

The Strange Career of Commodore Frank Bainimarama's 2006 Fiji Coup



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Five December 2006 may well go down in the annals of modern Fijian history as the date when the country dramatically changed course — a turning point when the country finally turned. What the future holds for that ill-fated island nation state is not at all clear, nor likely to be for some time, but it is now surely beyond dispute that the 20th century, with its assumptions and understandings about the nature and structure of Fiji's political culture, effectively ended not in 2000, but in 2006 when Commodore Bainimarama executed his military coup. The break with the past is decisive and irreversible. An improbable coup has largely succeeded in destroying the foundations of the old order, and a new one is promised to 'take the country forward'. That promise for now remains just that: a promise. Everyone accepts that a race-based electoral system is counterproductive for a multi-ethnic democratic society, that gender inequality is indefensible, that all citizens should have equal rights, that citizenship should be race neutral. Change in a society, as in any living organism, is inevitable, constant, though it is more easily asserted than effected. But the larger question is change for what purpose? To what end, at what pace, on whose terms, under what conditions, through what means, at what price? This is the conundrum at the heart of the current political debate in Fiji. I will not attempt to answer these questions here. My purpose is not to speculate about what Fiji's future might look like under Bainimarama, but to understand the constellation of forces that served to consolidate the Commodore's coup. This, I hope, may provide us with some pointers for the future.

Origins of the Crisis

The roots of Fiji's political turbulence in the late 20th century reach back to the origins of its modern history in 1874, when Fiji became a British

Crown colony. The policies that the colonial government enunciated at the time had the overall effect of creating a racially segregated society in which each of the three principal ethnic groups — the Fijians, the Indo-Fijians and the Europeans — had their own distinctive understandings of their place in the larger scheme of things. Fijians assumed, or were encouraged to assume, that in the governance of the colony their interests would remain paramount. Indo-Fijians, invoking promises made by both the imperial and the colonial governments, sought parity with other groups. And the Europeans claimed privilege on account of their preponderant contribution to the colonial economy and ethnic and cultural affinity with the ruling elite. The position hardened as independence approached in the 1960s, with the threat of violence made periodically to maintain the racially segregated order.

The essential features of that order were entrenched in the Independence Constitution of 1970 by the political leaders of the three communities. They were never put to referendum or even an election but adopted after a feel-good debate in the House of Representatives (Lal 2006). Fiji had a mix of racial and cross-racial seats whose logic dictated an appeal for unity in one's own community and fragmentation in the opposition's sufficient to form government. Fijian victory would be assured if Fijians remained politically united with the support of an over-represented European group, which the fear of 'Indian dominance' ensured. For a while, the formula worked. The mood in the immediate post-independence period was celebratory. Fiji was a 'symbol of hope to the world', Pope John Paul II had intoned during a fleeting visit in 1986, which eventually morphed into the national slogan 'Fiji: The Way the World Should Be'.



In truth, things were not as rosy. None of the underlying problems about the nature of power-sharing among the different communities, the kind of political culture Fiji needed to have for its multiethnic population, whether a racial electoral system should continue, or the terms and conditions of leasing agricultural land, were resolved, but brushed aside by a government entrenched in power and likely to remain so for a long time (Lal 1992). The logic of racial politics inevitably dictated the political process. In time, unsurprisingly, every issue of public policy, whether affirmative action in the allocation of tertiary scholarships, appointments to or promotion in the civil service, in diplomatic postings, and the deployment of development aid, came to be viewed through the prism of ethnic interests. Fijians demanded a bigger share of government largesse on the supposed grounds of being the more disadvantaged community, while the Indo-Fijians asked for a fairer share of state resources based on need rather than ethnicity. By the late 1970s and early 1980s, the two ethnic groups were not as homogenous as they had been portrayed to be, divided by class and regional interests. Disadvantage stalked Fijian and Indo-Fijian communities in roughly equal measure. Public perceptions and policies were markedly at variance with the reality on the ground.

Race was only one of the facts of life, not *the* fact of life as the leading politicians of the day proclaimed from the self-created safety of their ethnic compartments. But racial politics became the order of the day, with Fijians determined not to relinquish or even equitably share power. Tension simmered beneath the surface, threatening to erupt at election times. The signs of imminent rupture were visible throughout the 1970s and 1980s (Lal 1992). They were there when Sakiasi Butadroka launched his 'Fiji for Fijians' Fijian Nationalist Party with its platform to deport all Fiji Indians to India. They were visible in the manufactured constitutional crisis of April 1977 when the ruling Alliance Party temporarily lost power to the National Federation Party because of a split in the indigenous Fijian communal vote. They were lurking beneath the surface in 1982 when the Opposition came close to winning power, leading the Great Council of Chiefs

(GCC) to demand Fijian control of government. They came to the fore in May 1987 when a democratically elected Labour Coalition government was ousted in a military coup with the quiet support of the luminaries of the Fijian establishment. They were present in the 1990 constitution, which put political power back in the hands of the Fijians. They were present on the sullen faces of many nationalist-leaning Fijian parliamentarians who voted for the 1997 constitution and then promptly orchestrated campaign against it. And they were there in 2000 when George Speight attempted his improbable putsch, which deposed another Labour Coalition government. Throughout the 1990s, as in the 1960s, the battle lines were drawn between those who wanted the political architecture of Fiji to reflect indigenous concerns and aspirations entrenched in the constitution, and those who favoured a more democratic, inclusionary model of non-racial polity. Fiji was revisiting the unresolved debates of the earlier decades. Commodore Bainimarama promises finally to close the door on the obsessive and enormously counterproductive racial politics of the past.

The Transformation Scene

Fiji on the eve of the 2006 coup was a very different place to what it had been in 1987. The changes had a direct bearing on the fate of the Bainimarama coup. Among the factors that changed the fundamental character of the broader Fiji society was the demographic transformation in the country. In 1987, Indo-Fijians were around 49 per cent of the total population, but since then the percentage has declined substantially because of a continuing lower birth rate and increased emigration. Now, they are around 33 per cent of the population, and declining. Any Indo-Fijian who can leave will leave. That is the incontrovertible truth about contemporary Fiji. Indigenous Fijians (*iTaukei*) on the other hand, are now closer to 60 per cent of the population, and confident of continued demographic dominance. With the changed demographic equation has forever disappeared the threat of 'Indian domination' that cast such a dark shadow over political debate in Fiji for much of the 20th century. The 'wolves at the door' syndrome is dead. The

second important consequence of the change is the opening up of space for democratic debate within Fijian society itself about issues once considered taboo: the relevance of the chiefly system, its privileges and priorities, its role in the modern political arena, about the distribution of power, about the barriers and boundaries that kept people apart. It is a change with profound implications both for indigenous Fijians as well as for Fiji.

The years leading up to the 2006 were unhappy ones for Indo-Fijians. Governments elected with their support were deposed, not once but twice. They faced the wrath of militant Fijian nationalists (in the Taukei Movement, for example, led by Apisai Tora and Inoke Kubuabola), the religious extremism of the Methodist Church led by Manasa Lasaro, Viliame Gonelevu and Tomasi Raikivi, among others. They were deprived of fundamental human rights in the 1990 constitution and in the racially discriminatory programs that flowed from it. Sitiveni Rabuka, many felt, was bad enough, even though he had publicly apologised for his actions in 1987 and helped bring about a fairer, democratic constitution in 1997. But Laisenia Qarase, eventually deposed by Commodore Bainimarama, was not much better. Though a well-educated man and long-term head of the Fiji Development Bank, he extended the scope of the racially discriminatory policies of affirmative action in his so-called 'Fijian Blueprint', let his ministers go un-reprimanded for making racially provocative speeches in parliament (one of them, Asenaca Caucau, called Indo-Fijians 'noxious weeds') and gave the overall impression of caring little about non-Fijians. In his second term, with an eye on the verdict of history, he changed, became more inclusive and gave the Labour Party senior portfolios under the power sharing provisions of the 1997 constitution. But by then it was too late: the cup of Indo-Fijian disillusionment was overflowing. Among those most deeply embittered by Qarase's reign were Indo-Fijians who had left Fiji. They never forgave him. Instead, they looked to Commodore Bainimarama to right the wrongs of the past and supported his military adventure.

Those Indo-Fijians who remained in Fiji were trapped in despair and hopelessness, disillusioned

by the bitter wrangling of heightened racial politics of which they were at the receiving end. Many agricultural leases that began to expire under the Agricultural Landlord and Tenant Act were not renewed, the formerly productive farm land reverting to bush (Lal, P.N. 2008). Some Fijian landowners wanted to enter commercial agriculture themselves, but other leases were not renewed for political reasons as a punishment for Indo-Fijians' refusal to accept Fijian political paramountcy. The idea that land was power — Fijian power — was well understood and opportunistically deployed. Whole areas in the sugar belt emptied. Most displaced tenants searched for a place in the mushrooming squatter settlements fringing urban centres, looking for jobs and opportunities rare even at the best of times. This is where around 15 to 20 per cent of Fiji's population lives, most below the poverty line. Among the poorest people in Fiji are landless Indo-Fijian labourers. Given their predicament, it is understandable why they responded to Commodore Bainimarama's call to end corruption in Fiji and chart a new course. Many are belatedly realising that little has changed in the new regime: the cast of characters is different, but the overall pattern of things is the same. But Bainimarama is still their man, their buffer against a whole variety of forces arrayed against them, including the wrath of iTaukei nationalists. That unspoken fear is a powerful cementer of support behind the regime. But how long will Fijian power shield Indo-Fijians and others from Fijian nationalists? Sooner rather than later, the realisation will dawn that democracy and the rule of law rather than the military is the best guarantor of citizens' rights.

Indigenous Fijian society was similarly undergoing profound social and economic changes in the 1980s and 1990s. Geographer Gerard Ward writes:

The contradiction in native Fijian village economy and life are far more marked in the mid-1980s than in the mid-1960s. The choice in favour of change has probably been made already, even if unconsciously in most cases. The test will be whether or not the social and political attitudes and policies can change quickly enough to keep up. If the coherence of native Fijian society and its hierarchical structure is a pillar of native Fijian political and eco-

conomic systems, it is a pillar whose foundations and inherent strength are being weakened to an extent which is not always recognized by politicians or planners (Ward 1987, 45).

On the contrary, Fijian political leaders and their advisors were still refurbishing the old system, trying to stem the tide of change against archaic structures whose time had long passed.

By the early 2000s, the urban drift was moving apace, with nearly 40 per cent of indigenous Fijians living in urban or peri-urban areas, exposed to all its challenges and opportunities. A more modern-minded Fijian middle class of self-made men and women was beginning to emerge, ironically benefiting from the affirmative action policies of previous Fijian governments. Fijian children were attending so-called 'Indian' schools, such as Suva Sangam, Suva Muslim High, Indian College, Mahatma Gandhi Memorial and others in larger numbers than ever before, even though the Qarase government was providing special assistance to only Fijian-designated schools. This was a far cry from the days when Fijian children attended only designated indigenous Fijian schools for fear of losing their culture and in response to various incentives provided by organs of the Fiji Administration. The break with the past was not abrupt, but there was sufficient movement to indicate a gradual shift to a new way of life in a new environment. Many in this group were now ready to listen to the empowering rhetoric Commodore Bainimarama employed when he took over.

Gerard Ward referred to the hierarchical structure of the native Fijian society. That structure, as O.H.K. Spate pointed out as early as 1959, was fast losing its relevance in the face of modern challenges (Spate 1959, 6–7). It had had its uses in the past, providing guidance and leadership to a people living in the rural subsistence sector and effectively isolated from the broader social and economic environment, but had become a burden when borders and boundaries of Fijian society were becoming porous and all too often transgressed with impunity. The chiefs were losing their role as the gatekeepers of their people, and many lacked the skills to make them relevant to the requirements of the modern age influenced by forces of change fundamentally

beyond their comprehension. When Commodore Bainimarama pushed them aside and abolished the GCC altogether, there were obligatory murmurs in protest, but its disbandment was not universally mourned among ordinary Fijians who could now begin to dream of their own place in the sun. The chiefly abuse of power and privilege over the decades had taken its toll on their peoples' loyalty.

Paramount chiefs ruled the Fijian roost throughout the 20th century. Until his death in 1958, Ratu Sir Lala Sukuna was the unchallenged voice of his people in the councils of state, most notably as Secretary for Fijian Affairs in post-war Fiji (Scarr 1980). In the second half, the most prominent high chiefs were Ratu George Cakobau, the Vunivalu of Bau, Ratu Edward Cakobau, Ratu Penaia Ganilau, and Ratu Kamisese Mara. They, and especially Mara, were groomed for national political leadership by the departing British (Scarr 2008). Their large, looming presence on the national stage promoted the impression of Fijian political unity against the ever-present 'threat' of Indian domination. They were also like the banyan tree under which nothing grew. But the coup of 1987, carried out ostensibly to promote the unity and chiefly leadership of the Fijian people, and silently blessed by the leading chiefs, unwittingly unravelled the carefully crafted structures of traditional Fijian leadership. The illusion of their invincibility and indispensability to the nation's future, carefully nurtured until then, was gone. Sitiveni Rabuka's ascendancy in the 1990s brought him in direct conflict with Ratu Mara, who had his own dynastic ambitions as well as his well-known view that the business of government was rightfully the prerogative of the chiefs. The clash between the two men reflected a larger subterranean tension in indigenous Fijian society — a larger clash of class interests. In any event, by 2006 all the paramounts were gone. Their progenies lacked lustre and national presence, there were no clear successors in sight, and many chiefs were variously embroiled in personal controversies over matrimonial and financial matters. There was thus a clear vacuum when Commodore Bainimarama arrived on the scene. As well as having the backing of the military, he had few competitors. In time, many chiefs who had initially opposed the coup

apologised to Bainimarama and sought forgiveness for their impudence, no doubt in the expectation of some reward from the regime — a building grant here, a development project there, a scholarship, an appointment to a statutory organisation. Why else would chiefs need to ask for forgiveness from a man who had so unceremoniously undermined their status and power? The transformation, if that is what it was, was astonishing. The same people who just a decade ago were ardent supporters of iTaukei political paramountcy were now ardent champions of non-racial democracy.

The world of Fiji in 2006 clearly was vastly different to the Fiji that existed in the 1970s or even the 1980s. Travel and technology had revolutionised peoples' perceptions of themselves and the world in which they lived. Workplaces and playing fields had become more multiracial. Television was a prominent presence in most homes and so, too, by the first decade of the 21st century was the Internet (email, Facebook, blogsites). Old ways had lost their meaning and relevance. The citizens of Fiji were also citizens of the virtual world of 'Googlisthan' and open to new ideas. The real irony was that high chiefs themselves, such as Ratu Epeli Nailatikau, the military-appointed President of Fiji, joined in the chorus of denunciation of chiefly privileges and prerogatives of which they themselves were the primary beneficiaries. Whether this was rank opportunism (they had few employable skills) or genuine conversion, it is difficult to say.

Commodore Bainimarama

Enter Commodore Frank Bainimarama. Born on 27 April 1954, he had joined the Fijian navy in 1975, rising through the ranks to become the chief of staff of the Republic of Military Forces in November 1997, and its commander two years later when Brigadier General Ratu Epeli Ganilau, whose protégé he was, resigned to enter national politics, unsuccessfully as it turned out. Most observers have expressed surprise at the rapid rise and promotion of this unprepossessing naval officer from an unspectacular background. He was thought to be close to the Ganilau–Mara nexus of traditional Fijian politics. How mistaken that

perception was became clear later; instead of being their guardian, he became their nemesis. As subsequent events would show, and keeping in tune with his characteristic mode of operation, he used the connection to ensconce himself in power, but then jettisoned it when it had outlived its usefulness. The old adage applies to him aptly: he has no permanent friends, just permanent interests. Now, subverting the old cultural order, the chiefs were doing his bidding, not the other way around. What Bainimarama lacks in formal education and native intelligence, he more than makes up for in his finely honed skills of survival. There is no nuance or subtlety in his starkly etched view of the world. Dialogue and debate are alien to his nature (Green 2013). He demonstrated again and again that it would be his way and no other way.

The first time Commodore Bainimarama came to prominence was in May 2000 during the George Speight-led insurrection when Mahendra Chaudhry's Labour government was held hostage in the Fijian parliamentary complex for 56 days. The military appeared at the time to be hobbled by internal divisions and provincial loyalties, completely at sea about how to contain the hostage crisis. To end the siege, Bainimarama signed an agreement (Muanikau Accord) with the Speight rebels to release all hostages, including Chaudhry, and surrender under immunity. He later repudiated the deal, though not for the last time, and Speight landed in jail. That was his *modus operandi*. During the same crisis, Bainimarama led a delegation of senior military officers, including Major-General Ratu Epeli Ganilau and Brigadier General Sitiveni Rabuka, to ask president Mara to vacate his office in the interests of resolving the hostage crisis. That itself became a controversial initiative and the subject of further police investigation. Had Bainimarama committed a coup against the president? Mara's enforced and bitterly resented departure ended the century old reign of the Tovata confederacy. It is not likely to return any time soon, if ever.

The other crucial event took place in November 2000 and scarred Commodore Bainimarama's life profoundly, according to those familiar with him. This was the mutiny in the Fiji military in which several loyalist soldiers were killed, with Bainimara-

ma himself barely managing to escape assassination (Baledrokadroka 2013). It was a scenario no one had previously imagined of Fijian soldiers spilling Fijian blood on Fijian soil. Bainimarama wanted the rebel soldiers caught and brought to justice — justice Fijian military-style: blood curdling violence and torture, horrific deaths in custody, bodies bashed beyond recognition. The manner in which the mutiny was quashed caused public distress (and horror), but the commodore was determined to stamp his authority on the military by whatever means he could. To that end, he demanded a personal oath of loyalty to himself as the commander, not to the institution of the military. Those who could not oblige were sent packing, including several senior officers. There was no further dissent. The military became Bainimarama's unchallenged power base, ready and willing to do his bidding, whatever that might be. And he rewarded that loyalty generously. 'I will always stand by my men,' he said repeatedly, to the delight of those under his charge, but to the dismay of those who wanted perpetrators of violence to be brought to justice.

It was over the Qarase government's handling of the military that permanently alienated the commodore from the government and strengthened his resolve to remove it from office. A new government elected in 2000 and headed by Laisenia Qarase, initially with Bainimarama's endorsement, won office with the support of the Christian Alliance Matanitu ni Vanua — a party supporting George Speight and seeking his release from gaol and amnesty for other coup-conspirators. To that end, the Qarase government promised a 'Promotion of Reconciliation, Tolerance and Unity Bill' to grant compensation to the victims of the 2000 coup and amnesty to its perpetrators. It was promoted as an effort to foster genuine healing and unity, but it was on all accounts an ill-advised move whose full significance and implications were not appreciated at the time. Bainimarama was incensed and threatened to take action against the destabilisers. 'The military,' he said, 'will dish out the same fate we dealt George Speight and his group to anyone we think deserves this treatment.' He went further and threatened to sack the government. 'The RFMF must stop the Bill from passing or get rid of the Government if passed. We

can recover without the Government; we cannot recover from the Bill' (RFMF Media Release).

There were other pieces of legislation such as the Qoliqoli Bill to transfer the ownership of the foreshores from the Crown to its indigenous owners, which angered a large cross section of the population, from small individual fishermen to the barons of Fiji's powerful tourism industry. They orchestrated and financed opposition to it by supporting political groups, including the National Alliance Party of Fiji headed by Ratu Epeli Ganilau. Why was the Qarase government in such a hurry to pass controversial legislation so early in its term and in the teeth of such fierce opposition, people asked. And why were political parties in government by virtue of the power sharing provisions of the 1997 constitution not consulted, especially the Fiji Labour Party? The main motivation, it seems, was to placate the nationalist elements in the governing coalition. In the end, bowing to public pressure, the government agreed not to push ahead, but by then it was too late; the damage had been done. For many, Bainimarama's rhetoric became distinctly appealing. He emerged from the confrontation with his stature enhanced, as a figure on the side of the wider public standing against a corrupt government concerned only with its own survival.

For its part, the government tried to rein in an increasingly bellicose and belligerent Bainimarama. It sought in late 2006 to sack him, but the government's choice, Colonel Saubulinayau — a respected soldier, head of the Strategic Unit in Suva and former acting Land Forces commander — succumbed to the military's pressure to decline commission from the president. Bainimarama brushed aside a government-commissioned white paper that recommended the trimming the top-heavy end of the military. The government's decision not to renew Commodore Bainimarama's contract was similarly disregarded. Police Commissioner Andrew Hughes' investigation of Bainimarama's role in the crisis of 2000 was the last straw that broke the camel's back. By then, Bainimarama was far gone in his determination to sack the government. He wanted to strike before he was struck down. That he did on 5 December 2006.

The official narrative of the 2006 coup presents Commodore Bainimarama as a noble patriot motivated by nothing less than a passionate desire to clean the country of corruption and steady the course towards a united, prosperous, non-racial future, breaking decisively with the country's hobbled past and failed policies of nation-building. He would return to the barracks once his mission was complete, he said; he had no interest in politics; a political career had never entered his mind, he declared, as all illegal usurpers of power do. No one in his interim administration would be standing for election so that decisions would not be tainted by allegations of political self-interest. Anyone wanting to serve alongside him would have to apply and would be selected on merit. His policies and programs would be open and transparent, above board. To a population subjected to a decade or more of corruption, abuse of office, the plundering of the public purse for petty political advantage, Bainimarama's words were music to the ear.

But soon the hopes vanished as old practices and patterns of behaviour returned. Government tenders were offered without a competitive process of assessment. Corruption was easy to allege but far more difficult to substantiate and successfully prosecute, as the regime-established Fiji Independent Commission Against Corruption found out. The same abuse of the judicial process occurred in getting favoured (or family-related) prisoners released early from jail. Allegations of a massive interference with the judiciary refused to disappear despite the strenuous efforts of regime supporters. Since 2007, the auditor-general's report has not released. The police forces were placed under Bainimarama's deputy, Commodore Esala Teleni, who promptly sought to evangelise it with his fundamentalist Christian beliefs through the New Methodist Church headed by his brother Atu Vulaono (Newland 2012), and proclaiming town after town to be 'crime-free' in the face of massive evidence to the contrary and too much public derision. Loyal senior military officers were placed in charge of strategic government departments to the bitter disappointment of career civil servants and contrary to Bainimarama's promise not to allow anyone to 'personally benefit' from his regime. In 2013, most of

them received astonishingly large salary increases — the largest in Fijian history. The politics of patronage was alive and well.

Beyond the rhetoric of 'clean up campaign', Commodore Bainimarama initially had no clear, overarching narrative for his military intervention. As it became clear later, the coup was more about saving Bainimarama's bacon than it was about saving the nation. As the regime was floundering around looking for a justification, there entered a group of former Fiji technocrats with a plan to provide Bainimarama an 'exit strategy'. The group was led by John Samy, a former Fiji economist and recently retired from the Asian Development Bank and as bona fide a technocrat as any, with a resolve to correct the mistakes of the past. His career in the Fiji civil service had unceremoniously ended in 1987, to his enduring bitterness. He now wanted to return to Fiji to give 'something' back, at a modest fee of FJ\$12, 000 tax free per month. He helped establish a 'National Council for Building a Better Fiji' in 2007 to make recommendations to create a just and fair society, promote unity and national identity, have transparent and accountable government, ameliorate the condition of the disadvantaged in all communities, mainstream indigenous Fijians in a progressive society, and share interfaith dialogue. These values were generally included in the 1997 constitution but had to be reiterated anew to provide an appearance of newness to the military regime.

In August 2008, the council published its 'People's Charter for Change, Peace and Prosperity'. The charter was based on a number of 'Pillar Principles' that included, among others: the abolition of racial voting characteristic of Fiji for much of the 20th century; the adoption of the proportional representation voting system; entrenching principles of good, accountable, transparent governance; and effective delivery of public service —all unexceptionable aspirational goals. The charter proposed that its principles be incorporated into the 1997 constitution which, it said, would continue to remain the supreme law of the land. That work completed, the constitutional impasse would come to an end, the army would return to the barracks and the country would be prepared for the next general elections. The charter

would become Commodore Bainimarama's exit strategy. Nothing of the sort happened.

The charter consultation process, with all its obvious flaws and faults, had bought Bainimarama valuable time to consolidate his position. It had given his military adventure an aura of purposefulness and the charter a tentative nod of approval from the international community. The Commonwealth Secretariat lauded his proposal to start a political dialogue with key stakeholders, including the various political parties. It sent its envoy, Sir Paul Reeves, the former chair of the Fiji Constitution Review Commission, to facilitate the process, but he was ignored by the regime, and the dialogue process unceremoniously dumped in characteristic Bainimarama fashion. He adopted the charter principles as the foundation of his 'Roadmap Back to Democracy' to 'mend the ever widening racial divide that currently besets our multiracial nation', but then proceeded in April 2009 to abrogate the 1997 constitution. The principles of accountability and transparency were disregarded as Bainimarama proceeded to run the country by decree, many of them unchallengeable in a court of law. The decrees infringed basic human rights, such as the right to free speech, and the right of association and assembly, and trade union rights were emasculated. International fact-finding missions, from the International Bar Association and the International Labour Organisation, were denied entry. Drunk on decrees, the regime pushed ahead with no accounting to the public for its policies or deeds or for the disbursement from the public purse. The arrogance of unearned power was again on full display.

Sources of Support

How did all this come to pass? How did the Commodore manage to consolidate his grip on the country with such apparent ease? Among other things, was the strategic deployment of the tactics of fear and violence. Opponents and alleged opponents of the coup were targeted by the military, taken to the Queen Elizabeth barracks and subjected to psychological torture, beatings and general harassment. There were threatening phone calls at night, stoning of vehicles and homes of regime critics, attempted arson. Fiji had experienced wanton

acts of violence before, especially after the September 1987 coup, but nothing quite like this: systematic, relentless and brutal. There was no investigation and no charges laid, which was not surprising as the police commissioner himself was a senior military officer. Violence, or the threat of violence became an inescapable reality of post-2006 Fiji. Land Forces Commander, Pita Driti, now languishing in jail for purported plotting against his former boss, told dissenters in 2010 that they 'will be in for something really hard in terms of how we will treat them this year' (Fraenkel 2011, 456). Commodore Bainimarama himself threatened, 'We'll need to shut people up', so as not to endanger reforms he had set in train (Fraenkel 2011, 457). Fear is a powerfully disabling emotion, but, as Cicero says, it is not a lasting teacher of duty.

Another tactic was the complete clampdown of the local media, especially after the abrogation of the 1997 constitution in April 2009. Military censors were placed in television and newspaper editorial rooms, vetting items for broadcast or publication. Editors who stood up to the regime's intimidation, such as Russell Hunter of the *Fiji Sun*, were deported. The home of Netani Rika, the uncompromising editor of the *Fiji Times*, was targeted by a fire bomb. News-wise, Fiji was an area of complete darkness. Even when formal restrictions were lifted, reporters prudently exercised deliberate self-censorship for fear of retribution from the regime. The upshot was that people read or heard only what the regime allowed to be published or broadcast. On the internet, anti-regime blogsites mushroomed, spreading information and deliberate disinformation, but only a small percentage of the Fiji population had access to them. The country ran on rumour and gossip with the regime's spies everywhere. Understandably, overt dissent disappeared or went underground.

Compounding the problem was the public's diminished confidence in law enforcement and judicial institutions. The police force was under the command of a military officer (Commodore Esala Teleni succeeded by Brigadier General Ioane Naivalarua). Convicted police officers received early release from prison, and reports of police brutality captured on video screened around the world, went

uninvestigated. Commodore Bainimarama's defiant declaration to 'stand by his men' dampened enthusiasm for diligent investigation. There was similarly diminished confidence in the impartiality and independence of the judiciary. The regime denied interference, but revelations by departing judges were sufficiently credible to be dismissed easily. As Justice Randal Powell said in August 2011, 'the Fiji military regime's idea of an independent judiciary is one that does the government's bidding', adding that the judges appointed 'would know that if they start pursuing an independent line, there can be consequences' (Fraenkel 2012, 384). Justice Marshall similarly complained of 'progressive inroads into the independence of the judiciary'. In the civil service, the presence of senior military officers as permanent heads of department, with direct access to Commodore Bainimarama and in effect accountable to him personally and no-one else, had its own consequences.

We turn now to the response of the different communities to the coup and subsequent developments. Let me begin with the Indo-Fijians. Contrary to popular perception, the community was not united in its response to the coup. There were many who were opposed to the military takeover. These included political parties (the National Federation Party, non-governmental organisations, and cultural organisations — Sangam, for example) as well as prominent individuals (Wadan Narsey, Shameema Ali, Imrana Jalal, to name just a few). On the other hand, significant sections of the community, if not actively supporting the coup, adopted a 'wait-and-see' approach, giving Commodore Bainimarama the benefit of the doubt. Among them were the dispossessed, the disinherited and the desperate: victims of previous coups and of the racially discriminatory affirmative action policies that followed in their wake. They knew first-hand what corruption was, and they believed the military's 'clean up campaign' rhetoric.

Less understandable was the response of the 'intellectual class' which, with one or two notable exceptions, silently supported the coup. This group included vice chancellors of the three universities who differed from each other only in the enthusiasm with which they backed the regime and its

purported aims. There was prudent appreciation of who controlled the purse strings, but retribution for past real and imagined against them also weighed in their thinking. The message their pliant behaviour sent was well understood by their subordinates. Inevitably a culture of silence ensued. Others talked about ethical and unethical coups straining at the edges to justify the unjustifiable. They were joined by many Indo-Fijian expatriates — 'retired re-treads', according to some anti-government bloggers — in their twilight of their careers who had left the country in personally unhappy circumstances but who now returned to lend a helping hand, for a handsome fee, of course. Some are belatedly beginning to rue their poor judgment but the damage has already been done.

Moral leaders of the Indo-Fijian community were among the early cheerleaders of the coup. Among them was Dewan Maharaj — the president of Fiji's largest Hindu organisation, the Sanatan Dharam Pratinidhi Sabha, and the owner of one of the country's largest printing companies working closely with the regime. The Arya Samaj — the much smaller but very well connected Hindu reformist organisation — was not far behind. The Fiji Muslim League was in the regime's corner but kept its presence quiet. Some have claimed that the 2006 coup was in fact a Muslim coup, given the presence of so many of that faith in the regime or easily counted among its supporters. Aiyaz Sayed Khaiyum is the vain, voluble and highly visible attorney-general — the second most powerful person in government after Commodore Bainimarama himself. Others who are often mentioned as regime supporters and sympathisers include the former High Court judge Nazhat Shameem; former chair of the Fiji Human Rights Commission, Shaista Shameem; and many others of lower rank and visibility. Understandably, they have all strenuously denied complicity, and are therefore entitled to the benefit of the doubt. The claim about large Muslim support is far-fetched. There are many Muslims who do not support the coup. There was no Muslim conspiracy; it is just that some prominent individuals who opportunistically backed the

regime happened to be of the Muslim faith. That said, it is true that the leadership of the Fiji Muslim League has always had a cosy relationship with the power elite of Fiji, including for many decades with the Alliance Party of Ratu Mara, in the hope of getting separate Muslim representation in parliament.

The most enigmatic question in Fiji is Sayed Khaiyum's relationship with Commodore Bainimarama. It is no secret that Khaiyum is deeply distrusted by the military and disliked by a wide spectrum of iTaukei society for his brazen manners and ideological zeal. As Brigadier General Pita Driti's treason trial in late 2013 revealed, there was some loose talk among a small section of the military about eliminating him altogether. Many Fijians see him as the evil genius behind the throne manipulating Bainimarama, the prime mover of policies that have destroyed or seriously impaired iTaukei institutions under the current regime. What hold does this man then have over the prime minister? It is far too simplistic to see him as the wily manipulator of an otherwise innocent, well-meaning Bainimarama. Khaiyum's loyalty to the commodore is complete and unbreakable. He is politically ambitious but does not have an independent power base of his own. He was a nondescript lawyer before 2006. He has burned his bridges with virtually everyone for good. Bainimarama is all he has got. He was nothing before Bainimarama, and he will be nothing after him. Doors to him in Australia and New Zealand are firmly shut. He is an anathema to international civil society organisations for the draconian decrees he has authorised. That is why he shows all the passion of the twice converted in his slavish attachment to the military leader. For his part, Commodore Bainimarama has an acute understanding of his attorney-general's vulnerability and uses it to his full advantage. He knows that Khaiyum will never be a threat to him and that he will diligently do his, Bainimarama's, bidding. He will always deliver, whatever the cost. And the Commodore has placed absolute, unconditional loyalty high on the list of virtues he most prizes. Convergence of mutual interest rather than conspiracy underpins the relationship between the prime minister and his attorney-general. Once Khaiyum outlives his usefulness, he too, like so

many others before him, will be left to fend for himself.

The most important Indo-Fijian leader who backed the coup and joined the Bainimarama cabinet in early 2007 as its finance minister was the Fiji Labour Party leader Mahendra Chaudhry. Why would a leader of Chaudhry's background — a victim of two previous coups — join the military regime? Chaudhry defended his decision on the high moral ground that his intervention was motivated by nothing other than a desire to save his country from complete financial collapse after the coup. That might have been so, but he was also a man deeply embittered by the policies of the Qarase government, unforgiving in his anger at being dislodged from power at the hands of Fijian nationalists in 2000. This was his chance to take his revenge on them. Revenge and retribution loomed large in his thinking. Chaudhry is an experienced trade unionist, and he probably thought that he could use his vast experience to manipulate the situation to his political advantage. As former New Zealand high commissioner to Fiji, Michael Green, puts it (2013, 168): 'Chaudhry would not stand in the way of a coup, let alone use his considerable influence to prevent one.'

Chaudhry lasted a year and a half in the regime when he was forced out of his finance portfolio. Soon afterwards, he became an implacable foe of the regime but from the sideline, a much-diminished figure, his reputation for probity dimmed and his political base fragmented. His erstwhile colleagues have founded parties of their own (such as Peoples' Democratic Party), citing irreconcilable differences with their former leader. Chaudhry's joining the military regime had certain important consequences. In the first place, it bought Commodore Bainimarama valuable time to consolidate his position. Chaudhry's company portrayed him in a favourable light — not as a military dictator but as a leader determined to put Fiji on a different, more progressive path. Once Chaudhry had served his purpose, Bainimarama discarded him, as was his wont. Chaudhry's support for the regime also put a large section of the Indo-Fijian community behind it. And it stifled local and overseas opposition to the coup regime. In 1987, overseas trade unions led

the international opposition to the coup, especially in Australia and New Zealand. In 2006, they were confused to see the main trade union leader inside the coup cabinet, urging restraint rather than sanctions.

Seven years after the coup, the Indo-Fijian community is still divided. There are many gravy train riders who have done well out of the regime through lucrative contracts, tenders and the like. Many opportunistic businessmen support the regime though most have transferred their assets and moved their families offshore. They have nothing to lose but their bank over drafts should Fiji falter again. Others lent support in the hope of handouts. Many want respite from the constant turbulence that has characterised Fiji for the past two decades. On the whole, the early euphoric support for the regime has evaporated because of disillusionment with its practices, although many Fijians continued to see an Indo-Fijian's hand behind the regime.

On the Fijian side, initially there was confusion and anger: anger because a Fijian-dominated government had been deposed by a Fijian military, and confusion about what to do next. The deposed prime minister Laisenia Qarase was self-exiled in his Mavana village in the remote Lau province for several crucial months, depriving his supporters of a rallying point, a symbolic figure of resistance. The GCC and Methodist Church (to which the majority of Fijians belong) were unceremoniously sidelined by Commodore Bainimarama. The GCC is now abolished, and Methodist Church has been prevented from holding its annual convention. The Provincial Councils are in limbo, their heads now appointed by the regime, not elected by the people themselves. They were once the cornerstone of rural Fijian administration; now they are a pliant tool of the regime. Fijian society is a leader-driven society, and the absence from the public stage of traditional leaders was keenly felt. All the traditional channels of communication and guidance were summarily disabled. Overall, Fijians have shown a pragmatic assessment of the situation in Fiji. They will shift to wherever the power lies. Their support for the regime is contingent, not absolute. Silence, in this instance, does not mean consent. To quote

Robert Louis Stevenson, *Cruellest lies are often told in silence.*

By contrast, Bainimarama can count on the unswerving loyalty of his troops. The size of the military, and certainly its annual budget, increased substantially. Recruits came from all parts of the country. They were often high school dropouts, with few skills, unemployed. Commodore Bainimarama gave them an identity and a purpose, a mission, and they repaid him with unswerving loyalty. They knew deep down that should their commander fail, they will all face the charge of treason. For the moment, they are shielded by the immunity provisions of the 2013 constitution. Bainimarama's hold on the military was complete despite occasional murmurs of mutiny. Soldiers swore an oath of loyalty to him as the Commander of the Fiji Military Forces rather than to the institution of the military. Senior officers entered the civil service to carry out 'Bainimarama's mission'. In a very real sense, Bainimarama became in his own right the paramount chief of a new *vanua*: the Fijian military.

Beyond the military, Commodore Bainimarama presented himself as a new kind of Fijian, modern, multiracial and self-made, impatient with the protocol and hierarchy of traditional Fijian society. In his life and accomplishments many commoner Fijians saw possibilities for themselves for independence and self-realisation. For far too long, indeed for much of the 20th century, Fijian and national politics had been dominated by high chiefs and their families while they themselves had been taken for granted and consigned to the shadows. Commodore Bainimarama gave them hope and a chance to shine in their own right. Many welcomed positions and promotions in the civil service with the departure of the incumbents. For some, Bainimarama's coup slowly morphed into a 'Fijian coup', fulfilling the long-held goals of the Fijian nationalists such as foreign minister Inoke Kubuabola.

What of the reaction of 'Others', that is, non-Fijians and non-Indo-Fijians. A blanket generalisation is inappropriate because there are both supporters and dissidents amongst them, but it is beyond doubt that a significant section of them silently backed the coup and rallied to provide the

nascent military regime support by accepting senior administrative and diplomatic postings (Winston Thompson, Peter Thomson, among many others). The ever adaptable Jim Ah Koy, a prominent local businessman and for a while Fiji's ambassador to China, jumped on the bandwagon and joined the chorus condemning 'old politicians' of whom he was one himself. For much of the 20th century, Europeans and Part-Europeans had provided the prop for the Fijian establishment, useful for their electoral and financial support but not much besides. It was the fear of 'Indian domination' that had put them in the Fijian corner, but that fear was now gone, and they were on their own. With the dismantling of that establishment, the 'Others' saw freedom at last from the shadows and shackles of the past. Their support for the regime too is contingent, not absolute; they will move to wherever power lies. To the ranks of the local supporters came some old European expatriates now in their twilight years and others with hopes of cashing in on the Fijian crisis, with their own blogsites chanting the mantra of multiracialism and proclaiming Commodore Bainimarama the new messiah for Fiji. There is no doubt that there are many who believe in the prospect of a genuine democracy under Bainimarama's leadership, but private self interest is barely concealed in many calculations.

Civil society and non-governmental organisations generally opposed the coup, but there were some, such as the Citizens Constitutional Forum, which initially adopted an 'indeterminate' position, hoping that bad means might lead eventually to good ends (Green, 2013: 167). In the end, it fell afoul of the regime and in August 2013, its head, Rev. Akuila Yabaki, was charged for republishing an article locally that questioned the independence of the Fiji judiciary. The Methodist Church was hobbled, but the Catholic Church, or at least some of its leading figures, expressed an understanding of and sympathy for Commodore Bainimarama's policies. Archbishop Petero Mataka accepted appointment as co-chair of the National Council for Building a Better Fiji, and senior priest Father Kevin Barr became a prominent, indeed often combative, supporter of the coup through his newspaper columns. He believed in Bainimarama's

purported aims of the coup and placed 'social justice' ahead of 'human rights' in his agenda. The coup was not the ideal way to change government, Father Barr and others like him appeared to be saying, but if it served as an instrument for progressive social reform, it might not be such a bad thing after all. But even Father Barr, for all his vocal public support for it, was not spared the regime's wrath when he made some mildly mocking remarks about Fiji's increasing closeness to China. Commodore Bainimarama texted him, calling him a 'Fucked up priest', saying several times 'Fuck U arsehole. Stay well away from me'. Barr relayed the abusive messages to his close friends, and they soon found their way in the cyberspace (*Fiji Today* 16/1/13). For good measure, Bainimarama threatened to revoke Barr's missionary visa, leading the Catholic priest to apologise for his 'bad' judgement. The threat of deportation worked. Bainimarama's intemperate outburst was not uncharacteristic or unexpected: it fitted into a pattern of behaviour that did not tolerate dissent or disagreement, which raises the question of how the commodore will function in a civilian administration that operates on the basis of consensus and compromise.

By 2010, Commodore Bainimarama was confidently ensconced in power. His enjoyment of it was palpable. He had worn down or otherwise harassed his opponents into sullen silence, at least for the time being. He had the civil service under the control of hand-picked military men and regime-friendly bureaucrats. The military was fully behind him. Businessmen came calling, with offers of support and further investment. He made frequent foreign visits on various missions, leaving his eager attorney-general in charge. With the assistance of experienced foreign policy hands such as Peter Thomson — Fiji's representative to the United Nations — the regime began to explore a newer place for Fiji in regional and international affairs.

The Wider World

The 2006 coup was widely condemned. It could not be otherwise. The Pacific Islands Forum (PIF) invoked the Biketawa Declaration (2000) which enjoined respect for the rule of law and 'upholding the democratic processes and institutions which

reflect national and local circumstances, including the peaceful transfer of power' (PIF Secretariat). The European Union invoked the Cotonou Agreement and the Commonwealth the Harare Declaration, both of which recognise the individual's 'inalienable right to participate by means of free and democratic political process in framing the society in which he or she lives.' Australia and New Zealand imposed travel bans on the regime's closest supporters and cancelled defence co-operation with the Fijian military. The attorney-general, to his enduring annoyance, was stripped of his Australian permanent residency. All this was predictable, though the Fiji regime was probably shaken by the vehemence of the condemnation. Its narrative of a 'good coup' and 'clean up campaign' was clearly not finding traction with its neighbours or the international community.

At first stumbling, Fiji soon began to strike back. It adopted a 'Look North' policy. China responded enthusiastically. An emerging global giant, it was already looking for fresh fields for new resources (timber, minerals, marine). Fiji's overture came at an opportune time, and China provided soft loans and development assistance (building roads, bridges, dams). For its part, Fiji played the 'China Card' to the maximum, hoping to force Australia and New Zealand into a more accommodating stance towards the regime. That hope remained unfulfilled, but not before igniting a debate in Australia at least about whether engaging with the rogue regime might not be in its national interest despite serious imperfections in the regime's proposed constitution and the overarching role for the military in the political life of the country (Herr and Bergin, 2013). The Labour government remained unconvinced, demanding a more demonstrable commitment to restoring the country to full parliamentary democracy before relaxation could be contemplated, but the new (2013) Coalition government has expressed a willingness to engage with Fiji. Sooner rather than later, it will discover the dangers of dealing with a mercurial regime determined to have its own way and no other way.

Within the region, Fiji worked assiduously to fragment opposition to it. These included

taking a more prominent role in the Melanesian Spearhead Group (MSG), of which it had largely been a dormant and late-joining member in the past. Vanuatu outdid the others by conferring upon Bainimarama a high chiefly title — Chief Warwar; this upon a man who had undermined the chiefly system in Fiji. Fiji tried to orchestrate anti-Australia sentiment among MSG members and in the region more widely, portraying it as a big white neo-colonial power insensitive to the needs of small Pacific island states. There is, for a variety of reasons, a reservoir of resentment against Australia in the region and Fiji tried to tap into it. But in the end, Fiji's courting of the MSG is opportunistic and cynical. In private, some Melanesian leaders concede as much, but they are also acutely aware of Fiji's regional influence, including as the home of vital regional institutions such as the University of the South Pacific and as the hub of regional air and sea transport connections.

Fiji mercilessly pilloried the PIF for its unwillingness to endorse the legitimacy of the coup by its secretary general, Samoan judge Tuiloma Neroni Slade. The ridiculing and belittling comments about Bainimarama by the Samoan Prime Minister Tuilaepa Malielegaoi, incensed the Fiji regime even further, although it was refreshing to see a Pacific leader show his courage of conviction. To bypass the PIF, Fiji began to explore the possibility of setting up a rival organisation. It convened separate meetings with selected island leaders (to which Australia and New Zealand were pointedly not invited) on the eve of PIF annual meetings that attempted to showcase Fiji's leadership of the region. In August 2013, Fiji spearheaded the move to establish a new Pacific Islands Development Forum as an alternative space to raise development issues in small Pacific Island states. This it did with the support of some local NGOs, such as the International Union for the Conservation of Nature, which sought more influence and recognition in the region. Predictably, Samoa rejected the idea as a political ploy by Fiji to regain its former leadership role. Whether it will amount to much more than a regional talkfest in the absence of financial backing from Australia and New Zealand — the region's traditional donor countries — remains to be seen. Fiji, for its part, hopes that its

new-found friends in the developing world will stand by it in its future confrontations with its traditional neighbours and partners.

Beyond the region, Fiji opened embassies in South Africa, Brazil, and the United Arab Emirates, and, as a new member of the Non-Aligned Movement, signed memoranda of understanding with Iran and North Korea. Russia became a new-found friend, and Fiji contributed a large peacekeeping force in the Golan Heights. It chaired the summit of G77. Fiji campaigned strongly, but in the end unsuccessfully, against Australia's drive for a seat on the Security Council, hoping for an eventual place there for itself as the representative of the Oceania region. How these manoeuvres will unfold in the future remains unclear, but the Fiji regime's determination to break away from the traditional pattern of diplomatic relations is beyond dispute. Fiji now considers itself far too important to be restrained by the protocols of regional politics in the South Pacific. As Bainimarama has said, 'We have gone beyond the region to chair the G77, the biggest voting bloc in the United Nations. We are leading the Pacific small islands developing states at the United Nations. We are leading players in the MSG. We have joined the Non-Aligned Movement. So it is no big deal for us to return to the Forum' (fijilive 16/9/13). Fiji's illusion of grandeur and glory on the global stage are starkly etched.

There has been much adverse comment in Fiji about Australia and New Zealand. From within Fiji and from sections of the Australian commentary, including the Australia-Fiji Business Council, have come calls for Australia to re-engage with Fiji. The most cogent response to this question has come from the late Michael Green, in his book *Persona Non Grata*. Green was New Zealand's High Commissioner to Fiji from 2004–07 when he was expelled from Fiji. 'The pro-engagement proposition,' Green argues, is 'grounded in delusion about Bainimarama. He is not interested in advice or assistance unless it is to sustain him in power to implement his agenda in entirety. He is uncomfortable with the clash of ideas, negotiation and compromise, all critical elements to effectively functioning democracies. He is not interested in expert opinion if it does not conform to his understand-

ing of the way things should be' (Green 2013, 270). Father Kevin Barr and other early supporters of the Commodore's would attest to that.

Green goes on to point out the gap between Commodore Bainimarama's words and deeds. The Commodore presents himself as a champion of good governance, but his actions belie that claim. As already mentioned, the military budget ballooned under his watch. He defied the elected government's white paper recommendations to trim the top-heavy military to a more sustainable size. Compulsory Supervision Order was used (as it had been by Qarase as well) to effect early release of prisoners, including his brother-in-law who was jailed for manslaughter. He went to prison on full pay and was appointed a permanent secretary upon release. Abuse of human rights of escaped prisoners by police and the military went unpunished, including the barbaric beating of escaped prisoners captured in a video that horrified the world. Bainimarama accused Qarase of practising cronyism, but he himself was not above appointing loyalist soldiers to cabinet, to senior positions in the civil service and to statutory organisations. 'The fact is that Bainimarama does not trust civilians, with a few exceptions, and prefers to appoint people to whom he can give orders with confidence that they will be carried out' (Green 2013, 271). Evidence from around the world suggests that 'military services routinely make bad governments, because they have a culture of command-and-obey and thereby cannot cope with dissent, disobedience, defiance or a "clash of ideas" in any way, shape or form'.

One of the strong justifications Commodore Bainimarama had for his coup against the Qarase government was that it was giving succour to the coup plotters of 2000 through the Promotion of Reconciliation, Truth and Unity Bill — a claim that many in Fiji believed. But he was himself not above giving favours to key coup strategists. Berenado Vunibobo, George Speight's foreign policy advisor, was appointed Fiji's representative to the United Nations. Colonel Pita Driti was nominated for the post of high commissioner to Malaysia, which was declined by Malaysia. The biggest travesty of all was the appointment of Inoke Kubuabola first as high commissioner to Papua New Guinea and later

as Fiji's foreign minister. He was a founding member of the nationalist Taukei Movement in 1987, a key, self-confessed architect of the 1987 coup (Lal 1988), an advisor to George Speight, and a staunch defender of the racist, widely discredited 1990 constitution. Another Taukei Movement member and 1987 coup supporter who found a place in Bainimarama's cabinet was the octogenarian Filipe Bole. Understandably, Bainimarama's commitment to promoting open and transparent governance sounded unconvincing enough to foreign governments not to give their stamp of approval to the Bainimarama narrative.

Future

Now to the future. The regime has promised to hold general elections by September 2014. There are many who doubt this commitment in view of the regime's public record of broken promises. Reneging on solemn commitments without explanation or apology is the Fiji regime's way of conducting its affairs. But given the repeated assurances the regime has given to the international community, it is difficult to see how it can defer the elections. Let us therefore assume that elections will be held in 2014. The question then becomes what kind of elections. Will they be free and fair? Will all political parties be allowed to play on a level playing field? Will the regime's party, yet to be formed, accept the verdict of the ballot box and soldiers voluntarily retreat to the barracks if their party loses the elections? Or will the military simply discard the verdict, claim that its original mission (whatever it was) is not yet complete, that people elected to parliament would jeopardise all the 'gains' made thus far and continue in power, claiming enthusiastic groundswell of support? It is not an improbable scenario. For his part, Commodore Bainimarama has, on several occasions, declared that he will win the elections whatever the impediments in his way. His complete confidence in his own political prospects is interesting, to say the least.

One promise the regime has fulfilled is giving Fiji a new constitution, though not the one most Fijians had wanted. After the abrogation of the 1997 constitution in April 2009, a new consti-

tution was always in prospect, although with little sense of urgency as the country was being run by a plethora of decrees flowing almost daily from the attorney-general's chambers. In August 2012, the regime finally appointed a Constitution Commission, headed by the distinguished Kenyan constitutional lawyer Professor Yash Ghai, to draft a new constitution for Fiji. Ghai's choice was intriguing. Perhaps the regime, certainly the attorney-general, thought he might be more sympathetic to the regime's hopes and aspirations. Khaiyum was his law student in Hong Kong, and Ghai had surprisingly refrained from expressing an opinion on Bainimarama's coup. In the end, doubts about Ghai proved baseless. He proved himself to be the peerless constitutional engineer of integrity he always had been, though let down by one of his fellow commissioners who is widely believed to have been the military's mole on the commission.

After an extensive process of consultation (over 7000 submissions were received), Ghai produced a draft constitution that was comprehensive, progressive, participatory and inclusive. A new non-racial electoral system with closed-list proportional representation at its heart was proposed, voting age lowered to 18, a certain percentage of seats in parliament was to be reserved for women, the civil society was encouraged to participate in the political process (a part of a national assembly which would help elect the president). The multi-party power-sharing concept of the 1997 constitution was rejected. The Senate, as a house of review, was gone, as was the constituency system central to the Westminster system. The GCC was stripped of its former constitutional role in appointing the president and exercising an oversight role over Fijian affairs, and accorded the status of a civil society organisation. Immunity would be granted to those who had participated in the coup, but only after they publicly acknowledged their role in it. Closure would only come after full disclosure. And while the military was placed firmly under civilian control, serving men and women were free to disobey illegal orders. The military's preference for a guardian role for itself, with the responsibility to 'ensure at all times the security, defence and wellbeing of Fiji and its people' was firmly rejected (RFMF 2012).

The Ghai draft proposed measured movement in a new direction. It was presented to the president on 21 December 2012. The draft was to have gone to the president and then presented to a hand-picked Constituent Assembly for final ratification. But the draft proved to be a stillborn. The military was miffed and Bainimarama disgruntled with, among other things, the recommendations regarding immunity and the limited public role for the military. The president rejected it on 10 January 2013, dismissing it as a backward looking document which, if adopted, would lead to 'financial and economic catastrophe and ruin' (Office of the President Press Release). The draft's proposal to have a peoples' assembly elect the president would be an 'anathema to democratic representation'. It was not the president's prerogative to pass a judgment on the Ghai draft, but he was, after all, a creature of the military — its pliant tool with a record of doing its bidding and living the good life on the public purse. The much-touted constituent assembly was also summarily discarded. In a symbolic act of humiliation, a special contingent of police officers burned the printers' copies of the draft in Ghai's anguished presence. Once again, Bainimarama had the last laugh. He had managed to convince, or con, the international community into believing that the Ghai exercise was genuine, and managed to secure overseas funds for it as well, but when the commission refused to rubberstamp the military regime's agenda, it was unceremoniously disbanded. Sadly, one of its members continued to sing the praises of the military regime.

A new constitution, prepared by lawyers in the attorney-general's chambers with no public consultation, was promulgated on 6 September 2013 by the president. It differed only in minor details from the draft constitution the regime released on 21 March. There are many positive, forward looking features in it. The new constitution has retained the regime's non-negotiable 'universal principles' of a common and equal citizenry, a common name of 'Fijian' for all citizens, a secular state, an independent judiciary, good and transparent governance, entrenchment of economic and cultural rights, non-racial voting, the open list proportional representation system and a lower voting age (18). All

this is commendable, but the constitution contains provisions that make a mockery of the Westminster system of government. The powers of the prime minister and the attorney-general are considerably enhanced. The consultative provisions governing the role of the leader of the opposition are gone. The prime minister chairs the 'independent' Constitutional Offices Commission. The chief justice is appointed by the president on the advice of the prime minister and the attorney-general (rather than the leader of the opposition). The military is entrusted with maintaining the 'wellbeing' of the citizens of Fiji without overarching civilian oversight.

The parliament is reduced to a laying pliant role in the governance of the country. The provisions of the various draconian decrees curtailing the freedom of speech, assembly and association remain. The Bill of Rights is impressive in its comprehensiveness, but so are the derogations from it. And the constitution devised by 'we the people' cannot be changed without 75 per cent of votes in parliament and an equal percentage in a national referendum. In other words, it is virtually impossible to change, except through another coup. In the words of the former vice-president Ratu Joni Madraiwiwi, other 'disturbing provisions' include 'disrupting the balance of power between different arms of state (s. 133), limiting political rights (s. 6), shielding decrees from legal challenge (s. 173), and expanding the role of the army (s. 130)'. 'He argues that not 'only do these run contrary to the government's own non-negotiable principles that set the bar for a quality document, but also they pose serious implications for the cultivation of a democratic culture and strengthening the rule of law' (Madraiwiwi 2013). The new constitution's fatal flaw that may well be its undoing is that it lacks legitimacy, is not founded in popular will, but was decreed into existence after a façade of hurried public consultation.

Comodore Bainimarama is convinced that he has completed the first phase of his 'Glorious Revolution' that began in 2000 when he stamped out the George Speight insurrection. This is pure spin: there was no popular uprising against the elected government of the day, and there was nothing glorious at all about the naked grab for power through a military coup. But in the absence of a free media,

the regime has had its way with words unchallenged. The oxygen of free and unfettered speech in Fiji is in very short supply. In his address to the Certified Practising Accountants in Nadi in August 2013, Bainimarama outlined what he hoped to accomplish when he began his journey: a just, fair and non-racial society where ‘everyone has a place in our national life’. ‘I am convinced that for all the challenges, history will eventually judge us favourably,’ he said, ‘because our revolution — that’s what it is — has finally laid the foundations for a fairer, more equal society and the development of a modern, progressive state.’ There are many in Fiji who believe him, as they have believed him in the past, just as there are many who doubt his commitment to restoring the country back to true parliamentary democracy (Lawson 2012). Michael Green doubts if a genuinely democratic system will emerge in Fiji. ‘At best, it will be a guided democracy, like Indonesia’s under Suharto or perhaps Singapore’s under the Lee dynasty’ (2013, 270) Professor Yash Ghai is also among the sceptics. ‘I doubt if he [Bainimarama] has read the constitution. He just repeats what his Attorney General tells him’ (Australia News Network 23/10/13). Commodore Bainimarama as an empty vessel for his attorney-general’s agenda is a sobering thought, but it is a thought shared by many in Fiji.

Fiji’s problems are as much constitutional as they are political. In the end, even a deeply flawed constitution can be made to work if there is a will to do so. But will the military relinquish power voluntarily? Will it respect rather than preempt the verdict of the ballot box when the time comes? Does Commodore Bainimarama have the taste and temperament for the cut and thrust of robust democratic debate? Can he negotiate and compromise? His own record manifestly suggests otherwise, but he, like all of us, should be given the benefit of the doubt. The coup has succeeded, mainly through force and fear and other unsavoury means, to be sure; there has been violence, blood has been spilt, careers have been destroyed, and innocent citizens have suffered. The social and moral, not to say the economic costs, have been incalculable, but that it has now entrenched itself into the body politic of Fiji is beyond doubt.

Commodore Bainimarama has summarily swept aside many institutions, structures and processes of Fijian political life. Posterity may forgive his transgressions as unfortunate but inevitable acts necessary to wrench the country away from its hobbled past towards a new future; forgiven, that is, if he shows a largeness of mind and vision to rise above personal ambition for power to create a truly democratic, progressive, just and fair society in Fiji. It has been done before in Fiji and it can be done again. Frank Bainimarama is no Sitiveni Rabuka, lacking the latter’s intellectual agility, humility and a profound capacity for self-transformation and forgiveness. But he could still rise above the fray and effect a genuine political transformation, in the process earning an honourable place in Fijian history — not as a coup maker but as a maker of modern Fiji, as the progenitor of true representative parliamentary system of government rather than as the founder of a militarised democracy. That will be his opportunity and challenge and his legacy to the future generations. For now, though, it is difficult to say whether the faint glow on the horizon is of a new dawn breaking or the glimmers of a dying funeral pyre.

Author Notes

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