constitution a path to democratic stability. *J South Pac Law: Spec Issue*, 3–36. <https://www.usp.ac.fj/index.php?id=22271>
- Kant R, Rakuita E (2014) Public participation and constitution-making in Fiji: a critique of the 2012 constitution-making process, SSGM Discussion Paper Series. The Australian National University, Canberra
- Kymlicka W (1996) *Multicultural citizenship: a liberal theory of minority rights*. Oxford University Press, Oxford
- Lal B (1993) Chiefs and Indians: elections and politics in contemporary Pacific. *Contemp Pac* 5(2):275–301
- Lal, Brij V. 2009. 'Anxiety, uncertainty and fear in our land': Fiji's road to military coup. The 2006 military takeover in Fiji: a coup to end all coups?. Jon Fraenkel, Stewart Firth Brij V. Lal, 21–42. Canberra: ANU E Press
- Lalabalavu N, Kepa T (2013) Paramount Chief of Rewa, and Head of Burebasaga Tribal Confederacy Ratu Naiqama Lalabalavu, Tui Cakau, Paramount Chief of Cakaudrove and Head of Tovata Tribal Confederacy. Retrieved February 15, 2017, from Coup 4.5: www.coupfourandahalf.com/2013/10/the-statement-from-rewa-and-cakaudrove.html
- Lawson S (1991) *The failure of democratic politics in Fiji*. Oxford University Press, Oxford
- Lerner H (2011) *Making constitutions in deeply divided societies*. Cambridge University Press, Cambridge
- Lijphart A (1975) The comparable-cases strategy in comparative research. *Comp Pol Stud* 8(2):158–177
- Lijphart A (1977) *Democracy in plural societies: a comparative exploration*. Yale University Press, New York
- Lijphart A (2008) *Thinking about democracy. Power Sharing and majority rule in theory and practice*. Routledge, London
- MacNaught T (1982) *The Fijian colonial experience: a study of the Neotraditional Order under British colonial rule prior to World War II*. ANU eView, Canberra

- Markus HR, Steele CM, Steele DM (2000) Colorblindness as a barrier to inclusion: assimilation and nonimmigrant minorities. *Daedalus* 129(4):233–259
- McGarry J, O’Leary B (2007) Iraq’s constitution of 2005: liberal consociation as political prescription. *Int J Constit Law* 5(4):670–698
- McGarry J, O’Leary B, Simeon R (2008) Integration or accommodation? The enduring debate in conflict regulation. In: Choudhry S (ed) *Constitutional design for divided societies: integration or accommodation?* Oxford University Press, Oxford, pp 41–88
- Neville H, Lilly R, Duran G, Lee R, Browne LV (2000) Construction and initial validation of the color-blind racial attitudes scale. *J Couns Psychol* 47:59–70
- NGO Coalition for Human Rights (2012) NGO alternate report to the committee on the elimination of racial discrimination for the republic of Fiji. Retrieved March 18, 2017, from Office of the High Commissioner for Human Rights: http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/FJI/INT_CERD_NGO_FJI_13663_E.pdf
- Norton R (2002) Accommodating indigenous privilege: Britain’s dilemma in decolonizing Fiji. *J Pac Hist* 37(2):133–156
- Norton R (2009) The Changing role of the Great Council of Chiefs. In: Fraenkel J, Firth S (ed) *The 2006 military coup in Fiji: a coup to end all coups?* ANU E Press, Canberra, pp 97–116
- Norton R (2015) The troubled quest for national political leadership in Fiji. *Round Table* 104(2):113–125
- Norton R (2013) Averting ‘irresponsible nationalism’: political origins of Ratu Sukuna’s Fijian administration. *J Pac Hist* 48(4):409–428
- Ono K (2009) Postracism: a theory of the “post-” as political strategy. *J Commun Inq* 34:227–233
- Parekh BC (2000) *Rethinking multiculturalism: cultural diversity and political theory.* Macmillan, London
- Peery D (2011) The colorblind ideal in a race-conscious reality: the case for a new legal ideal for race relations. *Northwest J Law Soc Policy* 6(2):473–495
- Pildes H (2008) Ethnic identity and democratic institutions: a dynamic perspective. In: Choudhry S (ed) *Constitutional design for divided societies: integration or accommodation?* Oxford University Press, Oxford, pp 173–204
- Ratava S (2011) The military coups in Fiji: reactive and transformative tendencies. *Asian J Polit Sci* 19(1):96–120
- Ratava S (2015) Protectionism versus reformism: the battle for Taukei ascendancy in Fiji’s 2014 general election. *Round Table: Commonw J Int Aff* 104(2):137–149
- Reeves P, Vakatora TR, Lal BV (1996) *The Fiji Islands: towards a united future, parliamentary.* Paper no. 34 of 1996. Government Printer, Suva
- Reilly B (2001) *Democracy in divided societies. Electoral engineering for conflict management.* Cambridge University Press, Cambridge
- Reynolds A (1999) *Electoral systems and democratization in Southern Africa.* Oxford University Press, New York
- Reynolds A, Sisk TD (1998) Elections and electoral systems: implications for conflict management. In: Reynolds A, Sisk TD (eds) *Elections and conflict management in Africa.* United States Institute of Peace Press, Washington, DC, pp 19–28
- Robertson R, Tamanisau A (1988) *Fiji: shattered coups.* Pluto Press, Leichhardt
- Roeder PG, Rothchild D (2005) Power sharing as an impediment to peace and democracy. In: Roeder PG, Rothchild D (eds) *Sustainable peace: power and democracy after civil war.* Cornell University Press, Ithaca, pp 29–50
- Ryan AM, Gee GC, Laflamme DF (2006) The association between self-reported discrimination, physical health and blood pressure: findings from African Americans, black immigrants, and Latino immigrants in New Hampshire. *J Health Care Poor Underserved* 17:116–132
- Ryan CS, Hunt JS, Weible JA, Peterson CR, Casas JF (2007) Multicultural and colorblind ideology, stereotypes, and ethnocentrism among Black and White Americans. *Group Process Intergroup Relat* 10(4):617–637

- Schofield JW (1997) Causes and consequences of the colorblind perspective. In: Banks J, Banks CM (eds) *Multicultural education: issues and perspectives*. Allyn & Bacon, Needham Heights, pp 251–271
- Social Democratic Liberal Party (SODELPA) (2014) Land-the truth and nothing but the truth: a statement and a challenge by the social democratic liberal party (SODELPA). *Fiji Times*, 11 September, 29
- Sisk TD (1996) *Power sharing and international mediation in ethnic conflicts*. United States Institute of Peace Press, Washington, DC
- Srebrnik H (2002) Ethnicity, religion, and the issue of aboriginality in a small Island State: why does Fiji Flounder? *Round Table* 364:187–210
- Tajfel H, Turner J (1979) An integrative theory of intergroup conflict. In: Austin WG, Worchel S (eds) *The social psychology of intergroup relations*. Brooks/Cole, Monterey, pp 33–47
- Taylor C (1992) *Multiculturalism and “The politics of recognition”: an essay*. Princeton University Press, Princeton
- Tully J (1995) *Strange multiplicity: constitutionalism in the age of diversity*. Cambridge University Press, Cambridge
- Ullucci K, Battey D (2011) Exposing color blindness/grounding color consciousness: challenges for teacher education. *Urban Educ* 46(6):1195–1225
- UN Committee on the Elimination of Racial Discrimination (CERD) (2012) *UN Committee on the elimination of racial discrimination: concluding observations, Fiji* 31 August. CERD/C/FJI/CO/18-20, New York
- Vasil RK (1972) Communalism and constitution-making in Fiji. *Pac Aff* 45(1):21–41
- Vorauer JD, Gagnon A, Sasaki SJ (2009) Salient intergroup ideology and intergroup interaction. *Psychol Sci* 20(7):838–845
- Walton J, Priest NC, Kowal E, Brickwood K, White F, Paradies Y (2014) Talking culture? Egalitarianism, color-blindness and racism in Australian elementary schools. *Teach Teach Educ* 39:112–122

Legislations

- Fiji Constitution Commission (2012) *Draft constitution 2012*. Fiji Constitution Commission, Suva
- Fiji Government (1970) *Fiji Independence Order 1970 and Constitution of Fiji*
- Fiji Government (1990) *Constitution of the Sovereign Republic of Fiji 1990*
- Fiji Government (1997) *Fiji Islands Constitutional Amendment Act 1997*
- Fiji Government (2013) *Constitution of the Republic of Fiji 2013*

Court Cases

- President of Fiji Islands v. Kubuabola* (1999) FJSC 8, Misc. Case No. 1 of 1999 (3 September 1999)
- Qarase v. Chaudhry* (2003) F.J.S.C. 1, CBV0004.2002S (18 July 2003)
- The President’s Reference, Qarase v. Chaudhry—Decision of the Court* (2004) FJSC 1; MISC 001.2003 (9 July 2004)