

INSECURITY OF TAUKEI LAND AS AN ISSUE IN THE 2014 GENERAL ELECTION: REAL THREAT OR POLITICAL GIMMICK?

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ABSTRACT

The 2014 General Election returned Fiji to democratic government after almost eight years of military-backed government rule. As in other Pacific Island countries, issues of customary or native land generate critical debate before and during national elections because of the cultural, social and economic significance of land. Interwoven with these important factors is ethnicity and in this case the Taukei (indigenous people) and non-Taukei that have had different land rights in terms of accessibility, use and ownership as regulated by the Native Land Act. The 2014 General Election campaign was significant because for the first time political parties, especially the Social Democratic Liberal Party (SODELPA) and FijiFirst Party (FFP) campaigned vigorously on the decrees pertaining to land that had been introduced by the interim government to win the approval of voters, especially Taukei. After a brief discussion of the cultural importance of land to the Taukei, this article evaluates whether the SODELPA or FFP party manifestoes relating to land issues appealed more to Taukei voters during the general election.

Keywords: *Native land, Taukei, Native Land Act, SODELPA, FijiFirst Party*

INTRODUCTION

Throughout the island Pacific the majority of the landmass is customary owned and land has long been considered a key feature of the Pacific's sociocultural fabric and vital to development. But policies towards land tenure may impede as well as facilitate development. One of the most debated issues prior to Fiji's 2014 General Election was land ownership by Taukei. This reflected important changes introduced by the Bainimarama government since the 2006 coup. Different political parties developed manifestoes that prominently featured land protection and innovation. This paper aims to discuss how land issues were used by the two major parties, the Social Democratic Liberal Party (SODELPA) and FijiFirst Party (FFP), as campaign tools to win prospective voters. SODELPA represented the typically conservative colonial views of land tenure, while FFP held a more liberal view on land ownership and usage. The other political parties adopted moderate views on land in the hope that the two contradictory views by the two major parties would be to their advantage. An important question is whether voters were swayed by the 'ethnic-land card' to determine their choice of the next ruling party.

THE 2014 ELECTION

The 2014 September general election guided Fiji back to democratic rule following the 2006 military coup. Despite some criticisms, the election was labeled credible by the Multinational Observer Group (MOG). As some expected, FFP won a landslide victory polling 59.20% of the total votes (see Table1) dispelling any prospect of a coalition government that had been predicted by some political analysts. With the reduction of voting age from 21 to 18 years, 84.6 % of Fiji's 591,101 registered voters participated in the 2014 General Election (Fijian Election Office 2014). Frank Bainimarama, who staged the 2006 coup and transformed himself from military commander to civilian leader prior to the 2014 election, has kept the FFP election promises as reflected in the 2015 Budget¹.

Table1: Official Result 2014 Election

| Party Name | Candidate Votes | Percentage of Total Votes |
|---------------------------------|-----------------|---------------------------|
| FijiFirst | 293714 | 59.20% |
| Social Democratic Liberal Party | 139857 | 28.20% |
| National Federation Party | 27066 | 5.50% |
| People's Democratic Party | 15864 | 3.20% |
| Fiji Labour Party | 11670 | 2.40% |
| One Fiji Party | 5839 | 1.20% |
| Fiji United Freedom Party | 1072 | 0.20% |
| Independent Deo | 1055 | 0.20% |
| Independent Chand | 227 | 0.00% |
| Total | 496364 | 100.00% |

Source: Fijian Election Office 2014.

There were many predictions about the outcome of the election. But as former vice president and high court judge, Ratu Joni Madraiwiwi observed, no one really knew what the voters were thinking (*FijiSun* 2014). Part of the uncertainty related to Taukei insecurity arising from the legislative changes to their customary land rights. The land debate had been successfully employed by dominant Taukei political parties to win the 1992 and 2001 elections immediately after the coups that preceded them. In addition, part of the land-election hype stemmed from the ignorance of Taukei landowners regarding their land rights as stipulated under the land laws. As a result they were easily swayed by Itaukei political parties to believe in their propaganda.

Unlike past land rhetoric that was based mainly on false premises to create fear amongst land owners, the political party campaign preceding the 2014 election was more specific and encompassed other important indigenous matters such as the abolished Great Council of Chiefs (GCC) and controversy surrounding the secular state.

PERCEPTIONS OF CUSTOMARY LAND

The use of Taukei land insecurity as a political campaign tool has historically contributed to election outcomes. To understand the election debate on land issues, it is imperative to understand the cultural perceptions which the Taukei hold about land. The Taukei as indigenous people own about 91% of Fiji's land, and historically they have been accorded special privileges including customary land rights. In pre-contact time all land belonged to the Taukei with variations in systems of land ownership (see Nayacakalou, 1971, p.3). A significant difference between customary Taukei land tenure compared to the western system is its communal ownership. Communally owned land is classified under the native land category and held in accordance with customs and traditions which uphold communal ownership of resources including land. Individual Taukei do not have legal title to native land but each individual is registered under the mataqali (clan) which is the legal land owning unit in Fiji. This is clearly stated in the Native Land Act (1961). Accordingly, the mataqali can neither sell land to outsiders nor grant private property rights to individual members. In practice, each mataqali is entitled to a share of the land that constitutes the vanua² or village.

Furthermore, the customary view on land transcends many tangible representations as a purely material resource and includes spiritual and cultural identity. This explains the Taukei's resolve to protect their land from alienation. Like other Taukei scholars, Tuwera (2002, p.36) reaffirms that for Taukei, land, spirit and people are part of the vanua, and the components are inseparable. The vanua (land) is a 'social fact' that holds the Taukei together and gives it meaning (*ibid.*). The view incorporates a host of spiritual values as well as more practical aspects of land ownership and usage. This sacred tie was often emphasized by the spokesman representing each tribe when giving evidence to the Native Land Commission (NLC) on landownership and occupation (France, 1969, p.10). Narration would include tribal origins linked to a known god in a given area. Consequently, Taukei land tenure practices were formulated in what Malinowski referred to as 'codification of belief' (cited in France, 1969, p.10). According to Boydell (2005) land is based on a traditional value system of indigenous people who see their relationship as originating from the land rather than owning it as commodity.

Sir Arthur Gordon, the first colonial governor of Fiji and founding father of native laws firmly believed in protecting indigenous land and culture from the greed of white settlers. For the governor the survival of Taukei race depended on the preservation of their culture and land ownership against the corruptive actions of the white planters (France, 1969, p.107). As some scholars have argued, the colonial policy of protecting Taukei retarded their socio-economic progress. White settlers, followed by arrival of indentured laborers from India in 1879 to work in sugar plantations, necessitated the formulation of a western type land tenure system to facilitate economic development.

Consequently in 1936, Ratu Sir Lala Sukuna³ and the Great Council of Chiefs (GCC) were determined to resolve land issues so as to allow all land not required for the sustenance of Fijian owners to be made available for national development through native leaseholds. Changing economic activities and ethnic composition within the colony led to the creation of the Native Land Trust Board (NLTB) in 1940 to administer and protect native land. The land policies not only safe-guarded land ownership but also secured chiefly positions in a changing society. As a result the decisions made by the GCC had a long lasting impact on native land tenure and distribution of wealth from land development.

CHIEFS AND LAND SECURITY

Thanks to the policy of indirect rule, chiefs have dominated political and public administration positions both before and after colonial rule⁴. Chiefs occupied a special position in Fijian society – the position of leadership in which they are given precedence, loyalty, obedience, authority, privilege and respect (Nayacakalou, 1975, p.81). Chiefs were seen as God anointed and their primary role was to look after the welfare of their people and safeguarding resource distribution so that every member of a land owning group had right of access and usage. Surprisingly, historical records show how prominent chiefs sold large areas of land contravening their traditional roles as custodian of ancestral land. In retrospective, the *Tukutuku Raraba*⁵ recorded by various Native Land Commissions (NLCs) demonstrated that custom was far from homogenous and tribes were frequently displaced, their composition was fluid, and hierarchy varied considerably by region. As a consequence, patterns of land tenure varied greatly and were far from rigid in different parts of Fiji (Ravuvu, 1998, p.38).

During the colonial era, the role of chiefs toward land alienation and codification was tainted by the corruption of some chiefs, as explained by Lorimer Fission⁶. Chiefly authority was actually reconfigured and codified by the colonial government. Under the separate Fijian Affairs Board, Taukei were made to live as a communal group under traditional leaders whose privileges and status were increased and secured (Tupouniua et al., 1980, p.33). Land rights of individuals and small groups were submerged in the artificial registration⁷ of land, limited only to mataqali groups. The position of traditional leaders was solidified during the colonial rule through 'Native Regulations'. This was unlike the precontact times where inefficient leaders were wiped out by strong and efficient leaders especially during tribal wars (Lawson, 1996, p.50; Tupouniua et al., 1980, p.33). Consequently, Fijian individuality was suppressed under the many inefficient traditional leaders whose claim to office rested on nothing more than the accident of birth. Any attempt to break away from this bondage was ruthlessly suppressed under the new powers given to chiefs by the Native Regulations.

Over time, respect for chiefs withered due to the impact of modernization. During the colonial era, high ranking chiefs benefited more when land was merchandised despite opposition from ordinary Taukei. For instance, during the 1905-1910 period, some chiefs were reaping the product of land sales policy introduced by Governor Sir Everard im Thurn (France, 1969, p.154). In September 1907, a Fijian from Tailevu wrote to Na Mata (newspaper) warning against the evil of land sales. The chiefs take all the money, he wrote; 'they get drunk and spend it, and both the land and the money are lost'. Fifty years later, the Spate Report (1959) and Burns Report (1960) both recommended that Taukei must be freed from the bondage of the native regulations which impede their economic progress while enhancing the economic and social privileges of high chiefs in the colony (Howard, 1991, p.57-8). On the same note Hailey (1988, p.23) observed that, although the traditional system worked well in the past, it contributes to economic frustration. Qarase also noted that, 'the extremely low rate of participation by indigenous Fijians in business is a well-known feature of the Fiji economy and one that is of considerable concern to the government' (1988, p.227).

Although there had been some reform in these regulations in the 1960s, the administration and policy drawbacks persisted into the post-colonial era.

Ravuvu (1998, p.129) explained that land which was once considered by the people of a village to meet various needs of their daily lives had been made sole property of a particular mataqali. Under the nations land policy, customary land rights which facilitated equal distribution and redistribution of land according to changing requirements became permanently grafted onto a particular mataqali. The new concept of land rights was rigid and no longer served the needs of village life (ibid.).

In a similar vein, political history also showed the lack of commitment by Taukei political leaders to implement positive legislative changes to meet the changing needs of society. Nayacakalou (1974, p.5) discussed the dilemma facing Fijian leaders regarding preservation of Fijian culture including land tenure. If they advocated radical change they were in danger of being rejected as anti-Taukei; on the other hand if they emphasized tradition they were accused of being reactionary. Many have stressed that the Taukei cannot have both traditional and modern worlds and the dilemma of choosing between the two has been a political conundrum for Taukei leaders ever since independence in 1970.

THE 2014 ELECTION AND LAND SECURITY

Given this background, it is no surprise that the issue of land was one of the most contested campaign issues prior to the 2014 General Election as evident in the party manifestoes, opinion polls, policies and land decrees.

The SODELPA and FFP manifestos on land issues reflected contrasting positions between the traditional view of land protection and land innovation. However both parties claimed to advocate both objectives (see Table 2). SODELPA amongst other changes wanted to revise the Surfing Decree, reinstate the GCC and reintroduce the land entrenchment clauses in the constitution⁸.

Table 2: SODELPA & FFP Manifestoes on Native Land

| Issues | SODELPA | FijiFirst Party |
|-------------------------|---|---|
| Land Policies | Uphold Native Land Act, 1997 constitution entrenchment provision on native land act. Revise the equal distribution policy. Abolish the Land use Decree. Revise the Surfing Decree. Land protection as in the 1997 constitution. | Uphold Native Land Act, 2013 constitution. Continue with Land Use Decree & equal distribution policy Uphold the surfing decree. Land Protection as in the 2013 constitution. \$10 million to help Land Owning Unit (LOU) develop land |
| Great Council of Chiefs | Re-establish the GCC | Abolition of the GCC to continue. |
| Secular State | Secular state does not recognize role of Christianity in Fiji | Support Secular State as part of equal citizenship |
| Constitution | Revise 2013 constitution with inclusion of the 1997 constitution | Uphold the 2013 constitution |
| TLTB | Institutional restructure to remain the legal custodian of native land | Restructure for the betterment of iTaukei and Fiji. No application fee for LOU |
| Squatter Settlements | Provide affordable housing | Squatters on native land given residential 99 year leases with LOU approval |

Source: Manifestos of FFP and SODELPA, 2014

On land policy SODELPA would facilitate consultation regarding the 2010 Leases and Licenses Regulations amendment and immediately abolish the 2010 Land Use Decree, if elected to government. The party would uphold the ILO Convention 169 and the 2007 UN Declaration on the Rights of Indigenous Peoples⁹ to strengthen opposition to the 2013 constitution.

FFP's manifesto was built on the existing government policies which fostered inclusive growth for all Fijians. Regarding land, the party would uphold the Land Use Decree and provide financial support for every Land Owning Unit (LOU) which worked to develop its land. Additionally, to provide security of land tenure for squatters residing on native land a 99-year residential lease would be granted with the approval of LOU. Other parties such as National Federation Party (NFP)¹⁰ and Peoples Democratic Party (PDP) tried to maintain a balanced approach regarding land issue that did not push for drastic changes in native land policies. Yet they clearly supported the SODELPA stance that land issues and Taukei institutions needed wider consultation rather than the non-consultative approach taken by FFP.

The Tebbutt¹¹ opinion poll in August 2014 showed that 74% and 16% of registered voters considered land issues as very important and quite important respectively. The poll stated the

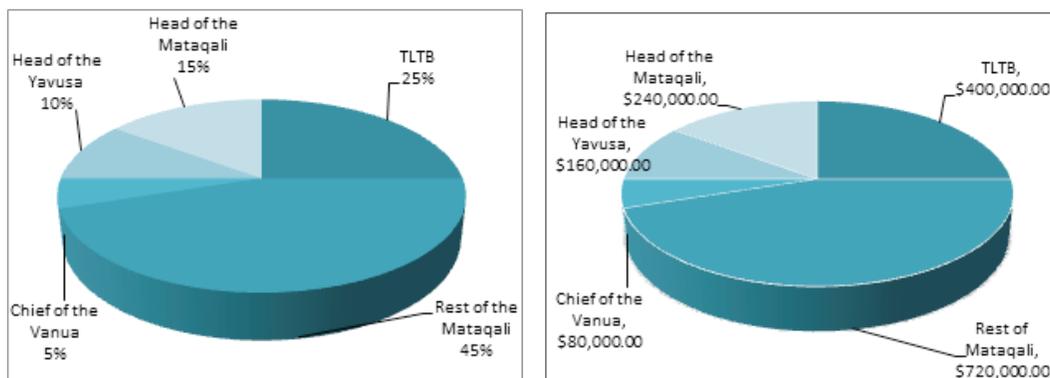
numbers were high across all age groups, both genders, and all ethnicities in both the Central and Western divisions of Fiji. Interestingly, only 25% understood land issues quite well and 83% indicated that they would like to know more about land issues (Vakacolo, 2014).

Land protection is unconsciously entrenched in indigenous people's minds simply because in this competitive world it is the only resource which provides a sense of social, political and economic protection. It must be acknowledged that while Taukei land rights are protected in the 2013 Constitution and under the native land acts, the notion of land insecurity has been highlighted by Taukei nationalist leaders. This is a political construct to arouse fear among Taukei over losing their land. It serves as a means to politically mobilize them by invoking ethnic patriotism as in the 1987 and 2000 coups. Boydell¹² states one reason for the 2000 civilian coup was the growing concern among Taukei about land security when the Chaudhry government sought to provide accessibility to native land for local and foreign investors without proper consultation with customary owners. For Taukei, land ownership is about their security and identity especially where they constitute only 400,000 of the 7 billion people who comprise the world's population.

Unlike past elections, in 2014 land debates evolved around two native land legislations that were introduced by the Bainimarama regime in 2010. These were perceived by SODELPA, the dominant Taukei party, as detrimental to the livelihoods of Taukei and a violation of indigenous rights.

In 2010, the Bainimarama government amended the Leases and Licenses Regulations of the Native Land Act (1961) to ensure equal distribution of lease money to mataqali members. The government introduced the amendment in line with its policy of inclusiveness, in this instance, to address inequality amongst the Taukei landowners. For the first time, under the new equal distribution policy the chiefs and commoners within a mataqali were able to equally share the economic gains from the lease of mataqali land (see case study Figure 1). Before the amendment, the Taukei Lands Trust Board (formerly the NLTB) deducted 25% as an administration fee. There were three categories of chiefs who received the largest shares of the lease money: Turaga ni Vanua (village chief) 5%, Turaga ni Mataqali (clan chief) 15% and Turaga ni Yavusa (tribal chief) received 10%. Often a single chief would receive the full 30% entitlements because he was holder of all three titles and belonged to the clan whose land was leased for development.

The above scenario may be applied to mataqali Yaya of Makare¹³ village. In August 2014 it received lease money for the use of land where the Nepani Government Quarry, is located and has operated since 1954 (Tuifagalele, pers. comm., December 4th, 2014). The mataqali has 77 members. In the old distribution formula, the chief would receive the largest share of \$480,000 because he held the three chiefly titles and TLTB would get \$400,000. The remaining 45% (\$720,000) would be shared by the rest of the 77 members of mataqali Yaya, who would receive \$9350.60 each. The illustration shows the enormous inequality that existed between chiefs and mataqali members in the old rate of distribution since independence.

Figure 1: Old Distribution Policy \$1.6 million – A Case Study of Mataqali Yaya

Source: Derived from Nemani Tuifagalele (Legal Advisor for mataqali Yaya) pers. comm. December 4th, 2014.

Prior to the 2010 amendment, the hefty chiefly entitlement of land rent had partly contributed to increasing number of disputes over chiefly titles. However, over the last two years the equal distribution of land lease earnings policy has coincided with a reduction in the number of registered disputes over chiefly titles. For example, the Native Lands Commission received three chiefly titles dispute cases in 2014 compared to thirteen recorded cases in 2013. The commissioner, Ratu Tagivetaua, attributed this decline to the implementation of the equal distribution policy by the Bainimarama government (FBC Radio Interview, July 16, 2014).

SODELPA also attacked the pre-2014 Bainimarama regime for the 2012 Taukei Affairs Revocation Regulation which abolished the GCC that had existed since its establishment in 1875. Bainimarama questioned the GCC's relevance to the country's contemporary political structure and criticized the institution as being politicized and irrelevant in an era that championed equal citizenry in Fiji (Gonedua 2012). In addition, SODELPA emphasized the national ban placed on the Methodist church's annual conference under the Public Emergency Regulations to appeal to the largely Methodist Taukei voters. Many Methodist church followers had supported the Soqosoqo Duavata ni Lewenivanua (SDL) party, the forerunner of SODELPA. Finally, SODELPA drew attention to the Bainimarama government withdrawing in 2013 all ethnic-based scholarships including the Fijian Affairs Scholarship which had served to promote tertiary education for Taukei students.

SODELPA claimed that the equal distribution of lease monies was not conducive to the traditional livelihood of Taukei. SODELPA leader, Ro Teimumu Kepa, a high chief and beneficiary of the previous distribution system, explained that chiefs, as head of the mataqali and yavusa, had more responsibilities to the vanua and their larger shares catered for major obligations (FBC TV, September 8th, 2014). Deposed SDL Prime Minister, Laisenia Qarase, while campaigning for SODELPA, invented his own version of redistribution when replying to a question that the author posed during the SODELPA campaign in Wainivula, Suva. He claimed that the party would let the provincial council decide on the fate of the equal distribution policy in consultation with the

people. This was clearly different from Ro Teimumu Kepa's position that SODELPA would revert to the old system and she queried whether the provincial councils had legal jurisdiction to change the law regarding the equal distribution policy.

SODELPA's contradictory views proved to do more harm than good to the party's election campaign¹⁴. Firstly, in advocating the old distribution system, the party was condoning inequality amongst Taukei using a flimsy cultural justification. What the party overlooked was that the majority of chiefs did not receive lease money yet still fulfilled their obligations successfully to the vanua because communalism and reciprocity were crucial values of Taukei culture.

The old distribution policy actually contributed to inequality and marginalization of ordinary Taukei in their own villages. It must be noted that the chief's lease allocation is a private entitlement and he is not obliged by law to spend or redistribute his share of lease monies on traditional obligations. Many chiefs have benefited from a land policy that was colonially orchestrated and contributed to some chiefs becoming individualistic and very wealthy (Ward 1994, p.141) while ordinary Taukei were disadvantaged as a result of this unequal distribution of benefits based on a communally owned resource. Over the last three decades several observers have noted increased evidence of destitution in Taukei villages which could be attributed to inequality of revenue from communal resources and weakening of the principles of reciprocity within villages (Bayliss-Smith et al., 1988, p.112-3). In advocating his government's policy of equal citizenship, Bainimarama criticized the chiefly institution for promoting inequality amongst the Taukei community by holding on to privileges bestowed not by tradition but by colonial laws. In the past several decades neither the GCC nor political leaders had taken any step to amend land policies to benefit all Taukei. Despite promises by previous Taukei-led governments (such as the Soqosoqo ni Vakavulewa ni Taukei and SDL) to improve Taukei wellbeing, the socio-economic situation of the Taukei continued to worsen.

In retrospect, there was no major resistance to the changes made by the Banimarama government. However, silence on these matters does not mean acceptance of the policy changes. Many Taukei usually refrain from articulating their views publicly on many political issues for cultural reasons (Nabobo et al. 2008). While silence is part of custom, the Taukei support for the interim government may have also contributed to subdued resistance by the Taukei. These policy changes still need wider national consultations to prevent confusion and possible confrontation between landowners and tenants as a result of vague translation by politicians.

Another contested land issue prior to the election was the 2010 Land Use Decree, a policy framework that aims to facilitate productivity of idle native and crown land. Under the decree unused native land could be deposited in the Land Bank if 60% of the mataqali members gave their consent. Once the land is designated and deposited, the government would find potential investors who would, as sub-lessees, develop the land according to the provision in the lease agreement. SODELPA had publicly campaigned that the decree would erode Taukei rights to their land and sought its removal.

SODELPA argued that there was a controversial clause in the decree which removed native land owners' right to seek redress in court or any other tribunal. The party had mainly used a Fiji-based

study (Dodd, 2012) and its own legal expertise to highlight the weaknesses of the decree. The Dodd study provided a detailed analysis of the legal implications of allocating Taukei land under the Land Use Unit, which included unfettered legal power allocated to government to control native land for the duration of the lease¹⁵. It was argued that the Land Use Decree would weaken the LOU decision making process and dispute-settlement capacity once the land was designated and the negotiation grace period of 5 years lapsed, giving the government total control of native land during the tenure period of 99 years.

In its media release SODELPA noted its reservation regarding the process of achieving majority consent and the confusion between individual rights and groups rights regarding native land protection under the Land Use Decree.¹⁶ They also noted that the decree did not protect Taukei land from alienation as in other past constitutions and its real intention was to allow foreign investors easy accessibility to native land for over 99 year lease terms.

SODELPA's concerns should be noted. To pave the way for implementing this decree certain conditions had to be met. One was to abrogate the 1997 Constitution which effectively allowed the Bainimarama regime to remove and abolish the GCC. Under the 1997 Constitution the GCC had constitutional powers to stop any amendments regarding any parliamentary proposal which might lead to possible alienation of Taukei land. The additional result was the weakening of the TLTB board structure¹⁷ where the GCC previously appointed the majority of the members.

The Land Use Decree may facilitate possible land alienation. This is so because the LOU would not have the required financial capacity to compensate investors for any general improvement on land undertaken during the leasing period, leading to possible perpetual land alienation for the Taukei. Similarly, SODELPA argued that the 2010 Surfing Decree did not obligate any investors to compensate LOU for the use of traditionally owned fishing grounds for leisure activities such as surfing, thus removing potential revenue sources for Taukei landowners.

Consequently, the controversial land decree provided an effective political agenda for SODELPA to campaign against FFP which had gained popularity in many provinces around the country. Spearheading the campaign was the party's strategy regarding the protection of native land and other Taukei institutions in its effort to appeal to Taukei voters who represented about 57% of the population.

Unfortunately for the party, the ethnic approach it employed backfired as many undecided voters from all ethnicities found FFP liberal manifesto more appealing than SODELPA's more conservative approach. For people what mattered was the 'real' development approach taken by the Bainimarama government for those who needed it most – the poor, women and children and rural dwellers.

The issue of land insecurity was cushioned by the fact that the Bainimarama government convincingly campaigned on the platform that Taukei land was secured under the 2013 constitution¹⁸. In fact, the Land Use Decree was an alternative lease arrangement available for LOU to utilize unused land with land owners receiving 100% of the lease revenue.

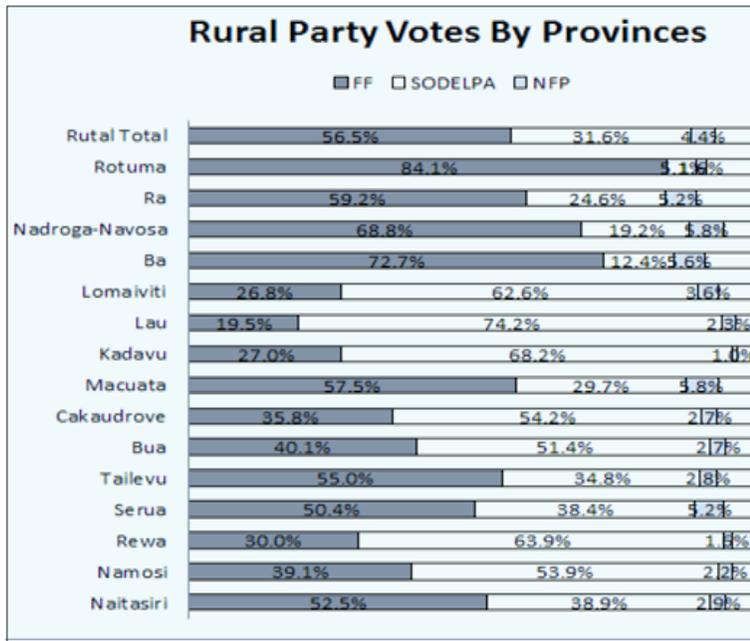
The debate about the Land Use Decree caused much uneasiness amongst Taukei because of the vague and selective explanations about the decree by both SODELPA and FFP. More insecurity and fear stemmed from the fact that the two political parties failed to clarify the various provisions in the decree. The common response from the government to the question about native land issues was that ‘the iTaukei land is secure and protected within the constitution’. On the other hand, SODELPA rode on the notion of land alienation and Taukei becoming landless, causing confusion among many Taukei voters. Many prospective voters shared the same sentiment that ‘we don’t know who is telling the truth’. Despite this drawback, many non-Taukei and Taukei voters gave their votes to FFP because they felt that the party would provide security and rural development for all Fijians.

Part of the problem was that many FFP candidates did not truly understand the detailed clauses of the new land decree and declared ‘iTaukei land is safe’ as a standard response to questions by potential voters. In Wainivula, Suva a FFP candidate responded abusively when he was questioned by the author about the detailed provisions in the Land Use Decree and the possibility that it might lead to a de-facto alienation of native land. As a result the FFP candidate was expelled from representing the party. Two other candidates and current ministers in the then interim government were present but could not answer the questions. In Nasole, Suva, an FFP candidate could not answer the question concerning a landowner’s right to take the government to court regarding any issue about designated land.

In an interview, Bainimarama clarified that the government could be challenged in court under the Land Use decree if more than 60 percent of the mataqali members did not consent to allocating their land to the Land Bank (FBC TV, September 8, 2014). Bainimarama focused largely on Taukei ownership or co-ownership of any commercial venture rather than the traditional leasing arrangement on native land. There were many misinterpretations about this decree and SODELPA always highlighted the perceived negative impacts concerning the decree and not its good intentions.

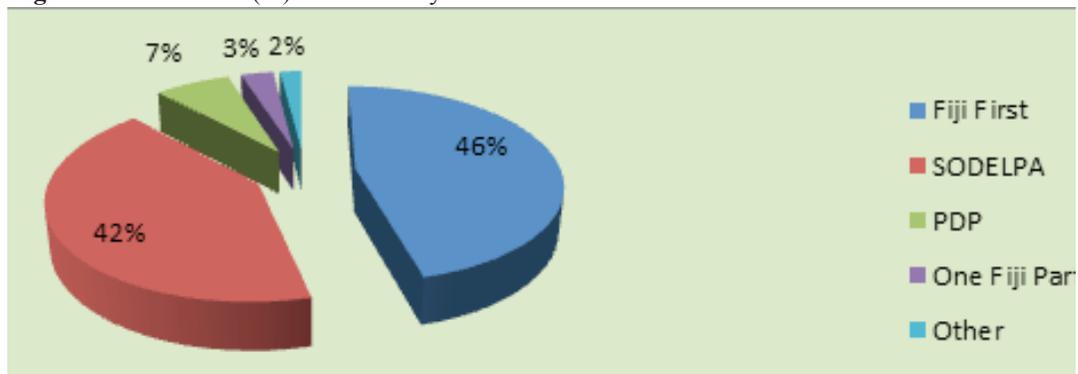
LAND SECURITY AND THE 2014 ELECTION RESULTS

During the 2014 election, the notion of land insecurity, SODELPA’s political trump card, did not demonstrate much appeal except in some provinces¹⁹. For ordinary Taukei, providing basic needs and progress were more important and many Taukei believed that their land was safe. FFP ‘rock star’²⁰ approach where Bainimarama was the main draw card in the election campaign drew massive support. He successfully tallied the huge total of 202,459 votes and gave FFP a very clear majority in parliament. In Ba, the biggest province in terms of population²¹, and a major tourism destination, 72.7% overwhelmingly voted for FFP. The 2014 election results indicated that many of the 14 provinces in Fiji supported FFP. Exceptions were Lomaiviti, Kadavu, Lau and Rewa which voted predominantly for SODELPA (see Figure 3). The voting preferences suggest that traditional ties and kinship are still important. For instance, Kadavu province had publicly supported FFP prior to the election but quickly changed after a campaign by SODELPA in the province. The SODELPA leader is the paramount chief of the Burebasaga confederacy to which Kadavu belongs.

Figure 3: Rural Party Votes According to Province – Fiji 2014 National Election

Source: Nakagawa 2014 Presentation at the School of Government, Development and International Affairs Writers' Workshop USP, Fiji.

The main provinces in which native land had been leased supported FFP which indicated many Taukei had faith in FFP to protect and provide innovative programs to benefit the indigenous population. In Yasawa for instance, 46% and 29% of the total population voted for FFP and Bainimarama respectively, outvoting reputable candidates from the Yasawa and Ba provinces (see Figure 4). Generally the election showed a shift in the voting pattern for the Taukei. The vote along ethnic lines as in the political party of one's own ethnicity had lost its appeal but whether this is a new dynamic in voting remains to be seen.

Figure 4: Total Votes (%) in Yasawa by Political Parties

Source: Nakagawa 2014 Presentation at the School of Government, Development and International Affairs Writers' Workshop USP, Fiji.

Fijians especially Taukei will assess FFP's performance in the next four years, especially the application of the new land use decree. It would be suicidal for FFP to deviate from the promises contained in their party manifesto since Taukei make up 56% population and could easily be swayed in their voting behavior in the future. Land is an important issue and has the potential to inflame passion and tension. In its current form, the decree does not provide an avenue for redress as the Minister of Lands and the Prime Minister have total powers over land issues.

CONCLUSION

The land issue may have had some impacts on the results but clearly not enough to win SODELPA the election. The Taukei considered other matters such as education, health, water, electricity and other infrastructure as more crucial to improving their living standard than the question of land security. However, land issues will remain important in national politics. The current stance on land issues and supposed Taukei support for the changes made by the current government depends on whether the land decree will actually benefit the Taukei in the next four years. SODELPA needs to re-evaluate its political manifestoes on native land and other development issues if the party wants to win the confidence and trust of all voters. The party's 'land-race' card failed to appeal to Taukei voters and only scared non-Taukei voters into voting for FFP.

The 2014 general election indicated that Taukei preferred an equal distribution of wealth from any development on native land. Provinces such as Ba and Nadroga/Navosa that constituted a major area of native leased land supported FFP. The equal distribution policy can be seen positively because land owning members share equally in the returns earned from the use of land resources. The policy promises to alleviate marginalization and inequality which has existed within the Taukei social structure, and has the potential to improve the general livelihood of all Taukei – rural and urban alike. It has also contributed to the reduction in the number of registered disputes over chiefly titles for the country. It must be noted however that there are many vacant chiefly titles yet to be installed. These improvements will address the perceived insecurities and fear of land alienation that had caused political instability in the past. At the same time, the mis-perception of land alienation needs to be clarified to Taukei to ease tensions surrounding discussions on land.

There is also a need to change the current use of newly-earned land use revenues from mainly basic consumption to long-term investments to sustain Taukei livelihoods in the future. It is likely that there will be a distortion of views regarding traditional social structures, along with the respect and status routinely accorded to them, especially for the chiefly institution. Some argue that the onset of the equal distribution policy threatens to undermine the traditional social structure and its place in contemporary Taukei society. This would further diminish the influence of chiefs and the vanua on the voting behavior of people in future elections. On the other hand, the 2014 general election reaffirmed that non-Taukei would prioritize their security above any other matters in an election and as long as FFP promised a safe haven for them, it would be difficult for any other parties to form the next government.

ENDNOTES:

- 1 *The 2015 budget includes free education, bus fares and milk for year 1 students , more infrastructural development, \$10million grant for iTaukei land owners who wish to develop their land, and \$10,000 grant for first home buyer; also a secured 99 residential lease for squatters residing on native land.*
- 2 *The vanua for Taukei literally means land but it encompasses a more holistic meaning which includes the Taukei's identity, resources, culture and spiritual being.*
- 3 *Oxford educated and high chief, he was the first local Native Land Commissioner.*
- 4 *For instance, Ratu Sir Kamisese Mara, Ratu Sir Lala Sukuna, Ratu Sir Penaia Ganilau, and Ratu Sir George Cakobau held important positions such as Prime Minister, Native Land Commissioner, Governor General and President of the country.*
- 5 *Oral traditions of the landowning units and individuals providing historical accounts of such matters as initial land settlement, ownership, distribution and occupation.*
- 6 *A missionary to Fiji before and during the colonial era who provided insight on land ownership from the period of Christian civilization to colonial rule. As an anthropologist he acted as a go between for the colonial legal authority and the Fijian chiefs in the codification of native law.*
- 7 *This refers to the process of colonial protection and the (mis) interpretation by officials of what was 'traditional land tenure'. The idea that native land ownership was solely determined by mataqali membership was far from the truth. Pre-contact land ownership was much more flexible and varied throughout Fiji. See Overton in Crocombe 1994.*
- 8 *These clauses required a two thirds majority in each house of Parliament and the Great Council of Chiefs nominees in Senate to change/amend the Act governing native land.*
- 9 *This declaration, while accepting the fundamental equality of all peoples, nevertheless noted that indigenous peoples the world over have suffered marginalization through colonialism. It recognized the need to respect and promote the rights of indigenous peoples affirmed in historical treaties and other constructive agreements with the state. SODELPA claimed that important policy changes made by the Bainimarama government regarding Taukei affairs would undermine their rights, including land rights.*
- 10 *The National Federation Party is the longest surviving Indian dominated party and like SODELPA advocated a consultative approach regarding land issue and the reinstatement of GCC if it won the election.*
- 11 *A Tebutt poll conducted of 1047 registered voters between August 4 and 6 asked: "How important is the land ownership issue to the nation? How well would you say that you understand the current land ownership issues that are being discussed? And how interested are you to learn more about land ownership issues?"*
- 12 *Professor Spyke Boydell, currently Director of the Asia Pacific Centre for Complex Real Property Rights, in 2000 was on the Land Use Commission's Committee looking at how land leases and various other components may be dealt with.*

- 13 *To maintain confidentiality of the vanua and mataqali, fictitious names have been given to identify the village and mataqali discussed in this paper.*
- 14 *SODELPA, through Qarase, had given a few contradictory views on land and the interpretation of the secular state during the 2014 election campaign, which may have dissuaded people from voting for the party.*
- 15 *See clause 15(1) of the 2010 Land Use Decree*
- 16 *See SODELPA media release No. 10/2013. A new type of Land Alienation? Indigenous Fijian Land and Government Constitution (August 2013)*
- 17 *Under the new provisions the PM becomes board chair and appoints at least 3 members of the board.*
- 18 *See clause 28(2) of the 2013 constitution.*
- 19 *SODELPA's candidate, Niko Nawaikula, hails from Cakaudrove province and attained the fifth highest vote overall as he strongly campaigned on the implications of the new Land Use Decree and other amendments regarding Taukei institutions.*
- 20 *A term coined by Professor Steve Ratuva when discussing the election results at a seminar at the University of the South Pacific ICT Lecture Theatre, 12th November, 2014*
- 21 *See 2007 census report.*

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