Fiji

Fiji in 2007 was marked by cycles of conciliation and repression that echoed like seismic aftershocks from the December 2006 coup. Steps were taken by the new military-backed government to reconfigure the established order, by purges at the top of the public service and throughout the boards of the state-owned corporations; by reconstruction of the Great Council of Chiefs; and by reform of the Fijian Affairs Board, the Native Land Trust Board, and the Fiji Development Bank. Although there was diplomatic disapproval for the overthrow of Fiji’s elected government, the new regime’s reformist credentials, as well as its anticorruption and antiracist platform, won it a fair number of overseas admirers and some domestic supporters. But the authoritarian aspect of the coup—that it flew in the face of majority ethnic Fijian opinion—prevented any lasting consolidation. Efforts to build legitimacy thus tended to generate mounting controversy, while phases when criticisms grew brought a furious but realpolitik-driven response.

On 4 January 2007, Republic of Fiji Military Forces (RFMF) Commander Frank Bainimarama relinquished his temporary position as president, and reappointed Ratu Josefa Iloilo as head of state. A month earlier, Ratu Josefa had been removed from that office because he had disassociated himself from the coup, on the advice of Roko Tui Bau and Vice President Ratu Joni Madraiwiwi. Bainimarama had, at that time, said he was only temporarily “stepping into the shoes of the President” (Bainimarama 2006). Now restored to office, the eighty-six-year-old president lamented that cultural reasons had prevented him from “fully performing [his] duties” on 5 December 2006, referring to the anti-coup pressure from his sacked high-ranking deputy. But he said that he “would have done exactly what the Commander of the RFMF, Commodore Josaia Voreqe Bainimarama did since it was necessary to do so at the time” (Iloilo 2007). Read from a script prepared by military officers who had, over the previous month, kept him virtually secluded from public contact, the speech was carefully contrived to fit the anticipated “doctrine of necessity” defense of the coup before the courts. Yet it constituted a gross abdication of the president’s constitutional responsibilities. The normally obsequious Methodist Church, doubting that the president was in full possession of his faculties, suggested that he be “medically boarded, and if necessary, retired with dignity and respect” (Methodist Church 2007; see also Fraenkel 2007).

The next day, Bainimarama was formally appointed prime minister,
ending the month-long tenure of that post by the army camp medical practitioner, Dr Jona Senilagakali. “Extra-constitutional steps,” Bainimarama insisted, had been “necessary to preserve the Constitution,” claiming that legal precedents existed for such usage of “reserve powers” (Bainimarama 2007a). These arguments strongly resembled those put forward by Fiji Human Rights Commission Director Shaista Shameem (2007a, 2007b), but they found little support among Fiji’s senior lawyers (Ali 2007a, 2008a). Ostensibly to facilitate an inquiry into the activities of the judiciary at the time of the 2000 coup, Chief Justice Daniel Fatiaki and Chief Magistrate Naomi Matanitobua were sent on leave a day before the presidential handover. At the instigation of the attorney general, a hastily convened meeting of the Judicial Services Commission, chaired by Judge Nazhat Shameem (Shaista Shameem’s sister), appointed Justice Anthony Gates as acting chief justice. That appointment was defended by the attorney general, but it was deemed unconstitutional by most legal scholars (Crawford 2007; Cox 2007; Leung 2007). It signaled the start of a wholesale restructuring of the judiciary, resulting in the August resignation of most of Fiji’s Court of Appeal judges.

On 6 January, Bainimarama, now figuring as prime minister, outlined the “President’s mandate” that was intended to guide his interim administration. The new government would provide amnesty for the soldiers who had carried out the coup; it would validate the decrees, suspensions, dismissals, and appointments of the past month; and it would set out to eradicate corruption. The sixteen-member interim lineup included two former RMI commanders, Ratu Epeli Nailatikau as foreign minister, and Ratu Epeli Ganilau as minister of Fijian affairs. Both men have close links to the family of deceased former President Ratu Mara, leading some to depict the 2006 coup as signaling the reemergence of Fiji’s long-eclipsed eastern chiefs. Several other ministers were unsuccessful candidates for Ganilau’s National Alliance Party of Fiji at the 2006 polls. Also included was the little-known Aiyaz Sayed-Khaiyum, who was to play a high-profile role in the media for the new government as attorney general.

In an astonishing turnaround, the principal victim of the 2000 coup, Mahendra Chaudhry, joined the government as minister of finance, as well as assuming the national planning, public enterprise, and sugar portfolios. The constitutionality of the coup was “yet to be determined,” explained Chaudhry, and would not be resolved “for a very long time” (Pacnews, 9 Feb 2007). He said that he had the backing of the Fiji Labour Party (FLP) and the National Farmers’ Union. Chaudhry’s loyal ally, Lekh Ram Vayeshnoi, became minister for youth and sports, and the only other FLP member of cabinet. The coup had been a “revolution for clean up,” Vayeshnoi told a military passing-out parade in June, claiming that it had “effectively removed all vestiges of racial discrimination in this country” and that “today this country moves on steadily and unburdened by racial or ethnic considerations” (FijiLive, 25 June 2007; Fiji Daily Post, 22 June 2007). It was an extraordinary claim,
for the December coup as well as the presence of Chaudhry and Vayeshnoi in the cabinet drew strong and almost universal criticism from indigenous Fijians, even if the RMF monopoly over the country’s armaments prevented any violent resistance.

The formation of the new government also made clearer the direction of the ongoing reshaping of the state administration. Most of the former government’s chief executive officers (CEOs) in the ministries had been sacked, although the public enterprises CEO Parmesh Chand had chosen to accept appointment as the top civil servant in the prime minister’s office. The new government resolved to abolish the CEO positions and revert back to lower-paid permanent secretaries. In early January, Bainimarama assured the public that RMF officers would not benefit from his appointment as prime minister (FijiLive, 5 Jan 2007).

But soon military officers were being positioned throughout the ministries, including Esala Teleni as chief of police, Viliame Naupoto as director of immigration, and Ioane Naivalurua as commissioner of prisons. The boards of all the state-owned enterprises were overhauled, with those who had been appointed by Qarase or known coup critics terminated—usually following allegations of corruption. Their replacements were often FLP members, as for example with Fiji Trades Union Congress leaders Felix Anthony and Daniel Urai, who were given posts on the board of the Fiji National Provident Fund. The foreign minister frequently struggled to gain overseas acceptance for their replacements. It was not only Qarase’s Soqosoqo Duavata ni Lewenivanua (SDL) Party that was left out in the cold, but also the National Federation Party (NFP), the smaller of the two largely Fiji Indian-backed parties. NFP leaders like Attar Singh and Pramod Rae were to become key critics of the new government, and steadfastly opposed the coup.

In accordance with the objectives of the “cleanup campaign,” the promised Fiji Independent Commission against Corruption (FICAC) was established in April, and the president of LawAsia, Mah Weng Kwai, was later recruited as commissioner. This prompted outrage from Court of Appeal President Justice Gordon Ward, and Mah Kwai resigned. Bereft of effective leadership, controversial policeman Nasir Ali took up the reins as FICAC chief investigator and conducted a series of high-profile raids on institutions such as Fijian Holdings Ltd, the Native Land Trust Board, and even Fiji Police headquarters. These uncovered little, and Nasir Ali was transferred back into the police force in favor of a lower-key approach spearheaded by Lieutenant Colonel George Langman. Other investigations—undertaken by the Independent Investigating Team into Institutions Fijian, headed by Colonel Apakuki Kurusiga—targeted the provincial councils, the Native Land Trust Board, the Fiji Affairs Board, the Native Lands Commission, and the Fijian Scholarship Unit. Most striking, a year after the coup, was how little evidence of corruption had been found, despite strenuous efforts. Conversely, criticism began to intensify about corruption, nepotism, and abuse of public funds by the new
officeholders, within the Fiji military, and even by senior interim ministers.

The Great Council of Chiefs (Bose Levu Vakaturaga, or BLV) had been forbidden from meeting in December 2006, after refusing to “reappoint” Ratu Josefa Iloilo as president. In the new year, the council was reconvened with Bainimarama’s blessing to appoint a new vice president. Foreign Minister Ratu Epeli Nailatikau, a potential if somewhat distant claimant of the long-vacant Vunivalu title on Bau Island, was the RFMF-favored candidate. But again the chiefs refused, despite pressure from Ratu Mara’s son, Lieutenant Colonel Tevita Ululakeba Mara, one of the chiefly delegates from the Lau group. The commander responded angrily, disbanding the council and initiating an ambitious restructuring of the chiefly body under the auspices of the Ministry of Fijian Affairs. A review team, headed by Ratu Tu’uakitau Cokanauto, toured the country seeking submissions. Aside from a few converts, most of Fiji’s leading chiefs remained virulently opposed to the new order. Some, like former Education Minister Ro Teimumu Kepa and her nephew Ro Filipe Tuisawau from Rewa, adopted a high profile. Others, like Ratu Naiqama Lalabalavu (from Somosomo on Taveuni) and the Cakobau siblings (from Bau Island) avoided statements to the national press, but they were equally hostile. Ratu Epenisa Cakobau, a regular at the bars of downtown Suva, was arrested and prosecuted for punching Bainimarama’s son in a nightclub. Only in Lau, the island group to Fiji’s east that had prospered politically under Ratu Mara, did Fijian chiefs favorably receive the new order, although a discernible ambivalence was evident even there.

The years of Fijian chiefs playing the central role in national affairs seemed a distant memory from the vantage point of 2007. Before the coup, Bainimarama had told the chiefs that they should “meet under a mango tree and enjoy home brew” (The Australian, 22 Nov 2006). It was a comment often recalled by Fijians during the year, and one that reflected the humorous bravado of the grog bowl that often characterized the commander’s outbursts. “The BLV itself is in many senses a symbol,” deposed Vice President Ratu Joni Madraiwiwi told a workshop in Canberra in July; “in treating it in such a cavalier and contemptuous manner, the Commander exposed the facade of its authority. This has compounded the erosion of traditional authority structures. That may not be such a bad thing, replete as it is with shibboleths and anachronisms which need to be cleared” (Madraiwiwi 2007; Fiji Times, 26 July 2007). Ironically, a giant, splendidly designed, F$30 million complex to house the Great Council of Chiefs was being erected through 2007 along the Suva foreshore—a project dubbed by some prominent Fijians “a monumental folly of our time” (Nadroga businessman Radike Qereqeretabua, quoted in Fiji Times, 24 July 2007).

The coup was accompanied by a surge of human rights violations, as the Fiji military struggled to keep reasonably firm control. Civil society activists, lawyers, and SDL ministers, as well as those who spoke out in the press, were apprehended and taken into military barracks, where they
were threatened and forced to undergo humiliating “exercises” (for further details, see Fraenkel 2007, 433–434). At least two Fijians were killed: Nimilote Verebasaga, following RFMF intervention in a dispute about the expiry of Indian leases at Nakaulevu, and nineteen-year-old Sakiusa Rabaka, after undergoing RFMF interrogation at the Black Rock Reservoir near Nadi. In October, the Director of Public Prosecutions Office halted an attempt to smuggle those soldiers accused of Rabaka’s killing out of the country on a UN-chartered flight bound for Iraq.

Troops had been withdrawn from the checkpoints in April, and the public emergency regulations were withdrawn on 31 May, leading to greater calm. But travel bans remained, preventing prominent civil society activists, lawyers, and politicians from leaving Fiji. Lieutenant Colonel Pita Driti also continued to pursue the critical Internet bloggers, threatening students at the University of the South Pacific with termination of scholarships. Triggering renewed outcry from Wellington, New Zealand High Commissioner Michael Green was expelled in June, and a journalist arriving to report that incident, Mike Field, was deported soon thereafter. In November, eleven men—including former military officers, Naitasiri high chief Ratu Inoke Takiveikata, and Fiji Indian businessman Ballu Khan—were arrested, on the basis of scanty evidence, for allegedly conspiring to assassinate Bainimarama, Chaudhry, and others in the interim cabinet.

The regime’s sternest test, however, came in August. Chaudhry’s March mini-budget included plans for a 5 percent wage cut for the public-sector unions. The interim government also wanted to reduce the retirement age from 60 to 55, and to withdraw from the partnership agreement negotiated under the pre-coup government. Trades union reaction was inevitable, but it exposed the deep schisms in Fiji’s labor movement. The FLP-aligned Trades Union Congress (FTUC), whose leaders like Felix Anthony and Daniel Urai had assumed positions in the new order, dropped plans for strike action after 1 percent of the 5 percent cut was rescinded. The rival NFP-allied Fiji Islands Council of Trades Unions (FICTU) did not. The Fiji Nurses Association also struck, with leader Kuini Lutua protesting that nurses were “always facing pay cuts whenever a military coup took place” (FijiLive, 26 July 2007). She condemned FITUC General Secretary Felix Anthony, and Fiji Teachers Union (FTU) leader Agni Deo Singh, both former FLP members of Parliament, for having brokered a politically inspired deal with interim Finance Minister and FLP leader Mahendra Chaudhry (FijiLive, 11 July 2007). As tension mounted ahead of the strike, checkpoints reappeared in the urban centers. Fiji TV screened footage of soldiers and riot police conducting drills with batons, shields, and guns (Fiji TV, 20 July 2007). Taniela Tabu, general secretary of the FICTU-allied Viti National Union of Taukei Workers, was apprehended and assaulted by soldiers, apparently under the watching gaze of Lieutenant Colonel Pita Driti and the Military Council.

The nurses’ strike nevertheless went ahead. Minister of Labour Bernadette Rounds Ganilau resisted pressures
to refer the dispute to the permanent arbitrator for resolution, insisting that her hands were tied by Bainimarama. “This government is not going to budge,” announced the prime minister, explaining, “We do not have to worry about votes” (FijiLive, 3 Aug 2007). While Fiji Teachers Union members remained at work, the rival Fijian Teachers Association went on strike. Education Minister Netani Sukanaivalu responded by bringing forward the school holidays, catching the Fijian teachers off guard and eliminating the strike’s pressure on government.

Faced with the prospect of forfeiting pay to no avail, the teachers returned to work. Nurses remained on strike for several days, but soon the trickle of health workers returning to work turned into a flood, and Kuini Lutua called off the eighteen-day strike. It was a bitter defeat, and one that further added to the sense of rancor and political frustration in the indigenous Fijian community.

The return of Qarase to Suva in September proved the occasion for yet another ratcheting up of tension, again triggering a backlash. Shortly after the coup, Qarase had gone back to his home island of Vanuabalavu in the Lau group. The Fiji military had instructed domestic airlines not to transport him back to Suva, thereby trapping him on the island. On 1 September he was allowed to return to the capital after a high court ruling, triggering a blaze of publicity. Qarase declared a willingness to negotiate with the commander, but rejected the idea of working in an interim cabinet under Chaudhry. Bainimarama responded by again condemning Qarase’s “racist policies and actions” and insisting that “we are fighting against everything he stands for” (FijiLive, 3 Sept 2007). In a sign of just how personal this antagonism was, Bainimarama’s office announced that Qarase would forfeit all the normal privileges of former prime ministers, including free provision of security, transport, pension, and medical treatment (Fiji Times, 6 Sept 2006). Intent on nipping in the bud any resurgence of opposition to the coup, the interim government reactivated public emergency regulations on 6 September. Hitting out at the resulting protests, the commander told local nongovernmental association activists to “shut their mouths,” and extolled the popularity among urban property owners of the postcoup checkpoints for their role in bringing down the crime rate.

To handle his deposed adversary, Bainimarama henceforth insisted that any dialogue with Qarase should take place under the auspices of the National Council for Building a Better Fiji (NCBBF). Formally launched in October, this council was tasked with devising a “People’s Charter for Change and Progress” (NCBBF 2007). Co-chaired by the Commander and Catholic Archbishop Petero Mataca, it was intended to bind future elected governments and eradicate forever the politics of race. Among the forty-member council, fourteen were from the government and twenty-six from civil society. The Arya Samaj and Sanatan Dharm (the two main north Indian organizations) joined, as did the Ecumenical Centre for Research, Education and Advocacy; the Citizens’ Constitutional Forum, and the Fiji Chamber of Commerce. Media Council Chairman Daryl Tarte and former
Opposition leader Mick Beddoes also joined, although both were to resign in protest in March 2008. Technical Director John Samy, a former Asian Development Bank consultant, played the key behind-the-scenes role. He emphasized the role of the charter in promoting economic development and in offering an “exit strategy” for Bainimarama. In response to critics who pointed to the marked lack of ethnic Fijian enthusiasm for the NCBBF, Samy said that the council had kept vacant seats for the Methodists and Qarase’s SDL party, should they choose to join.

For the SDL, however, the NCBBF was a poisoned chalice. While publicly committing himself to elections by March 2009 at the Pacific Islands Forum (PIF) in Tonga in mid-October, moments later the commander told reporters that “if anybody with Qarase-like policies comes in, the charter will automatically remove him” (Fiji Times, 18 Oct 2007). This echoed an intention conveyed earlier by the shadowy Military Council, which was regularly convening straight after each cabinet meeting. The PIF Eminent Persons’ Group had been told in January that Fiji needed a population census and a redrawing of constituency boundaries before another election could be held (PIF 2007). This “roadmap” had been embraced by the European Union as critical to its release of F$400 million for restructuring the sugar industry. Now further hurdles were being erected, including the need for a blacklisting of race-based parties and radical electoral reform that would inevitably entail abrogation or substantial amendment of the 1997 constitution. Another bizarre document released by the Fiji Human Rights Commission in September, “Report of the Commission of Inquiry into the Fiji 2006 General Elections,” sought to unearth proof that Qarase had rigged the previous polls, based only on hearsay from a very restricted sample of respondents (FHRC 2007). If so, the coup supporters argued, many administrative matters needed to be set right before any future holding of elections.

Yet the real obstacles to fresh elections were political, not technical. The support base for the new regime was not firm. In the May 2006 election, four of every five ethnic Fijians had voted SDL. The bitter experience of the 2006 coup, the attacks on the Great Council of Chiefs and the Methodist Church, the public-sector strikes, and human rights abuses had increased Fijian support for Qarase’s party. By keeping Chaudhry close, Bainimarama might be able to count on the support of the majority of Fiji Indians, but this would not be enough to control the next government. As the 2007 Census of Population figures indicated, indigenous Fijians had risen to 47 percent of the population, while Fiji Indians were down to 37 percent. Ideally, a centrist party—like that launched by Ratu Epeli Ganilau for the 2006 polls—might emerge and capture enough Fijian votes to permit a coalition government with the Fiji Labour Party. But Ganilau’s National Alliance Party of Fiji (NAPF) had obtained only 2.9 percent of the vote in May 2006, and had not gained a single seat. The advantage of incumbency, and the new alliances occasioned by jockeying for position in the postcoup order, might boost a little support for a regime-
backed Fijian party or coalition with the FLP, but a revamped NAPF seemed unlikely to become a major player in a post-election government formation process.

The 2006 coup was a coup to end all coups, Bainimarama told the UN General Assembly on 29 September. It was justified by racism, corruption, and poor governance under Qarase, and by an intensifying economic decline that threatened social catastrophe (Bainimarama 2007b). Such claims were frequently made, at the United Nations in New York, at the Pacific Islands Forum meeting in Tonga, and repeatedly at home in Fiji throughout 2007. They were not wild fabrications, but they were grossly exaggerated.

Qarase’s legislative program had been contrived to appeal narrowly to the indigenous Fijians, and thus to offset the challenge experienced from George Speight in May–July 2000 (Fraenkel 2000; Fraenkel and Firth 2007). Central to this had been the poorly conceived “50:50 by 2020” program, otherwise known as the Blueprint for Affirmative Action for Indigenous Fijians and Rotumans. But affirmative action was not new to the Qarase government, nor was it a vast element in that government’s expenditure. All politicians claimed to be intent on somehow uplifting Fijian living standards. None of the three key contentious pieces of legislation that so infuriated Bainimarama—the ill-conceived Reconciliation, Tolerance and Unity Bill; the Qoliqoli Bill; and the Indigenous Claims Tribunal Bill—had been enacted by the time of the coup, and the power-sharing cabinet formed after the May 2006 polls might well have halted these altogether, or at least watered them down. As the commander told the United Nations, some of the 2000 coup conspirators had been released from prison under Qarase, or had been given high-ranking government positions, mostly because they held high chiefly status or potentially delivered powerful provincial backing to the government. Yet Speight himself remained under lock and key, and most of his fellow conspirators had served out their prison terms (see Bhim 2007). A key figure in the SDL hierarchy, Naitasiri chief Ratu Inoke Takiveikata—convicted for high treason for his part in the mutiny at the army’s Queen Elizabeth Barracks in November 2000—had remained in jail (although ironically he was released after the 2006 coup, when about-to-resign Court of Appeal judges overturned the conviction of Ratu Inoke by Justice Anthony Gates, on the grounds that Gates had publicly indicated bias against the Naitasiri chief). The latest coup perpetrators seemed unlikely to face a similar fate.

Most centrally, despite the core coup justification of initiating a “cleanup campaign” against corruption, by the end of 2007 little evidence of corruption had been found. Former SDL campaign manager Jale Baba had been identified as having sold off a second-hand government vehicle for $700 for private gain (Fiji Sun, 29 Jan 2007), and there were some minor revelations of tax evasion and abuse of official purchasing privileges. But nothing had been found against Qarase or any of his ministers. Talk of the cleanup campaign thus faded toward the second part of 2007,
replaced by a growing emphasis on the utopian objective of transcending race antagonisms via electoral reform. In a discernibly new twist in the ever-changing case for the 2006 coup, squabbling politicians pandering to unruly electorates were blamed for Fiji’s troubles, and the potential role of the unelected armed forces in encouraging economic development and increasing living standards was extolled (Devi 2007).

Bainimarama’s claims before the United Nations of impending economic catastrophe prior to the December 2006 coup were also wildly overstated. The economy had not been strong prior to the 2006 coup, although tourism and construction were booming. But it shrank by at least 4 percent in 2007. The Vatukoula gold mine closed on the day of the coup, and sugar and garment manufacturing remained in the doldrums. Remittances, which had peaked in 2006, fell back in 2007. Crucially, tourist arrivals tumbled, despite offers of knockdown hotel deals. Chaudhry’s March mini-budget had cut intended government spending from F$1.7 to F$1.5 billion, whereas most economists advised devaluation and deficit spending. Yet much remained concealed beneath the surface, including the RFMF’s budget blowout. The buildup of inflationary pressures over 2007, only partly driven by external factors, suggested more liberal spending than officially planned or recorded. Balance of payments pressures, and the threat of devaluation, remained severe for the first half of 2007, until the domestic economic slowdown relieved pressures by substantially reducing imports.

The year 2007 thus ended as it began, with a coup still unconsolidated. The challenges ahead were many: economic, legal, and above all political. The cyclical pattern of waves of repression followed by phases of attempted negotiation and conciliation looked set to continue into 2008.

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**NEW CALEDONIA**

After three years of ad hoc, issue-by-issue cooperation in the Congress of New Caledonia between the loyalist but centrist Avenir Ensemble (AE, or “Future Together”) and various pro-independence parties in the Front de Libération Nationale Kanak et Socialiste (FLNKS), the formerly dominant Gaullist Rassemblement pour la Calédonie dans la République (RPCR) reconfirmed its control over New Caledonian representation in the French Parliament, thanks in part to the victory of Nicolas Sarkozy as successor to Gaullist Jacques Chirac in the presidential election. But the new regime in Paris confirmed France’s commitment to the Noumea Accord of 1998, which stipulates a gradual devolution of self-governing powers to the territory (since 2003 referred to officially as a semi-autonomous “overseas entity”) and working toward a “common destiny” for this multiethnic society. Progress continued in the development of new nickel mining projects despite ongoing concerns over environmental pollution; in economic growth, despite rising problems with a high cost of living and homelessness; in the recognition of Kanak cultural identity and the teaching of Kanak languages; and in the country’s role in the Pacific region. Militant labor unions remained as active as ever, even forming a new Labor Party.

The RPCR had dominated local politics for many years, building a reputation for not consulting much with other parties in making government decisions. But in the 2004 provincial elections, loyalist opponents and dissidents formed the AE coalition and won control of Congress and the Southern Province. Since then it has been the RPCR’s turn to complain about being marginalized in government decision-making. So, starting in 2006, RPCR leader Pierre Frogier began a strident campaign reminiscent of the fear tactics that had polarized the country in the 1980s. In a bid to appeal to French loyalists, especially recent immigrants, Frogier opposed the freezing of the electorate in congressional elections and referendums on independence, calling the concept (embedded in the Noumea Accord, which he signed in 1998) a violation of human rights. The FLNKS, on the other hand, has been struggling for twenty-five years against allowing new migrants from France and its other Pacific territories to vote on the country’s destiny, considering that in the 1970s France