

4

Plus ça change ...?

Frank Bainimarama's coup on 5 December 2006 shared many features with Sitiveni Rabuka's first coup back in May 1987. On both occasions, the military sought to dismiss the democratically elected government of the day, a goal easily achieved. But, on each occasion, sustaining that achievement under the umbrella of constitutionality proved impossible. Rabuka's solution was a second coup five months later, which led to the formation of a republic and eventually to the creation of a new constitution in 1990. Bainimarama resisted a constitutional response until legal realities caught up with him in 2009. He finally introduced a new constitution in 2013.¹

What made Bainimarama's coup so different, however, and which partially explains its seven-year delay in constitutional resolution, was its anti-establishment character. Whereas Rabuka in 1987 simply wished to restore the status quo ante and return to power the Fijian elites that Timoci Bavadra's Labour Party had democratically threatened, Bainimarama's coup in 2006 necessitated a wholesale transformation of those elites and their power; indeed, he blamed 'those indigenous Fijians in powerful positions who are power hungry and look after the interests of an elite group' as the cause of Fiji's problems.² How extensive that transformation would be was

1 The Director of the Fiji Human Rights Commission (FHRC), Dr Shaista Shameem, alluded to this in her report to the UN High Commissioner for Human Rights in mid-2007. She claimed that a coup refers to the removal of the head of state and constitution, not simply the dismissal of a government. Hence there had only been one coup in Fiji's history, that in September 1987, after which Fiji became a republic (*fijilive*, 30 August 2007).

2 *fijivillage*, 23 December 2006.

not immediately apparent. Bainimarama continued to refer to his coup as an overdue clean-up campaign. His early moves lent weight to the assertion. He sacked many state CEOs, began reorganising the police, Fiji National Provident Fund (FNPf) and Native Land Trust Board (NLTB), challenged the leaders of the Great Council of Chiefs (GCC) (many of whom had supported both the 1987 and 2000 coups), and established a new Fiji Independent Commission Against Corruption (FICAC).

A few commentators, such as expatriate journalist Victor Lal, suggested that 'What took place on December 5 cannot even be described as a coup' because Laisenia Qarase and his ministers 'simply abandoned their portfolios and ran away, creating a public necessity for the Commodore to step in and take executive authority in Fiji'.³ Others supported Bainimarama's necessity defence: 'Given Fiji's turbulent past,' journalist Graham Davis wrote, 'it's arguably a revolution that can happen only at the point of a gun, however much that might offend democratic sensibilities.'⁴ Some chose to accept Bainimarama's good governance description of the coup. University of Fiji's Satendra Nandan described it as 'a coup to end all coups',⁵ an assertion that gained the support of several civil society groups, but not the Citizens' Constitutional Forum (CCF). Its director, Rev. Akuila Yabaki, declared 'We don't need a coup to end the coup cycle or to end racism, because we cannot break the supreme law of a country to protect the rule of law'.⁶ But others, including the Ecumenical Centre for Research, Education and Advocacy (ECEA), as well as some IndoFijian religious organisations and the Catholic Church were more equivocal. Back in 2001 the Roko Tui Bau, Ratu Joni Madraiwiwi, had placed high hopes on civil society to uphold democracy and human rights within Fiji.⁷ Clearly that had not come to fruition; many institutions hostile to previous coups were now prepared to grant

3 *Fiji Sun*, 8 January 2007. Rabuka made a similar claim, arguing that Qarase could never be compared with Bavadra or Mahendra Chaudhry who 'had to endure the hardships of incarceration as well as their ousting from office' (*Fiji Times*, 15 August 2008).

4 G Davis, 'It's hail to the chiefs no longer', *Australian*, 6 January 2007.

5 'Fiji coup could be its last', *Pacific Islands Report*, PIDR, 21 March 2007. Professor Nandan told the anti-corruption symposium: 'I know the Commander will not take us to heaven, but he may just and justly get us out of the hell-hole we've been digging for the past 20 years. He has not invoked indignity or mawkish religiosity nor mobs marching and bullying defenceless civilians or peasants – and that gives us hope. He has appealed to only one symbol of unity: our beloved country. And race is no longer bandied as the fact of life'.

6 www.coupfourandahalf.com, 14 May 2010.

7 J Madraiwiwi, 'Fiji 2001: Our country at the crossroads', 2001 Parkinson Memorial Lecture, University of the South Pacific, *Wansolwana*, 15 August 2001.

legitimacy to military action. Fiji Human Rights Commission (FHRC) director, Shaista Shameem, even argued in a controversial report released in early January 2007 that the Republic of Fiji Military Forces (RFMF) had a constitutional responsibility to pursue good governance, especially given ‘the rampant abuse of power, privilege, illegalities and wastage of wealth of the Qarase government, as well as its proposed discriminatory legislation which, if enacted, would have constituted a crime against humanity under international law’.⁸

Strangely for a coup designed to end Fiji’s reputation as ‘Coup-Coup Land’, it possessed all the by now familiar characteristics of previous coups. For a start Bainimarama – like Rabuka before him – could not control for all eventualities. For some time he had been able to manage President Josefa Iloilo – in his late 80s and displaying signs of dementia – through military personnel and friends in the presidential palace. Iloilo’s wife had also minimised government access to the President, and the Commander’s alternate office in Strategic Command at Berkley Crescent, adjacent to the Presidential Palace – originally conceived as a way to keep tabs on military commanders – had conveniently given Bainimarama unchecked access to the President.⁹ But the Vice President was a different matter. The Bauan high chief and articulate lawyer Madraiwiwi was nobody’s puppet. On the eve of the coup he persuaded Iloilo to release a statement declaring that he neither condoned nor supported the actions of the military ‘which were clearly outside the Constitution’.¹⁰ Hence, when Bainimarama did finally launch his coup, he did so without the planned endorsement of the President. As he put it on the day: ‘I, under the legal doctrine of necessity,

8 S Shameem, ‘The assumption of executive authority on December 5 2006 by Commodore JV Bainimarama, Commander of the RFMF: Legal, constitutional and human rights issues’, Fiji Human Rights Commission, Suva, 3 January 2007, p. 31. This report, like Bainimarama’s coup announcement, relied on the repealed provisions in the 1990 Constitution that bestowed a watchdog function upon the military to justify its claims. The report prompted calls for Shameem’s resignation, opposition from fellow commissioners like Shamima Ali, the cancellation of NZ funding for the FHRC, and its suspension from the Geneva-based International Coordinating Committee of the National Institute for the Promotion and Protection of Human Rights. Most critics believed the report supported dictatorship rather than constitutional democracy (e.g. Jonathan Edelstein, ‘Coups as a human right’, *Fiji Sun*, 7 January 2007; and Graham Leung, ‘Lawyers must cry freedom to the challenge in Fiji’, *Fiji Times*, 9 June 2009). Historian Brij Lal declared the notion of a constitutional coup an oxymoron (*fjilive*, 11 December 2007).

9 Baledrokadroka, ‘Sacred king and warrior chief’, 2012, pp. 242–44.

10 Baledrokadroka, ‘Sacred king and warrior chief’, 2012, pp. 266–67.

will step into the shoes of the President given that he has been blocked from exercising his constitutional powers.¹¹ He then dismissed Qarase and appointed the 77-year-old military medical doctor, Jona Senilagakali, interim prime minister.

The accidental Prime Minister immediately failed to impress as the harbinger of a new Fiji. In his first statement, he declared that he had 'been called by divine authority to do something for the people of Fiji'. What that might be remained uncertain. In defending the coup, Senilagakali also inadvertently undermined Bainimarama's constitutional claims. 'It's an illegal takeover,' he acknowledged, although its purpose was 'to clean up the mess of a much bigger illegal activity of the previous government,' adding that Fiji needed a different sort of democracy from 'the type ... both Australia and New Zealand enjoy'.¹² This logic, albeit for different reasons, had been employed to justify every coup in Fiji. In the past, nationalists deemed democracy incompatible with indigenous rights, thereby denying Fijians the right to accountability, transparency and equity, the foundations for any form of sustainable development.¹³ Now Bainimarama deemed it at odds with Fiji's development status,¹⁴ an assertion that gained the military some unexpected bedfellows.

Aisake Casimira of the Pacific Conference of Churches argued that it was unwise for Fiji to pursue democracy at the same time as a free market economy. He declared that democracy could only be sustained with a strong welfare system. Yet, if history offered any lessons, it is that means are as important as ends. Political democratisation cannot be postponed, as Casimira suggested, in order to achieve economic democratisation. One is not possible without the other, as European countries learned prior to 1945. Economic democratisation also requires accountability, transparency and equity. By 2006, no coup had brought Fiji any closer to realising either political or economic democratisation. Nor had they assisted Fiji to transform its neocolonial economy, make the creativity and skills of all its peoples a driver of economic growth, and extend the boundaries within which they engage. Nationalistic assertions –

11 Voreqe Bainimarama, press statement, 5 December 2006.

12 *BBC*, 7 December 2006.

13 Robertson & Sutherland, *Government by the Gun*, 2001, p. 127.

14 Bainimarama declared: 'One must remember that the factors that bring about peace and harmony in any country are not confined to the word democracy. As an example last year I visited China ... [and] witnessed a country that is ... prosperous and peaceful despite the fact that it is regarded by many as not democratic' (*Australian*, 11 December 2006).

whether on the grounds of race or development – were simply weapons of denial; they denied common human interests and needs, they denied opportunities for social partnerships, and they denied prospects for stronger intersectoral linkages and sustainable domestic growth. They did not provide a unique Fiji ‘road map to democracy’.¹⁵

If Bainimarama’s coup failed to turn external sources of growth into more balanced internally oriented growth, then it too might go the way of all previous coups. Of course if Fiji’s new leader introduced policies that reduced social and economic inequalities, rewarded skills not privilege, stimulated domestic investment and increased real wages, he might transform Fiji society, decrease political instability, reduce emigration and enable the foundations for greater prosperity.¹⁶ All Fiji’s postcolonial governments and coup regimes neglected these opportunities in the past, invariably for reasons of race and class, with predictable consequences: *plus ça change, plus c’est la même chose*. Would Bainimarama’s contemporary endeavour prove any different? Did the manner of its birth predetermine its outcome?

Undermining human rights

Military force is never an acceptable means to effect change. It simply reinforces coups as the weapon of choice for the disgruntled, as Rabuka conceded.¹⁷ Additionally, military force undermines the very institutions it purports to protect, as human rights activists noted earlier in 2006.

It is unconstitutional for any institution to threaten to remove a government under any doctrine (legal or otherwise) based on a belief that the government is acting unconstitutionally. It is the function of the courts to determine unconstitutional action.¹⁸

15 A Casimira, ‘Democracy in many guises’, *Fiji Sun*, 18 February 2007.

16 R Robertson, ‘Fiji futuring’, paper presented to the Asia-Pacific Development Review Conference *Fiji Forward 2000*, 15–16 June 2006, Raffles Tradewinds, Suva, Fiji, in *Pacific Economic Bulletin*, 21: 2, 2006.

17 *fijilive*, 14 December 2006.

18 *Fiji Times*, 24 March 2006, p. 3; Angie Heffernan of the Pacific Centre for Public Integrity and Virisila Buadromo of the FWRM.

Indeed, the military's own lack of respect for the rule of law, not only in overthrowing an elected government but also in its abuse of human rights and lack of financial transparency, undermined its reach for the moral high ground. In this respect, little distinguished Bainimarama's military from Rabuka's.

The first week of the coup began with Bainimarama declaring that his military would 'respect the international conventions on human rights and humanitarian law'.¹⁹ But, by week's end, a clear pattern of human rights abuses had been established. Former politician Kenneth Zink was first arrested for cursing at Bainimarama's appearance on television while he was at the United Club. Soldiers forced him to run around a sports field at the Queen Elizabeth Barracks (QEB). On a second occasion in early January 2007, he was detained and assaulted in Nadi. Jale Baba, director of Soqosoqo Duavata ni Lewenivanua (SDL), Ted Young (a former Qarase minister) and Mere Samisoni (former MP and owner of the Bread Kitchen chain of bakeries) received similar treatment, sometimes being forced to do press-ups. Journalists were also questioned. *Daily Post* editor, Robert Wolfgramm, faced deportation. Ex-Counter Revolutionary Warfare Unit (CRWU) soldiers at Pacific Connex were arrested and detained.²⁰

But worse befell Laisa Digitaki's Young People's Concerned Network. She and colleagues provocatively constructed a shrine to democracy at her Lami office, with banners reading 'Yes to Democracy No to Guns'. A public relations businesswoman and partner of Fijian Holdings Ltd (FHL) managing director, Sitiveni Weleilakeba, she refused to acknowledge that the military's state of emergency had legal validity,²¹ a challenge that would increasingly frustrate the regime in coming months. Armed men broke in and tore down the banners four days after the coup. Undeterred, Digitaki participated in a protest against the military government nearly two weeks later and was arrested but bailed. Then, on Christmas Eve, the soldiers came for her, taking her to Nabua where she was eventually united with a small group of dissidents rounded up by the military for special treatment: youth activists Pita Waqavonovono and Jackie Koroi, as well as Virisila Buadromo²² (Fiji Women's Rights Movement (FWRM)

19 *fijilive*, 5 December 2006.

20 *Fiji Times*, 9 December 2006.

21 *Daily Post*, 10 December 2006.

22 The US secretary of state presented Buadromo the International Women of Courage Award on 11 March 2008.

executive director) and her partner, lawyer Arshad Daud. Together and separately they were interrogated (Digitaki alleged that Land Force Commander Pita Driti participated, at one point threatening her with a pistol), before being taken out, assaulted and forced to run 10 kilometres back to their homes.²³

‘The military needs to demonstrate humility not arrogance, altruism not selfishness, in all that it does,’ a *Fiji Times* correspondent wrote. But there was little chance of that as Bainimarama soon made clear: ‘These individuals should shut their mouths or else the military will shut it for them.’ Little wonder that CCF’s Jone Dakuvula feared who would be next.²⁴ ‘Look,’ the new acting Police Commissioner reportedly argued, ‘the reality of things is, whatever legal rights you have, this is not a good time to be claiming them.’²⁵ Indeed, by 15 February 2007, some 1,193 people had been arrested by the military for a range of offences,²⁶ some meeting a far worse fate: Tailevu villager and land surveyor Nimilote Verebasaga tortured and beaten to death in early January, and 19-year-old Sakiusa Rabaka dead from injuries received in Nadi in late February. In both instances the military went to great lengths to protect the offenders from charges, even trying to send Rabaka’s killers out of the country to serve as peacekeepers in Iraq. ‘This is not good governance when the commander can’t reflect it within his own army,’ Fiji Women’s Crisis Centre (FWCC) director Shamima Ali noted pointedly.²⁷ For their comments, activists like Shamima Ali, Buadromo and Digitaki were regularly prevented from

23 ‘Laisa Digitaki’s statement & sequence of events re pro-democracy group of five rounding up and bashing by the RFMF on December 24th–25th, 2006’, fijimediaswars.blogspot.com.au/2014/09/laisa-digitakis-story.html; *Fiji Times*, 26 December 2007. Driti was reportedly unhappy at being named in Digitaki’s statement; his unhappiness pushed Digitaki and Heffernan into hiding in January (*fijilive*, 25 January 2007). *Wikileaks* later reported the US Embassy claiming that Chief of Staff Tevita Mara and Col Sitiveni Qiliho Tukaituraga were also present (www.coupfourandahalf.com, 15 February 2012).

24 *Fiji Times*, 26 December 2006; *Fiji Sun*, 26 December 2006. Bainimarama later alleged that NGOs only spoke out against the coup because they wanted to impress their foreign donors (*Fiji Sun*, 28 January 2007).

25 Richard Naidu, interview, *Fiji Sun*, 16 January 2007.

26 *Fiji Sun*, 25 February 2007.

27 *Fiji Sun*, 30 October 2007. Only one soldier was tried for Nimolote’s death, receiving a three-year sentence in April 2009. The men responsible for Sakiusa’s death – eight soldiers and one police officer – were finally tried and sentenced to jail for four years in March 2009. They were released under community service orders when the Constitution was abrogated a few weeks later. The police also share the military’s penchant for brutality. In mid-2007, Tevita Malasebe, a suspected thief, died in police custody at Valelevu. Two police were later convicted of murder. In September 2008, an escaped prisoner died of injuries received during his recapture by a new Police Strike Back team. FWCC deputy coordinator, Edwina Kotoisuva, claimed the team ‘brings out the machoism in the police officers’ (*Fiji Sun*, 20 September 2008).

leaving the country to attend conferences or meetings. 'Fiji's Constitution is torn into pieces on a daily basis' by the military's 'abuse of the basic human rights of citizens,' Shamima Ali told the press.²⁸ Perhaps aware that such abuses cost the military dearly in terms of public support, the new Attorney-General, Aiyaz Sayed-Khaiyum, argued in late February that the military should have the police charge people believed to be inciting instability, not take them to military HQ and interrogate them.²⁹ And, shortly after, Bainimarama announced that, henceforth, the military would be responsive to public views on human rights and ensure that excesses ceased. But, privately, EU diplomats alleged, he told them that if anyone insulted the army 'of course we must have them taken to the barracks and have them beaten up'.³⁰

Asserting constitutionality

Maintaining the pretence of constitutionality proved far more difficult, however, than dealing with human rights activists. Bainimarama had cited the doctrine of necessity as a way to head off such problems but, without doubt, the President's refusal to play ball unsettled him. Taking revenge by dismissing Madraiwiwi and immediately forcing him from his residence,³¹ unlike government ministers who were at least given one month's notice, solved nothing. Having the otherwise compliant head of state on side had always been a crucial part of Bainimarama's plan for establishing the veneer of legality. To get back on track, he had now to persuade the GCC to reinstate Iloilo at its forthcoming meeting. But the chair of the Council, Ratu Ovini Bokini, was in no mood to comply. He still recognised the Qarase government and Iloilo as president. As far as he was concerned, Bainimarama's action had no legal effect. He told reporters he had no intention of seeking Bainimarama out: 'He has to make a request to me if he wants to meet me.'³²

28 *fijilive*, 24 January 2007.

29 *Fiji Times*, 25 January 2007.

30 Doring, 'US cables', 2011. Bainimarama later argued that human rights conventions interfered with sovereignty (*Fiji Times*, 23 February 2008).

31 *Fiji Times*, 7 December 2006.

32 *fijilive*, 8 December 2006.

But Bainimarama could be equally imperious. Australia's Foreign Minister Alexander Downer had just upped the ante by calling on Fiji's citizens to launch a campaign of civil disobedience against the coup.³³ On the same day that the Commonwealth suspended Fiji's membership of its councils, Australia and New Zealand announced their intention to have the United Nations cut Fiji out from its peacekeeping duties, a role the RFMF depended on to maintain its size. In addition, the European Union warned that much of its projected aid to Fiji, particularly for its failing sugar industry, might now be in jeopardy. Back in Suva there was also bad news. With the finance CEO in hiding, the state IT Centre ceased to function, making it impossible to pay the 1,000 territorials called to the QEB. Amidst signs that the tourism industry was about to hit a new low, Emperor Gold Mining announced the closure of its once productive Vatukoula mine in western Viti Levu.

In response Bainimarama sought to shore up popular support. He announced that members of a future interim government would have to apply for their posts following advertisement. He also announced that the prison on Nukulau Island, which housed 21 former coup makers, including George Speight, would be closed and the once popular island restored to Suva's daytrippers. In addition, he scrapped Qarase's planned 2.5 per cent increase in VAT (to 15 per cent) and awarded all public servants a 2 per cent pay rise.³⁴ Plans were also laid to reverse Fiji's loss of skilled emigrants by enabling dual citizenship.

Targeting dissidents also formed part of the fight back; so, too, the sacking of numerous public officials and raids on SDL headquarters for evidence of corruption. The military needed to project an image of both total control and steadfastness as its clean-up campaign began. It helped that several ECREA members defended the coup from a social justice perspective, declaring it Fiji's first coup for multiracialism and against corruption and economic mismanagement.³⁵ It helped also that two assumed co-conspirators quickly lent support, albeit qualified. Mahendra Chaudhry intimated that he would help Fiji return to democratic rule if everything was 'constitutionally legal'; Ratu Epeli Ganilau asserted that he

33 *fijilive*, 9 December 2006.

34 *Sydney Morning Herald*, 16 December 2006.

35 Paulo Baleinakorodawa, Father Kevin Barr & Semiti Qalowasa, 'Time of uncertainty, opportunity', *Fiji Times*, 19 December 2006.

supported 'the cleaning up, but not the means'.³⁶ Even Qarase appeared to give up the struggle, conceding that his government was unlikely to return. He forgave the Commander for his action 'as life must go on'.³⁷

But Fiji's chiefs were not so forgiving. They pledged support for the Qarase government, maintained that Iloilo and Madraiwiwi were still in office, and refused to depart from the rule of law, a novel stance given the Council's post-1987 record. But, when the 64-member GCC met on 20 December, Madraiwiwi was the only senior official in attendance. Qarase had not been allowed to return to Suva for the meeting and his Minister for Fijian Affairs probably thought it wise to be absent. Nor did Bainimarama attend. Bokini had refused to invite him as acting president and it seemed unlikely that the Council could guarantee the military the immunity from prosecution it sought for its takeover. Bainimarama even declined to receive a delegation from the Council. 'The GCC has become the last hiding place for those evading the military,' he declared, referring to the many non-members invited, including from the Assembly of Christian Churches in Fiji. The GCC had lost all credibility and its meeting was of no importance, his military spokesperson added.³⁸ A split within the confederacies did not assist the chiefs' cause. Burebasaga and Kubuna agreed to Iloilo appointing an interim government, but Tovata – whose Lau delegates included Ratu Tevita Uluilakeba Mara, head of the Third Fiji Infantry Regiment – could not reach agreement.

Nonetheless, the Council's stand highlighted a major problem for the military. As Richard Naidu pointed out, the GCC basically told Bainimarama that he was in breach of the Constitution. He could not claim to be the President. Iloilo remained in that role. To reappoint Iloilo as Bainimarama demanded would imply that Bainimarama was indeed the current President. The only way forward now for Bainimarama, Naidu suggested, was 'to get rid of the Constitution'. Madraiwiwi thought similarly. The military were delusional and taking Fiji through 'an Alice in Wonderland journey' when they continue to assert that their actions are within the Constitution, he argued later that year. They would be better off abrogating the Constitution.³⁹ So too Peter Ridgway, the former assistant director of public prosecutions: a new constitution was the only

36 *Daily Post*, 9 December 2006.

37 *fjivillage*, 15 December 2006; Callinan, 'Fueling Fiji's coup', 2006.

38 *Fiji Sun*, 19 December 2006; *fjilive*, 20 December 2006; *Fiji Times*, 22 December 2006.

39 J Madraiwiwi, 'Mythic constitutionalism: Whither Fiji's course in June 2007?' paper to 'The Fiji coup – six months on' workshop, ANU, Canberra, 5 June 2007; *Fiji Times*, 11 June 2007.

way to gain legitimacy and move forward.⁴⁰ Not everyone saw things this way. Former Alliance politician and 1987 coup supporter Filipe Bole argued that ‘we have gone beyond the point of exploring the legality of the military takeover ... The military has already established control of the country’. Echoing Qarase, he declared that Fiji ‘should move on and establish an administration to regain confidence’.⁴¹

Bainimarama had similar thoughts, but remained flexible, later telling the Melanesian Spearhead Group (MSG) leaders: ‘To abrogate the Constitution is no big deal if we have to find a way forward for Fiji’.⁴² The GCC, however, maintained its stance of constitutionality. Its solution called on Qarase to tender his resignation and Iloilo to appoint an interim government ahead of fresh elections within 15 months. Bainimarama demurred: ‘We will return executive authority but we will not do it in a rush.’⁴³ He plotted his next move. In early January 2007, after very publicly sending Chief Justice Daniel Fatiaki and Chief Magistrate Naomi Lomaiviti on leave pending a corruption investigation, he reinstated Iloilo as president and announced Senilagakali’s resignation as interim prime minister. In a national address on 4 January, Iloilo declared: ‘I would have done exactly what the commander of the Republic of Fiji Military Forces ... did since it was necessary to do so at that time. These actions were valid in law.’ ‘Cultural reasons’ had prevented him from acting earlier; now he intended to appoint an interim government.⁴⁴

Although the direct opposite of his statement a month earlier, Iloilo’s declaration of support demonstrated Bainimarama’s renewed power over the presidential office and, by implication, the GCC.⁴⁵ While the chiefs licked their wounds, Iloilo bestowed immunity on the military and announced the formation of a new interim government. Despite promising transparency, many members of the government had not been among the 400 applications received. Nor was there any indication

40 *Fiji Times*, 12 January 2007. ‘Fiji has to wake up from the dream that the Constitution has not been abrogated,’ he later argued. If the Constitution still existed, then all promulgations were null and void (*fjilive*, 18 July 2008).

41 *Fiji Times*, 22 December 2006.

42 *Fiji Times*, 2 June 2008.

43 *Fiji Sun*, 23 December 2006.

44 *fjilive*, 4 January 2006.

45 Graham Davis reported that Ratu Apenisa Cakobau (scion of the Cakobau family that formed ‘the hand inside George Speight’s glove’) told him that ‘We still have the support of the ordinary people and he will have to deal with that ... In the old days I would have eaten him’ (‘It’s hail to the chiefs no longer’, 2007).

that the lessons of 2000 had been learned, that the new ministers would pledge to forego participation in future elections. And, despite previously dismissing many state board members for holding more than one position, Bainimarama emerged as both prime minister and military commander. No salary statements were disclosed.⁴⁶ Four SDL ministers had applied for posts. None were successful. Instead Fiji Labour Party (FLP) (Chaudhry and Lekh Ram Vayeshnoi) and National Alliance Party (NAP) (Ganilau and Bernadette Rounds) members occupied finance, sports, tourism, and Fijian affairs posts respectively. Aiyaz Sayed-Khaiyum became Attorney-General; Poseci Bune, Public Service Minister; and Ratu Epeli Nailatikau, Minister for Foreign Affairs. Altogether there were 16 ministers but, according to economist Wadan Narsey, by failing to include SDL representatives, Bainimarama broke both the letter and spirit of the Constitution regarding multi-party governance and provided 'a recipe for further instability'.⁴⁷

Regression and progression

At least the formation of a new interim government permitted the semblance of normality and an opportunity to pursue the coup's purported agenda of good governance. The new administration was considerably smaller than Qarase's bloated cabinet and its formation was quickly followed by the termination of 23 state CEOs, many only recently appointed, and their replacement by 16 permanent secretaries. This return to pre-reform public service leadership roles reflected Bune's cost cutting measures and also included reducing the retirement age of public servants to 55 years. He argued that retirees could use their pensions to set up new businesses; but no one examined the impact such a policy might have on superannuation schemes, let alone the growing proportion of the population now cut asunder that might otherwise have formed an important market for businesses. Nor, apparently, the loss of skills from the most experienced group in the workforce. The move immediately affected over 900 teachers and 300 nurses, and sparked a series of union

46 *Fiji Sun*, 16 January 2007, analysis by Brij Lal. Qarase saw the lineup as proof that the FHRC, the military, FLP and NAP had all participated in the overthrow of his government (*Fiji Times*, 10 January 2007). Others saw it as confirmation of allegations by Andrew Hughes that Bainimarama was simply 'a frontman for power seeking people in Fiji who failed in the last election' (*Fiji Times*, 6 December 2006).

47 *Fiji Times*, 15 February 2007.

strikes in July and August when accompanied by wage cuts.⁴⁸ Such back-to-the-past planning demonstrated the paucity of innovative thinking. Initiating policies that might make a crucial development difference had eluded all postcolonial governments; Bainimarama's interim government seemed poised to follow suit.

It did not help that Fiji was soon in the grip of a recession, in part the consequence of past SDL priorities, in part a product of declining access to preferential markets, but in part due also to a collapse of Fiji's only vibrant sector, tourism, caused entirely by the December coup. Overall Fiji's GDP growth in 2007 declined 6.5 per cent from 2006 to - 2.5 per cent, although at least 2 per cent of that decline had been anticipated prior to the coup.⁴⁹ Not surprisingly, this mostly military-induced recession reduced the capacity of the interim government to be proactive and grow its \$3 billion budget. Losses in sugar earnings were expected eventually to reach 15 per cent and similarly in tourism.⁵⁰ Public service wage cuts of 5 per cent reduced Fiji's capacity to make its citizens more economically responsive, with some commentators arguing that it did not help that the new Minister for Finance also seemed stuck in the 1970s and 1980s, unable to see beyond the public sector to drive growth, and using changes in tariffs 'to take revenge on perceived enemies'.⁵¹

Huge investments in public infrastructure, education and training, health and housing were required for Fiji to break out of its doldrums. Thirty-five per cent of Fiji's population lived in poverty, 12 per cent in squatter settlements. Among them were at least 5,000 affected by the expiry of land leases since 2000. Many were from Vanua Levu or western Viti Levu,

48 *Fiji Times*, 22 & 25 January 2007. Strikes by some unions were averted by reducing wage cuts by 1 per cent (*Fiji Times*, 11 July 2007). Union and court challenges prevented the immediate implementation of the new retirement age.

49 *Fiji Times*, 2 March 2007.

50 *fijilive*, 13 February 2007; *fijivillage*, 31 March 2007. Tourism took four years to recover from the 2000 coup, and the 2006 coup was expected to have a similar impact, although an immediate discount on fares and bookings provided some recovery. The sugar industry's prospects seemed bleaker, given the end of preferential trading in 2009, particularly if interim EU support failed to materialise. Since 1997 over 5,250 land leases had expired; 43 per cent were not renewed, sugar cane production had fallen from 4 million tonnes to 3 million by 2006, sugar production from 454,000 tonnes to 310,000, and the number of growers from 22,304 to 15,730 (Bala Dass, 'Ailing sugar industry', *Fiji Times*, 3 August 2015). Employment in the garment industry had halved over the same period. Government debt had increased from 41 per cent of GDP to over 52 per cent during the Qarase government's time in office, although 90 per cent of this was domestically sourced. Growth did eventuate and, by 2018, Fiji's government budget exceeded \$5 billion.

51 *fijivillage*, 5 March 2007.

and they moved into the outskirts of Suva where already over 16 per cent of the population were squatters.⁵² But none of these much-needed investments were possible without substantial economic growth and capital outlays. And none would be forthcoming with expenditures down and the Reserve Bank of Fiji (RBF) maintaining tight fiscal and monetary policies. In fact the bank did not expect recovery until 2009. Meanwhile, to reach and sustain 5 per cent GDP growth required combined government and private investment to rise from its current level of 14 per cent of GDP to at least 25 per cent. Government alone needed to lift its capital investment to 30 per cent of its annual budget.⁵³ Given that the post-coup environment made greater foreign direct investment unlikely, any government attempt to compensate with external borrowing could prove ruinously expensive.⁵⁴ Not unexpectedly the interim government's revised 2007 budget was little more than a coping mechanism, with few initiatives to promote growth or provide a platform for future investment and growth. 'The economy is barely surviving,'⁵⁵ Public Services Minister Bune acknowledged in mid-2007.

Fiji had for too long failed to refashion and grow its agricultural and garments sectors. Bainimarama admitted also that it had failed to diversify its economy and become overly reliant on imported goods and services. Soon it would be buffeted by the headwinds of a global recession, which allowed Bainimarama to claim Fiji's current economic problems were beyond his control.⁵⁶ Overspending by the military, by 54 per cent in 2007, did not assist. The *Fiji Times* accused it of double standards: 'despite calling for accountability and transparency in others, the army sees no need to follow the same rules'.⁵⁷ Such criticism, its spokesperson retorted, simply demonstrated the media's lack of 'understanding of the important function of the military in national development'.⁵⁸

52 *fjilive*, 5 April 2007. Of those in poverty, 43 per cent were IndoFijians and 38 per cent Fijians (*Fiji Times*, 21 September 2006).

53 J Kotobalavu, 'Statistics for Fiji's future', *Fiji Times*, 27 October 2008.

54 *Fiji Times*, 21 September 2006; see also M Reddy, 'Growth policy lacking', *Fiji Times*, 3 March 2007; *Fiji Sun*, 5 March 2007; and *Fiji Times*, 6 & 7 March 2007. Spending on health and education fell by approximately \$17 million.

55 *fjilive*, 19 July 2009.

56 *fjilive*, 6 March 2009.

57 *Fiji Times*, 28 November 2008.

58 *Fiji Times*, 27 November 2008. Nonetheless, at the start of 2008 Bainimarama announced 'Good Governance in the RFMF' the military theme of the year (*Fiji Times*, 23 February 2008).

While Bainimarama's coup shared many features with Rabuka's earlier coups, it differed in one crucial aspect. Fiji's military leaders now shunned ethno-nationalism and promised the country a radically different future. Initially they focused on 'cleaning up' governance, but this strategy soon ran out of steam. Proving corruption would take time, possibly years. Efforts to fast track evidence failed dismally. The use of the international conman, Australian Peter Foster, to tape conversations with key SDL officials admitting corrupt practices in the 2006 election backfired when he escaped the country. By then he had tainted almost everyone he dealt with and the military distanced itself from the affair.⁵⁹ Even the establishment of FICAC proved problematic. Its constitutionality was immediately challenged. Its newly appointed Malaysian chairman resigned under pressure from international law bodies and its first chief investigator, Inspector Nazir Ali, proved highly controversial. A former head of the Agricultural Scam investigation who had been stood down by Andrew Hughes in 2006, Nazir Ali turned his unwanted attention onto the police, raiding its headquarters in Nasinu and alleging fraudulent practices.⁶⁰ FICAC also conflicted with the director of public prosecutions (DPP), until the High Court ruled that it had no right to prosecute cases.⁶¹ Its raid on the Fiji Revenue and Customs Authority (FIRCA) in order to build a case against the suspended Chief Justice prompted the authority's CEO to resign.⁶²

59 Foster had a long association with Fiji and had helped finance Tupeni Baba's New Labour Party in 2001. Banned from Fiji in 2002, he had returned by 2006 when he was arrested for allegedly manufacturing false internet sites in order to smear a rival tourist resort. Facing fraud charges, he was rearrested by the Police Tactical Response Unit after being on the run for two weeks while attempting to flee to Tonga. After the coup he allegedly did a deal with the military but, in early January, he fled to Vanuatu where he was arrested and deported to Australia to face money-laundering charges (*Fiji Times*, 26 October & 20 December 2006; *fjilive*, 1, 2, 3 & 10 January 2007; *Age*, 6 February 2007). Foster later claimed the Australian Government under John Howard facilitated the rigging of elections in 2006 (interview with Monica Attard, *Sunday Profile*, ABC Radio, 22 May 2009).

60 FICAC seemed out of control. It confiscated items donated by a visiting film crew to an old people's home in Labasa. With the appointment of a new FICAC Deputy Commissioner from the military, and following the appointment of Captain Esala Teleni as Police Commissioner, Nazir Ali was soon transferred back to the police as Assistant Police Commissioner (Crime) (*Fiji Times*, 25 June & 15 July 2007). But after he complained to Bainimarama that Teleni and his deputy were plotting a coup, Nazir Ali was transferred to Levuka as station officer (*Fiji Times*, 4 February 2008).

61 *Fiji Times*, 21 August 2007. Allegedly this did not prevent FICAC from threatening DPP officers with arrest for refusing to prosecute a case about which they had not been consulted. Within days, Nazir Ali was removed from the case and suspended (*Fiji Times*, 8 & 27 November 2007). FICAC gained similar powers to the DPP in 2016.

62 *Fiji Times*, 28 November 2007.

FICAC's lack of success did not appear to trouble the interim government. It simply moved on to the next stage of its Way Forward Reform Agenda, the establishment of a National Council for Building a Better Fiji (NCBBF), first mooted in February as a means to rid Fiji of its 'politics of race'.⁶³ Race had not always been central to Bainimarama's clean-up campaign, but there were hints that it would form the most significant difference between his coup and those that went before. His quest to ensure justice for those who had led the putative 2000 coup, which had almost cost him his life and crippled the RFMF, had constrained the Qarase government's ethno-nationalist objectives after 2001, but not sufficiently to prevent a showdown. That long lead-time provided ample opportunity for Bainimarama to garner support from an entirely different corner, as Madraiwiwi acknowledged:

This consisted of the Fiji Labour Party and a large majority of the Indo-Fijian community, scarred by the events of May 2000 and a by sense of alienation from the SDL Government because of some of its policies. A majority of the minority communities also felt likewise i.e. marginalised and deprived of opportunities to benefit from Government assistance. It also included the Roman Catholic Church hierarchy, a significant section of civil society, elements in the judiciary and the professional classes as well as a portion of the private sector.⁶⁴

Such support remained largely unspoken while Bainimarama focused on Qarase, possibly because it held no obvious value for achieving his objective. Immediately prior to the coup he briefly declared, 'We will be one race'.⁶⁵ Even after the coup, he made only occasional reference to his new support base. When challenging the chiefs, for example, he pointedly argued that 'Indians are not the cause of the problem'.⁶⁶ Instead he sought more diffusely to oppose discrimination, especially that encompassed within the Qoliqoli Bill or in Qarase's affirmative action legislation. In February 2007, Bainimarama's government decreed the removal of discriminatory provisions in the *Social Justice Act* and intimated that it would also review all educational policies; over 15,000 students had been denied educational assistance simply because they attended IndoFijian schools. Racism, Bainimarama declared, remained the principal cause of Fiji's brain drain.⁶⁷

63 *Fiji Times*, 21 February 2007.

64 Madraiwiwi, 'Mythic constitutionalism', 2007.

65 *fijilive*, 3 December 2006.

66 *fijivillage*, 23 December 2006.

67 *fijilive*, 14 & 16 February 2007; *Fiji Times*, 21 February 2007.

Charged with developing policies on good governance, economic growth, financial reform, land utilisation and social change to take Fiji forward over the next 15 years, the NCBBF got off to a poor start.⁶⁸ Few public submissions were received. The Methodists declared it illegal and the SDL declined to participate. Many provinces refused to permit NCBBF members to speak in their villages. As Madraiwiwi noted, it was 'Impossible for a government that derived its power from the barrel of a gun to enforce cordial community relations'. Ending racial discrimination might be a laudable ideal, but Bainimarama's military leadership provided no shining example for Fiji to emulate.⁶⁹

Nonetheless, the NCBBF persevered under the leadership of Fiji expatriate John Samy, formerly an economist at the Asian Development Bank (ADB). Its principal task was to develop a People's Charter that would establish binding rules for future governance. Samy argued that the Charter represented Bainimarama's exit strategy; others were less charitable. Former Police Commissioner Isikia Savua called it a military prescription for future governments, similar to the demands Rabuka presented to Ratu Sir Kamisese Mara at the end of 1987.⁷⁰ Indeed, Angie Heffernan of the Pacific Centre for Public Integrity (PCPI) saw it expanding the military's constitutional role⁷¹ while The Australian National University's Brij Lal declared it a futile exercise that would never garner support or be binding on future governments.⁷² Of course the question still remained, could it ever be considered legal?⁷³ Shamima Ali believed that the NCBBF never considered this question, although how the interim government would seek to legitimise it was, in her opinion, the key issue.⁷⁴ And, as the NCBBF extended the reach of its deliberations to include the abolition

68 Both Bainimarama and Catholic Archbishop Petero Mataka chaired the NCBBF. There were 45 members invited to attend its first formal meeting in January 2008, mostly representing NGOs and political parties. Only 34 came, including eight cabinet ministers.

69 *Fiji Times*, 2 April 2008.

70 *fjilive*, 31 March 2008.

71 *Fiji Times*, 8 August 2008.

72 *Fiji Times*, 11 January 2008; 3 March 2008. Qarase claimed his government's Strategic Development Plan for 2007–2011 also made it redundant (*Fiji Times*, 7 April 2008). Mick Beddoes of the United People's Party (UPP) called it a 'People's Coalition Charter', highlighting Labour's association with the coup and with Samy, who had apparently been invited back to Fiji in March 2007 by Chaudhry (*Fiji Times*, 3 March 2008; *fjilive*, 28 January 2008). Qarase derided it as a 'Charter to end all coups' (*Fiji Times*, 19 April 2008).

73 Jioji Kotobalavu, Qarase's former CEO, while supporting electoral changes, noted that such changes would not be in accordance with constitutional procedure. Legal challenges might delay a future election (*Fiji Times*, 7 April 2008).

74 *Fiji Times*, 7 August 2008.

of communal seats, the introduction of proportional representation, an end to affirmative action policies based on race, the creation of a new 'Fijian' national name for all Fiji's citizens, the integration of provincial development, and the development of a unified approach to land use, the likelihood of legal challenges grew stronger.

With the release of the 'People's Charter for Change, Peace and Progress' in August 2008, Qarase somewhat predictably argued that Fijians would be marginalised by attempts to mainstream them into national development plans.⁷⁵ And, yet, mainstreaming made perfect sense for a country in which Fijians – as long recognised – now formed the overwhelming majority of the population. The 2007 census placed Fijians at 57 per cent of the population and IndoFijians at 38 per cent,⁷⁶ a change that reflected both greater IndoFijian emigration rates and lower IndoFijian fertility rates. This change had electoral implications as Narsey later noted:

[B]y 2027, Indo-Fijians will comprise only 30% of all voters (assumed to be 18 years and over). The ethnic conflicts over political leadership or domination will be well and truly history by then.

And with the incidence of poverty roughly the same for Fijians and Indo-Fijians (a third) if poverty alleviation resources are allocated to the poor only on the basis of need, the Indo-Fijian share will reduce from the current 36% down to a mere 26% by 2027. 'Affirmative action policies' will be a total non-issue.

So also should be ethnic shares of public sector jobs sought by school leavers, another hot political potato in the past.⁷⁷

If this was the future that the People's Charter sought to prepare Fiji for, it would have a hard task convincing those who had profited from ethnic allocations in the past. That included the FLP which recognised that the ending of communal seats and the introduction of voting based on proportional representation spelled the end of its chances of ever forming government in its own right as a predominantly IndoFijian party. Hence it expressed its dismay at the Charter's proposals.⁷⁸ The SDL did more than express disappointment. It attempted unsuccessfully to gain an

75 *Fiji Times*, 8 August 2008.

76 *Fiji Times*, 1 November 2007. By 2030 Fijians are estimated to comprise 68 per cent of the population, IndoFijians 26 per cent.

77 www.coupfourandahalf.com, 21 March 2010.

78 *Fiji Times*, 11 September 2008.

injunction to prevent further action on the Charter. The NCBBF had already distributed endorsement forms with copies of the Charter during its public feedback meetings. In early December 2008, it claimed to have consulted 80 per cent of Fiji's adult population. Of the 70 per cent who responded, 92 per cent endorsed the Charter.⁷⁹ The interim government considered this sufficient evidence of popular support. It knew only too well the risks inherent in a referendum. On 19 December 2008, President Iloilo endorsed the Charter and its implementation.

In part, the response of foreign governments to the December coup prompted the more explicit change in focus that the Charter represented. Australia and New Zealand had both opposed the coup and imposed travel bans on key political and military figures. While Pacific island leaders, especially those from fellow Melanesian states, generally supported non-intervention in Fiji's internal politics, their peak body, the Pacific Islands Forum (PIF), quickly assembled an Eminent Persons Group (EPG) to negotiate an early return to democratic rule. Both it and the European Union called for elections by early 2009. Bainimarama took their call as an opportunity to raise the stakes. In late February, he announced that an election would be predicated on rapid economic recovery, the stability of government finances and, not surprisingly, an assurance of good governance. The earliest he could envisage elections would be in 2010 given the need to hold an overdue census, create new electoral boundaries, re-establish an elections office and, importantly, amend the Constitution. This was the first time constitutional change had been mooted but, given Bainimarama's overriding concerns about the conduct of Fiji politics post-2000, it was unsurprising. As he noted, only a common roll could once and for all get rid of the 'politics of race'.⁸⁰

In March 2007, when PIF foreign ministers met in Port Vila, Nailatikau informed them that to bring the election forward by one year, the NCBBF would have to establish new constitutional principles through its People's Charter.⁸¹ Nonetheless, Bainimarama remained vague on dates, at one stage declaring that the more 'people kept on with their opposition

79 *Fiji Times*, 16 December 2008. According to Wikileaks, in late December 2008 Samy told the US ambassador that public approval for the charter had been strongly influenced by army intimidation (*fjileaks.com*, 22 March 2015).

80 *Fiji Times*, 21 February 2007.

81 *fjilive*, 17 & 21 March 2007. Bainimarama later claimed that the military would ensure that no future government ignored it; the military would be the Charter's guardian (*fjilive*, 28 November 2007).

towards the government, [the more] it will prolong the duration to the election'.⁸² One year later he declared that there would be no elections in 2009 if people did not adopt the Charter.⁸³ In August 2008, he postponed the prospect of an election to late 2009 in order to effect changes in Fiji's electoral laws, a stance that he reiterated at the start of 2009 when he told his troops it could take five to 10 years before elections were held.⁸⁴ Once the President endorsed the Charter, however, Bainimarama held a political forum to gain consensus on electoral reform. Although unsuccessful, it – along with the earlier appointment of a new supervisor of elections and a decision to develop an electronic voter-registration system – provided evidence of some political movement for an international community grown tired of constant delays. At the start of 2009, the PIF told Fiji that it had 'drawn a line in the sand'; Fiji would be suspended unless it declared a 2009 election by 1 May.⁸⁵

But there were limits to this strategy, as some analysts recognised. Former Australian intelligence analyst Daniel Flitton believed it threatened perpetuating instability, while Jon Fraenkel declared that 'Fiji's military leaders will not be coaxed into democracy by new sanctions or political attacks from Australia and New Zealand'.⁸⁶ Divisions within the PIF also threatened to derail its united front. Samoa, whose Prime Minister Tuilaepa Sailele Malielegaoi told Fiji's people to 'wake up' and reclaim government, believed Bainimarama had no intention of relinquishing power. While Vanuatu and smaller Pacific states lobbied for Fiji, Tuilaepa openly supported the position taken by Australia and New Zealand.⁸⁷ Bainimarama refused to attend the Forum meeting, citing the devastating floods that had left nearly 2,000 people homeless as his reason. Qarase declared it 'a lame excuse'. Consequently it was left to Aiyaz Sayed-Khaiyum to express his government's frustration. 'Holding elections

82 *Fiji Times*, 20 October 2007. He also said that he would not stand in the next election and would probably not form a political party. Tired of being asked when the next election would be held, he gave 13 March 2009 as the date to Radio Fiji Gold listeners (*Fiji Times*, 18 August 2007).

83 *Fiji Times*, 11 January 2008. Bainimarama later argued that elections would only be held once all corrupt practices had been investigated. And, in September, he told radio listeners that if it took 20 years to garner support for the Charter, then elections would wait 20 years (*Fiji Times*, 25 June & 15 September 2008).

84 *Fiji Times*, 28 January 2009.

85 *Sydney Morning Herald*, 28 January 2009. The Commonwealth secretariat followed suit, declaring it would extend Fiji's suspension from its councils to the Commonwealth as a whole if it did not make significant progress (*Fiji Times*, 5 & 6 March 2009).

86 *Age*, 15 April & 23 January 2009. Bainimarama later confirmed Fraenkel's comment: Fiji 'cannot be hurried into this endeavour by outsiders giving ultimatums' (*fijilive*, 13 March 2009).

87 *Fiji Times*, 23 January & 2 March 2009.

for the sake of elections is not going to achieve any proper outcome,' he told Forum delegates at their meeting in Papua New Guinea, 'nor will it achieve any long term democratic stability in Fiji.'⁸⁸

Clearly the dominant issue for the interim government remained unresolved: how could it legally introduce the changes anticipated by the Charter and confirm immunity for the military without first holding elections under the existing Constitution? Such an election provided no guarantees. If the SDL won, as many predicted, Bainimarama's revolution would be transformed into a rout. These issues preoccupied Bainimarama and his government. 'No one will move Fiji to elections,' a defiant Bainimarama told Auckland radio listeners after Commonwealth threats of suspension if Fiji did not demonstrate in 2009 considerable progress on returning to democratic governance. They might as well suspend Fiji now. But at least he could take comfort in the knowledge that the Commonwealth and United Nations were together engaged with Fiji's key stakeholders, unlike the PIF. 'The government has a plan,' he declared at a press conference,⁸⁹ but how that might ensure that the past did not repeat itself remained uncertain.

At the second meeting of Leaders of Political Parties (LOPP) on 13 March 2009, to which the media were denied access, Bainimarama pushed the 18 parties represented in the direction he wanted and emerged with an agenda for the upcoming Commonwealth- and UN-sponsored President's Political Dialogue Forum (PPDF). It emphasised constitutional reform and the People's Charter. He urged participants to end the 'blame game', and make the paradigm shifts needed for Fiji to face its challenges.⁹⁰ But claiming consensus was easier than demonstrating it and, within days of the leaders' meeting, factions developed among the parties. Naturally Bainimarama gave the SDL special attention. After all, its challenge to the constitutionality of the interim government lay before the Supreme Court. In May 2008, he had recommended that the SDL not be permitted to

88 *Fiji Times*, 22 January 2009; *fjilive*, 27 January 2009. New Zealand's new Prime Minister John Key told Aiyaz Sayed-Khaiyum that he should be on trial. The Attorney-General accused him of personalising issues (*Fiji Times*, 29 January 2009).

89 *Fiji Times*, 5 & 6 March 2009. The plan focused on rebuilding the economy, not holding elections.

90 *Fiji Times*, 13 March 2009. Robin Nair claimed that the future role of the military was dropped from the agenda (*Fiji Times*, 17 March 2009). The Soqosoqo ni Vakavulewa ni Taukei (SVT) and several smaller parties proposed a bloc at the next LOPP to oppose rushing into early elections (*Fiji Times*, 7 April 2009).

contest future elections.⁹¹ Driti also suggested in late March 2009 that it, the National Federation Party (NFP) and several civil society organisations should not participate in political dialogue, citing the need to prevent Fiji falling into an 'abyss of lawlessness and disorder' and to encourage constructive debate.⁹² Accordingly Bainimarama's office sent letters to all political parties prior to the 9 April meeting in Suva making mandatory commitments to electoral reform to abolish communalism, support for government economic strategies, non-involvement with partisan media outlets, and working honestly to expedite the political process if parties wished to participate in political dialogue. Four parties, including the SDL, refused to agree to the terms and pulled out of the process.⁹³

Bainimarama's determination to transform Fiji's politics demonstrated a previously overlooked side to the man. Oppositional blog sites regularly referred to the coup as an Indian coup (because of Labour's support) and later as a Muslim coup (largely because of Aiyaz Sayed-Khaiyum's leading role). Hughes initially fed this perception when he described Bainimarama as 'a front man for power-seeking people in Fiji'.⁹⁴ Among themselves, diplomats described him as erratic, violent, thin-skinned and insecure. But Bainimarama's more extensive agenda soon altered these perceptions. Since his appointment as Commander of the RFMF in 1999, he had become more resolute. Having seized power, another transformation began. As one journalist later noted, 'Bainimarama [now] sees himself as Fiji's Atatürk. He will never allow his democratic opponents to return to power, and he will relinquish power only on his terms'.⁹⁵ Claims that the Commander was merely a front man disappeared.

Bainimarama's determination to challenge Fiji's chiefs in December 2006 marked the start of this transformation, although anger and petulance often seemed more in play. In April 2007, prior to Iloilo's departure to Australia for a medical examination, Bainimarama asked the GCC to appoint as vice president his Foreign Minister, Ratu Epeli Nailatikau. When it refused on the grounds that Nailatikau was part of an illegal regime, Bainimarama suspended future meetings of the Council and simultaneously ceased all

91 *Fiji Times*, 28 May 2008.

92 *Fiji Times*, 27 & 29 March 2009.

93 *Fiji Times*, 9 April 2009. The SDL, NFP, Nationalist Vanua Tako Lavo Party (NVTLP) and UPP pulled out and signalled they would hold a press conference instead.

94 *Fiji Times*, 6 December 2006.

95 Doring, 'US cables', 2011. Atatürk was the military leader who, after the First World War, transformed the Ottoman Empire into a modern secular Turkish state.

membership by proclamation. There were shades here of Rabuka's early 'angry young man' stance against the chiefs. Indeed, tongue-in-cheek, Rabuka fired off an article to the press envisaging a chiefless Fijian society where all Fijian 'command structures' were militarised. Qarase warned of a violent Fijian reaction.⁹⁶ Neither response occurred. Instead the GCC threatened legal action, prompting its eventual restoration in August, but with new rules that reduced its membership.⁹⁷ Nonetheless, Bainimarama kept up the pressure, extending his anger also to the equally recalcitrant Methodist church. Chiefs, politicians and the *talatalas* (church ministers) kept Fijians suppressed and took advantage of them, he declared.⁹⁸

At the start of 2008, the rules were again clarified. No chief could be part of the GCC if he or she belonged to a political party, held dual citizenship or residency rights or had been a politician, a prisoner or bankrupt in the past seven to 10 years. Additionally, chiefs must have been officially installed by their *vanua*. Bainimarama now became chair of the GCC in order to reflect government views in council deliberations. The new rules created a storm of controversy. Ratu Naiqama Lalabalavu, whose past would clearly exclude him, claimed chiefs had of necessity to be involved in politics. 'We are born to lead,' he asserted.⁹⁹ No longer, claimed CCF director, Rev. Yabaki. Many Fijian institutions had 'passed their sell-by date'.¹⁰⁰ Others criticised Bainimarama's presence; he was not a chief and, as head of government, he would politicise the very body the reforms were meant to depoliticise. The rule on installation also generated controversy. Possibly 80 per cent of all chiefs had never been formally installed; indeed many did not need to be.¹⁰¹ Predictably, the rule changes threw the chiefs into confusion, as probably intended, and Bainimarama did not call an immediate meeting of his new-look GCC. Instead, in mid-December

96 *Fiji Times*, 15 April 2007; *Fiji Sun*, 19 April 2007.

97 *Fiji Sun*, 13 & 19 April 2007. The restored GCC possessed 52 members. The President, Vice President and Prime Minister were no longer members. All commoners (like Rabuka) were excluded (*Fiji Times*, 28 August 2007). In addition, the Ministry of Fijian Affairs was 'downgraded' to a Department of Indigenous Affairs, Provincial Development and Multi-ethnic Affairs after a cabinet reshuffle in November.

98 *Fiji Times*, 31 October 2007.

99 *fijilive*, 13 February 2008; *Fiji Times*, 19 February 2008.

100 *Fiji Times*, 26 February 2008. Even the now-reformed Conservative Alliance – Matanitu Vanua (CAMV) appeared to agree. It demanded the NLTB change the redistribution of rental monies to advantage landowning units and not chiefs (*fijilive*, 8 January 2009).

101 *fijilive*, 1 April 2008. Later, the Minister for Indigenous Affairs became the designated GCC chair.

2008, he brought together district chiefs in a Bose ni Turaga, the first since 2000, to demonstrate engagement and to gain its support for the People's Charter.¹⁰² It was another snub to the GCC.

Bainimarama also targeted the deposed Prime Minister, this time issuing 14 new declarations against him, including aiding and abetting foreign powers to intervene in Fiji affairs. These declarations justified stripping him of any benefits as a former prime minister, including security, transport, medical treatment and pension. After eight months in exile, Qarase had returned to Suva for an SDL meeting in early September 2007. Bainimarama declared him 'a radical racist' and a security risk; he did not 'deserve anything from government because he has brought disaster to the country'.¹⁰³ More substantial charges of corruption were laid in March 2008, however, alleging that Qarase had failed to declare his interest in family companies that had bought shares in FHL in the early 1990s. Charges were later laid against the CEO of FHL.¹⁰⁴

This was the first major new evidence of corruption for a government that had come to power promising to weed out the corrupt practices of the past. Two months later, a wider set of more contemporary allegations surrounding the NLTB enveloped its board members and Qarase. After 2001 the NLTB had diverted trust funds belonging to extinct *mataqali* into its commercial arm, Vanua Development Corporation Ltd. Bainimarama revealed that some \$12 million had been lost through VDCL schemes that flowed to Pacific Connex.¹⁰⁵ But these charges were important for

102 *fjilive*, 12 December 2008. Of 285 invitees, only 47 per cent accepted. A retreat to the Officers Mess in Nabua occupied the second of three days.

103 *fjilive*, 5 & 6 September 2007; 25 November 2007.

104 See Chapter 2 for further details. FHL had received a loan from the Fijian Affairs Board (FAB) in 1987 to boost provincial ownership. The 1992 FHL annual report, however, showed that 27 private companies now owned 70 per cent of FHL, including companies associated with Qarase and Weleilakeba, financed by the Fiji Development Bank (FDB). Qarase was the managing director of the FDB, a FHL board member, and a financial advisor to the FAB. Weleilakeba was the FHL's CEO. Private companies received 10 per cent dividends, the provinces 5 per cent. In 2012, the High Court found Qarase guilty on nine charges and sentenced the 71-year-old to one year in jail (*Guardian*, 3 August 2012).

105 *Fiji Times*, 12 May 2008. In July 2014, NLTB former general manager Kalivati Bakani and board member Keni Dakuidreketi were sentenced to four and six years respectively after pleading guilty to using extinct *mataqali* funds and government grants to finance a private company (*Fiji Times*, 5 July 2014). The team investigating Fijian institutions was suddenly disbanded without explanation in March 2008. The focus on Pacific Connex took a new turn when the military beefed up security around Bainimarama in October and a few weeks later announced that it had foiled a plot by Pacific Connex personnel and others to assassinate the Commander (*fjilive*, 4 November 2007).

another reason also. As time wore on, the interim government increasingly showed signs that it was not as divorced from the sins of its predecessors as it pretended.¹⁰⁶

Human rights abuses certainly continued to reveal a military unwilling to exercise restraint. Sixteen people were arrested at the start of November 2007, charged with plotting to assassinate Bainimarama, Chaudhry and Aiyaz Sayed-Khaiyum among others, and incite a military mutiny. The arrests, which bore all the hallmarks of a military sting, drew in a veritable list of known government opponents: Pacific Connex executives including Ballu Khan, Takiveikata, five former CRWU employees of Pacific Connex, as well as Baledrokadroka and Metuisela Mua.¹⁰⁷ Khan was severely beaten during his arrest and nearly died. Only the intervention of the NZ High Commission secured him hospital treatment. The High Court eventually threw out the conspiracy charges against Khan because he had been detained unlawfully and denied access to a lawyer.¹⁰⁸ He returned to New Zealand. For many observers the fear remained that the operation formed a pretext to discredit and detain people known to be opposed to the actions of the government,¹⁰⁹ in much the same way Rabuka had used the discovery of weapons in 1988 to introduce a far-reaching Internal Security Decree.

But other examples of dubious practices quickly multiplied. Commander Francis Kean, Bainimarama's brother-in-law, assaulted and killed his son-in-law's uncle at Bainimarama's daughter's wedding in late December 2006.

106 US Ambassador Steven McGaan informed Washington on 22 December 2008 that the Attorney-General had been in default on several property loans for the past two years and that his bank refused to foreclose for fear that its expatriate managers would be deported (*fjileaks.com*, 22 March 2015). Lt Col Ratu Mara alleged in 2011 that Khaiyum's difficulties were resolved when the Tappoo company bought one of his properties at an inflated price in return for duty free concessions in the budget (www.coupfourandahalf.com, 23 May 2011), although the US ambassador claimed instead that he had sold the properties to law firms. The government dismissed Mara's allegations as blog-fuelled justifications for his escape (*fjivillage*, 26 May 2011).

107 *fjilive*, 4 November 2007. Undercover military personnel (locally described as *agent vinod*) had worked on the so-called perpetrators for at least three months. DPP officers initially refused to prosecute the case when Nassir Ali presented it to them because they knew nothing about it. They were threatened with arrest (*Fiji Times*, 8 November 2007). The conspiracy, backed by the *vanua*, the Methodist Church and the international community (Takiveikata allegedly told the undercover agent that Australia would chip in \$1 billion to kick start Fiji's economy if Bainimarama was assassinated) and financed by Khan, involved blowing up the Nadi airport and the Monasavu dam with munitions from New Zealand (*fjilive*, 3 February 2010). The defence argued that the military floated the assassination plan to draw out opposition elements that might have been planning such an assignment.

108 *fjilive*, 13 November 2008. Baledrokadroka served 40 days in jail until his charges were dismissed. Eight men were eventually found guilty in March 2010.

109 *Fiji Times*, 5 November 2007.

Although given an 18-month sentence for manslaughter in October 2007, he remained a salaried officer throughout, even while serving his sentence. Released after six months, he served the rest of his sentence extramurally with the navy. Several observers drew parallels with the case of former Vice President Ratu Jope Seniloli and questioned whether nepotism had really been put to bed.¹¹⁰ The growing militarisation of civil service positions similarly failed to demonstrate a government determined to place Fiji's governance on a sound footing; so too the lack of transparency over ministerial salaries. It did not help that ministers excused themselves from the 5 per cent cut imposed on all public servants in 2007, ostensibly due to higher workloads,¹¹¹ or that Bainimarama received nearly \$185,000 for leave owed since 1978. Other military officers were treated similarly.¹¹²

The military were not so forward at the start of 2009 when the worst flooding in 50 years hit the Western Division and wiped out vital infrastructure such as the Sigatoka and Nadi bridges. It took nearly a week to begin addressing the disarray at evacuation centres and to distribute food.¹¹³ Worse criticism – some international – followed Esala Teleni, seconded from the military as Police Commissioner in July 2007, when he berated IndoFijian police officers at Navosa for apparently telling the *Fiji Sun* that he was forcing them to convert to his brother's New Methodist Church, which was conducting a moral crusade throughout the force. He called them backstabbers and liars. During 2009 he stepped up his Police National Crusade, claiming that its focus on building character was responsible for a 20 per cent decline in crime during the first half of the year. He believed Fiji would be crime free by 2012, telling Radio Legend FM listeners that he made decisions based on what the Holy Spirit told him to do. His comments won him little praise. The Jesus police were no better than the Taliban, *Fiji Times* editor, Netani Rika, claimed.¹¹⁴ 'That's what madmen who appoint themselves to office do,' Samoa's Prime

110 *Fiji Times*, 2 & 3 November 2007. Kean was reappointed naval commander at the start of 2009, sparking comparisons with Ratu Naiqama Lalabalavu, who the SDL released early from jail and allowed to resume his former position as Lands Minister, an act Bainimarama criticised at the time (*Fiji Times*, 17 January 2009). In 2014, Kean became Corrections Commissioner.

111 *fjilive*, 3 April 2008.

112 *Fiji Times*, 20 July 2008. The government refused to release the auditor general's report on the leave payout, claiming it was only following constitutional procedure by insisting it go to parliament first.

113 *Fiji Times*, 15 & 16 January 2009.

114 www.coupfourandahalf.com, 18, 27 & 28 August 2009. In mid-2010, Teleni was moved sideways and became ambassador to China. His replacement declared the police in a state of disarray (*Fiji Times*, 20 December 2010); a health audit found 60 per cent of the force unfit (*Fiji Times*, 24 February 2011).

Minister quipped: ‘They appoint other madmen to positions of power’.¹¹⁵ But they also, allegedly, acted more conventionally to punish officials who did not toe the government’s line.

In March 2009, Charles Sweeney accused the government of illegally removing him from his role as Commerce Commission chair in order to shut down an inquiry into whether mobile telecommunications company Vodafone was trying to restrict deregulation of the industry and future competition in order to preserve its market dominance.¹¹⁶ The new permanent secretary for foreign affairs, Ratu Isoa Gavidi, found himself suddenly dismissed and the High Commissioner to Papua New Guinea recalled when both contradicted the government’s position on Bainimarama’s attendance at the PIF in Papua New Guinea in January 2009. Robin Nair lost his role as one of the interlocutors engaged to assist in facilitating political dialogue for apparently criticising Fiji’s regional policy and diplomacy.¹¹⁷ Parallels with previous government behaviour were all too obvious. And bizarrely, Jocketani Cokanasiga, a former minister in Qarase’s interim government who had defended the agricultural scam as politically necessary to secure Qarase’s electoral victory in 2001, became Minister for Agriculture in a revamped cabinet in late August 2007.¹¹⁸

But the most egregious case concerned that of Finance Minister Chaudhry. Rumours had circulated on social media for some time that Chaudhry had amassed A\$1.6 million in Australian accounts, money that had never been reflected in his tax returns. These were funds raised in India after 2000 to assist in his possible resettlement to Australia, although in the years that followed he had always argued that any funds raised in India had been used to assist refugee farmers dislocated by the violence of 2000 and housed at the Lautoka Girit Centre and at Valelawa.¹¹⁹ Two tax inspectors were dismissed for raising the matter with Bainimarama and the Police Commissioner. But, once full details were published in the local press, an act purportedly endorsed by the Military Council,¹²⁰

115 *Fiji Times*, 19 February 2009; *fijilive*, 18 February 2009.

116 *Fiji Times*, 3 & 5 March 2009.

117 *Fiji Times*, 24 & 29 January 2009. This did Nair no immediate harm; he later became ambassador to the United Arab Emirates and, from 2016 to 2017, permanent secretary for foreign affairs, until dismissed by Bainimarama in 2017 (*Fiji Sun*, 11 July 2017).

118 *Fiji Sun*, 20 January 2006.

119 *Fiji Times*, 23 August 2008.

120 *Fiji Times*, 23 February 2008. Credit for the revelations belong to Victor Lal (victorlal.blogspot.com) who first published elements of the story in the *Fiji Sun* during August 2007. Chaudhry threatened the *Fiji Times* with a \$1 billion lawsuit, but later withdrew it (*Fiji Times*, 24 October 2008).

the government had to take action. It appointed a three-member team to investigate the tax allegations, which very quickly cleared Chaudhry of wrongdoing. But the government also deported the *Fiji Sun* publisher, Russell Hunter, ostensibly for publishing the stories about Chaudhry's alleged tax evasion. An amendment to the *Immigration Act* the very same day prevented the Immigration Minister's decisions from being challenged by court orders.¹²¹ The *Fiji Times* also found itself exposed. The Attorney-General complained to its publisher, Evan Hannah, on 14 March about the newspaper's coverage of a ban on the entry of Australian lawyer John Cameron to represent human rights activists.¹²² Two months later the government pounced, bundling Hannah out of the country despite a High Court order from Justice Filimoni Jikoto preventing his deportation.¹²³ Bainimarama described media reports as 'careless and irresponsible ... inciteful and destabilising, posing a threat to national security and stability'. He threatened to shut down the media if coverage of his government did not improve.¹²⁴ A new FHRC report by the former unionist and expatriate James Anthony backed the government's assertion, calling for foreigners to be banned from employment by Fiji's media, the creation of a new media tribunal to oversee its activities, and the introduction of sedition laws.¹²⁵

These distractions could not, however, save Chaudhry. When a tax he imposed on Fiji's water companies threatened to close the high-profile exporter Fiji Water in the following July, he found himself once more in the firing line from the Military Council. Police, allegedly acting on direct orders from Bainimarama, who was then in Beijing, questioned a *Fiji Times* journalist over an article critical of Chaudhry.¹²⁶ But such intervention could not save the very diminished politician and, in mid-

121 *Fiji Times*, 26 & 27 February 2008.

122 *Fiji Times*, 20 March 2008. At the same time Graham Leung, who had been writing an article for the newspaper, claimed his computer had been hacked. A copy of that article found its way to the Attorney-General who warned Hannah not to publish.

123 Justice John Byrne subsequently stayed the order (International Bar Association, *Dire Straits: A Report on the Rule of Law in Fiji*. An International Bar Association Human Rights Institute Report. London, March 2009, p. 58).

124 *Fiji Times*, 1, 2 & 5 May 2008; *Australian*, 29 February & 9 May 2008. Aiyaz Sayed-Khaiyum argued that the newspaper should not have printed material from Cameron then before the courts. Munro Leys lawyers Richard Naidu and Jon Apted obtained a writ of *habeas corpus* from Justice Jikoto, which both Air Pacific and Air Terminal Services honoured, but Immigration placed Hannah on a plane to Korea instead.

125 *Fiji Times*, 4 March 2008. See also J Anthony, 'Freedom & independence of the media in Fiji: A report'. Suva: Fiji Human Rights Commission, 2008.

126 *Fiji Times*, 11 August 2008.

August, he and two Labour colleagues resigned from the cabinet, citing the need to prepare for elections now that the Charter had been completed.¹²⁷ Little wonder that Samy warned that it was imperative the government demonstrate ‘the highest standards of transparency and good governance’. Bainimarama conceded that his government did not operate as effectively as it might.¹²⁸ Naturally his opponents were in rare agreement with him. He had failed to bring about effective change and appeared unable to keep to his 2009 election promise.¹²⁹

Confronting recalcitrant foreign governments and judges

Foreign governments also came in for special treatment, despite Fiji’s need to restore relations in order to ensure the continuance of aid and market access. The European Parliament sent a delegation to Fiji in December 2008 to pressure the interim government on its election commitments. Already, much-needed funds to raise standards in the sugar industry had been withheld pending firm developments on returning democracy and, although growing links with China provided some relief, they could not fully compensate.¹³⁰ Fiji’s apparent vulnerability, however, did little to dampen its anger at what it perceived to be hostile statements from foreign governments. Driti allegedly harangued the US deputy assistant secretary about the conduct of the international community when the latter visited the country in April 2007.¹³¹ When Australia’s army chief, Lt Col Peter Leahy, suggested Australia develop stronger peacekeeping capabilities in order to intervene in unstable countries like Fiji, Bainimarama said he

127 *Fiji Times*, 17 August 2008. Land Force Commander Col Mosese Tikoitoga later claimed Chaudhry had been dismissed for non-performance (*fijilive*, 28 March 2012). Tom Ricketts and Vayeshnoi also stepped down. Bune, no longer an FLP member, left the cabinet after a reshuffle in January 2008. In July 2010, Chaudhry was finally charged with money laundering, tax evasion and providing false information to the tax authorities (*fijilive*, 23 July 2010). But the case lingered in the courts. By 2012, time-barred tax declaration offences and money laundering charges were dropped, leaving him – at the insistence of the RBF – to face three counts of breaches of the *Exchange Control Act* (www.coupfourandahalf.com, 25 July 2012). In May 2014, the High Court found him guilty and fined him \$2 million (*Fiji Times*, 3 May 2014).

128 *Fiji Times*, 23 August & 5 September 2008.

129 *fijilive*, 25 August 2008; both Beddoes and the CCF called for a government of national unity.

130 *fijilive*, 3 December 2008; \$334 million of EU funds were suspended in 2008; the 2009 budget only compensated the industry with \$5 million. In September, Fiji gained a \$230 million soft loan from China for upgrading rural and squatter homes. During 2006 and 2007 Chinese aid to Fiji increased from US\$23 million to US\$160 million (*Sydney Morning Herald*, 21 April 2009).

131 *Fiji Times*, 29 April 2007.

would 'be waiting for them'.¹³² After New Zealand's High Commissioner Michael Green criticised the interim government, Bainimarama expelled him for being 'in our face'. A rugby match between Fiji 15s and the Junior All Blacks proved the last straw. To nominate 'the enemy of the day, a Kiwi, to be the chief guest', Bainimarama thundered, was 'a disservice to the people of our country'. For all the bluster, Fiji did try to negotiate; Green could stay if New Zealand lifted its travel bans. The move backfired; New Zealand refused and extended the ban to senior officials and their families. Its Prime Minister, Helen Clark, accused the military of being 'so self-centred and narcissistic that it can't understand why the rest of the world rejects its spin. It's under pressure and lashing out unpredictably'.¹³³

The bans clearly had an impact. Fiji pulled out of the regional PIF meeting in Niue in August 2008 because New Zealand would only give the Fiji delegation transit visas. They were not permitted to stop over in Auckland. Although direct flights to Papua New Guinea weakened the effectiveness of Australia's travel bans, they still rankled, especially after the United States denied Bainimarama a visa in November to attend an International Monetary Fund (IMF) meeting. Certainly they made more difficult Fiji's ability to engage high-level personnel, but they also impacted on 'innocents', as the Attorney-General called them.¹³⁴ Two students studying in New Zealand and whose fathers were senior public servants were denied re-entry to complete their studies. Members of sports teams faced similar difficulties. An angry Bainimarama accused Australia and New Zealand of being bullies and informed Wellington that he would deport the acting High Commissioner Caroline McDonald in retaliation, which he did on Christmas Eve. He also placed several journalists on an arrivals blacklist.¹³⁵ Not unsurprisingly, Australia and New Zealand hit back. New Zealand expelled the Fiji High Commissioner. Both left Fiji off the list of Pacific countries eligible for participation in their Pacific guest workers scheme. Fiji accused AusAID of providing financial inducements to critics of its civil society. It accused both countries of trying to prevent it accessing World Bank and ADB aid facilitation.

132 *fijilive*, 20 June 2007.

133 *fjivillage*, 15 June 2007; *Fiji Times*, 18 June & 3 July 2007.

134 *Fiji Times*, 23 December 2008.

135 *fijilive*, 16 & 20 December 2008. Smart sanctions had a downside. They pushed Fiji to form new alliances, often with China and India. At the start of 2009 the military announced it had reassigned its medical contract from New Zealand's Wakefield Hospital to Batra Hospital in India (*Fiji Times*, 30 March 2009).

Australia's High Commissioner, James Batley, received anonymous death threats, forcing the High Commission to issue a voluntary recall of its diplomatic families.¹³⁶

Foreign opposition, manifested in the main as travel bans, at least provided the government an opportunity to play the nationalist card. When economic consequences might be damaging, as in the case of EU responses, Fiji chose engagement tactics instead. But, in many respects, opposition from its own judiciary and lawyers proved less easy to handle, in part because the interim government's fragile façade of legitimacy depended solely on retaining their support. Assisting it, however, were judicial divisions that derived from former Chief Justice Sir Timoci Tuivaga's advice to the military on its usurpation of power in 2000. Ironically his successor, Daniel Fatiaki, who Bainimarama suspended in early January 2007, had supported Tuivaga's actions. Fatiaki's crime lay in being estranged from justices Nazhat Shameem (sister of the FHRC director), John Byrne and Anthony Gates who had opposed Tuivaga's role in 2000 and were now apparently reunited in their distaste of the former Qarase government and its policies. The coup provided them the opportunity to turn the tables. Accordingly, Gates – as the next most senior judge – replaced Fatiaki as acting chief justice in circumstances that were viewed as suspicious by many in the legal fraternity,¹³⁷ including the Fiji Law Society whose Vice President, Tupou Draunidalo, the military regularly detained and prevented from leaving the country. Appeal Court President Justice Gordon Ward lost his home in a suspicious fire, Justice Gerard Winter had his car vandalised, and the military shadowed Justice Roger Coventry after he ruled against it in a case.¹³⁸ Lawyer Graham Leung, who was instrumental in securing the withdrawal of the Malaysian FICAC Commissioner, told the June LAWASIA conference in Hong Kong that 'tyranny, arbitrariness and spite' had perverted the rule of law in Fiji and that the judiciary now lacked even the appearance of independence. Gates had assumed responsibility for hearing Qarase's constitutional challenge to the coup while many other senior judges appeared complicit either before or after the event.¹³⁹ After six Appeal Court justices resigned en bloc in

136 *Fiji Times*, 10 June 2008; *Australian*, 9 May 2008; *Fiji Times*, 16 May 2008; *fjilive*, 22 May 2008. New Zealand travel bans did not apply to international sporting events hosted in New Zealand.

137 International Bar Association, *Dire Straits*, 2009, p. 40. Jitoko also gave support to Tuivaga.

138 International Bar Association, *Dire Straits*, 2009, p. 44.

139 G Leung, 'Lawyers must cry freedom', 2007. The High Court awarded Draunidalo costs after the Attorney-General dropped a case against her for expressing a lack of confidence in the judiciary (*Fiji Times*, 20 November 2007).

September 2007 over Gates' handling of court administration, FWRM's Buadromo accused the interim government of handpicking judges who may decide on its legality.¹⁴⁰ Coventry terminated his contract, declaring 'acquiescence the friend of illegality'.¹⁴¹

But not all of Fiji's judges agreed. In October, the High Court finally ruled on Qarase's substantive case against the military coup and Iloilo's subsequent proclamations. Justices Gates, Byrne and Davendra Pathik declared the President's actions lawful and valid, and dismissed the case. Responses were short and resigned. Leung described it a grievous blow 'to the fabric of the Constitution', while Madraiwiwi argued that 'what has been imposed on people will not endure because the majority of the population disagree with it'. Beddoes believed: 'Ultimately it will all come to an end and the truth will come out, and in time all those involved in this large scale deception and fraud against the law abiding citizens of Fiji will be exposed.'¹⁴²

But that moment had yet to come. In December, the embattled Fatiaki gave up his struggle against the government and resigned as chief justice, despite no evidence of misconduct being found to warrant his suspension. Gates formally replaced him.¹⁴³ For the moment the façade of legitimacy held, allowing Bainimarama to tell his international critics 'there is no crisis in Fiji. You have a government in place that's been held to be legally and validly appointed'.¹⁴⁴ The High Court ruling made that claim difficult to refute.

The SDL, however, persisted with legal challenges. It registered a treason complaint against the government in September 2008, only to have the police refuse to investigate it and Commissioner Teleni accuse the

140 *Fiji Times*, 11 February 2008. Shameem, Jocelyne Scutt, John Byrne, Daniel Gounder, Pathik and Isikeli Mataitoga replaced them. PCPI's Heffernan demanded the interim government appointee, Justice Jocelyne Scutt, resign after she praised the FHRC (*fijilive*, 11 February 2008). Coventry resigned from the High Court citing differences with Gates (*Australian*, 29 February 2008) but most Supreme Court judges stayed on. Not being appointed by the interim government, they could constitutionally still hear cases against it (*Fiji Times*, 3 May 2008). Australian Greg Bullard resigned after only one month as a magistrate, claiming a lack of judicial independence (www.coupfourandahalf.com, 23 November 2012).

141 International Bar Association, *Dire Straits*, 2009, p. 50.

142 *fijilive*, 22 October 2008; *Fiji Times*, 13 October & 20 December 2008. The IBA considered that, since two of the judges had been appointed since the coup, they breached the law of recusal by hearing the case (International Bar Association, *Dire Straits*, 2009, p. 21).

143 *Fiji Times*, 6 December 2008. The state gave Fatiaki \$275,000 in settlement and he ended civil proceedings against it.

144 *Australian*, 29 January 2009.

party of instigating instability. The Attorney-General called the SDL ‘unpatriotic’.¹⁴⁵ Attempts by the International Bar Association (IBA) to enter Fiji twice in 2008 were similarly unsuccessful, although this did not prevent the IBA reporting that the judiciary’s independence had been compromised, an allegation that the Attorney-General dismissed as without evidence.¹⁴⁶ In November, however, when the SDL gained an injunction from Justice Jikoto stopping the NCBBF proceeding and the government making changes to the electoral system, Justice Byrne promptly stayed the injunction on the grounds that there was insufficient evidence that work on the Charter would lead to electoral changes.¹⁴⁷ When the *Fiji Times* published a letter calling the judicial system corrupt for its handling of Qarase’s constitutional challenge, the High Court fined the paper \$100,000 in January 2009 and sentenced its editor, Netani Rika, to three months’ jail, suspended for two years. Although the paper’s publisher, Rex Gardner, who had replaced the deported Hannah the previous July, pleaded guilty, he was not convicted. Nonetheless, the government considered his plea grounds for declaring him a prohibited immigrant and ordered him to leave the country immediately.¹⁴⁸ Outspoken human rights activists and their lawyers were similarly dealt with by threats of contempt proceedings.¹⁴⁹

Although the government seemed to survive every challenge to its authority, in reality it began to confront a perfect storm. International pressure on electoral commitments, media challenges, outspoken human rights activists, a fractured judiciary trumping each other’s decisions, and political objections to consensus on constitutional reform all began to converge in early 2009. The façade of legitimacy now wore thin. Into that storm rode three Sydney barristers, all members of Fiji’s Court of Appeal, called to judge the validity of the High Court’s October ruling on the 2006 coup: Randall Powell, Ian Lloyd and Francis Douglas, the latter only recently appointed. On Thursday 9 April at 3 pm, they delivered a stunning Easter verdict to the nation, ruling that the government was illegal and that the President should immediately appoint a new caretaker prime minister to take the country to fresh elections. That ‘independent’

145 *Fiji Times*, 7 & 9 September 2008; *fjilive*, 7 September 2008. Beddoes lodged his own complaint the next day.

146 *Fiji Times*, 5 March 2009.

147 International Bar Association, *Dire Straits*, 2009, p. 54.

148 International Bar Association, *Dire Straits*, 2009, p. 62; *Fiji Times*, 27 January 2009.

149 Tupou Draunidalo had experienced this in 2007; so, too, John Cameron and Virisila Buadromo (International Bar Association, *Dire Straits*, 2009, pp. 58–64).

prime minister should be neither Bainimarama nor Qarase.¹⁵⁰ Qarase was certainly not dismayed. He declared justice served. Immediately Solicitor General Christopher Pryde approached the judges for a stay of their ruling, arguing that the result would be a political vacuum while the government sought an appeal. But Powell, Lloyd and Douglas replied that a stay of execution would make no difference. 'The reality is that the country has a Constitution that everyone has to obey,' they argued: 'That's the judgement of the Court and this Government should obey'.¹⁵¹

Briefly it seemed it might. That evening Bainimarama appeared on television to announce his resignation as prime minister. His forces would ensure no disruption to law and order prior to an expected decision from the President on the way forward. The judges had already flown to Nadi to await a flight back to Sydney and were home by the time Iloilo addressed the nation late Good Friday morning.¹⁵² The Court had told him to appoint a third party as caretaker prime minister, but the Constitution made no provision for this, he argued. Hence Fiji, in legal terms, had not had a government since 3 pm the day before, but 'you cannot have a country without a government'. Considerable progress had been made since 2006, he continued, citing the People's Charter and the three meetings of political parties that had established the PPDF process. Consequently, after consulting with the Commander, he had decided to abrogate the Constitution in order to facilitate holding truly democratic parliamentary elections by September 2014. He would appoint an interim government to oversee this transition to a 'new legal order' over the next five years. Existing laws would remain in force but all judicial appointments were forthwith revoked.¹⁵³ The next morning Iloilo swore in Bainimarama as prime minister and issued a 30-day state of emergency. All remaining nine members of his former government returned, resurrected by decree.¹⁵⁴

150 *Fiji Times*, 9 April 2009.

151 *fijilive*, 9 April 2009.

152 *Sydney Morning Herald*, 11 April 2009.

153 *Fiji Times*, 10 April 2009.

154 *Fiji Times*, 11 April 2009. Aiyaz Sayed-Khaiyum returned as Attorney-General and Minister for Justice, Electoral Reform, Public Enterprises and Anti-corruption; Nailatikau as Minister for Indigenous Affairs, Provincial Development and Multi-ethnic Affairs; Ganilau as Minister for Defence, National Security and Immigration; Cokanasiga as Minister for Primary Industries; Dr Jiko Luveni as Minister for Women, Social Welfare and Poverty; Bole as Minister for Education, National Heritage, Culture and Arts, and Youth and Sports; Captain Timoci Natuva as Minister for Works, Transport and Public Utilities; and Dr Neil Sharma as Minister for Health. Bainimarama, in addition to serving as Commander and Prime Minister, reassumed the portfolios for public service, people's charter, information, finance and national planning, foreign affairs, international cooperation and civil aviation.

The new order begins

This was the reset button that Bainimarama and his colleagues had been preparing for as their façade of legitimacy became more and more difficult to sustain by the start of 2009.¹⁵⁵ For the majority of Fiji's citizens, the change ushered in an unfamiliar world of media censorship and junta dominance but, for older citizens, it brought forth memories of the dark days that followed Rabuka's own reset on 25 September 1987, although with one substantial difference. Whereas Rabuka quickly accommodated those he opposed after his second coup, this time there could be no accommodation and hence no foreseeable end to the drama.¹⁵⁶ Coup 4.5, as some on social media referred to it, had two agendas: to complete the weakening of once powerful institutions such as the GCC and Methodist Church, and to hasten Fiji's transformation without distraction from political parties and courts. But, even with the military as the only institution standing intact, the path forward proved difficult. Old issues did not drop away and past behaviours continued to distract. Most importantly the reset did not come with a new operating system to download. That had yet to be assembled.

Nonetheless, Bainimarama fronted the nation two days after the abrogation with confidence: 'We must rid ourselves of our past prejudices, our past negative influences; we must be focused on building a better Fiji.' And he outlined the tasks ahead: the introduction of modern governance systems, a liberalised economy, better roads and water supply, the eradication of systemic corruption, the integration of land as a benefit for indigenous Fijians with national economic growth, and the removal of politics from government decision-making. 'We cannot be beholden to petty politics, communal politics, provincial politics and religious politics,' he argued. The Appeal Court had tried to force Fiji to an early election under the old system, but the majority of people wanted electoral change first,

155 Bainimarama told Al Jazeera's *101East* program in July 2009 that they were always going to get rid of the Constitution at some stage. But it was just a coincidence that the Constitution was abrogated less than 24 hours after the court's judgement (www.coupfourandahalf.com, 15 August 2009).

156 Aiyaz Sayed-Khaiyum also claimed that, unlike Rabuka, they were not locking up judges and treating people in an undignified manner. There was no violence, and law and order prevailed (*Australian*, 15 April 2009). But, like Rabuka, Bainimarama was rewarded by the President for his services, becoming a Companion of the Order of Fiji in late March. Driti and Col Mohammed Aziz were made Officers of the Order of Fiji (*fjilive*, 24 March 2009).

he claimed.¹⁵⁷ Hence the abrogation of the Constitution to make way for reforms and the introduction of Public Emergency Regulations (PER) to prevent opposition from stalling reforms. Freedom of speech had caused problems in the past; now government alone would make decisions.¹⁵⁸ Later, at a pre-budget consultation, he declared, 'We need to change people if they don't think the way we want them to think'. Until an elected government returned, 'we need to keep people in line'.¹⁵⁹

And it did. Over the course of 2009 and subsequent years a long series of decrees and government pronouncements began to reshape governance and the basis on which Fiji's citizens interacted with each other. Courts were forbidden to entertain any challenge to the abrogation of the Constitution or to any decree issued after 5 December 2006.¹⁶⁰ Some lawyers and judges in Suva and Lautoka – on the recommendation of the Fiji Law Society (FLS) President, Dorsami Naidu, turned up to the courts on the first working day after the Constitution had been abrogated. Police prevented them entering and detained Naidu. Almost immediately the FLS lost its power to issue practising certificates to lawyers or to investigate complaints. A new chief registrar, Major Ana Rokomokoti, fulfilled that role. She and six government officers raided the FLS office to obtain complaint files against FLS members. Police also seized files relating to military personnel held at the DPP's offices. The DPP, Josia Naigulevu, and his assistant were dismissed. Shortly after, a new Office of Accountability and Transparency came into being to administer code of conduct and freedom of information decrees and, by the end of the year, an independent Legal Services Commissioner oversaw the performance of lawyers.¹⁶¹ There were other significant changes also. The legal age became 18 years, a change that placed women and men on the same footing for

157 *fjilive*, 12 April 2009. Bainimarama argued on NZ's Radio National that the appeal judges wrote the bulk of their 52-page judgement before coming to Fiji (*Sydney Morning Herald*, 16 April 2009).

158 *Australian*, 15 April 2009. Neither police nor soldiers could be held accountable for actions undertaken under the PER, but individuals could be detained without charge for up to seven days. Meetings of more than three people required prior approval. The regulations stayed in place until 7 January 2012.

159 *fjilive*, 17 September 2009.

160 *fjilive*, 23 April 2009. This applied also to the FHRC.

161 *fjilive*, 27 November 2009; www.coupfourandahalf.com, 23 September 2009; *fjilive*, 27 November 2009; *Daily Post*, 15 April 2009; Amnesty International, *Fiji: Paradise Lost – A Tale of Ongoing Human Rights Violations*. London, 2009, p. 27. During 2008 the FLS began examining complaints against the Attorney-General and threatened to debar him. Graham Leung refused to register under the arrangement, but most lawyers did. The new DPP, John Rabuku, allegedly sacked the assistant DPP, Andie Driu, for declaring that she was loyal only to the law and nothing or no one else (www.coupfourandahalf.com, 24 June 2009).

the first time and removed parental approval for those under 21 seeking to marry.¹⁶² Civil servants, with few exceptions, had now no choice but to retire at 55 years. Dual citizenship, again with full future voting rights, also became possible for the first time.¹⁶³

The abrogation of the Constitution and the dismissal of all judges effectively closed down the justice system until new judges and magistrates could be appointed. For six weeks no chief justice existed until Gates resumed the position. Meanwhile, the public lost all legal protection against human rights violations. The police and military continued to detain and intimidate human rights activists and known critics. Driti made clear what they might now expect:

There are only a few people who I could term as adversaries – but I would discourage them from doing anything ... otherwise they will be in for something really hard in terms of how we will treat them this year.¹⁶⁴

Lawyer Imrana Jalal had been threatened with rape immediately after the 2006 coup by a mystery phone caller she suspected was military. She believed that the same military lawyer who had orchestrated the call was using FICAC to persecute her and her husband, Ratu Sakiusa Tuisolia, an economist and former deputy CEO of Rabuka's prime ministerial office in the mid-1990s. Tuisolia had been dismissed as CEO of Airports Fiji Ltd after the 2006 coup, the Nadi airport business he transformed from a loss-making venture in 2003 into a profitable operation. Facing unemployment, Tuisolia established a restaurant business in Suva – the Hook and Chook – with his wife as a partner. Immediately FICAC pounced. The couple had briefly operated their restaurant prior to receiving a licence. Normally only a \$20 council fine, the infringement suddenly became a major issue for the corruption body. When in late 2009 a magistrate pointed out the inappropriate use of resources being devoted to a case she believed outside FICAC's jurisdiction, she – like other magistrates who opposed FICAC submissions – had her contract terminated. In 2010, the High Court finally exposed the futility of its pursuit of Tuisolia but, of course, FICAC did not really seek judicial

162 *Fiji Times*, 20 May 2009; *fjilive*, 17 July 2009. This applied, for example, to marriage, access to alcohol and future voting. Previously, men could marry at 18 and women at 16.

163 crosbiew.blogspot.com, 19 July 2009.

164 stuff.co.nz, 6 January 2010.

resolution; rather it sought to wear perceived opponents down.¹⁶⁵ At the start of 2010 a new decree provided a different weapon to use against critics of the regime – the removal of pension rights. Rabuka became one of the first affected.¹⁶⁶

Sometimes intimidation brought physically damaging consequences, as Iliesa Duvuloco and five nationalists discovered when they were arrested on 17 April for distributing pamphlets and severely beaten. George Speight's brother, Samisoni Tikoinasau, met a similar fate for distributing anti-government DVDs in early 2011.¹⁶⁷ Other former politicians, like Mere Samisoni, were harassed. At the end of 2011 she and four former politicians were detained for four days and charged with inciting political violence.¹⁶⁸ Trade unionists were also an easy target, although many union leaders had quietly supported the coup. But with Chaudhry's departure from government, a falling-out began which escalated in mid-2011 when news leaked of government proposals for an Essential National Industries Decree designed to depoliticise and curtail union activities in banking, telecommunications, utilities, broadcasting and aviation industries. At the urging of the Fiji Trades Union Congress (FTUC), unable to directly challenge the decree, the Australian Transport Workers Union briefly threatened industrial action, while the Australian Council of Trade Unions (ACTU) urged Australian businesses to stop importing Fiji-made garments. Both actions endangered two crucial industries. Exports in the garment sector were already down 25 per cent since 2009. A similar call for the United States to end preferential access for Fiji goods also threatened Pacific Fisheries Company's (PAFCO) tuna and Fiji Water's exports. Consequently the government moved quickly. Police broke up a FTUC meeting in August 2011 and banned further union meetings, even social events. It regularly arrested and detained union leaders like Felix Anthony and Daniel Urai, who did not always help their cause by appearing with anti-government coalitions in Australia that called for the government's dismissal. Towards the end of 2011, the government

165 www.coupfourandahalf.com, 7 January 2010; *fjilive*, 29 January 2010; *Fiji Times*, 2 November 2010. The High Court issued a permanent stay on most of the charges in mid-2010. Tuisolia was later acquitted of additional charges laid against him as CEO of Airports Fiji Ltd. They both moved to Manila to work for the ADB.

166 *fjilive*, 22 January 2010. The ban on pensions for former parliamentarians was lifted in May 2010, but this did not apply to Qarase who had received no pension after his removal in December 2006. Only in late 2014 did Qarase settle for back payment of \$584,000 (*Fiji Sun*, 28 December 2014).

167 Amnesty International, *Fiji*, 2009, p. 23; *Fiji Times*, 25 March 2011.

168 *fjilive*, 4 January 2012.

reinforced its anger by turning back a five-member ACTU delegation. In September 2012, it asked an International Labour Organization (ILO) delegation to leave Fiji.¹⁶⁹

The government had long viewed the human rights community as a thorn in its side because of its incessant public commentary. For example, in May 2011, FWCC director Shamima Ali claimed that it was all very well to issue decrees prohibiting violence against women, but she wanted to see the law actually implemented. Two months later, in a similar vein, the FWRM executive director, Buadromo, urged police to implement a gender sensitisation program before beginning campaigns against sexual offending. The government welcomed neither input. The Commissioner of Police, Brigadier General Ioane Naivalurua, told Buadromo to come into the ring and not talk from the outside: 'If she has nothing to offer, then she should shut up'. When she did not, they dragged her from an internal FWRM planning meeting and closed it down. But Buadromo was not easily cowed.¹⁷⁰

For high-profile dissidents such as Methodist officials, harassment did not usually arrive with direct violence. In February 2010, 15 ministers were detained after disregarding an order to prevent known Taukeist church ministers, like Manasa Lasaro and Tomasi Kanailagi, attending its planned annual conference, the Bose Ko Viti, in August. General Secretary Rev. Tuikilakila Waqairatu warned Bainimarama of bloodshed should the conference not go ahead at Lomanikoro in Rewa, the home of Ro Teimumu Kepa, Marama Roko Tui Dreketi and head of the Burebasaga confederacy and a former SDL Education Minister. That action resulted in seven additional ministers and Kepa being detained and charged with contravening the *Public Order Act*, breaching PER and inciting public disorder. For some Fijians, Kepa's arrest demonstrated the risks inherent in using Church affairs to advance political agendas.¹⁷¹ Bainimarama told the Church to refrain from politics and practice being peacemakers

169 *fjilive*, 21 July & 13 December 2011; www.coupfourandahalf.com, 8 December 2011; crosbiew.blogspot.com, 20 September 2012. Both were photographed at a Fiji Democracy and Freedom Movement rally in Sydney in July (www.coupfourandahalf.com, 18 July 2011).

170 *Pacific Scoop*, 13 May 2011; www.coupfourandahalf.com, 2 July 2011; *fjilive*, 24 August 2011.

171 www.coupfourandahalf.com, 22 & 23 July 2009. Her children posted a video of the event on YouTube. Crosbie Walsh memorably wrote: 'The prostrate bodies of slaves should no longer be used as rollers to launch [the Catholic] Ro Teimumu's or anyone else's waqa drua' (crosbiew.blogspot.com, 23 July 2009). Apparently the Vunivalu of Rewa, Ro Epeli Mataitini, agreed. He allegedly assisted 16 police officers to slip into Lomanikoro, a village accessible only by river, at night and arrest her (www.coupfourandahalf.com, 26 July 2009). Charges against Kepa were dropped in September 2010.

and nation-builders instead. When they continued to resist conditions placed on future meetings, he banned the Church from holding its annual conference, in all likelihood – he said – for the next five years.¹⁷² Shortly after Bainimarama dealt a similarly decisive blow to another rebellious Fijian institution, the GCC; with the abrogation of the Constitution, he declared, it no longer existed.¹⁷³ He also announced Iloilo's retirement as president. In a further snub to the defunct GCC, he replaced Iloilo with the candidate the GCC had refused to endorse as his deputy, Ratu Epeli Nailatikau.¹⁷⁴

There were, of course, other political issues left hanging by the Constitution's sudden abrogation, but the government was in no mood to be rushed. It announced a new National Dialogue Forum to replace the aborted PPDF in February 2010, stating that this time political parties or communally based organisations could not be represented. Additionally, participants would have to accept the charter, keep focused on the future, and have no criminal record or be facing criminal charges.¹⁷⁵ To make his intentions clear, Bainimarama announced that he would step down in 2014.¹⁷⁶ Consultations for a new constitution would not begin for another three years, however, but once developed the Constitution would mandate racial equality, incorporate the provisions of the People's Charter, and provide for a common name for all citizens to build social cohesion.¹⁷⁷ To that end a new office for a Strategic Framework for Change began implementing the Charter, amending the criteria for scholarships and directing that all race-based names of schools be changed. In September 2009, the Fiji School of Nursing announced that, henceforth, entry would be determined only by grades and geographical criteria, not race. A decree in 2010 officially changed the term used to describe indigenous

172 *fijilive*, 31 July 2009; Amnesty International, *Fiji*, 2009, p. 23. Circumstances repeated themselves in 2011 after the Church reappointed its current leadership for a further three years in defiance of government wishes for ministers facing charges to stand down (*Fiji Times*, 24 August 2011). The Church had to await the lifting of PER to hold its first annual general meeting in 2012.

173 *fijilive*, 2 August 2009. The declaration was belatedly formalised in March 2012 with the iTaukei Affairs Revocation Regulation Decree 2012.

174 www.coupfourandahalf.com, 28 July 2009; *fijilive*, 30 October 2009. Immediately after the abrogation, Bainimarama made Nailatikau Vice President. Memberships of troublesome provincial councils were sometimes purged, especially those – such as Rewa – that consistently opposed the coup or the charter (www.coupfourandahalf.com, 20 November 2011).

175 *Fiji Times*, 15 November 2009. The forum never met.

176 *Fiji Times*, 11 February 2010.

177 *fijilive*, 12 June & 2 August 2009.

Fijians to iTaukei.¹⁷⁸ Henceforth all Fiji's citizens were Fijians. But, on the constitution itself, there was little movement. The National People's Charter Advisory Council urged Bainimarama in May 2011 to fast-track constitutional development and to that end recommended the establishment of a Constitution Commission. At the Attorney-General's conference in December, Aiyaz Sayed-Khaiyum outlined the overriding principle behind future elections: one person, one vote, one value. Voter registration for national and municipal elections would be centralised. Electronic voting might be considered, but there would be no more ethnic voting.¹⁷⁹

When Bainimarama introduced the Strategic Framework for Change on television in July 2009, he specifically focused on non-political issues, in particular land and government reform. The National People's Charter Advisory Committee would establish a monitoring centre to grade the progress of reform in all ministries and departments. A year later, Bainimarama announced that the military would align its corporate plan with the People's Charter and hold regular meetings with the Strategic Framework for Change Committee.¹⁸⁰ It is difficult to determine exactly how transformative these decisions were. With land, however, there were more than just progress reports. The *Agricultural Landlord and Tenant Act (ALTA)* disappeared under a new land-reform program, replaced by the *Native Land Trust Act* with leases up to 99 years possible.¹⁸¹ Bainimarama promised to make the distribution of lease monies to landowners more equitable, and to make more land available for productive use, especially idle land. A land use bank would see to that.¹⁸² He repeated his stand

178 *fjivillage*, 21 November 2009; *fjilive*, 8 September 2009. The Ministry for Indigenous Affairs now became the Ministry for iTaukei. The name change, first introduced in 2009, became mandatory in July 2010. Because the *i* is an article, the former description 'Fijians' or 'indigenous Fijians' is rendered as the Taukei from this point on in the text wherever the English 'the' is also used, or simply as Taukei where an article is not appropriate.

179 crosbiew.blogspot.com, 1 June, 12 July & 7 December 2011.

180 *fjilive*, 22 April 2010; crosbiew.blogspot.com, 22 December 2010.

181 *Fiji Times*, 14 January 2010.

182 Monies now went directly to *mataqali* and bypassed chiefs. In 2016, the government preserved \$12.5 million of lease monies due to over 30,000 Taukei minors in a trust account. It claimed also that the rate of land leases renewals had risen from 50 per cent in 2006 to 65 per cent in 2010. The NLTB (now rebadged the iTaukei Land Trust Board or TLTB) wanted renewal rates to rise to 90 per cent (*Fiji Times*, 22 February 2011). Lease monies available for distribution also increased, from \$24 million in 2000 to \$64 million in 2014. In 2016, however, Biman Prasad cast doubt on these figures, claiming that between 2007 and 2014 only 59 per cent of leases were renewed compared with 57 per cent between 1997 and 2006 ('Another view of the sugar industry', *Fiji Times*, 30 July 2016).

when foreshadowing land reforms in December 2009. He would protect Taukei land ownership and tenant security, but he would also ensure the fair distribution of rental income. When the Commissioner Western addressed the Ba Provincial Council a year later with firmer details, the chiefs – principal beneficiaries of existing laws – were clearly unimpressed. The goose still laid golden eggs but no longer for them. Bainimarama wanted rural Taukei integrated into the modern economy, not serving the demands of the chiefly system.¹⁸³ The chiefs lost access to 30 per cent of lease monies. Except for the 15 per cent that went to the NLTB, later reduced to 10 per cent, all lease monies were now distributed to *mataqali* members equally.¹⁸⁴ A Land Use Decree in 2010 enabled unused native and crown land to be put into a land bank that the government could use to attract new investors. Sixty per cent of *mataqali* members had to agree, but the bait lay in their potential to earn 100 per cent of lease monies.¹⁸⁵

Communications also formed part of his strategy, in particular its management. In December 2009, he formed a Central Agency for Roads, which merged the 13 different organisations previously responsible for overseeing Fiji's 9,000 kilometres of roads.¹⁸⁶ For Bainimarama, after three years of politicking, such changes in direction assumed new importance. The economy had to be kickstarted; constitutional change came a poor second in terms of priorities. He had told the media as much in the month before the Constitution's abrogation. Few understood his intent at the time.¹⁸⁷

183 *fiji.gov.fj*, 1 July 2009; *Fiji Sun*, 2 December 2009; *Fiji Times*, 5 November 2010. Deductions from the TLTB fell from 15 per cent to 10 per cent over the course of 2013, adding further to the sums available for distribution to the *vanua*. The chiefs were unimpressed. 'We are the people's leaders,' claimed Nadroga paramount chief, Ratu Sakiusa Makutu, 'and we are not just here to sit idle and do nothing.' Bainimarama told the Naitasiri Provincial Council that the Taukei are educated and do not need chiefs or the GCC to make decisions for them. That the GCC had not met for five years had made no difference to the performance of provincial councils although the ending of payments to chiefs at least reduced conflicts over chiefly titles (*fijilive*, 22 & 25 March 2012).

184 These changes made a considerable difference to *mataqali* members. Sefanaia Sakai cites the example of the Yaya *mataqali* in Makare village that earned \$1,600,000 from the Nepani government quarry. Previously its 77 individual members earned only \$9,350 each from the lease, with the bulk of benefits accruing to their chief (\$480,000) and the NLTB (\$400,000). By 2014, with the TLTB proportion at 10 per cent and the special allocation to chiefs gone, individual *mataqali* members earned twice as much as before (Sefanaia Sakai, 'Insecurity of Taukei land as an issue in the 2014 general election: real threat or political gimmick?', in Vijay Naidu & Sandra Tarte (eds), '*No Ordinary Election: The Fiji General Election of 2014*'. Special issue. *The Journal of Pacific Studies*, 35:2, 2015, p. 55).

185 Sefani Sakai, 'Native land policy in the 2014 elections', in Steven Ratuva & Stephanie Lawson, *The People Have Spoken*. Canberra: ANU Press, 2016, pp. 147–49.

186 *fijilive*, 2 December 2009.

187 *Fiji Times*, 6 March 2009. He told a press conference that 'All my government and officials need worry about now is our economy,' not electoral deadlines.

There were obvious reasons for Bainimarama's focus. His coup had robbed Fiji of any prospect of growth. The economy contracted sharply in 2007 and again in 2010, in part because of rising food and fuel costs. The global recession also impacted on tourism, although Australian markets were shielded and Fiji became more attractive as a tourist destination for cash-strapped New Zealanders. Cane farmers continued to experience declining returns (down 36 per cent since 2006), their predicament worsened by the loss of EU aid for sugar reforms. Over 3,000 growers abandoned the industry between 2006 and 2009, precipitating a 45 per cent collapse in sugar production by 2011.¹⁸⁸ In September 2009, the government scrapped the farmer-funded Sugar Cane Growers Council in a bid to reduce the influence of rival cane-grower bodies at a time when increased road charges bit into farmer pockets.¹⁸⁹ The Sugar Marketing Board also disappeared as part of a savings drive. Remittances were now the only bright spot in the economy, helping to keep the country afloat.¹⁹⁰

Tight foreign exchange controls (which remained in place until late 2011) and a currency devaluation of 20 per cent swiftly followed the launch of the 'new legal order' in April, pushing inflation to over 9 per cent and shrinking economic growth to negative 1.4 per cent in 2009; hence the perceived importance for civil servants to retire early. Compulsory retirement forced nearly 2,500 civil servants out by mid-2009. By planning to reduce civil service numbers from 26,000 to 20,000, the government hoped to lower salary costs by 20 per cent. Ending the provision of housing for many public servants also cut costs. In addition, it planned to turn government departments, such as those dealing with water and government supplies, into statutory bodies in order to raise productivity.¹⁹¹ Here too were shades of Rabuka's 'New Fijian' privatisation programs after 1987. Necessity drove uncomfortable

188 Dass, 'Ailing sugar industry', 2015.

189 *Fiji Times*, 9 September 2009. The NFP had earlier dominated the Sugar Cane Growers Council. But Chaudhry had sacked its chairman and councillors, put his own people in charge and disallowed fresh elections until 2010. The council was replaced in 2015 by a nine-member council comprising three government and six cane-producer nominees, still paid for by a levy on growers. The government proposed adding appointed reps from eight sugar districts in 2016. The Fiji Sugar Corporation (FSC) also struggled to repay a \$85 million loan from the Indian Exim Bank and required injections of \$164 million from the state. Works associated with the Qarase-era (2005) loan to upgrade the four FSC mills were three years behind schedule by 2010 and allegedly suffered from poor Indian workmanship and substandard equipment.

190 Between 2007 and 2010 remittances probably earned Fiji some \$400 million per annum, surpassing both sugar and tourism as the sector with the greatest impact on the Fiji economy (B Prasad, 'Growth must result in more for us', *Fiji Times*, 12 September 2015).

191 *fijilive*, 15 July & 31 December 2009; *Sydney Morning Herald*, 10 January 2012. Critics argued that early retirement compromised the quality of education (*fijilive*, 2 September 2009).

similarities. A 3 per cent increase in bus fares pushed ECREA to collect 20,000 signatures demanding reduced fares for school children. Stung, Bainimarama granted free bus travel for school children¹⁹² and included in the budget for 2010 a new food voucher program for the elderly and disabled, adding bus concessions for them also in 2011. Additionally, squatter assistance and relocation programs, housing-rehabilitation loans, improved family assistance, free text books and caps on school fees projected government resolve to assist the poor. A new low-cost housing project for nearly 2,000 families began with Chinese support at Tacirua East in Suva.¹⁹³ It would never be enough. By early 2010 new estimates placed 45 per cent of the population in poverty and the government applied for an IMF loan of \$1 billion to pay for all its proposed civil service, public enterprise, FNPF, land and agricultural reforms.¹⁹⁴ By the close of the year, government debt and liabilities comprised 92 per cent of GDP, far above the 60 per cent level recommended by economists. To compensate, the government increased VAT from 12.5 to 15 per cent, but lifted its imposition on basic food items. The end result could only be less growth and more pain.¹⁹⁵

The state of the economy demonstrated the dangers facing the new legal order. With emergency regulations extended every month and imposing indefinite censorship, with critics once more arrested, detained, prevented from leaving the country or forbidden to speak at conferences, it was hard to see how the government truly believed that it enabled a 'stable socio-political platform conducive for nation-building initiatives'.¹⁹⁶ No news

192 crosbiew.blogspot.com, 9 September 2009; *fjilive*, 26 November & 16 October 2009.

193 *fjilive*, 13 September 2010.

194 *fjilive*, 20 April 2010; crosbiew.blogspot.com, 14 April 2010. The loan was never taken and the government obtained the required finances at greater cost from alternative sources. FNPF lost \$327 million on its investment in the Natadola and Momi tourism developments, forcing it to reassess the viability of its fund, in particular the subsidy given pensioners by current members. In 2012, it cut the conversion rate for its pensions from 15 per cent to 8.7 per cent (G Rashbrooke, 'Reform of the Fiji National Provident Fund', www.actuaries.org/HongKong2012/Papers/MBR12_Rashbrooke.pdf).

195 Kevin Barr argued in a letter that the *Fiji Times* refused to publish that devaluation and delays in raising basic wages and VAT increases would have negative impacts, particularly for those living below the poverty line (www.coupfourandahalf.com, 1 February 2012). In August 2012, he resigned as chair of the Wages Council in frustration at the government's consistent failure to implement wages orders since 2008 (*Fiji Times*, 18 August 2012).

196 *fjilive*, 21 July 2009; Bainimarama's address to the Asia Pacific Institute for Broadcasting Development Conference in Nadi. Chaudhry attacked Bainimarama's thinking, arguing that it isn't possible to just shelve resolution of the political crisis for three years to focus on economic development. Only a stable inclusive democratic political environment would restore investor confidence (www.coupfourandahalf.com, 15 July 2009). The IMF agreed. A visiting team in 2011 warned that medium growth prospects would remain weak without improvements in the political situation (*Sydney Morning Herald*, 14 January 2012).

is not always good news, and silence is not necessarily golden; certainly not for investors pondering the potential Fiji offered. If anything PER weakened confidence and provided the diverse opposition a platform on which they could agree. At the forefront of this contest lay the media and foreign governments. Neither survived their exchanges well.

Decreeing compliance and respect

PER immediately hit the media hardest. ABC and New Zealand journalists were deported. Radio Australia's FM relay stations in Fiji were closed. PACNEWS relocated to Brisbane. The newly promoted information permanent secretary, Lt Col Neumi Leweni, warned media to comply with directives and not focus on the negative. PER gave him authority to revoke the licences of any media outlet that failed to comply.¹⁹⁷ To assist implementing indefinite censorship, censors from the Ministry of Information and police were stationed in news offices to filter stories. The newspapers protested. The *Daily Post* published a pointedly nonsensical article about the amazing feat of a man getting onto a bus; the *Fiji Times* printed blank pages. Fiji TV cancelled its regular evening news. They were told to desist. Articles about popular protests in countries like Thailand were also denied. Radio talkback shows had to submit topics of discussion to the Ministry for Information one week in advance.¹⁹⁸ In late 2009, economist and University of the South Pacific (USP) dean of Business, Biman Prasad, cautioned the government while launching a special journal issue on the media:

Because of censorship, people are turning to blogs to get their news. These blogs are not governed by any rules or standards. People are being misled and are being incited. Government will have more legitimacy if it allows the media to operate freely and independently.¹⁹⁹

197 *fijilive*, 13 May 2009.

198 *Daily Post*, 15 April 2009; www.coupfourandahalf.com, 29 July 2009 & 17 February 2000.

199 www.coupfourandahalf.com, 14 October 2009. Crosbie Walsh argued that anti-government blogs recorded 5,000 visits per day, over 1,000 from within Fiji (crosbiew.blogspot.com, 12 December 2010). The military also relied upon the blogs for information. Solely on the basis of information on various websites, Driti and Lt Col Jone Kalouniwai (head of Military Intelligence) told Bainimarama in September 2010 that he should sack Aiyaz Sayed-Khaiyum because of his alleged dealings. Bainimarama told them to come back when they had evidence (*Fijileaks*, 21 November 2013).

The government did not respond. Amnesty International believed media censorship existed solely to hide the government's actions and breaches of human rights, and to suppress critical comment.²⁰⁰ Already prior to September 2009, 20 journalists had been intimidated by detention and the *fjilive* website temporarily taken down after it posted pictures of a bomb scare in Suva.²⁰¹

Fiji news websites had proliferated after the late 1990s. Their presence made a significant difference to reporting during the 2000 coup compared with 1987, when Rabuka could more easily control the dissemination of news nationally and internationally by simply closing down media outlets or imposing strict controls on their operation. All international communications went through Fiji International Telecommunications Ltd (FINTEL) and could be monitored or stopped. But automated telecommunications and the internet rendered these measures obsolete, as the interim government discovered immediately after December 2006 when a plethora of new blog sites emerged, many drawing on rumour and gossip and being, in the main, hostile to what they saw as an illegal military junta running roughshod over the wishes of Fiji's people.²⁰² Hence the government began targeting individuals thought to be contributing to hostile blogs.

When, in late May 2009, the pro-regime *Real Fiji News* website accused lawyers of being behind *Raw Fiji News*, police again detained Richard Naidu and Jon Apted, along with Qarase's lawyer, Tevita Fa, seizing their computers and copying their hard drives for forensic examination.²⁰³

200 Amnesty International, *Fiji*, 2009, pp. 16, 19 & 21.

201 www.coupfourandahalf.com, 28 May 2009. It would be taken down again in August 2010 and its editor, Richard Naidu (the journalist, not the lawyer), detained when it leaked news of the end of Police Commissioner Teleni's tenure ahead of a government announcement (www.coupfourandahalf.com, 30 July 2010). Foreign media were also targeted; the ABC's Sean Dorney, Fairfax's Michael Field and NZ TV One's Barbara Deaver were banned from Fiji (www.coupfourandahalf.com, 13 April 2009).

202 *Raw Fiji News* (www.matavuvale.com/forum/topics/raw-fiji-news-your-live), Soli Vakasama (solivakasama.wordpress.com), Stuck in Fiji Mud (stuckinfijimud.blogspot.com.au/), Fiji Today (fijitoday.wordpress.com/), Tears for Fiji (tearsforfiji.blogspot.com.au/), *fijicoup2006* (www.fijicoupin2006.com/), Luvei ni Viti (solivakasamablog.wordpress.com/2009/04/21/luvei-viti-children-of-fiji/), Discombulated bubu (discombulatedbubu.blogspot.com/), *Intelligentsiya* (intelligentsiya.blogspot.com.au/) and *coupfourpointfive* (www.coupfourandahalf.com/) were but a few of the critical websites. Others like the Graham Davis's *grubsheet* (grubsheet.blogspot.com.au/) and Crosbie Walsh's site *Fiji: The Way It Was, Is and Can Be* (crosbiew.blogspot.com), were more nuanced. Additional sites belonged to media outlets, academic programs and journals, and individuals. It may have been a jungle, misleading for the unwary, but it was certainly an improvement on the media poverty Rabuka induced and that Bainimarama was powerless to emulate.

203 *Australian*, 21 May 2009.

Smart phones had yet to make an impact in Fiji, but Fiji's citizens took to the internet with gusto.²⁰⁴ If sites could not be taken down (and some sites were blocked), then restricting access could be tackled more conventionally. In late May 2009, the government announced that internet cafes (along with amusement centres and billiard rooms) could only operate from 6 am to 5 pm. Restrictions applied to other businesses also.²⁰⁵ But, still, the websites persisted, even attempting to organise by blog a surprise anti-government demonstration in late 2010 by riding on the coat tails of an approved women's and children's human rights gathering in Suva's central Sukuna Park. A twitchy government banned both. But, as Crosbie Walsh, now a blogger himself, pointed out, this was no longer simply a law and order matter but a propaganda war. Crude and clumsy government responses to challenges did little to win the hearts and minds of the people it claimed to be working for.²⁰⁶

There were other, similarly unsubtle, ways that the pesky media could be dealt with. Ministries were ordered to cancel advertising contracts with the *Fiji Times* in September and not publish notices in the paper. In November 2009, a National Spectrum Decree cancelled ownership of all radio and television frequencies. Existing frequencies used by stations were deemed temporary, subject to reallocation by the Attorney-General as he saw fit without compensation and without recourse to the courts. The decree potentially advantaged the state-owned Fiji Broadcasting Corporation (FBC), whose CEO was the Attorney-General's brother, Riyaz Sayed-Khaiyum. When talks were later held on a new media decree, the Australian News Ltd-owned *Fiji Times* and the Yasana Holdings-owned Fiji TV were excluded for not recognising the contemporary legal system and the status of government.²⁰⁷ Worse was to come. A new

204 About 34 per cent of Fiji's population were internet users by 2014, and nearly 30 per cent or 260,000 were Facebook users (Jope Tarai, Romitesh Kant, Glen Finau, Jason Titifanue, 'Political social media campaigning in Fiji's 2014 elections', in Naidu & Tarte, *No Ordinary Election*, 2015, p. 92). Broadband usage increased fourfold and mobile phone usage increased 7 per cent per annum between 2007 and 2014 (*Fiji Sun*, 26 November 2016).

205 www.coupfourandahalf.com, 26 May 2009. Only essential businesses (pharmacies, bakeries and service stations) could open until 9 pm, for the cost of a \$20 weekly permit. Service stations and bakeries could also remain open after 9 pm.

206 crosbiew.blogspot.com, 12 December 2010.

207 crosbiew.blogspot.com, 8 September 2009; *Australian*, 21 November 2009; *Fiji Times*, 17 December 2009. Yasana Holdings owned Fiji TV on behalf of Taukei provincial councils. It also owned PNG's EMTV.

Singapore-inspired Media Industry Development Decree came out in early April 2010 for discussion and mandated that all media organisations had to be 90 per cent locally owned. The implications for the News Corporation *Fiji Times* and for the 51 per cent Australian-owned *Daily Post* were obvious.²⁰⁸

The government had long claimed that, once the media decree came into force, PER would go. Now critics understood why: a Media Industry Development Authority (MIDA) would enforce self-censorship as well as oversee media and cross-media ownership rules, a Media Tribunal would deal with complaints, and all stories over 50 words had to carry the author's name. Penalties for non-compliance could go as high as \$100,000 for individuals and \$500,000 for organisations.²⁰⁹ Immediately critics pounced. The CCF claimed the new rules violated the principles of the People's Charter, while Auckland journalism professor David Robie claimed it would open 'the door to vindictive abuse in a climate of dictatorship and the singling out of media organisations that do not toe the media line'. The blog site *coupfourpointfive* believed it spelled the end of investigative journalism of the kind that brought down Chaudhry.²¹⁰ Not everyone agreed. The Pacific Islands News Association (PINA) thought it too early to adopt a position, while former *Daily Post* editor Thakur Ranjit Singh lamented the failure of mainstream media to tell the real story behind the coup and thought Bainimarama only wanted journalists to take greater responsibility for shaping a new modern Fiji.²¹¹ Indeed, whether they wanted to or not, the media had to comply. The decree came into force at the end of June 2010 and, by the close of the following September, the *Fiji Times* had been sold to Mahendra Patel, a long-serving member of its board and owner of the Motibhai group of companies, who in 2011 would be sentenced to one year's jail for abuse

208 The cross-media rules also created uncertainty. Hari Punja owned shares in both Communications Fiji and Fiji TV while William Parkinson's Communications Fiji also operated stations in Papua New Guinea (*Australian*, 5 July 2010).

209 *fjilive*, 8 April 2010. Professor Subramani became chair of MIDA with Matai Akauola (PINA manager), Christopher Pryde (Solicitor General), Aselika Uluilakeba (children's representative), Peni Moore (women's representative) and Jimaima Schultz (consumers' representative).

210 www.coupfourandahalf.com, 9 & 10 April 2010.

211 www.coupfourandahalf.com, 10 April 2010; *Pacific Scoop*, 15 April 2010. PINA's response saw a rival Pasifika Media Association attack it for being under Bainimarama's spell (*fjilive*, 22 August 2010). CCF director Akuila Yabaki claimed that Bainimarama was obsessed with the potential for elements of previous coups to overthrow him and feared a return to 2000 circumstances and popular uprisings; hence PER and new media laws (*Sydney Morning Herald*, 14 January 2014).

of office while chair of PostFiji.²¹² It remained to be seen, however, whether the Media Industry Development Decree would produce the compliant and respectful media the government craved.

Diplomatic cold war

Certainly, compliance and respect were not forthcoming from many foreign governments and international organisations. The Australian Foreign Minister, Stephen Smith, set the tone after the abrogation of the Constitution by immediately declaring the regime ‘a military dictatorship’²¹³ and, with New Zealand, lobbied the United Nations to cease using Fiji peacekeepers.²¹⁴ Because Fiji had failed to nominate an election date by 1 May, the condition laid down by the PIF at its Port Moresby meeting in January, it faced automatic suspension from the regional body. Aiyaz Sayed-Khaiyum seemed certain it would not happen. ‘I admire his optimism,’ NZ Foreign Minister Murray McCully quipped. Fiji was suspended, the first such suspension in the regional body’s 38-year history. Bainimarama immediately asked for a summit with Australia and New Zealand. They refused. Bainimarama had used the same strategy prior to expelling the NZ High Commissioner in 2007, hoping – according to *Wikileaks* – to show Australia and New Zealand as the problem and drive a wedge between the two countries and PIF members. The British High Commissioner told McCully ‘that the time had come to push Fiji down the list of priority until conditions deteriorated sufficiently to allow

212 *Australian*, 9 October 2010; *Fiji Times*, 13 April 2011. The change in ownership brought in a new publisher, Dallas Swinstead (previously with the *Herald Weekly* and *Age* in Melbourne and *Fiji Times* editor in the late 1970s), and a new editor, Fred Wesley. Existing editor Netani Rika resigned temporarily to allow the paper to begin on a fresh note. Patel appealed his sentence, lost an appeal in 2014 and failed to return from Sydney for sentencing (*Fiji Sun*, 25 November 2014; *Australian*, 25 November 2014).

213 *Fiji Times*, 14 April 2009.

214 *Fiji Times*, 17 April 2009. This was more than a symbolic matter. Fiji had some 578 soldiers, police and military observers on UN missions in Sinai, Israel–Syria, Iraq and Sudan in 2009. In late April, Australian Prime Minister Kevin Rudd implied that lobbying had been successful but, at the start of May, 12 Fiji police left for Darfur (*fjilive*, 1 May 2009). In September, UN Secretary General Ban Ki Moon told NZ Prime Minister John Key that reductions in Fijian numbers would only apply to future operations (*Fiji Times*, 26 October 2009). However, fresh Fijian peacekeepers were still being sent to Iraq in October (*Australian*, 4 November 2009) and, by 2011, 1,252 were engaged in Iraq (275), Sinai (994) and Sudan (six), one third of the RFMF’s regular troops (*fjilive*, 25 February 2011).

for improved engagement'.²¹⁵ If only it was so simple. Within a short time, Bainimarama met a 25-member Chinese delegation at the Shangri-La Fijian Resort in Sigatoka to discuss Chinese investment and, in early 2010, the Chinese ambassador described Fiji as a paradise for investors under the leadership of the Bainimarama government.²¹⁶

The mutually convenient love affair had been long in the making. China sought to use Fiji's apparent isolation as a way to demonstrate its usefulness to the Pacific. Premier Wen Jiabao's early plans to raise China's stakes in Fiji had become mired in the turmoil of 2006 but, in early 2009, then Vice President Xi Jinping visited Fiji, much to the chagrin of Australia, which attempted unsuccessfully to prevent him transiting through Australia. Xi's visit consolidated the growing links between the two countries: direct air services, relaxed visa regulations and direct shipping links. Fiji now looked north, not south or west. It appointed Isikeli Mataitoga its first ambassador to Russia. It began steps to join the Non-Alignment Movement and formed new relationships with 17 countries, including Cuba. In 2011, it opened embassies in Indonesia, South Africa and Brazil.²¹⁷

Fiji's foreign policy assertiveness strengthened its hand against Australian and New Zealand pressure. Bainimarama told Mark Davis on an episode of SBS's *Dateline* entitled 'Perfectly Frank' that he could not simply give in and have an election to please Australia and New Zealand: 'We're trying to change the mindset of the people from racial issues that developed in the last ten years to what we want to take Fiji to – equal suffrage.' Change is not an easy thing to do; it takes time, he argued. Only ending the race card 'will stop all coups'.²¹⁸ But, like the PIF, the Commonwealth Ministerial Action Group refused to listen. It urged Fiji to reactivate the PPDF process and inform it by September of its intention to hold an election before

215 www.coupfourandahalf.com, 29 December 2010. Suspension also meant that Fiji was barred from participating in the Pacific Island Countries Trade Agreement (PICTA) and PACER regional trade discussions, something Fiji, as the second largest economy in the Pacific after Papua New Guinea, saw as both counterproductive and illegal. The Forum promised only to brief Fiji officials after trade talks (*fijilive*, 7 & 8 August 2009).

216 crosbiew.blogspot.com, 13 April 2010. Chinese investment comprised 37 per cent of foreign direct investment by 2014, compared with only 2.9 per cent in 2009 (*Fiji Times*, 30 October 2014).

217 www.coupfourandahalf.com, 28 April 2011; crosbiew.blogspot.com, 17 August 2009; *Fiji Sun*, 26 May 2010; *fijilive*, 25 September 2011.

218 *fijilive*, 27 July 2009; www.sbs.com.au/news/dateline/story/perfectly-frank.

October 2010.²¹⁹ Bainimarama did not and Fiji was fully suspended from the Commonwealth on 2 September 2009. ‘Two democratic, non-racist institutions oppose a military regime and so unwittingly continue to extend support for undemocratic, racist policies,’ Crosbie Walsh observed, and ‘undermine the wobbly efforts of the military regime (sic!) to impose democratic non-racist policies’.²²⁰

In some respects the Suva-based PIF came out worst from these suspensions, not Fiji. The divisions – apparent since 2006 – now became raw. Bainimarama accused Samoa’s Prime Minister Tuilaepa of trying to engineer the removal of the PIF secretariat to Apia²²¹ and criticised Australia and New Zealand – who funded the PIF – of exercising undue pressure on its Pacific member states. The PIF remained important to Fiji. Its former director of economic governance, Roman Grynberg, claimed the PIF is part of what makes Fiji the centre of the Pacific. Yet Bainimarama’s beef was not with the PIF per se but with Australia and New Zealand, although at the time the distinction became blurred.²²² Bainimarama did have, however, a means to lobby among the Pacific states that bypassed the PIF. That way took the form of the Melanesian Spearhead Group (MSG), which comprised the three largest Pacific states (Papua New Guinea, Solomon Islands and Vanuatu). In July, Vanuatu supported Bainimarama’s roadmap and promised to lobby for Fiji’s right to remain in the PIF and have a place at Pacific trade talks. In October, Papua New Guinea also promised to lobby Australia and New Zealand on Fiji’s behalf.²²³ It was a small opening and Bainimarama and his new

219 *fijilive*, 1 August 2009. When Sir Paul Reeves visited Fiji as the Commonwealth envoy a week later, he emphasised that the Commonwealth still intended to assist Fiji return to democracy (www.coufourandahalf.com, 10 September 2009).

220 crosbie.w.blogspot.com, 2 September 2009.

221 Tuilaepa invited Bainimarama to Samoa for a chat but Bainimarama wanted Tuilaepa to come to Fiji instead; ‘It might change the way he sees us’, adding ‘don’t come alone. Bring your friend Toke Talagi with you’. At the Cairns PIF meeting in August, the Niuean premier had called on Fiji’s people to rise up against Bainimarama (*Pacific Scoop*, 12 September 2009).

222 *Islands Business*, January 2010. This did not stop Fiji pressuring the Forum secretariat by delaying a work visa to its new director of economic governance, Australian Chakriya Bowman, in January 2010.

223 *fijilive*, 11 July & 16 October 2009.

Foreign Minister, Ratu Inoke Kubuabola,²²⁴ took care to cultivate it, hinting that the MSG might open its next meeting – which Fiji would chair – to other Forum island states.²²⁵

Fiji also sought to assuage EU sensitivities, telling Brussels that the government would decree parts of the 1997 Constitution dealing with the rule of law, human rights and democracy. The European Union responded, promising substantial dialogue and a new bilateral agreement. And Fiji reminded the United States of its current and past support for American initiatives in Iraq and the Sinai and of its role in the Solomon Islands.²²⁶ But it could do little to make Australia or New Zealand adopt a more conciliatory approach. Not surprisingly, in the absence of economic sanctions – which both countries and the European Union claimed not to be contemplating – the focus of the Fiji Government's anger fell once more on the issue of travel bans and, in particular, their impact on Fiji's ability to staff its judiciary.

The Chief Justice, Anthony Gates, claimed that Australian travel bans made it difficult for him to recruit judges from Sri Lanka, which he had toured in August. Most appointees had to endure lectures from Australian High Commission officers in Colombo about the dangers in accepting positions in Fiji. Australia claimed it approved their visas, but apparently failed to tell the Sri Lankans, who withdrew their applications and flew, instead, via Korea to avoid transiting Australia. Gates regarded Australian interference as an attempt to undermine Fiji's judiciary and he took to Bainimarama a tape that one Sri Lankan judge had made of a conversation with Australian officials.

NZ travel bans also concerned Gates. In October, Justice Anjala Wati applied to the New Zealand High Commission for a humanitarian visa. Her baby needed urgent eye surgery. Its response indicated that the request fell within 'the parameters of New Zealand's travel sanctions'. An appeal brought no relief. Only when Gates raised the matter in the media did New Zealand relent and offer a visa, but 'subject to absurd restrictions' such as

224 The former High Commissioner to Papua New Guinea and ambassador to Japan appeared a strange choice as Foreign Minister because of his background. A former secretary to the South Pacific Bible Society, he had gained notoriety as a founding member of the Taukei Movement, which supported Rabuka's 1987 coups. He served also as a cabinet minister in Rabuka's governments in the 1990s and became leader of the SVT in 1999. He again served in Qarase's interim government in 2000 and 2001, before losing his seat to CAMV.

225 www.coupfourandahalf.com, 2 November 2009.

226 *fijilive*, 19 November 2009.

'no shopping'.²²⁷ 'If you bully there will be some retaliation,' Bainimarama later told NZTV's *Sunday* program. He accused New Zealand of trying to destroy first its economy and now its judiciary.²²⁸ And retaliate he did by immediately expelling New Zealand's acting Deputy High Commissioner Todd Cleaver and Australia's High Commissioner James Batley, and simultaneously recalling Fiji's envoys in the two countries. In Suva, Brij Lal told the ABC that Bainimarama wanted to be seen as standing up to two bullies in the region and defending Fiji's sovereignty and honour. But the real issue, he said, concerned the integrity and impartiality of the judiciary. The military seized him, interrogated him at the QEB, and deported him.²²⁹ Contrary views were not permitted.

Bainimarama immediately offered talks with Australia and New Zealand, as he had done before. He held meetings with EU representatives to demonstrate the value of dialogue. An IMF team visited the country in early December. The United Nations still received Fiji troops for peacekeeping duties and China maintained its aid program. Australia is 'pissing in the wind', the *Sydney Morning Herald* quoted *Fiji Times* editor, Netani Rika. Australia and New Zealand might have had more success had they done more earlier to demonstrate the difference between democracy 'and the form of government we have had for the last 40 years', he said. Instead their silence now posed as 'complicity in the problems we face'.²³⁰

Fiji needs incentives to democratise, not punishment, the former Constitutional Review Committee chair and now Commonwealth envoy Paul Reeves remarked. Australia's parliamentary secretary for the Pacific islands, Duncan Kerr, agreed. In August 2009, he met US officials privately to seek American support for re-engagement with Fiji. He believed Australia close to exhausting its diplomatic options on Fiji with little apparent effect. Forcing economic collapse on Fiji would only cost Australia dearly and weaken other Pacific states as well. Australia – Kerr added – had secured Fiji's suspension from the PIF but did not know what to do next. Bainimarama could not simply give up power, as Australia wanted, 'as he would end up at the mercy of his enemies'. Either find a safe

227 *Fiji Times*, 4 November 2009; *Pacific Scoop*, 3 November 2009.

228 www.coupfourandahalf.com, 16 November 2009.

229 www.coupfourandahalf.com, 4 & 5 November 2009; *Australian*, 4 November 2009. Two months later the government completed its revenge on the outspoken Brij Lal. It denied his wife, Padma Lal, a former advisor to the PIF secretariat but then working in Fiji for the International Union for Conservation of Nature, entry into Fiji and declared her a prohibited immigrant.

230 *fijilive*, 2 December 2009.

way for him to exit or do business with him.²³¹ His colleagues, however, insisted on maintaining Australia's hardline stance and Kerr resigned as parliamentary secretary in mid-December. Prime Minister Rudd preferred to look north to Asia and – in the eyes of many Pacific leaders – had little time for them.²³² He did not replace Kerr. Two weeks later, New Zealand Prime Minister John Key took up Kerr's mantle, offering to re-engage. Bainimarama's perseverance appeared to have paid off, but the cold war was far from over. He claimed only to be encouraged by New Zealand's change in stance.²³³

Nonetheless, Bainimarama immediately tested the waters, announcing in January 2010 his intention to appoint Lt Col Neumi Leweni, formerly military attaché to China and permanent secretary for information but subject to Australasian travel bans, Fiji's new High Commissioner to New Zealand. Two weeks later, New Zealand and Australia's foreign ministers met to discuss Fiji and agreed to reopen their missions but not appoint heads of mission. Fiji had first to learn how to agree to disagree, 'to conduct a good civilised diplomatic conversation'.²³⁴ Foreign Minister Kubuabola met briefly with McCully and Smith and received their determination. Leweni would not be going. Worse followed.

Fiji had hoped to regain the initiative when it chaired the next MSG meeting at Natadola in late July 2010. Bainimarama called it MSG Plus, having invited 10 other Pacific states to attend in a clear challenge to the Forum. But his ambitions were trumped by Australia, which had rapidly increased aid to Vanuatu. Somewhat undiplomatically, Australia announced that the MSG meeting would not take place, leaving a weak-looking Vanuatu Prime Minister, Edward Natapei, to claim that the MSG had been cancelled because Fiji failed to restore democracy. An angry Bainimarama told Auckland Radio Tarana that such constant interfering

231 *Age*, 19 December 2010.

232 *Islands Business*, March 2010. Peter Thomson, a former Fiji diplomat, had advocated a similar position since 2006: Australia was punishing Fiji without achieving anything and destabilising the region. He returned to Fiji in 2010 and became Fiji's very successful permanent representative to the United Nations (*Australian*, 22 July 2010).

233 *fjivillage*, 4 December 2009; *fjilive*, 23 December 2009; www.coupfourandahalf.com, 24 December 2009.

234 www.coupfourandahalf.com, 5 February 2010. Steven Ratuva had counselled Fiji not to act triumphantly but to pursue 'quiet diplomacy' in its cold war with Australia and New Zealand. Win-win, not attack and counterattack strategies were more likely to succeed (*Pacific Scoop*, 5 February 2010). Bainimarama tried to seize the moral high ground after the event by claiming Australasian High Commissioners could not be reappointed until travel sanctions ended (www.coupfourandahalf.com, 25 February 2010).

might make Fiji unprepared for elections in 2014. To drive home his point, he expelled Australia's acting High Commissioner, Sarah Roberts, for 'unfriendly acts' and for interfering in Fiji's internal affairs.²³⁵ And he went ahead with his Natadola meeting, renaming it 'Engaging with the Pacific'. In all, 11 of the 14 PIF nations came, including the largest states – Papua New Guinea, Solomon Islands and Vanuatu. Was this a new south-west Pacific bloc in the making, one that excluded Polynesia and particularly Samoa? Bainimarama kept everyone guessing. He had denied Forum representatives the right to observe progress towards democratic change in Fiji, and he now temporarily suspended Fiji from MSG meetings. He told his guests that it was time to move beyond 'the traditional sphere of influence dictated to by our colonial past by certain metropolitan powers'.²³⁶ And, as if to demonstrate that intent, he travelled next to the Shanghai Trade Fair where he declared that Fiji should ditch its ties with Australia and turn to China for support. Fiji had already relaxed immigration rules for Chinese students and tourists; now it announced that Rabuka's former Finance Minister, Jim Ah Koy, would head Fiji's mission in Beijing. China promised a government delegation for Fiji's 40th anniversary of independence on 10 October 2010, the auspicious triple 10. And it agreed to fund a MSG secretariat in Port Vila.²³⁷

Bainimarama was on a roll. He wanted both Australia and New Zealand out of the PIF. When Key offered to bring Fiji back into the regional Pacific Agreement on Closer Economic Relations (PACER) trade talks, Fiji demurred. PACER was no longer a promising instrument for development. It had been corrupted by regional politics. If Fiji came back, it would be on its own terms.²³⁸ With Australia and New Zealand's strategy for dealing with Fiji in tatters and with no new approach forthcoming, Steven Ratuva believed fragmentation now threatened the Pacific's regional bodies.²³⁹ Indeed, when PIF leaders met in Vila in August 2010, many were absent and sent senior officials instead; even Australia's new Prime Minister, Julia Gillard, failed to attend. The MSG, however, patched up its differences and, at the long-delayed meeting in Honiara, Vanuatu handed over leadership to Fiji after a reconciliation ceremony.²⁴⁰ It was time for

235 *Sydney Morning Herald*, 13 July 2010; *Australian*, 14 July 2010.

236 *fijilive*, 23 July 2010. Bainimarama mooted the idea of a Regional Police Academy.

237 *Age*, 12 August 2010; *fijilive*, 22 August 2010.

238 www.coupfourandahalf.com, 10 August 2010.

239 *Fiji Times*, 9 August 2010.

240 *fijilive*, 15 December 2010. It helped that a vote of no confidence in the Vanuatu parliament had seen Natapei replaced as prime minister by Sato Kilman in early December.

Australia and New Zealand to step back and allow Pacific countries to take the lead, former New Zealand diplomat, Gerald McGhie, argued.²⁴¹ Kerr stepped out of the shadows to urge Australia to focus on practical steps to help Fiji address poverty, land reform and the plight of the sugar industry. It should get Fiji back into trade talks, and not focus on the democracy agenda to the detriment of all else.²⁴² Fiji responded positively. Solo Mara, now permanent secretary for foreign affairs, claimed Fiji was willing to re-engage with Australia and New Zealand. But the two countries had first to treat Fiji with respect and recognise its government.²⁴³

Relations with the United States had, of necessity, to be handled more delicately. Fiji had enacted a comprehensive anti-human trafficking law in its Crimes Decree, which replaced the old Penal Code, and begun a series of training programs on trafficking for law-enforcement officers. These measures assisted to reduce its risk level for human trafficking sufficiently to remove US Congress mandated sanctions on approvals for loans needed from the World Bank, the IMF or the ADB.²⁴⁴ These were important safeguards for Fiji, but the United States itself sent mixed signals. It clearly wanted to resist the build-up of Chinese interests in the Pacific and its demonstration of intent to stay with Fiji took shape in the form of a large new embassy complex in Suva's Tamavua Heights. The Chinese had also constructed an embassy complex on the waterfront at Nasese. In late September 2010, the United States signalled its intention to re-engage with Fiji but, almost immediately, Secretary of State Hillary Clinton announced that she intended to work with Asia and Australia to persuade Fiji to introduce democratic government. Bainimarama responded quietly. The United States should work directly with Fiji instead.²⁴⁵

For the RFMF, this hardening stance was particularly worrying. The intended withdrawal of US troops from both Iraq and Afghanistan promised greater opportunities for Fiji soldiers on UN and civil contracts, but only if the United States did not oppose their presence.²⁴⁶ US travel bans also impacted on senior Fiji officials, including the Chief Justice,

241 crosbiew.blogspot.com, 9 October 2010.

242 *Radio Australia*, 9 November 2010.

243 *fjilive*, 29 November 2010.

244 *Islands Business*, July 2010.

245 *fjilive*, 30 September 2010; www.coupfourandahalf.com, 8 November 2010; *fjilive*, 9 November 2010.

246 J. Baledrokadroka, 'Showtime as the US call's Bainimarama's bluff', www.coupfourandahalf.com, 8 November 2010.

the Attorney-General and the Solicitor General who had travel visas to the United States denied in 2010. Not until the next year did Fiji get the United States to rethink the issue of visas for UN and multilateral fora. Even the United Nations could be problematic. It blocked Driti from leading an Iraqi peacekeeping mission. Fiji recalled Berenado Vunibobo as its permanent representative at the United Nations in April 2010 and replaced him with Peter Thomson, hoping for more active promotion of Fiji's interests in New York.²⁴⁷ The wider international context could never be taken for granted, no matter Fiji's mostly pyrrhic victories against Australia and New Zealand. But Bainimarama could hardly complain. After all, he alone had chosen to ride the tiger. And he appeared to be riding well.

In March 2011, the long-awaited MSG summit took place in Suva, funded by the Chinese. It gave Bainimarama everything he wanted, recognition of the Charter and the roadmap. The meeting included representation from Indonesia and Luxembourg, the latter lobbying for a seat on the Security Council 'in Australia's backyard', according to Graham Davis. 'Bainimarama is getting the last laugh,' he added.²⁴⁸ Foreign Minister Rudd, already lobbying in Africa for Australia's own tilt at a seat, remained unmoved; he would not legitimise 'what has been a very ugly military coup'. He maintained the same line at the Commonwealth Ministerial Action Group in London during May, relenting only on Fiji's engagement with the United Nations as peacekeepers.²⁴⁹ So too PIF in September 2011, when it met in Auckland and refused to alter sanctions against Fiji but agreed to reconsider Fiji's participation in PACER talks. But, again, New Zealand had second thoughts. Foreign Minister McCully pondered allowing Fiji officials to attend the 2012 Rugby World Cup in Auckland in return for concessions. 'We should hold our nerve,' the *NZ Herald* counselled; it just might give Bainimarama 'one more chance to make us look foolish'.²⁵⁰

247 *fijilive*, 14 January & 8 December 2011.

248 *grubsheet.blogspot.com*, 28 March 2011.

249 *Australian*, 10 May 2011. Kubuabola claimed that there could be no real re-engagement with Australia as long as Rudd remained in office.

250 *NZ Herald*, 4 April 2011.

The Lowy Institute's Fiji poll, released in September, added to that concern. It found that 66 per cent of Fijians supported Bainimarama, 39 per cent strongly; hence the Fiji Government's claim that three-times more Fijians supported Bainimarama than Australians supported Gillard.²⁵¹ If Bainimarama's government had not previously fully appreciated the need to properly manage public relations – especially to the outside world, it certainly did now. In October 2011, it hired the Washington-based public relations firm, Qorvis Communications, for this purpose, resulting in a splurge of new government websites, twitter accounts, YouTube profiles and newswire reports all promoting a very upbeat message. Bainimarama's December *Huffington Post* article, 'A win for the 99 per cent', became an early example, its title a direct appeal to the sentiments of Americans angry at the inequalities the global financial crisis had brought into stark relief. Here was a small country prepared to reduce or eliminate taxes for 99 per cent of taxpayers.²⁵² What greater evidence of its progressivism did people require?

Riding the tiger

For any leader coming to power through the sheer weight of military muscle, longevity depends overwhelmingly on the maintenance of military support. Bainimarama understood this well, always insisting on amnesty for military offences and quickly coming to the defence of soldiers caught breaking the law. 'I cannot afford to discard my men after they finished the job done for you and your family,' he declared after soldiers were videoed beating captured prison escapees in September 2012: 'I will stick by my men.'²⁵³ Bainimarama's opponents understood this also. Whenever possible they spread rumours through their websites that suggested rumblings in the Military Council or hinted at major divisions within the military itself. Often their whispers were malicious, implying, for example, that Bainimarama intended to assume the presidency in order

251 *Sydney Morning Herald*, 8 September 2011. Carried out by Tebbutt Research and supervised by a former chair of Newspoll, the survey of 1,032 citizens found that 98 per cent wanted democracy and 47 per cent thought the government could be doing more to restore it. Wadan Narsey questioned the survey's results, given that it was conducted only in urban and peri-urban areas of Viti Levu and not truly random (*intelligentsia.blogspot.com*, 9 September 2011).

252 *crosbiew.blogspot.com*, 24 December 2011; *Huffington Post*, 13 December 2011. Allegedly Fiji paid Qorvis \$86,200 per month for its services (*Fiji Times*, 1 September 2015). The 2017–18 budget made provision for a \$1 million payment to Qorvis.

253 *Australian*, 12 March 2013.

to allow Muslims under the leadership of their pet hate – the Attorney-General, Aiyaz Sayed-Khaiyum – to take over government. Sometimes they were opportunistic, seeking to exploit changes in military personnel to suit a preconceived narrative. But, with PER still in force and local media censored, government silence merely deepened the vacuum in which rumours thrived. As Walsh argued, prior to Qorvis's appointment, government inaction not only played into the hands of opponents but also ensured its continued misrepresentation overseas.²⁵⁴ Events in 2010 and after demonstrated just how dangerous this could be.

By 2010, Fiji Water had become Fiji's most recognisable export. In many ways, the iconic little bottle and its contents represented the value of utilising the success of one industry – tourism – to leverage another. That Fiji's tourism included a number of very exclusive resorts also helped ensure that America's fashionable and environmentally conscious elite wanted to be seen with a product that the company's managers sold as ancient water untouched by humans. They product-placed it wherever appropriately possible, including at the White House, to enhance its exclusive appeal. Thus connectivity and marketing made Fiji Water the fourth-most imported water bottle in the United States by 2004, with the company valued at some US\$50 million. By 2009, it was number one. Little wonder former Finance Minister Chaudhry thought he had hit upon a goldmine when he announced a new 20-cent tax on water exports in 2008. After all the company paid next to no tax, sheltered assets in tax havens, employed a 700-strong workforce confined largely to the Yaqara Valley (near Rakiraki) – which sits above the aquifer from which the company draws its water – and contributed comparatively small sums to local charities, at least until government attention spurred it to become more charitably active.²⁵⁵ But Chaudhry had not counted on the influence of Fiji Water's director of external affairs, David Roth, who was close friends with the Mara family, in particular Ratu Epeli Ganilau. Roth

254 crosbiew.blogspot.com, 2 March 2011.

255 Anna Lenzer, 'Fiji Water: Spin the bottle', *Mother Jones*, September–October 2009. The company is allegedly owned by an entity in Luxembourg while its trademarks (including the capitalised word FIJI) are registered in the Cayman Islands. By 2010 Fiji Water was involved in the renovation of a primary school, paid funds into a local village trust and contributed to local clean water, education and health projects for local villages at a cost of around \$4 million. In addition, it paid Yaqara Pastoral Company \$1.8 million per annum for using its land. But it had paid less than \$1 million in corporate taxes since 1995 and the new tax could bring in about \$22 million (compared with \$0.5 million under the old tax) to the government for a product that annually earned Fiji Water about US\$170 million or \$330 million in local currency.

instantly closed the plant, took the opportunity to sack 300 workers, and waited. The knives had been out for Chaudhry for some time; this time they fell and Chaudhry went.

Fast-forward to 2010 and a financially strapped government again put new water taxes back on the table. This time Bainimarama drove the reform and was in no mood to be swayed. When Fiji Water objected, he went on the offensive, reiterating the government's case. Despite being Fiji's fourth-largest export, water brought the government little in export revenue. Fiji Water practiced transfer pricing. This time, when Fiji Water threatened to close its business, Bainimarama – in China with a trade mission – declared he would reopen it and call for international tenders.²⁵⁶ He ordered Roth out of the country for interfering in Fiji's internal affairs and sent Homelink, a security company comprising former soldiers, to guard the site. Epeli Ganilau, then acting prime minister as well as Minister for Immigration, allegedly attempted to get his brother-in-law, President Nailatikau, to block Roth's deportation. He failed and resigned on 16 November in protest. The next day Roth flew out of Fiji and two weeks later Fiji Water caved in.²⁵⁷

Fiji Water was never the catalyst for the events that unfolded, but it did present a rare public manifestation of a growing rift between some of Bainimarama's political and military supporters, most notably those connected with the Mara family. The falling-out was not sudden and may well have been the result of resentments or disquiet stretching back over many years. We do not know. The people involved have not said. But Epeli Ganilau's sudden departure from office for 'personal reasons' followed other initially unexplained changes in military roles and appointments. In late October 2010, Bainimarama unexpectedly announced that he had replaced Driti as Land Force Commander with Col Mosese Tikoitoga. Simultaneously he replaced the 3FIR Commander, Lt Col Ratu Tevita Uluilakeba Mara with Major Amani Suliano. No reasons were given, but Driti and Mara were sent on leave. Additionally, Major Ana Rokomokoti, who had lost her role as chief registrar in June 2010, was dismissed as a military officer. Then, in January 2011, Brigadier General Mohammed

256 *fjilive*, 30 November 2010. The tax increased from 0.33 cents to 15 cents per litre.

257 www.coupfourandahalf.com, 17 November 2010. Fiji Water executives seemingly believed they were indispensable to Fiji's economy, one claiming 'Without Fiji Water, Fiji is kind of screwed' (Lenzer, 'Fiji Water', 2009). The increase in tax did not harm Fiji Water. By 2015, its exports exceeded \$200 million, it had added a third production line, and diversified into mango and pawpaw production (*Fiji Times*, 19 July 2016).

Aziz inexplicably resigned as deputy chair of FHL for ‘personal reasons’. Shortly after Bainimarama announced investigations into fraud at FHL had ceased.²⁵⁸ All four were allegedly close colleagues.

In February 2011, Bainimarama indicated that he would determine the status of Driti and Tevita Mara in April after they had taken their leave. It was not enough for anti-government bloggers who suggested that the Presidential Palace had been raided, that the President was about to be sacked and that a purge of the military forces was underway. Tikoitoga denied the existence of any split in the military²⁵⁹ but the sudden appearance of Driti and Mara in the Suva Magistrates Court in May on charges of sedition and incitement to mutiny immediately suggested otherwise. A raid in early 2011 on the home of Ben Padarath, a former NAP candidate in 2006 and nephew of Driti, had allegedly uncovered papers detailing a plot against Bainimarama.²⁶⁰ Mara at least was unbowed. Out on bail, he announced that Lau province no longer supported the People’s Charter.²⁶¹ Such defiance could not be sustained for long, and Mara plotted an escape, pretending to go fishing off the coast of Kadavu on 9 May. In reality he had a Tongan naval patrol boat

258 *fjilive*, 25 October 2010, 19 January & 11 February 2011; www.coupfourandahalf.com, 25 October 2010. FHL’s chair and managing director also resigned. Aziz retained an important military role as chief of staff, the second-ranked position in the military. Social media sites alleged that Aziz conspired with Driti and Tevita Mara to remove Bainimarama and Aiyaz Sayed-Khaiyum, but saved his job by cooperating with Bainimarama (www.coupfourandahalf.com, 10 May 2011). Driti argued that Mara and Aziz had brought him in and that he had approached Bainimarama in September 2010 to request Aiyaz Sayed-Khaiyum’s removal but Bainimarama refused to act, telling him to get evidence before raising the matter again (*Fijileaks*, 21 November 2013). Driti allegedly also told a disaffected Major in October that he would remove Bainimarama when the latter visited Sudan in late October and revoke his passport so he could not return. A new administration would be appointed to take the country to elections in 2011. Apologies would be made to the Methodist Church and GCC, and Australian and NZ troops used to contain any potential internal threats. But unfortunately for Mara, the Major informed the head of Military Intelligence who told Bainimarama of the plot. On 24 October 2010, Mara and Driti were summoned to Bainimarama’s office and sent on leave, after which – they were told – they would have to resign their posts and leave the military (High Court Judgement, Criminal Case 0005 of 2012, *State v Driti*, 26 November 2013).

259 crosbiew.blogspot.com, 2 March 2011; *fjilive*, 7 March 2011.

260 The Suva Magistrates Court subsequently dismissed the case against Padarath.

261 crosbiew.blogspot.com, 4 & 5 May 2011. Michael Field argued that the original fallout resulted from sexual improprieties, although Tevita Mara insisted it derived solely from the Military Council’s desire to soften the government’s image by removing Aiyaz Sayed-Khaiyum (crosbiew.blogspot.com, 16 May 2011). The evidence against Mara came from a conversation with a disaffected fellow officer, Major Manasa Tagicakibau, during a trip to Korea in July 2010, the same officer who testified against Driti (*Tonga Chronicle*, 26 May 2011; *Fijileaks*, 26 November 2013). That officer had conducted his own surveillance operation on Mara in February 2010 and noted the undocumented movement of weapons and ammunition from the QEB to the Grand Pacific Hotel, which housed some of Mara’s 3FIR troops. He watched Mara closely over coming months and recorded their conversations.

pick him up and take him to the safety of Nuku'alofa where, as a close relative of King George Tupou V, he gained immediate refugee status and eventually citizenship.²⁶²

Once in Nuku'alofa, however, the fugitive issued a series of increasingly strident statements. He declared Commodore Bainimarama 'weakened by ill health, morally and intellectually bankrupt', 'no more than Aiyaz Khaiyum's hand puppet', and a megalomaniac 'inspired entirely by the self importance of a lowly and inadequate man'. His depravity was such that he had even beaten three female human rights activists immediately after the 2006 coup; the women in question had actually identified Driti as their torturer. His intellectual weakness meant that he 'hardly understands the speeches prepared for him by Khaiyum'. 'Navy people are stupid,' he stated. His evidence: the devious Aiyaz Sayed-Khaiyum had convinced the weak Bainimarama in mid-2010 to rule indefinitely; his roadmap for 2014 no more than 'a deceitful plan'.²⁶³ All in all, the ideals of 2006 that had so inspired Tevita Mara and the RFMF had slowly morphed into schemes for self-enrichment. But Mara had awoken from his dreams. Like a true chief he would lead Fiji back to democracy and, to start the process, he called for tougher sanctions against the regime.²⁶⁴

Tevita Mara did not have it entirely his own way. Bainimarama called him 'immature' and 'shallow'. He was sidelined for 'things that he did' that he was not supposed to do 'and it started from there and he talked against the government and went against the government'. But for a man who now expected to work with expatriate democracy movements 'to end the dictatorship', Mara did not enjoy the respect he might have anticipated.

262 Tevita Mara's casual departure had severe costs for those who inadvertently helped him escape. An Estonian fisherman, who had taken him out to the island from which he made his escape, spent nearly 17 months fighting obstruction of justice charges. A close friend was deported. For a time, Tonga's breach of Fiji's territorial waters raised tensions between the two countries and, at one stage, Tonga stationed a naval boat at Minerva Reef in Fiji's EEZ (exclusive economic zone). Fiji did make an extradition request. The *Economist* speculated how that might have been handled by Tonga's Chief Justice Michael Scott, a former Fiji High Court judge, refugee from Fiji and opponent of Fiji's Chief Justice Gates (21 May 2011). Both Australia and New Zealand ignored Fiji's extradition requests.

263 *Fijileaks'* claim that Aiyaz Sayed-Khaiyum had secretly bought the internet domain for the FijiFirst Party in November 2009 contradicts Tevita Mara's assertion that the Attorney-General manipulated Bainimarama and plotted perpetual dictatorship in 2009. *Fijileaks'* inadvertently revealed an Attorney-General purposefully taking the necessary steps to provide a political platform for the government as it planned the country's return to democracy (22 March 2015).

264 crosbiew.blogspot.com, 16 May 2011; www.coupfourandahalf.com, 16 & 23 May 2011. He also alleged collusion with businesses in return for backhanders and that both Aiyaz Sayed-Khaiyum and Bainimarama received incomes of over \$700,000 per annum for handling multiple portfolios.

Coupfourpointfive presented an interview with Mara interspersed with comments on his role in the events of 2006 and after, accusing him of forming the hit squad that burned down the homes of dissidents and intimidated the judiciary. He did not deny the allegations; he claimed only to be acting under the command of Bainimarama and that ultimately he would answer to the people. When he visited New Zealand to speak to the Fijian diaspora, Nik Naidu from the Coalition for Democracy in Fiji filed a criminal complaint against Mara for the torture of hundreds of Fiji citizens.²⁶⁵ His grand tour of Pacific states similarly ran into difficulties. Solomon Islands officials refused to meet him. The Mara phenomenon fizzled out and, in Fiji, he became a nonperson.²⁶⁶ Driti, however, became a prisoner. On 26 November 2013, Justice Paul Madigan found Driti guilty of inciting mutiny and sedition and sentenced him to jail for five years.

The clumsy actions of two of the most senior officers in the RFMF served to demonstrate Bainimarama's mastery of his role as Commander. Deliberations on a new constitution in 2012 and 2013 demonstrated similar mastery of his political role as prime minister. According to his government's roadmap, 2012 was the start of constitutional consultations, and to that end Bainimarama announced on 2 December 2011 that he would lift the onerous PER on 7 January. He used the occasion to list his government's many achievements, pointing out that none would have been possible if politicians, religious organisations and self-interested individuals had been permitted to fan the flames of prejudice and intolerance 'behind the façade of a free press'. Thus PER – he claimed – had provided the necessary stability for reform and change.²⁶⁷ But to ensure his government's achievements were not lost, a new constitution had to include certain non-negotiable principles: common and equal citizenry, a secular state, the removal of systemic corruption, an independent judiciary, the elimination of discrimination, good and

265 www.coupfourandahalf.com, 19 July 2011.

266 The government's Land Use Unit confiscated the Seqaqa Sugarcane Estate that his father had established and which Mara managed, purchasing it from the FDB and leasing it to the FSC. The land had been left idle and the estate had defaulted on loan repayments for machinery (www.coupfourandahalf.com, 24 August 2012).

267 *Age*, 7 January 2012; *Address to Nation*, no. 13. Suva: Ministry of Information, 2012. The removal of PER, however, did not mark a return to the status quo ante; a new Public Order (Amendment) Decree addressed issues such as terrorism, offenses against public order, racial and religious vilification, hate speech and economic sabotage. Individuals could be held for two days without charge and up to 14 days with the approval of the Commissioner of Police and responsible minister. In February 2012, a State Proceedings (Amendment) Decree gave ministers legal protection (and media organisations that might quote them) (*fijilive*, 10 February 2012).

transparent governance, social justice, one person – one vote – one value, the elimination of ethnic voting, proportional representation, and a voting age of 18 years.²⁶⁸ Immunity remained the one unmentioned non-negotiable principle, although it featured in the decree establishing a Constitutional Commission and in the military's late submission to the Commission.²⁶⁹

In March 2012, came the appointment of 73-year-old Kenyan professor Yash Ghai – a renowned constitutional expert who had recently worked on the Kenyan and Nepalese constitutions – as chair of the Fiji Constitution Commission (FCC).²⁷⁰ Its commissioners comprised Fijians Taufu Vakatale, Satendra Nandan and Penelope Moore, as well as South African Christina Murray. Directed to hold public consultations and receive submissions during the course of the year, the FCC would submit a draft constitution to the President in December. That draft would then be reviewed by a constituent assembly, comprising representatives from civil society organisations, political parties, churches and government, with the end result presented to the President in late February 2013. Meanwhile government would undertake voter registration. It had already purchased over 380 Canadian electronic voter registration units and put together a military-led registration team that included two electoral consultants from Australia and New Zealand.²⁷¹ Elections would now be held over one day instead of the customary week.²⁷²

After years of false starts and delays, Fiji at last appeared on the cusp of democratic restoration, although not everyone viewed the coming consultations positively. Unionist Felix Anthony queried the government's mandate for a new constitution and, from Tonga, Tevita Mara questioned the neutrality of the commissioners, while Qarase argued that the last

268 Fiji Constitutional Process (Constitution Commission) Decree (no. 57 of 2012), fiji.gov.fj, 18 July 2012.

269 *fijilive*, 22 December 2012. The military submitted that the Prescribed Political Events Decree 2010 be extended to cover the period up until the formation of a new government in 2014. The unconditional amnesty, however, did not include the takeover of government on 19 May 2000 and the subsequent military mutiny.

270 The FCC cost \$2,514,507 to operate, funded entirely by Australia, New Zealand, the European Union, the United States and Britain.

271 crosbiew.blogspot.com, 24 May 2012. By the end of 2012, some 504,588 voters were registered, 80 per cent of all domestic voters; 40 per cent being in the Central Division, 38 per cent in the West, 17 per cent in the North and 5 per cent in the East (*fijilive*, 5 September 2012; *Fiji Times*, 12 December 2012).

272 *fijilive*, 3 September 2013.

parliament should be reconvened instead.²⁷³ Aiyaz Sayed-Khaiyum dismissed them as critics who wanted to return Fiji to the dark ages of nepotism, elitism and racism.²⁷⁴ Tikoitoga asserted that, because the new constitution would end the race-based politics that had previously drawn in the military, it heralded an end to the era of coups.²⁷⁵ Indeed, Commissioner Nandan predicted that the new constitution would become a sacred document that no one would want to destroy.²⁷⁶

Nonetheless, Bainimarama feared losing control. Rival politicians who attempted to influence the constitutional process by privately meeting with Ghai unsettled him. So too the public airing of views that the government had successfully suppressed during the past six years. In fact Ghai had quickly established the FCC's independence by criticising continued government media restrictions.²⁷⁷ By mid-October, his Commission had held 120 meetings around the country and received over 7,000 oral and written submissions, some of them unreconstructed declarations of resistance: Fiji should become a Christian state, only the Taukei should be called Fijian, the GCC should be reinstated, dual citizenship should be ended and all soldiers involved in the 2000 coup stripped of their medals. Chaudhry wanted the 1997 Constitution returned; his son, Rajendra Chaudhry, called for the return of the GCC. Rabuka wanted old Taukei schools like Ratu Kadavulevu School, Queen Victoria School and Adi Cakobau School exempted from zoning because they were 'the last bastion of iTaukei identity in a country that can have its indigenous community very rapidly marginalised'. Krishna Datt called for a civic education program and a truth commission.²⁷⁸

273 www.coupfourandahalf.com, 9 March & 31 May 2012.

274 *fijilive*, 22 March 2012.

275 *fijilive*, 21 March 2012.

276 *Fiji Times*, 4 September 2012.

277 *Economist*, 30 March 2013. At the start of October 2012 the High Court fined the *Fiji Times* \$3,000 for quoting a foreigner who questioned the independence of Fiji's judiciary. The CCF was fined \$20,000 for a similar offence in May 2013 and its director, Akuila Yabaki, sentenced to three-months jail, suspended for one year (CCF, *An Analysis: 2013 Fiji Government Constitution*. Suva: CCF, 2013, p. 56).

278 crosbiew.blogspot.com, 18 & 19 October 2012; *Fiji Times*, 14 & 16 October 2012. An SDL submission encompassed many of these features, although its recommendations for a 71-seat parliament promised to reduce the number of communal seats and introduce a mixed member proportional voting system. Of the 7,170 submissions, 66 per cent were from iTaukei; 24 per cent, IndoFijians; and 10 per cent, Others.

Many of these submissions potentially threatened the government's plans for Fiji if the Commission took them seriously. The all-embracing nature of the Commission's public seminars at the USP also concerned the government. Not surprisingly, tensions between it and the Commission grew, flaring up in October over the issue of appointments. In accordance with the provisions of its establishment decree, the FCC appointed Madraiwiwi in October as a legal consultant, and he sat in on a series of Commission meetings, including a two-day workshop on the 'Military in Transition' that I attended at the request of the Commission.²⁷⁹ To me the commissioners seemed troubled. They received mixed messages from the government. Allegedly the Attorney-General would countermand agreements reached with Bainimarama. But there was no confusion around the government's response to Madraiwiwi's appointment. It declared a conflict of interest and questioned his impartiality; he had participated in the Bauan submission that called for the creation of a Christian state. Madraiwiwi withdrew and Ghai rightly called the attack unfair.²⁸⁰

The government saw red and rushed out a Fiji Constitution Process (Constitution Commission) (Amendment) Decree 2012 at the end of October to reduce its exposure to risk. Because the Commission had already travelled extensively and received a large number of consultations, the government deemed further public consultations following the production of a draft constitution no longer necessary. In addition, it no longer required the FCC to seek and present to the President public reactions to its draft. Further, the Commission had now to publish each month a statement of its accounts and a list of all staff, including consultants.²⁸¹ The sudden change angered Ghai. To change the rules halfway through violated the Commission's independence.²⁸² But Bainimarama insisted Ghai had only to produce a constitution, not solicit the opinion of people opposed to government. Ample scope existed for public discussion once the constituent assembly began, he claimed.²⁸³ Events quickly proved him wrong.

279 Held in the Veiuto parliamentary complex, 18–19 October 2012. The workshop canvassed the possibility of government moving towards personalised authoritarianism masquerading as democracy. Several participants believed Fiji had reached a dangerous moment as the government had seen the conservative submissions from the countryside.

280 *fjilive*, 1 & 4 November 2012; *Fiji Times*, 8 November 2012. Commissioner Moore later argued that 'we were getting a strong feeling from government that we were out to get them' (*Fiji Times*, 15 January 2013).

281 fiji.gov.fj.

282 crosbiew.blogspot.com, 31 December 2012.

283 *Fiji Times*, 8 November 2012.

On 21 December 2012, Ghai presented his Commission's draft Constitution to the President. In the days before and after he made very clear that he found Fiji to be a state but not a nation, its society deeply fragmented, 'full of anxiety' and unable to cope with the rapid changes that had taken place over the past 30 years. The challenge, he believed, was to give people a sense of all things at play, and an understanding of how they might reconcile highly valued traditional principles with change and build a nation out of diverse communities suspicious of each other. To assist, the Commission had crafted a constitution that it hoped would shift the identity, politics and institutions of Fiji from their community bases to ones derived from equal citizenship. To achieve this, culture had to be separated from the state and the common interests of communities given preference over their differences. The alternative had always cost Fiji dearly in terms of social harmony, the retention of skilled labour, the productive use of resources, cultural and artistic development, and cooperation. No longer!²⁸⁴

Herein lay danger for Bainimarama. In striving to create the basis for a vigorous democracy as a way to reduce the risk of future coups, the Commission's Constitution trod on many toes, and rightly so; however, many of those toes belonged to military feet. Its leaders did not take kindly to the loss of their role as guardian of the Constitution and the people's welfare, and their restriction to defence only. No longer would the President be associated with the military, even as Commander-in-Chief. Instead, under this Constitution, parliament possessed total control over the RFMF. Discipline forces could not obey illegal orders and their much-coveted immunity came with a caveat; immunity applied only to soldiers who renounced their crimes and swore an oath of allegiance disowning their previous support of illegal regimes. Immunity would not be possible for future offences.

The Commission's Constitution also brought the GCC back to life, although only as a civil society organisation with no parliamentary role as before. Because the Taukei now comprised the overwhelming majority of the population, they no longer required special protection. Hence there would be no Senate. Instead there would be a single house of parliament made up of 71 members. Sixty members would be elected from four multi-member districts (24 from the Central Division, 22 from the West,

284 *Fiji Times*, 13 December 2012; www.coupfourandahalf.com, 27 December 2012.

nine from the North and five from the East). The remaining 11 would come from party lists depending on their party's proportion of votes. The Commission believed that this system would make it easier for small parties to get in, but not so many as to be destabilising. It would avoid racially divisive contests and enable quotas for women (one third of candidates in the first two elections, and half thereafter). In addition, parliament would have a reduced four-year term, cabinets would be limited to a maximum of 14 ministers (up to four of whom could be brought in from outside parliament), and a prime minister could serve for no more than eight years. Uniquely, it mandated an annual national people's assembly consisting of the President, Speaker, Prime Minister and Cabinet, Leader of the Opposition, 10 Members of Parliament and 95 representatives of local government, constitutional commissions and civil society nominees. This assembly would assist parliament to elect a president and change the Constitution, consider challenges confronting the nation, and examine progress towards national goals.²⁸⁵ While laudably promoting a democracy that gave its citizens greater voice, the Commission's assembly added yet another complication for Bainimarama to digest.

The prospect of having to surrender to a caretaker government six months before the election equally worried an already anxious Bainimarama. The Commission's transitional arrangements also called for an independent interim electoral commission and a transitional advisory council that, among other tasks, would amend or repeal any decrees inconsistent with the new Constitution. By removing the prospect of continuity, such measures potentially doomed Bainimarama's 2006 experiment. Not surprisingly, he struck back.

A day after presenting the draft Constitution to the President, police confronted Ghai as he attempted to collect 600 copies of the Constitution. They seized the copies and burned galley proofs in front of him. The incident became a public relations disaster; newspaper headlines screamed 'Government burns Constitution'. Ghai told Radio Australia that the incident 'shows such contempt for our work and in turn contempt for the people who had come out in their thousands and thousands to give us their views [and] participate in the process'. Clearly dejected, he added, 'I felt not just a betrayal, I felt will Fiji ever have a democratic constitution?'²⁸⁶ But the government had no intention of letting him off

285 FCC, *Explanatory Report on the Draft Constitution*. Suva, December 2012.

286 www.coupfourandahalf.com, 28 December 2012.

the hook. Tikoitoga accused Ghai of wilfully ignoring the government's amended decree and usurping the role of the constituent assembly. His behaviour was 'unbecoming'. Foreign powers funded the FCC; hence it did not feel that it was answerable to Fiji. It took advisors from unions, political parties and NGOs, with the result that its Constitution was not all its own work.²⁸⁷ A short campaign to undermine the Commission's Constitution had begun.

At the start of January 2013, the President issued a decree allowing the government to amend the FCC Constitution, suggesting that it represented a recipe for over-governance and financial ruin.²⁸⁸ Tough new rules for political parties were also released. Party names had to be in English (to reduce ethnic appeals), the signatures of 5,000 members from across Fiji were required with applications, and a fee of \$5,005 paid. Union officials could no longer serve as party officials nor, of course, public officers (excluding the President and members of the government). Companies and unions could not make donations to political parties, and anyone sentenced for a period of six months or more during the past five years would be unable to hold office in a party.²⁸⁹ Regional or provincial parties were clearly a thing of the past. So too the future of many of the country's current 16 political parties, not to mention the plans for a new party made at the start of January by some 400 trade unionists and NGOs in Nadi. In fact, by May, only the FLP and NFP had successfully navigated the registration process although, by this time, the FLP had become a shadow of its former self.²⁹⁰ The SDL did not believe it had time to meet its own constitutional requirements and elected to form a completely new party, the Social Democratic Liberal Party with the same SDL acronym. Ro Teimumu Kepa became its president. When a late amendment to the Political Parties Decree forbade the use of acronyms derived from deregistered parties, the SDL had no alternative but to use

287 *Fiji Times*, 5 January 2012; *fjilive*, 9 January 2013.

288 *Fiji Times*, 11 January 2013.

289 *Fiji Times*, 16 January 2013. The Political Parties Registration, Conduct, Funding and Disclosure Decree 2013 determined that the 5,000 signatures (previously only 180) be comprised of 2,000 from the Central Division, 1,750 from the Western Division, 1,000 from the Northern Division and 250 from the Eastern Division.

290 Chaudhry remained the focus of division within the party, with many members believing that he wished to see his son installed as a future leader. As a shadow leader, he remained firmly in control. At a FLP conference in Nadi on 25 August 2012, 83 per cent of delegates were NFU officials or members and a further 13 per cent were beholden to Chaudhry, according to one report (www.coupfourandahalf.com, 28 August 2012).

the clumsier SODELPA as its abbreviated name.²⁹¹ The United People's Party (UPP) terminated itself and its former leader Mick Beddoes joined SODELPA.²⁹²

On 21 March 2013, Bainimarama presented a much delayed new draft Constitution to the nation, announcing also a change to the consultation process: 'My fellow Fijians, you will be the new Constituent Assembly.' No doubt dropping the requirement for review by a constituent assembly enabled some of the three months lost in rewriting the Constitution to be made up, particularly as the public were now given only 15 days to respond to the draft. But most likely Bainimarama wished to avoid empowering yet another body – this time a populist one – to determine the future of the nation and the role of the military. The *Economist* argued that this decision cost him the opportunity to preside over a new durable and legitimate political order.²⁹³ It is just as likely, however, that Bainimarama believed his action regained him that opportunity. The very next day he announced that he would run for election.

Bainimarama presented Fiji with a slimmed-down draft Constitution, half the size of its ill-fated predecessor, outlining an equally slimmed-down four-year single house of parliament, comprising just 45 members proportionally drawn from an open list system comprising Fiji's four divisions.²⁹⁴ Candidates would have to be Fiji citizens only, resident in Fiji for at least two years prior to an election, and not been subject to 12 months imprisonment or longer during the previous five years. Significantly there would be no caretaker government, no National People's Assembly, no GCC, no re-examination of its decrees, the President would be chosen by the parliament for a three-year term, and the military would regain its 1990 role to secure the welfare of Fiji's people. The Prime Minister would be all-powerful, being the Commander-in-Chief of the RFMF (to reduce the possibility of future coups)²⁹⁵ and responsible for advising the President on appointing the military commander, the Chief Justice

291 Pio Tabaiwalu, 'The genesis of the Social Democratic Liberal Party: A struggle against the odds', in Ratuva & Lawson, *The People Have Spoken*, 2016, p. 194.

292 *fjilive*, 28 January 2013. The United Voters Party (formerly the General Voters Party) changed its name to the UPP in 2004.

293 *Economist*, 30 March 2013.

294 The numbers were 18 members from the Central Division, 16 from the Western Division, seven from the Northern Division and four from the Eastern Division.

295 Comment by Aiyaz Sayed-Khaiyum, crosbiew.blogspot.com, 18 April 2013.

and the President of the Appeal Court, the latter two in conjunction with the Attorney-General, who would also advise the Judicial Services Commission on the appointment of all judges.

Nailatikau stressed that this less bureaucratic constitution incorporated the salient features of the FCC Constitution and gave prominence to an elected parliament, rather than ‘an unelected assembly of NGOs’. He also commended it for introducing for the first time an extensive range of socio-economic rights and for including recognition of customary land ownership.²⁹⁶ The President did not acknowledge, however, that the Constitution now contained no provision for the rights of women or for cultural and linguistic rights, and that customary land ownership brought no specific protections.

The short time allowed for public responses clearly indicated where government priorities lay. Although the Attorney-General and his team subsequently held 19 public meetings on the draft Constitution, none of the 1,093 written submissions was ever released for public scrutiny.²⁹⁷ Instead on 22 August 2013 the President approved an amended Constitution. It became law with still further changes on 6 September, much to the dismay of 14 FWRM and youth protestors who objected to the assent process and were arrested for assembling without a permit.²⁹⁸ Days later the CCF released a damning assessment of Fiji’s fourth Constitution, claiming that it failed to satisfy many of the government’s non-negotiable principles by concentrating power in the executive, undermining the independence of the judiciary and incentivising future coups by making constitutional change more difficult.²⁹⁹

Specifically, the CCF criticised the powers given parliament to limit the extensive rights and freedoms outlined in the Constitution’s Bill of Rights, which it claimed transformed them into aspirations. Courts were no longer bound to interpret the Bill of Rights with reference to international law and could only deal with cases brought by individuals whose rights had been directly contravened. Parliament had now gained five additional

296 *Fiji Times*, 13 April 2013. It did however recognise indigenous rights for an equitable share of royalties resulting from the exploitation of land or seabed.

297 crosbiew.blogspot.com, 26 August 2013.

298 *Fiji Times*, 7 September 2013.

299 Changing the Constitution required a 75 per cent majority in parliament and in a referendum. The following section draws on the CCF’s *An Analysis*, 2013. See also Wadan Narsey’s ‘The costs of compromise: A dead-end parliamentary farce’, narseyonfiji.wordpress.com, 21 February 2016.

members since the earlier draft, in itself not an issue, but a new provision required that parties and individuals win at least 5 per cent of the total vote in order to gain a seat in what was now a single national constituency, even if they obtained more individual votes than successful candidates. The provision consolidated the power of large parties. Strangely, given the rationale for its birth, no constitutional check existed to prevent the return of communal politics. The government clearly believed a single constituency sufficient to promote trans-ethnic voting and doom once powerful ethnically based parties. But nothing compensated for the failure to present measures to raise the proportion of women in parliament.

Despite originating from a disregard for due process, this was no poorly conceived and rushed Constitution.³⁰⁰ It specifically maintained the powers government had grown accustomed to after 2006. Although the President regained the ceremonial role of Commander-in-Chief and could now serve up to two three-year terms, the Prime Minister retained enormous powers, appointing all independent offices through the Constitutional Offices Commission and determining – among others – the salaries of the Chief Justice and the President of the Court of Appeal. The Attorney-General also continued to enjoy wide powers over the judiciary and independent bodies. The CCF believed the Public Service Commission, the Judicial Services Commission, even the Electoral Commission, would all become highly politicised. Not surprisingly, the new Constitution diminished the influence of the Opposition in parliament. Its leader no longer participated in appointments. Nor did the Opposition automatically chair the Public Accounts Committee. Unaccustomed to oversight, government had no intention to insist on it now. Hence parliament would also no longer scrutinise the rules and regulations of constitutional offices and commissions. Existing decrees would remain, unchallengeable in court even if they contradicted the Constitution. And, predictably, no caretaker administration would control the transition to this brave new world.

300 Chantelle Khan, director of the Social Empowerment Education Programme, argues that 'by intercepting, circumventing and overriding due process', the government has consistently undermined the 'practices of democracy at all levels' ('Reflections on the September 2014 elections: A CSO perspective', in Naidu & Tarte, *No Ordinary Election*, 2015, p. 67).

Most political parties preparing for participation in the 2014 elections resigned themselves to the new Constitution, only demonstrating their displeasure by boycotting the government's official constitutional presentation. An ad-hoc grouping of SODELPA, FLP and NFP – the United Front for a Democratic Fiji – claimed to reject the Constitution and presented a submission to the President's office. Kupa argued that the Constitution had been designed to prevent the perpetrators of the 2006 coup from ever having to account for their unlawful actions, and did not reflect the will of the people.³⁰¹ But Fiji's political parties had no appetite for a boycott; perhaps they hoped that history might repeat itself. After all, Labour and the NFP had both participated in the 1992 election under a Constitution they despised and had succeeded in influencing its change. Indeed, Rabuka declared the new Constitution 'a better starting point' than the 1990 one and urged people to accept it and move forward. He had already announced his departure from politics and once more apologised for his role in the 1987 coups.³⁰² Even former Constitutional Commissioner Nandan stressed its positives; there could no longer be a Leader of the Opposition from a party with only one other member and elected with only a few thousand votes.³⁰³ Surprisingly, international responses were also muted.

The EU's director of External Action Services said simply that the new Constitution provided sufficient grounds for the European Union to restart political dialogue with Fiji.³⁰⁴ Australia's position throughout Fiji's process of constitution-making had been complicated by its own political turmoil. Rudd had become Foreign Minister when Gillard assumed the prime ministership in June 2010. He stood down from that role prior to his first challenge to her leadership in February 2012. Fiji anticipated that Australia might change its approach with Bob Carr as the new Foreign Minister. Hence, Bainimarama used the occasion to criticise Australian policy, claiming it had been governed by pride not policy. Rudd 'personalised issues' and failed to follow New Zealand and

301 *Australian*, 7 September 2013; www.coupfourandahalf.com, 24 October 2013.

302 *fijilive*, 26 August 2013, 30 January 2013. Rabuka had issued another more comprehensive apology for 'the wrong' committed in 1987 in a paid advertisement with the *Fiji Times* (1 January 2012).

303 crosbiew.blogspot.com, 31 August 2013. He alluded to the status of Mick Beddoes as Leader of the Opposition after the 2006 election, representing the UPP with only two MPs.

304 *fijilive*, 27 October 2013.

the United States in renewing ties with Fiji.³⁰⁵ For 'short-term political gain', he had 'arrogantly' dumped his country's asylum seeker problem on Melanesia.³⁰⁶ Julie Bishop, the opposition spokesperson on foreign affairs, echoed Bainimarama's concerns and dared Carr to lead a new direction on Fiji and open dialogue.

Carr refused, however, despite acknowledging Fiji's progress towards democratic elections. In May, Australia pressured Japan to deny Bainimarama a seat at the Pacific Alliance Leaders Meeting Forum.³⁰⁷ It also pressured the World Bank to reject a \$88 million loan for hydropower construction, with the result that the China Development Bank stepped in with a \$70 million soft loan for a project now to be built by the Chinese company, Sinohydro.³⁰⁸ With China's presence in the Pacific visibly increasing and with the American FBI training Fiji police in Suva, the pressure was on Carr to make a formal change to Australia's stance on Fiji. Australia had already quietly doubled its aid to Fiji in 2012 and, at the end of July, Carr finally announced the implementation of full diplomatic relations. Travel sanctions would ease and be dealt with on a case-by-case basis. Hence, when the Attorney-General travelled to Brussels to chair the African, Caribbean and Pacific Group of States (ACP) Ministerial Trade Committee and its talks with the European Union, Australia permitted him to transit through its airports.³⁰⁹

In 2013, Fiji chaired both the G77 plus China grouping at the United Nations and the International Sugar Council.³¹⁰ By this time Pacific ACP leaders had severed their link with the PIF in order to allow Fiji's

305 *Fiji Times*, 28 February 2012.

306 *Guardian*, 29 July 2013.

307 *Australian*, 8 March & 18 May 2012; *ABC News*, 9 March 2012.

308 *Australian*, 29 May 2013. Chinese foreign direct investments in Fiji increased from \$194 million in 2011 to \$389 million in 2014 (*Fiji Times*, 25 October 2014); aid stood at US\$333 million between 2006 and 2013, compared with US\$252 million from Australia (*Economist*, 25 March 2015).

309 *Fiji Times*, 27 June 2012; *Age*, 31 July 2012; crosbiew.blogspot.com, 24 October 2012. Australian aid rose from \$33.7 million to \$65.6 million.

310 Peter Thomson actively engaged with the United Nations as Fiji's permanent representative and helped Fiji develop diplomatic relations with 63 new nations after 2009. At the same time Fiji secured a new Asia-Pacific Island Developing Group within the UN Asia Group for lobbying purposes (Makereta Komai, 'Fiji's foreign policy and the new Pacific diplomacy', in G Fry & S Tarte (eds), *The New Pacific Diplomacy*. Canberra: ANU Press, 2015, pp. 114–17). In 2014, Thomson became president of the executive committee for the UN Development Program, the UN Population Fund and the UN Office of Project Services.

full participation.³¹¹ Australia's strategy lay in tatters. Jon Fraenkel, now at Victoria University of Wellington, claimed that Bainimarama had cleverly used anti-Australian rhetoric to gain credibility in the region. Of course the siege mentality it induced also played an important role in Fiji, especially 'among the new elite that cluster around the interim government'.³¹² 'To them, we are a land of coups, failed institutions and a military dictator,' Kubuabola reflected: 'There exists a condescending and patronising tone to almost every statement and media report that comes out of Australia and New Zealand.'³¹³ New Zealand similarly lifted some travel bans. Bainimarama called it 'insincere, unneeded and too late'.³¹⁴

At the Australian Strategic Policy Institute, Richard Herr and Anthony Bergin agreed with the changed stance of Australia and New Zealand. 'Using the Pacific Island Forum against Fiji,' they wrote, 'was tantamount to cutting off our nose to spite our public face in the Pacific Islands.' Bainimarama had sidelined the PIF in a way that excluded Australia and New Zealand.³¹⁵ In late August 2012, he held another 'Engaging with the Pacific' meeting in Nadi, deliberately prior to a PIF meeting in the Cook Islands to maximise attendance and embarrass the PIF. Shortly after, in September, China's second-most senior leader, Wu Bangguo, visited Fiji and denounced 'strong countries' for bullying Fiji and excluding it from the PIF. Fiji was now a port for China's satellite communication vessels and Wu handed over a \$200 million concessional loan for road construction.³¹⁶

Having been wrong-footed for so long by Fiji and under pressure to adopt a different policy, Australia's response to Fiji's constitutional shenanigans suddenly became uncharacteristically muted. Unlike New Zealand, it declined to slap Fiji for trashing the Ghai Constitution. Carr

311 Relations with Papua New Guinea soured at the end of 2013 when Fiji objected to High Commissioner Peter Eafeare continuing as dean of the diplomatic corps in Fiji. PNG's Prime Minister, Peter O'Neill, withdrew the offer for a Fijian to chair the proposed Pacific ACP secretariat (*Islands Business*, January 2014). In 2016, the relationship degenerated further when Fiji proposed continuing to ban imports of canned beef, biscuits and rice from Papua New Guinea under the MSG Trade agreement on biosecurity grounds. Papua New Guinea threatened to invoke a trade dispute and ban Fiji poultry imports (*Fiji Times*, 1 & 8 September 2016).

312 *Australian*, 18 February 2014.

313 *Australian*, 27 January 2012.

314 crosbiew.blogspot.com, 17 September 2013.

315 R Herr & A Bergin, 'Fiji vital to an effective regional system', *Australian*, 3 August 2012.

316 *Age*, 26 September 2012.

said he understood why the Constitution had to be amended; recreating 'an unelected GCC would seem to give rise to the suggestion that ethnic divisions in the country were going to be exaggerated'.³¹⁷ The *Australian's* Rowan Callick wondered whether Carr could really come to terms with what Bainimarama wants. 'After 6 years of steadily chiseling away at Fiji's Parliament, the courts, the media, the chiefs, the Methodist church, the army has this year suddenly accelerated the process of embedding itself in sole command for the long term,' he wrote: 'It is difficult, however, to understand ... how absolute power does not lead, in this single case alone in world history, to absolute corruption.'³¹⁸ However, the Opposition's Julie Bishop told the Australia–Fiji Business Forum in Brisbane in July 2013 that 'It is now time to rebuild the bridges'.³¹⁹ Unsurprisingly, the Constitution barely received a mention. Australia needed a strong presence in Fiji, the *Australian's* foreign editor Greg Sheridan argued, to pursue its interests in the South Pacific.³²⁰

In September 2013, Bishop's Liberal–National Coalition won office in Australia and quickly moved to cement what Carr had timidly begun. In mid-February 2014, she met Bainimarama in Suva, offering full restoration of defence ties and Fiji's participation in its New Colombo Plan and seasonal worker program. PIF's Ministerial Contact Group also offered Fiji restored membership following its elections. But Bainimarama had no intention of restoring the status quo ante. He had fashioned a more independent and stronger international presence. In September 2013, he told the UN General Assembly that his quest for a constitution 'worthy of the Fijian people' had lost his country many friends:

They abandoned us and sought to punish us with sanctions; we sought their assistance but they turned their backs on us. They chose to support a form of democracy, governance and justice in Fiji that they would never have accepted for themselves.³²¹

317 *Australian*, 12 & 16 January 2013.

318 R Callick, 'Poll tests diplomatic will of Canberra', *Australian*, 2 April 2013.

319 crosbiew.blogspot.com, 31 July 2013.

320 *Australian*, 17 February 2014. ANU academic Scott MacWilliam claimed that the real reason Australia changed tack was because it needed the MSG to help with the resettlement of refugees (crosbiew.blogspot.com, 16 February 2014).

321 crosbiew.blogspot.com, 26 September 2013.

Savouring the moment, he held the first Pacific Islands Development Forum (PIDF) in Nadi in late April and announced that this new coalition of Pacific island governments, civil society organisations and business would be headquartered in Suva. The PIF no longer served the interests of Pacific islanders. Australia and New Zealand should not be both members and donors, Kubuabola added. They would not be members of the new PIDF.³²²

Tasting victory

With his international critics in their place, Bainimarama confidently moved his country towards elections on his terms. In January 2014, with Aiyaz Sayed-Khaiyum as the Elections Minister, he established a new Electoral Commission under Fiji Law Society President, Chen Bunn Young.³²³ The acting permanent secretary for justice, Mohammed Saneem became the Supervisor of Elections, with an Australian as his deputy. Over the months leading up to the 17 September elections, new rules and procedures were rolled out. Voters were issued with identity cards that contained biometric data and photos. To prevent vote stacking, each polling station could accommodate only 500 voters. No political party flags or signs would be permitted within 300 metres of polling stations and, during the novel single election day, which was declared a public holiday, no political advertising would be allowed.³²⁴ In addition, all electioneering would stop two days before polling in order to give the electorate space to reflect unencumbered by politicking.³²⁵

The 2014 budget similarly prepared the way for Bainimarama's elections, providing salary increases for public servants and huge concessions in education: subsidised bus fares, free textbooks and free schooling. At last Bainimarama had an expanding economy to assist him, boosted by infrastructure projects and growing business confidence after years of

322 *Fiji Times*, 27 April 2014; *Australian*, 29 April 2014. The PIDF also represented Fiji's frustration with the MSG and its determination to launch a regional body it could control. At the last moment, the PNG Prime Minister cancelled his attendance at the Forum (*Islands Business*, January 2014).

323 Its members were elections specialist Father David Arms, civil-society activist Alisi Daurewa, playwright Larry Thomas, businessman James Sloane, accountant Jenny Seeto and sociologist Professor Vijay Naidu.

324 crosbiew.blogspot.com, 1 June 2014. Pre-polling would enable up to 60,000 isolated voters to participate. In addition, Fiji nationals living overseas could also register and pre-vote.

325 This did not prevent the use of government billboards ostensibly promoting non-political matters such as development projects and road safety.

decline.³²⁶ Bainimarama had announced his intention to run for election with a new political party back in August 2013. In November, he indicated that he would quit the military in order to lead the party, stepping down on 5 March 2014. Tikoitoga succeeded him as Commander of the RFMF. Bainimarama's new party did not materialise, however, until the end of that month when he began a two-day bus tour of Viti Levu to collect the signatures needed to register the party to be known as FijiFirst (FFP). The process of collecting signatures around the country took over one month, at the end of which it could boast over 40,000 signatures. FijiFirst also proved an apt slogan for Bainimarama. His was a party for Fiji, not a select few, a charge he had plenty of opportunity to repeat.³²⁷

SODELPA played directly into his hands. The 68-year-old Ro Teimumu Kepa, Marama Bale na Roko Tui Dreketi, the traditional head of the Burebasaga confederacy, represented everything Bainimarama opposed: tradition, privilege, the status quo ante. When she gave her inaugural address to SODELPA in March 2014, Kepa declared it her mission to defeat the dictatorship that had stolen the last elected government. She would stop the beatings, threats and incarcerations, of which she had personal experience. She would rededicate Fiji to God³²⁸ and resume the multi-party cabinet model the SDL began. She would ask the Supreme Court to provide its opinion on the status of the 1997 Constitution, clearly placing the new Constitution in jeopardy. She would re-establish the ethnic divisions for scholarships and review the changes made to the distribution of lease monies that had so disadvantaged the chiefly elite. She would review the whole question of land leases and bring back the GCC.³²⁹ In short, she would 'Reclaim Fiji'.

326 GDP growth wavered around 2 and 3 per cent between 2010 and 2012. In 2013, it grew by 4.7 per cent, in 2014 by 5.3 per cent (tradingeconomics.com/fiji/gdp-growth-annual).

327 *Fiji Times*, 6 May & 31 March 2014.

328 Perhaps deliberately, there was always some confusion as to whether this meant Fiji would be declared a Christian state. Qarase suggested it did, although Kepa emphasised only SODELPA's Christian mission (see Jacqueline Rye, 'Religion, the Christian state and the secular state: Discourses during the 2014 Fiji General Election', in Naidu & Tarte, *No Ordinary Election*, 2015, pp. 35–48). In August, the newly elected President of the Methodist Church, Rev. Tevita Nawadra Banivanua, forthrightly declared that his Church would remain apolitical and accept a secular state (*Fiji Times*, 26 August 2014). This did not prevent the secretary for Christian Citizenship and Social Services, Rev. Iliesa Naivalu, from circulating a letter two weeks prior to the elections to 56 Methodist divisions endorsing SODELPA (*Fiji Sun*, 25 September 2014).

329 crosbiev.blogspot.com, 14 March 2014.

Kepa's promise to restore the GCC drew the ire of Aiyaz Sayed-Khaiyum. Qarase, whose recent imprisonment prevented him from standing for election, retorted that 'as an IndoFijian', the Attorney-General had no right to tell iTaukei what to do.³³⁰ But, of course, like every Fijian, he had a right to speak about any institution that might impact on Fiji's governance and all its citizens. Predictably, Bainimarama accused SODELPA of wanting to take Fiji back to the politics of fear: 'It is the same old tired political faces who brought Fiji to its knees in the first place through their petty squabbling and division.'³³¹ When SODELPA 'sacked' Rabuka because of his role in 1987, Bainimarama's attack appeared vindicated.³³² It was the same when the party used Kepa's personal connections to chiefly houses to open doors for its candidates. SODELPA represented a past Bainimarama claimed he wanted to put behind Fiji. 'We will consign them to history, once and for all bury them, ignore their false promises – and set our eyes on the future we can build together, One Nation, putting Fiji first to make Fiji great,' Bainimarama argued: 'Don't judge me by my promise. Judge me by the achievements I've already delivered.'³³³

SODELPA's focus constrained its ability to take on FijiFirst. The *vanua* should retain its distance from political parties, Madraiwiwi warned, and allow the Taukei to choose freely. It would, however, take at least a generation for the perceptions that Bainimarama wanted to foster to be realised.³³⁴ Nonetheless, as journalist Nemani Delaibatiki noted, SODELPA's discriminatory policies reduced its appeal to non-Taukei voters at a time when it could not match the FFP in organising large public meetings. To minimise the potential for dissent, it held small pocket meetings without the presence of the media.³³⁵ Meanwhile the 60-year-old Bainimarama presented himself as an agent for change, an image with traction across the Pacific because he had stood up to Australia and New Zealand. Tongan politician Akilisi Pohiva believed Bainimarama had the political will to make things happen. Newspaper polls prior to the election appeared to confirm FijiFirst's popularity. At the end of June 2014, the *Fiji Sun*–Razor poll gave it 59 per cent of popular support

330 www.coupfourandahalf.com, 13 July 2014.

331 crosbiew.blogspot.com, 14 March 2014.

332 crosbiew.blogspot.com, 2 May 2014. Beddoes declared Rabuka's most recent apology insufficient.

333 crosbiew.blogspot.com, 21 July 2014; see also Nicola Baker & Haruo Nakagawa, "Known unknowns and unknown unknowns" in the 2014 Fiji election results', in Naidu & Tarte, *No Ordinary Election*, 2015, p. 126.

334 *Fiji Sun*, 19 May 2014.

335 *Fiji Sun*, 4 September 2014.

compared with 8 per cent for SODELPA, 5 per cent for the FLP and 8 per cent for the NFP. Bainimarama received an outstanding 73 per cent as preferred prime minister; no other party leader exceeded 7 per cent.³³⁶ As Brij Lal later noted, 'He had all the advantages of incumbency, name recognition, a public profile, media on his side, campaigning on the public purse, and a desire on the part of the voters for stability, which he promised'.³³⁷

And he retained the loyalty of the military, which remained centre stage in the consciousness of many voters, in part because, during the weeks leading up to the election, 45 Fijian peacekeepers were captured by the rebel Al Nusra group after evacuating Camp Faouar on the Syrian side of Golan Heights, where 500 Fiji troops monitored the border between Israel and Syria as part of a UN Disengagement Observer Force. They were held for two weeks in captivity, before being released on 11 September after Fiji requested Qatar mediate on its behalf.³³⁸ Five days later and one day before the election, in an exercise that echoed Bainimarama's own actions prior to the 2006 election, the military marched through Suva. Journalist Rowan Callick reported that the exercise delivered a clear message to all Fijians: the army was still there and would tolerate no nonsense.³³⁹ On the same day, during the media blackout, Bainimarama held a public thanksgiving ceremony for the safe release of his peacekeepers.³⁴⁰

It is tempting to suggest that FijiFirst's confidence heading into the election dictated the late release of its manifesto just 10 days before the election, but it may also have been tactical, enabling it to minimise the impact of criticism from rival parties. In many respects, FijiFirst had mixed results to crow about when it came to the economy. Certainly Bainimarama's government had dismantled the telecom monopoly and no longer bowed to powerful Taukei interests or big business. It had seized back control of Air Pacific from Qantas in 2012 and renamed it Fiji Airways, bought new airliners and returned the company to profitability in 2013–14. Similarly,

336 crosbiew.blogspot.com, 5 July 2014.

337 *Australian*, 17 August 2014.

338 Two separate groups of Filipino peacekeepers evaded capture (*Daily Mirror*, 12 September 2014).

339 *Australian*, 17 September 2014. Allegations that Qatar paid US\$2.5 million for their release have never been confirmed by the United Nations.

340 David Robie, "Unfree and unfair?": Media intimidation in Fiji's 2014 elections', in Ratuva & Lawson, *The People Have Spoken*, 2016, p. 90. The Methodist Church refused to attend the interfaith service on the grounds that it might be a political event (Lynda Newland, 'From the land to the sea: Christianity, community and state in Fiji and the 2014 elections', in Ratuva & Lawson, *The People Have Spoken*, 2016, p. 120).

its stewardship of Fiji Pine and Tropik Woods returned profits for the first time in 40 years.³⁴¹ It had formed its own Fiji National University (FNU) in 2010, and had belatedly stimulated long-overdue infrastructure development, much of it funded by rising debt, increasingly denominated in Chinese yuan.³⁴² And private investment now reached 15 per cent of GDP. Historically the level was significant (private investment managed only 3.5 per cent of GDP in 2010), enabling the government to reach its investment target of 28 per cent of GDP. Success now reflected badly on the record of the government after 2006, and infrastructure did not bring immediate opportunities to reduce unemployment or raise minimum wages.³⁴³ Nonetheless, in 2013, the economy's growth rate had finally recovered from coup-induced shrinkages and risen over 4 per cent; the year 2014 promised to be even better.

Low growth carried dangers for FijiFirst; hence its focus on policies for amelioration, which had the added advantage of impacting more directly on the average voter: increased electricity subsidies and free medicines for low-income families, a basic level of free water and an extension of clean water initiatives, the maintenance of zero VAT on basic food items and medicines, lowered age eligibility for social security, increased scholarships and education loans for tertiary education, and the extension of free education to preschool. But there were new initiatives also: an increase in teacher numbers, an emergency package for farmers, a new agricultural research council, fertiliser subsidies, affordable housing programs and squatter development, first home grants, \$10 million to assist iTaukei develop their own lands, and major highway developments. Surprisingly,

341 *Fiji Sun*, 10 December 2014.

342 Government debt rose 40 per cent (2006–14) to 56 per cent of GDP in 2010 (above the IMF's 40 per cent target, although this had been adjusted to 60 per cent after the GFC), with domestic sources of debt (mostly the FNPF) shrinking from 83 per cent to 73 per cent of all loans. Foreign lenders comprised 12.8 per cent of GDP by mid-2017. Chinese loans represented one quarter of Fiji's foreign debt (\$158.5 million) in 2014, up from 2.6 per cent or \$7.6 million in 2008 (*Fiji Times*, 30 October 2014, 12 September 2015, 30 May 2016, 7 July 2017). Under the energetic leadership of Dr Ganesh Chand, the first vice chancellor, the FNU brought together six once separate institutions (Fiji Institute of Technology, Fiji School of Nursing, Fiji School of Medicine, Fiji College of Agriculture, Fiji College of Education and Lautoka Teachers College) across 33 campuses and centres serving over 20,000 students.

343 Biman Prasad argues that remittances, low interest rates and credit prompted recovery based on consumption, not growth-based on production. Key performing sectors like retail, construction and transport were not the largest sectors of the economy where employment was greatest ('Growth must result in more for us', *Fiji Times*, 12 September 2015). Minimum wages remained at \$2 per hour because of employer pressures on the government. Only in 2014 were they raised to \$2.32, still far below the poverty line of \$4.20 (crosbiew.blogspot.com, 7 July 2015).

FijiFirst (temporarily) resurrected Ratu Mara's plan to nationalise the purchase of oil (more eggs for the nest), but it called also for the introduction of digital TV, the rollout of e-governance platforms and the greater provision of microfinance to individuals and small businesses.³⁴⁴

Predictably the Labour Party saw the manifesto as a blatant vote-buying tactic to offset its poor record in government. Electricity subsidies were needed because the government had overseen a 10-fold increase in electricity costs to the average family, free water to 80 per cent of the population could not be achieved, and free milk to class one students overlooked its responsibility for doubling the price of milk. Chaudhry argued that Bainimarama's 'record in government showed unprecedented increases in poverty levels, unemployment and cost of living'. His promises now were hollow. He could not be trusted.³⁴⁵

But Chaudhry faced his opponent from an unfamiliar position. His recent conviction barred him from participation and effectively left the FLP leaderless. Long-simmering tensions over his leadership produced a breakaway faction (the People's Democratic Party or PDP) and provided Fiji's oldest political force, the National Federation Party, an opportunity to regain ground it had lost since 1999. Economics professor Biman Prasad became its new leader at the end of March and attempted to refashion the party and – more actively than other parties – to court the new youth vote.³⁴⁶ Draunidalo became its new president. A human rights activist, she was intimately connected across the political spectrum.³⁴⁷

344 FijiFirst, 'Our manifesto', *fjifirst.com*.

345 *flp.org.fj*, 12 September 2014.

346 See Patrick Vakaoti, 'Fiji elections and the youth vote: token or active citizenship?', in Ratuva & Lawson, *The People Have Spoken*, 2016, pp. 157–75. No evidence exists that youth represented a singularly different cohort, although with the reduction in voting age to 18 the potential existed for under 25s (now 19 per cent of voters) to demand more nuanced policies. No one in that age group was elected to parliament, however, and only four from the 30 to 39 cohort. Combined, the two cohorts possibly comprised over 50 per cent of the voting population (Tarai et al, 'Political social media campaigning', Naidu & Tarte, *No Ordinary Election*, 2015, pp. 90–92; David Arms, 'Analysing the open list system of proportional representation in Fiji's 2014 General Election: A perspective from the Fiji Electoral Commission', in Naidu & Tarte, *No Ordinary Election*, 2015, p. 14).

347 Her late father, Col Savenaca Draunidalo, was a senior military officer under Nailatikau and Rabuka, a politician, public servant and, allegedly, a 2000 coup conspirator. Her late mother, Adi Kuini Vuikaba, was equally well connected within the Fijian chiefly elite and served as leader of the Labour Party following the death of her second husband, Dr Timoci Bavadra, the man who first led the Labour–NFP Coalition to victory in 1987. Vuikaba also led the Fijian Association Party after 1998 until 2000.

Nonetheless, the party's efforts to produce a stronger multicultural face to the electorate were seriously damaged when three of its Taukei candidates were deliberately targeted in late July by unilateral government changes in electoral laws and forced to withdraw.³⁴⁸ And, like the FLP and SODELPA, it was left lamenting the past eight years lost to good governance and human rights, and promising to deliver a more positive future: average annual GDP growth since 2006 had languished at 0.6 per cent since Bainimarama seized power, national debt had nearly doubled, youth unemployment had grown massively, poverty – by some estimates – had risen from 31 per cent to over 45 per cent, and Bainimarama had regressed towards import substitution strategies and an ill-conceived retirement policy.³⁴⁹ But, as Narsey later noted, FijiFirst's bread-and-butter pledges (and its delivery of infrastructure into long-neglected rural communities) carried far more weight with an electorate keen to move forward than dwell on constitutionality, law or revenge.³⁵⁰ And, as a harbinger of life under FijiFirst, Fiji's economy did grow in 2014 by over 5 per cent and tourism boomed.

On 17 September 2014, Fiji finally went to the polls under the watchful eyes of 92 multinational observers.³⁵¹ Only 18 per cent of the 247 candidates were women. IndoFijians comprised just 38 per cent of the electorate. With an impressive 85 per cent turnout and a low informal vote (0.75 per cent, despite the complexities around identifying candidates by number), FijiFirst achieved a landslide victory, winning 60 per cent of the vote and 32 of the 50 seats; SODELPA gained only 28 per cent of the vote and 15 seats; and the NFP 6 per cent and three seats. Four parties (including the FLP) and two independents failed to make the 5 per cent threshold and received no seats. Only eight women were elected (another joined parliament several months later following

348 They were academic Jone Vakalalabure, former magistrate and lawyer Makereta Waqavonovono and former national rugby player Seru Rabeni (*Fiji Times*, 8 August 2014). The requirement for a two-year residency prior to voter registration had been removed earlier but now returned, affecting candidates who had studied overseas. The rule did not apply to public servants who lived overseas in the performance of their work.

349 Biman Prasad's address to the Fiji Teachers Union (www.coupfourandahalf.com, 30 April 2013).

350 *Fiji Times*, 21 September 2014.

351 The Multinational Observer Group reported the elections free and fair, but recommended that political party identification be included on candidate lists, that the requirements for registering parties be less onerous, that parties should be able to hold meetings without permits, and that the poll numbers assigned to candidates be drawn earlier in order to allow their parties time to publicise them (*fijivillage*, 14 April 2015).

a resignation).³⁵² Seventy-one per cent of IndoFijians, 50 per cent of Taukei and 80 per cent of other minorities voted for Bainimarama's party; 0.4 per cent of IndoFijians, 46 per cent of Taukei and 1.4 per cent of other minorities voted for SODELPA.³⁵³ With 16 Taukei, 15 IndoFijian and two Other MPs, FijiFirst also became the most representative party in parliament. SODELPA comprised only iTaukei, while the small NFP managed one Taukei and two IndoFijian MPs.

This was, as Vijay Naidu and Sandra Tarte note, an historic election in so many ways: the first held in Fiji under proportional representation, one person – one vote – one value, a single national constituency, and a single electoral roll. All these features were designed to remove past gerrymanders and reduce the impact of ethnic appeals on electoral outcomes. There were other firsts also. All successful political parties were headed by a woman either as president or leader. Eighteen-year-olds could now vote, with the result that youths (18–25 years) comprised nearly 20 per cent of the electorate.³⁵⁴ In fact, 47 per cent of voters were under 35 years, 75 per cent of whom voted in 2014 for the first time. Hence the significance of social media in this election, utilised with varying effectiveness by all the

352 The 5 per cent threshold equated to 27,000 votes. Four seats were effectively transferred to FijiFirst (three) and SODELPA (one). Many FijiFirst members sneaked into parliament with low personal votes, the lowest being 600 votes (Wadan Narsey, 'Critical issues for 2017', *Fiji Times*, 31 December 2016). Women clearly earned no advantage from the new voting system. Although they gained 16 per cent of seats compared with 11 per cent in 2006, the number of women elected remained the same.

353 *Fiji Times*, 21 September 2014; *Australian*, 20 September 2014; Steven Ratuva, 'Shifting democracy: electoral changes in Fiji', in Ratuva & Lawson, *The People Have Spoken*, 2016, pp. 28–34. Dr Jiko Luveni also became Fiji's first female Speaker of parliament. See also Asenati Liki & Claire Slatter, 'Control, alt, delete: How Fiji's new PR electoral system and media coverage affected election results for women candidates in the 2014 election', in Naidu & Tarte, *No Ordinary Election*, 2015; and Gordon Nanau, 'Representative democracy, the Constitution & electoral engineering in Fiji: 2014 & beyond', in Naidu & Tarte, *No Ordinary Election*, 2015, pp. 71–88, 17–34. Had the People's Democratic Party not split from the FLP, the FLP might have been able to achieve two seats. But with only 3 per cent of the vote each, they were excluded by the 5 per cent threshold rule, as were the two independents. The rule, not an uncommon feature with proportional representation (Germany and New Zealand have a similar threshold), is designed to favour political parties and reduce the potential for parliamentary instability (Nanau, 'Representative democracy', 2015, pp. 23–24). Chaudhry, however, believed the FLP's loss was due solely to his inability to contest the election (*Fiji Sun*, 10 July 2017). Because of its narrow electoral appeal, SODELPA required 80 per cent of the Taukei vote to win, an impossible task given many Taukei did not register or vote, and others viewed FijiFirst as a way to address the past dominance of eastern chiefs (Baker & Nakagawa, 'Known unknowns and unknown unknowns', 2015, pp. 116, 123).

354 'Introduction', Naidu & Tarte, *No Ordinary Election*, 2015, p. 5. Unlike previous voting systems based predominantly on closed lists, the open list provided more power to voters than parties in determining who would be elected.

parties.³⁵⁵ It was also the first time an election had been held in a single day, and without the long queues that had once been a feature of polling. Over 2,000 polling stations and 14,000 polling officials saw to that.

The *Economist* noted that ‘The result, by in effect legitimatising the coup, has shocked the country’s intellectual elite’,³⁵⁶ although Narsey more accurately reflected that the Bainimarama government could never have survived so long had it not enjoyed the support of that intellectual elite:

Lawyers, former High Court judges, business men and women, accountants and auditors, public relations experts, university administrators and academics, opportunists from abroad, and at some critical times, some of our own colleagues and friends from the union movement.³⁵⁷

Yet it is also important to bear in mind that Bainimarama could also never have survived had his government not become responsive to popular needs and pushed ahead with long-neglected infrastructure development. That alone distinguished him and FijiFirst from SODELPA’s chiefly sponsored forebears: Qarase’s SDL, Rabuka’s Soqosoqo ni Vakavulewa ni Taukei (SVT), and the final decade of Mara’s Alliance. Indeed, FijiFirst rode into office on Bainimarama’s popularity as a leader for change and stability, demonstrating how far he had travelled since 2006 when many diplomats found him unpredictable and angry.³⁵⁸ He alone won 41 per cent of the popular vote and drew in 70 per cent of FijiFirst’s support.³⁵⁹ By removing the gerrymander of provincialism and communalism, the single electorate

355 Tarai et al., ‘Political social media campaigning’, 2015, pp. 89–114. FijiFirst outdid all other parties and independents in terms of the number of subscribers to its Facebook pages, but responded to and engaged less with its audience than SODELPA. The image that the parties conveyed on social media, however, probably mattered more: Bainimarama came across as a friendly family man, Kupa as a formal chief, while NFP candidates presented themselves with stilted studio images (Tarai et al., ‘Political social media campaigning’, 2015, p. 109). Joseph Veramu’s report (‘Our rising generation’, *Fiji Times*, 5 January 2017) claimed that 91 per cent of 15–35-year-olds (35.5 per cent of the population) possessed mobile phones (72 per cent possessed mobiles with the internet), 83 per cent held Facebook accounts, and 38 per cent Twitter accounts.

356 *Economist*, 20 September 2014.

357 crosbiew.blogspot.com, 29 March 2014, Address to the Fiji Public Servants Association AGM.

358 Sometimes the old Bainimarama resurfaced. He sent an abusive text to Father Kevin Barr after Barr tweeted that the Chinese flag should replace the Union Jack in the corner of any new Bainimarama-endorsed Fiji flag. Barr was also threatened with expulsion (*Australian*, 18 January 2013). In June 2013, a FTV sports editor was forced to resign for accusing Bainimarama’s daughter – the CEO of the Fiji Sports Council and organiser of a nearby high school event – of playing music too loudly (Robie, ‘Unfree and unfair?’, 2016, p. 86).

359 Bainimarama won four times more votes than Kupa, enabling his party to win many more seats than might have been the case had distribution been determined by individual candidate votes (Ratuva, ‘Shifting democracy’, 2016, p. 32).

open list proportional system advantaged his nationally inclusive party and disadvantaged those based on sectional, provincial and communal interests. So too the weakening of traditional politics as Fiji's population grew more urban and Viti Levu based. The 2014 election and the rules under which it was conducted represented an unprecedented rout of the old order.

This text is taken from *The General's Goose: Fiji's Tale of Contemporary Misadventure*, by Robbie Robertson, published 2017 by ANU Press,
The Australian National University, Canberra, Australia.