

# THE ROLE OF THE PRESIDENT

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The Office of the President is established under Section 85 of the Constitution. He/she is the Head of State and symbolizes the unity of the State as reflected in Section 86. Under section 87 he/she is Commander-in-Chief of the military forces. He/she holds office for a term of five years (Section 91-(1)) and is eligible for a further term of like period. Appointment is made by the Bose Levu Vakaturaga after consultation with the Prime Minister (Section 90).

Perhaps the most critical provision concerning the President's exercise of powers is Section 96-(1). Under that provision, subject to specific exceptions, the President acts only on the advice of the Cabinet or a Minister or somebody or authority prescribed by the Constitution for a particular purpose. This is because the President is essentially a symbolic office. Under our system of government, political power and governance rests with the political executive which is accountable to Parliament.

In the past decade, the Presidency has been perceived as far more influential than it ought to be because the first two incumbents, the Tui Cakau and Tui Nayau, were significant politicians as well as traditional leaders in their own right. In those capacities they drew to themselves *mana* and *gravitas* that attached to their presidential mantle. While that was a welcome stabilizing presence, it was also in some respects a distortion of their official role. With the present incumbent, who never was a politician, some balance has returned.

However there continues to be some disquiet at the relationship the President has with the military as Commander-in-Chief. The latter sees this avenue as a direct conduit to his Excellency to bypass the Government. The nature of the relationship is explained in Section 112(2) of the Constitution. The President acting on the advice of the Minister for Home Affairs appoints a Commander of the Republic of Fiji Military Forces to exercise military executive command of the Forces, subject to the control of the Minister. It means the day to day management of the military is the prerogative of the Commander. Policy is a matter for the Minister and the Government.

This relationship has been distorted by the events of 1987 and 2000. The military has assumed and (perceived for itself) a more significant role in security and certain issues of national interest. The continuing tensions between the Government and the military have to be understood in that light. While it has profound implications for long term stability, one needs to take a measured view of developments. We are developing democracy as well as a society in transition. The concerns of the military, to some extent, also reflect popular sentiment.

However, under our system of government, the elected Government has the mandate to govern for a particular term of years. The checks and balances in place make no mention of extralegal measures. So the military, as with other concerned groups in society, must be careful to use the avenues available to voice concerns if the preservation of our fragile democracy is to be paramount.

Notwithstanding these challenges, I believe that they can be solved with dialogue, consultation and goodwill. There may well need to be some sort of process put in place, but that is a matter for the respective parties to consider. As for the Presidency itself, it provides a powerful symbol in a country where symbols are important. It is perceived as being above politics and, to that extent, respected. Some may well be concerned at the narrow base of the August body which elects the Head of State, but that system has so far provided us with three wise choices of high standing. Long may that be so.

I mentioned earliest that the President is largely a symbol and the Constitution describes the Office thus. Underlying all the fine words that describe this high office, his/her role is "to advise, counsel and to warn" the Government of the day on issues of importance. These are not my words, they are taken from Irskine May, the great authority on British Parliamentary procedure. Because the Office exists above politics, it has a duty to remind the Government of the wider perspective, but that is the extent to which he/she may intervene. The Constitution largely demarcates the ambit of authority exercised by the Office to preserve its integrity and that of the system of government we have devised.