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## A coup by any other name<sup>1</sup>

The road to a military coup, 2006

[I]f civilization is to survive, one is driven to radical views. I do not mean driven to violence. Violence always compromises or ruins the cause it means to serve: it produces as much wrong as it tries to remedy. The State, for example, is always with us.

Overthrow it and it will come back in another form, quite possibly worse. It's a necessary evil – a monster that continually has to be tamed, so that it serves us rather than devours us.

We can't do without it, neither can we ever trust it.

— Ian Milner<sup>2</sup>

*Following his victory in the 2006 General Election, Laisenia Qarase sought to make amends for his past mistakes by appointing a genuine multiparty, multiethnic Cabinet, giving Labour substantial portfolios. But the Labour leader Mahendra Chaudhry remained outside Cabinet seeking to influence or rather direct his Cabinet colleagues from the outside. He became a painful thorn in the Qarase Government's side. The other was the military leader Frank Bainimarama who sought the removal of the government for his own*

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1 Originally appeared as 'Anxiety, fear and uncertainty in our land', in *The Round Table: The Commonwealth Journal of International Affairs* 96(389) (2007): 135–53.

2 Ian Milner, 'Conversation with Charles Brasch', *Landfall* 25(4) (1971): 344–72, at p. 349. I am very grateful to Doug Munro, Hank Nelson, Vicki Luker and Stewart Firth for their stringent and astute comments on a draft of this paper. But they are not responsible for its contents, I am.

*personal reasons but who justified his intervention as a 'clean-up' coup. Far from the truth, but it gained traction in the public opinion. Incessant warfare between two civilian leaders made Bainimarama's task all the easier.*

Fiji experienced the whole gamut of emotions over the course of a fateful 2006. The year ended on the unsettled note on which it had begun. Fiji was yet again caught in a political quagmire of its own making, hobbled by manufactured tensions, refusing to heed the lessons of its recent tumultuous past, and reeling from the effects of the military coup of 5 December, Fiji's fourth since its first on 14 May 1987. Ironies abound. A Fijian army confronted a Fijian government, fuelling the indigenous community's worst fears about a Fijian army spilling Fijian blood on Fijian soil. The military overthrow took place exactly 19 years to the day after frustrated coup maker of 1987, Sitiveni Rabuka, had handed power back to Fiji's civilian leaders, Ratu Sir Penaia Ganilau and Ratu Sir Kamisese Mara, paving the way for the eventual return of parliamentary democracy.

This coup, like the previous ones, deposed a democratically elected government. Perhaps more importantly, it peremptorily sidelined the once powerful cultural and social institutions of the indigenous community, notably the Methodist Church and the Great Council of Chiefs (GCC), severing with a startling abruptness the overarching influence they had exercised in national life. Politicians who had supported past military coups in Fiji transformed themselves overnight into fearless defenders of democracy because, this time, they found themselves on the other side of the barrel of a gun.

However, some victims of previous coups, such as Labour leader Mahendra Chaudhry, accepted ministerial portfolios in a military-appointed interim administration on the grounds of serving the national interest; victim of coup one day, beneficiary the next. The GCC initially opposed the coup but then, in early January, it backed Commodore Frank Bainimarama and pledged 'to work together [with the military] for the betterment of the nation'.<sup>3</sup> In a similar fashion, the powerful Methodist Church, to which the overwhelming majority of indigenous Fijians belong, reversed its initial opposition and endorsed the coup as a part of God's plan for Fiji.<sup>4</sup> To complete the chaotic saga of limited transition to quasi-civilian rule, Bainimarama, initially disavowing a political role, accepted appointment

3 *Fiji Times*, 14 January 2007.

4 God's name, it has to be said, was invoked by virtually every major player on all sides in the crisis.

as interim prime minister while remaining military commander, with the full support of a visibly ailing and curiously ineffectual President Ratu Josefa Iloilo.

In between the talks of coup and confrontation, Fiji had its share of high drama caused by an intense election campaign in May and the installation soon thereafter of a multiparty power-sharing Cabinet that promised, despite the initial teething problems, to take the country towards a new era of genuine multiethnic cooperation that its people so desperately wanted but which had remained elusive. The military coup put paid to all that. This chapter traces the political roots and routes of Fiji's latest constitutional crisis.

The flashpoint between the military and the government in January 2006 came at the end of a long and troubled relationship. A 'cold war' between the two had begun as early as 2003 when it became clear that Bainimarama was a 'no-nonsense personality' who would not toe the government line.<sup>5</sup> An early indication came in 2004 when he single-handedly took on both the president and the prime minister and reversed a government order to reduce the sentence for soldiers involved in a mutiny in November 2000. In May of that year, five senior military officers alleged that Bainimarama was plotting to overthrow the government.<sup>6</sup>

In retaliation, the government quietly initiated moves to have the commodore replaced. These were unsuccessful and relations between the two deteriorated rapidly. People close to the government, some even part of it, who were variously implicated in the attempted coup of 2000<sup>7</sup> were released from jail after a brief period (some for as little as under a fortnight) under the Compulsory Supervision Order, and others on dubious medical grounds. Among them were former Vice-President Ratu Joape Seniloli and Ratu Naiqama Lalabalavu, the paramount chief of Cakaudrove (Tui Cakau), leader of Laisenia Qarase's Soqosoqo Duavata Lewenivanua (SDL) coalition partner, the Christian Alliance

5 See *The Review Magazine*, 15 July 2003, which described Bainimarama thus:

Although he shuns the limelight, Bainimarama can come out firing if he believes he is being underestimated or unappreciated. He is said to be a "silent thinker" who thinks long-term. To his credit Bainimarama always seeks the advice of his officers—and also taps on the experience of those who have held office before him. He is definitely not a Yes-Man.

6 *The Review Magazine*, 1 June 2004. The allegation proved, in the end, to be true.

7 Brij V. Lal, *Islands of Turmoil: Elections and Politics in Fiji* (Canberra: Asia Pacific Press, 2006), pp. 185–231, doi.org/10.26530/OAPEN\_459301; 'Fiji's Constitutional conundrum', *The Round Table: The Commonwealth Journal of International Affairs* 372 (2003): 671–85, doi.org/10.1080/0035853032000150663.

Matanivanua Party, and Minister for Fijian Affairs. The military insisted that the 'real' players in the 2000 crisis were walking free while the 'small fry' were being caught in the net. Others implicated were safely out of the country on plum diplomatic postings, such as Ratu Inoke Kubuabola, posted to Malaysia as Fiji's High Commissioner (now in Tokyo),<sup>8</sup> and Isikia Savua, the controversial police commissioner in 2000,<sup>9</sup> who was cleared of misconduct and dereliction of duty in a closed trial headed by former Chief Justice Sir Timoci Tuivaga,<sup>10</sup> and who later served in New York as Fiji's Permanent Representative to the United Nations.

Having installed Qarase as the interim prime minister after the George Speight crisis of 2000, hoping that he would form a lean and corruption-free government, Bainimarama expressed disappointment that 'politics as usual' had prevailed. Qarase, a commerce graduate, had been the head of Fiji's Development Bank (FDB) for 15 years (1983–98) before heading the Fiji Merchant Bank. His headship of the FDB had been controversial, as he was accused of authorising doubtful loans for racially skewed projects. 'He betrayed our trust when he went back to team up with the very people who caused the political instability of 2000,' said Bainimarama. 'Though George Speight is in prison, the policies that he made are now being adopted by the Government and also the very people behind him are in parliament making decisions for the nation.'<sup>11</sup>

Revelations of a massive scam in the Ministry of Agriculture involving millions of dollars to purchase votes in the 2001 General Election under the guise of pro-Fijian affirmative action policies hardened his opposition against the government. Bainimarama fingered Attorney-General Qoriniasi Bale for particular criticism. 'He was not voted in by the people but [came in] through the Senate.' He raised questions about Bale's competence and integrity. 'We know Qoriniasi Bale's record and involvement in some trust funds a few years back that saw him being disbarred for some time.' His appointment as attorney-general was 'frightening'. 'Corruptive practices' had to end, Bainimarama said in his quiet, determined way, and the sooner the better.<sup>12</sup>

8 He was a self-acknowledged key player in the 1987 coups and a silent supporter of the one in 2000.

9 Savua watched while Suva was looted and burned by Speight-supporting mobs.

10 Tuivaga had also drafted a decree abrogating the constitution soon after Speight's coup in 2000.

11 Interview, *Fiji Sun*, 1 November 2006. It's not strictly true that Speight actually 'made' any policies, although he did advocate hard-line pro-Fijian sentiments, many of which were appropriated by the government.

12 *Fiji Sun*, 1 November 2006.

Qarase defended his government. ‘The Commander makes many untruthful allegations against the Government,’ he said.

He regularly expresses unsubstantiated accusations about widespread corruption. My position is very clear. The Government has taken a very strong position against corruption. Draft legislation to combat this is being prepared. In the meantime, law enforcement authorities must be allowed to do their duty when allegations are made. Those making the allegations against the Government must provide evidence to the Police.<sup>13</sup>

In this war of words, public sympathy seemed to lie with the commodore, for ‘evidence’ of corruption (or mere incompetence and sheer carelessness) was everywhere, though prosecutions were difficult to initiate. Entrenched positions publicly aired in acrimonious tones made compromise and genuine dialogue difficult.

The military’s condemnation of the government crystallised around two controversial Bills the government sought to bring before parliament.<sup>14</sup> One was the Promotion of Reconciliation, Tolerance and Unity Bill 2005.<sup>15</sup> The government argued that the Bill was intended to heal the wounds of the past resulting from the events of 2000. The principle underlying the Bill was restorative, not retributive, justice. Its aim was to promote ‘tolerance and genuine unity’ among the people to prevent ‘the perpetration of politically-motivated [*sic*] violations of human rights in Fiji’.<sup>16</sup> Those who had suffered ‘gross violations of human rights and civil dignity’ would receive reparations. But the provision that inflamed not only the military’s but civil society’s vehement opposition to the Bill concerned the ‘granting [of] amnesty to persons who make full disclosures of all facts relevant to acts associated with a political, as opposed to purely criminal, objective during the crisis’.<sup>17</sup>

13 Laisenia Qarase, ‘Address to the Nation’, 1 November 2006.

14 All Bills presented to the Fiji Parliament are available on the internet and on the website of the Fiji dailies. The third Bill, the *Indigenous Land Tribunal Bill*, was also on the military’s list but did not get much airing.

15 *Promotion of Reconciliation, Tolerance and Unity Bill 2005*, available from: [www.fijibure.com/recon.htm](http://www.fijibure.com/recon.htm) (accessed 21 May 2019).

16 *ibid.*, 3(1)e.

17 *ibid.*, 3(1)d.

Rightly or wrongly, the amnesty provision came to be viewed as a device to pardon the coup perpetrators. The hasty release from jail of those convicted of various coup-related crimes increased the public's suspicion about the government's real, unstated intentions. It was also argued that the Bill's amnesty provision was in fact intended to circumvent the country's generally robust judiciary whose proper role it was to adjudicate matters of such importance. How could there be reconciliation without justice, many asked?

Faced with sustained vocal pressure from a wide cross-section of the community, the government withdrew the Bill, promising to take account of the concerns that had been raised. Ultimately, yielding to pressure, the government decided 'categorically', to use Qarase's word, to drop the amnesty provision. By dropping the provision after months of insisting that it would not be removed or amended under any circumstances, Qarase caught the nation by surprise and briefly reclaimed some of the ground he had lost to Bainimarama. The concession was an act of political expediency, not an act of genuine compromise. Expedient or genuine, the concession came too late. By then, the military had already decided to overthrow the government.

But the question was asked: if the much-criticised amnesty provision was dropped, what remained of Bainimarama's objection? Self-preservation was said to be the answer. If the Reconciliation Commission, which the Bill proposed to set up, was established, the commodore's violent suppression of an Army mutiny in November 2000, which nearly claimed his life and which resulted in the brutal death of rebel soldiers, would be scrutinised. Many in Fiji believe that Bainimarama is 'haunted' by the mutiny—indiscipline and insubordination in the ranks of the military, its violent quelling, the attempt on the commodore's life—and read his subsequent behaviour in the light of that fact. Questions would also be asked about the commodore's role, as then head of the military government, in the dismissal of President Ratu Sir Kamisese Mara in 2000. To his detractors, the commodore's public pronouncements on the Bill were suspect, carefully camouflaging personal interests behind the publicly appealing rhetoric of guarding the national interest.

The other piece of legislation that the military opposed (as did the opposition parties and commercial organisations such as the Fiji Hoteliers Association) was the Qoliqoli Bill (2006) designed to transfer 'all proprietary rights to and interests in *qoliqoli* [foreshore] areas within

Fiji fisheries waters [and] vest them in the *qoliqoli* owners'.<sup>18</sup> By this process, the marine area from the foreshore to the high-water mark would be declared 'native reserves', for the unfettered use and enjoyment of the resource owners. The tourism industry reacted predictably with outrage, prophesising its collapse because of the uncertainty that the Bill would introduce into the negotiations between the hotel owners and the numerous *qoliqoli* owners. Others argued that the state was hastily divesting itself of a major resource, which it should develop for the benefit of the entire nation, including the resource owners. 'Thousands upon thousands of vacant and re-possessioned land are not being used, making Fiji the world's largest producer of weeds and grass,' remarked Deputy Opposition Leader Bernadette Rounds.<sup>19</sup>

Many *qoliqoli* boundaries are uncharted or unregistered and the critics, including the military, felt that the Bill would accentuate conflict among Fijians when registration started. But the government, which went to the elections promising to introduce the Bill in parliament if it was returned to power, claimed that it had majority Fijian support for the Bill. After all, over 80 per cent of indigenous Fijians had voted for the SDL. The real implications of the Bill were not properly explained to the Fijians, the military counteracted. The Fiji Law Society entered the debate, pointing out that the Qoliqoli Bill breached certain provisions of the constitution. 'By transferring to the landowners *qoliqoli* areas as defined in the Bill', the Society's *qoliqoli* subcommittee chair, Isireli Fa, stated:

the state is in fact transferring to them the state's rights of sovereignty within these *qoliqoli* areas. The effect of this is that the *qoliqoli* could become autonomous areas whereby the owners of the *qoliqoli* could implement their own rules outside the regulation and control of the State.<sup>20</sup>

The upshot of the public debate on these two controversial Bills was to secure wide opposition support for Bainimarama, who was perceived as an honest man taking on a corrupt and self-serving government playing to the basest sentiments of people in a blatant effort to remain in power. The commodore's strictures became harsher, less compromising. Early in 2006, relations between the government and the military reached breaking

18 *Qoliqoli Bill 2006*, Bill No. 12 of 2006, preamble, available from: [www.fijileaks.com/uploads/1/3/7/5/13759434/qoliqoli\\_bill\\_2006.pdf](http://www.fijileaks.com/uploads/1/3/7/5/13759434/qoliqoli_bill_2006.pdf) (accessed 4 May 2018).

19 *Radio New Zealand International*, 21 November 2006.

20 Isireli Fa, 'Fiji Law Society says Qoliqoli Bill is unconstitutional', *RNZ Pacific*, 2 November 2006.

point. The army staged a show of strength on the day parliament was dissolved in March, with 500 soldiers in full battle gear marching through the streets of Suva. The army's point was blunt; those who contemplated orchestrating violence to oppose a change of government would bear the full brunt of its force.

In fact, Bainimarama said publicly a few months before the election that a change of government would be good for Fiji. In the public eye, he was aligned with the opposition parties. As the campaign began in early 2006, the army sent teams of officers to Fijian villages to 'educate' the people about what it deemed to be the 'real' intentions behind the government's legislative agenda—to secure Fijian votes by plundering the public purse. A nebulous truce between the army and the government was negotiated by Vice-President Ratu Joni Madraiwiwi in mid-January 2006. Both men agreed to put 'the national interest' above everything else and to have regular consultation and dialogue, but the impression remained of simmering tension. A few months later, the deal collapsed. 'Qarase is trying to weaken the army by trying to remove me,' Bainimarama said.

It has been his aim from day one. If he succeeds there will be no one to monitor them, and imagine how corrupt it is going to be. If civil servants speak out against the Government, they are sacked. If the provincial councils speak, their allocated funds are reduced, so we are the only hope of the silent majority.<sup>21</sup>

The army's claim that it, not the government, was the true champion of the public interest would be trumpeted loudly in the months ahead.

For its part, the government insisted that the army was simply an 'instrument of the state', not an institution outside or above it. 'The constitutional and statutory authority of the RFMF [Republic of the Fiji Islands Military Force] is strictly confined to maintaining and safeguarding national security within a democracy.'<sup>22</sup> The military's contention that the overarching security role it was given in the 1990 Constitution carried over into the 1997 Constitution was incorrect, Qarase argued, and he sought the intervention of the Supreme Court to clarify the issue. Section 94 of the 1990 Constitution gave the military the overall responsibility to ensure the security, defence and well-being of Fiji and its people at all times, and the army claimed that the section was incorporated into

21 See *Fiji Sun*, 1 November 2006.

22 Address by Laisenia Qarase to the GCC, 9 November 2006.

Section 112 (1) of the 1997 Constitution. The government argued that Section 94 had been repealed in its entirety. Section 112 (1) simply reads: ‘The military force called the Republic of Fiji Military Forces established by the Constitution of 1990 continues in existence.’<sup>23</sup>

Qarase alleged further that Bainimarama had breached the understanding brokered by Vice-President Madraiwiwi on 16 January 2006. Under that agreement, Bainimarama ‘would not make public statements without clearing them first with the Prime Minister’. He said, ‘I met with the Commander under these arrangements. The problem that immediately arose was he expected me to virtually follow his orders’. Finally, Qarase claimed that the military was ‘being used or influenced by unscrupulous people opposed to certain items of legislation introduced by the Government’, and suggested that the commodore was ‘being manipulated by those with a certain political agenda’.<sup>24</sup> There is no doubt that Qarase had in mind the tourism industry which was vehemently opposed to the Qoliqoli Bill.

The tension between the military and the government went underground from March to May (2006) as Fiji held its 10th general election since independence in 1970.<sup>25</sup> After several weeks of generally amiable campaigning, but with the usual allegation of vote rigging and electoral malpractices—which international observer teams deemed far-fetched<sup>26</sup>—Qarase’s SDL Party was returned to power with 36 of the 71 seats in the House of Representatives. The Fiji Labour Party won 31 seats, the United People’s Party and independents two each. Minor parties and disgruntled independents, who had briefly threatened to upset the conventional wisdom about the dominance of the two main parties, vanished without a trace. The SDL was clearly the party of choice among Fijians, winning over 80 per cent of the Fijian communal votes, compared to 51 per cent in 2001. Qarase’s assiduous courting of the Fijian voters, through special assistance programs and grants for the indigenous community, and open

23 The Fiji Human Rights Commission, in a 32-page report released in early January 2007, generally endorses the military line. It is also highly (hyper)critical of the policies and practices of the Qarase Government.

24 Qarase, Address to the Nation, 1 November 2006.

25 Brij V. Lal, *Islands of Turmoil*, covers this subject. The 2006 election is discussed at pp. 251–64. See also Brij V. Lal, ‘Chance Hai: On the hustings, 1999 and 2006’, in *Intersections: History, Memory, Discipline*, ed. Brij V. Lal (Canberra: ANU Press, 2012), pp. 79–101, doi.org/10.22459/IHMD.11.2012.

26 Including the Commonwealth Secretariat and the South Pacific Forum in Suva. I should note that both the Human Rights Commission and the military allege that there were irregularities in the election process, although no evidence has so far been produced before the courts.

appeal to Fijian nationalism paid good dividends. The overwhelming majority of the Indo-Fijian voters—83 per cent—rallied behind Labour, leaving its main rival among Indo-Fijians, the National Federation Party, the main opposition party up to that point, gasping for political breath.

A narrow but clear victory for the SDL led the country to breathe a sigh of relief. Although it was impolitic to say so at the time of the campaign, the silent though widespread feeling in the country was that there would have been rumbling in the countryside, perhaps something more, if Labour had won the election. Qarase played the race card effectively to rally the Fijians behind him. One of the central planks in the SDL campaign was that Fiji was not yet ready for a non-Fijian prime minister. Chaudhry became the targeted focus of Fijian animus. Qarase also said that he found the idea of compulsory power sharing embedded in the multiparty Cabinet idea ‘abhorrent’: multiethnic Cabinet yes, multiparty Cabinet no.<sup>27</sup>

But as soon as the election results were known, Qarase did an astounding about-turn. Confident in the driver’s seat, he welcomed, to most people’s utter surprise, the concept of a multiparty Cabinet as the best way forward for Fiji. Indeed, he became its most vocal and enthusiastic proponent. Instead of offering Labour miniscule ministries of little electoral significance or fiscal viability, as he had done in 2001, he now offered substantial portfolios, including agriculture, trade and commerce, labour, industrial relations, urban development and health. Whether Qarase’s about-turn was a Machiavellian plot to coopt and destroy Labour in a Cabinet dominated by the SDL, or whether it was a genuine gesture of power sharing, became a point of debate.

Qarase’s offer put Labour in a quandary. At first Labour leader Chaudhry protested that the ministries his party was offered were those ‘in a mess’, only to be told by the electorate to join the government to help clean it up. Whatever calculations lay behind Qarase’s offer, the mood in the country was enthusiastically in favour of the power-sharing arrangement which the usually combative Labour leader could only ignore at his political peril. Chaudhry offered a list of Labour names to Qarase but insisted that he be allowed to allot the portfolios among his nominees. That, Qarase rightly argued, was the prerogative of the prime minister. Chaudhry then manoeuvred to have himself appointed Leader of the Opposition, clearly an absurd proposition given that nine of his members were in the Cabinet.

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27 The 1997 Constitution provides that any political party with more than 10 per cent of seats in the House is constitutionally entitled to be invited to serve in Cabinet.

Moreover, his demand was in direct breach of the Korolevu Declaration he himself had signed in 1999. 'Any party that participates in Cabinet is deemed not to be in Opposition.'<sup>28</sup> President Ratu Josefa Iloilo rejected Chaudhry's offer—as he had to.

Labour insiders said that Chaudhry was personally not keen on the idea of any multiparty Cabinet that he himself did not lead, and that he, in any case, thought would collapse under the weight of its own internal problems and contradictions.<sup>29</sup> Some of his Labour ministers, such as Krishna Datt and Poseci Bune, now in the twilight of their political careers, wanted the concept to succeed. They acknowledged the difficulties but promised to persist. Chaudhry demanded from his ministers a strict adherence to Labour policies as the basis for their participation in Cabinet. That caught the Labour ministers between the proverbial rock and a hard place. They could not ignore the directive of the Labour Parliamentary Caucus, but they also had to acknowledge the prime minister as their leader of government.

The Labour Party was split. When Datt questioned if Chaudhry's style was appropriate in the new environment that was attuned more to consensus and compromise rather than the confrontation characteristic of the Westminster system, and went on to praise Qarase's consultative style in contrast to his own leader's, the internal dissension became public. Chaudhry initiated disciplinary action against the dissidents. Subsequently, Datt and Bune were expelled for questioning the authority of their leader and for bringing the party 'into disrepute'. It must be said, parenthetically, that there cannot be too many parties in the post-Stalinist world that expel senior members for questioning their leader's political judgment or the way in which the party is run.

Several problems emerged only too clearly. One was the absence of any ground rules for the operation of the multiparty Cabinet, which created confusion about roles and responsibilities of the ministers from parties diametrically opposed to each other in their policies. Strangely, neither Qarase nor Chaudhry, both vying for political advantage over the other, saw the urgency of the matter. By the time the subject was resurrected for discussion, a coup was in train.

28 Korolevu Declaration, Section 3 (b), a copy of which was subsequently published as a Parliamentary Paper.

29 This is based on conversations with some of the members of the Labour Party in Cabinet. But see also Maika Bolatiki, 'FLP crisis poses threat', *Fiji Sun*, 19 September 2006.

Another problem was Chaudhry's reluctance to be in the Cabinet, which compounded the difficulties of his ministers. According to the Westminster convention, ministers were required to maintain Cabinet solidarity and confidentiality of its proceedings. Chaudhry was the leader of the Labour Party, but not privy to Cabinet discussions. This situation accentuated his angst and frustration, which he then vented upon his dissenting ministers. He publicly criticised government policies that his own ministers had had a hand in formulating, in effect playing the role of a *de facto* opposition leader—a role in which he thrived. In November, Qarase offered Chaudhry the portfolios of Deputy Prime Minister and Minister of Finance. Chaudhry dithered, fearing cooption and marginalisation. He now wanted multiparty Cabinet ground rules to be finalised before he would consider the offer.

There had, however, been no such insistence when he nominated nine of his party members for Cabinet. Many thought the working out of the multiparty Cabinet was not Chaudhry's priority; disciplining dissidents in his party and asserting his iron grip on the party machinery was. 'In a strange twist of destiny', as he put it, he accepted the same portfolios from the military but not from a democratically elected government. Had Chaudhry been less tepid about the multiparty Cabinet, and participated in it, Bainimarama might—just might—have considered the situation differently, deterred by a strong display of multiethnic unity on the political front between the leaders of the two main communities in Fiji.

Chaudhry's personal reluctance to be in a multiparty Cabinet was understandable, if only in narrow, self-serving political terms, but Qarase's behaviour made matters worse. Instead of adopting confidence-building measures with his Labour partner in government, he insisted on rushing through parliament the controversial Bills relating to amnesty and the foreshore. Their passage was important for him to consolidate his ethnic Fijian constituency, particularly the hard nationalist fringe that had given SDL its unequivocal support. It was good politics but bad policy. Second, Qarase appointed controversial people to key portfolios. Ratu Naiqama Lalabalavu, convicted for inciting mutiny in 2000, was appointed to the crucial Fijian Affairs ministry. His colleague, Ratu Josefa Dimuri, was appointed to the Senate. Josefa Vosanibola, the controversial Home Affairs minister, was back in his old portfolio despite the military's strong objection to his appointment. The statutory boards were filled with pliant

political appointees. Chanting the mantra of popular mandate (in much the same counterproductive way as Chaudhry had done in 1999), the government gave the appearance of studied indifference to its critics.

Making matters worse for the government were revelations in the courts of massive vote-buying scams in the Agriculture Ministry. Bainimarama accused the government of fostering dissent in the army. Land Forces Commander Jone Baleidrokadroka's challenge to Bainimarama in January 2006 was cited as one example of this. Baleidrokadroka was dismissed from the military and faced the charge of indiscipline and insubordination, but then it was discovered that he was short-listed for the post of Commissioner of Prisons. People wondered if the 'revolving door' of the past was at play again. The sluggish growth of the economy and the allegation that the government was virtually bankrupt and living on borrowed money compounded its problem and encouraged open questioning of the government's competence to run the country.

By early October 2006, the army's cup of disillusionment was full. Bainimarama asked the government to resign, giving it a three-week ultimatum, as he left on an inspection tour of Fijian soldiers serving in peace-keeping missions in the Middle East. 'We don't need any special powers to legalize our move in demanding the government to resign,' the commander said.

And we don't have to take over because the military will walk into the office of the Prime Minister and demand his resignation. If the people want us to do this, we will. At this stage, Fiji needs good governance and the military will demand their resignation. There is nothing illegal about this.<sup>30</sup>

His uncompromising stance was hardening by the day. The government predictably protested its innocence and refused to resign.

For its part, the military, under Acting Commander Esala Teleni, reiterated its criticism. Its strident statements, backed by a publicly expressed willingness to use force to remove the government, created high tension in the country and scared neighbours such as Australia and New Zealand into backing Qarase, with Australia sending a couple of naval ships to evacuate its citizens in the event of an emergency. The entry into Fiji of Australian SAS personnel carrying arms and communication equipment

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30 *Fiji Times*, 17 October 2006.

without proper authorisation or customs clearance in Fiji, increased talk of a foreign invasion, with the government's tacit support. It was learnt later that Qarase had thrice unsuccessfully asked Australia and New Zealand for military assistance to confront the Fiji military. Fortunately for Fiji, the request was rejected. Taking on the highly trained and professional Fijian soldiers on Fijian soil would have resulted in bloodshed on an unprecedented scale.

The government made matters worse for itself by trying to remove Bainimarama while he was overseas and have him, again unsuccessfully, replaced by another senior officer, Colonel Ratu Meli Saubulinayau. This inept move strengthened the commander's standing, among his troops and in the country at large, as a man proudly defending Fiji's national sovereignty. The National Alliance Party, headed by former Military Commander Ratu Epeli Ganilau, a high chief in his own right, condemned the government, calling its action to remove 'the military commander in absentia and without even informing him' alarming.<sup>31</sup> His sentiments were echoed widely. Bainimarama also feared that the Qarase Government might implement the 2006 *Defence White Paper*, which repeated the recommendations of the *Security and Defence Review* of 2004 that the size of the military forces be halved.<sup>32</sup>

More alarming, on the local scene, was the deteriorating relationship between the military and the police force, with the Fiji Police Commissioner, Andrew Hughes, coming under strident attack for seemingly promoting the government's (and according to his critics Australia's regional) agenda. But there was another reason for the tension between the military and the Police Commissioner. Hughes was nearing the end of his investigation of the commander regarding his 'treasonous' statements about the government. Bainimarama had dubbed his campaign to get rid of the government as a 'clean-up' campaign, and Hughes said he wanted to 'find out what it means in the context of my broader responsibility for

31 *Fiji Times*, 3 November 2006.

32 The 2004 *Security and Defence Review* argued that the Republic of Fiji Military Forces were: too top heavy and cumbersome for the size of the force and will need drastic revision once the options outlined above are decided. The rank structure is also grossly distorted, for example there are 80 warrant officers class 1 and 159 warrant officers Class II in a force that would justify no more than 10 and 30 respectively at that rank. The same applies for officers. There are 8 colonels and 23 lieutenant colonels when half that number would be excessive in the current force.

I am grateful to Professor Stewart Firth for this information.

maintaining law and order in Fiji'.<sup>33</sup> Allegations against Bainimarama included disobedience of law and order, seditious comments, unlawful removal of a container of ammunition from the wharf, alleged plotting to overthrow the government, unlawfully obtaining from the president an order to abort a commission of enquiry against himself, and an investigation into the deaths of rebel soldiers in the November 2000 mutiny. Bainimarama dismissed Hughes's accusations as not being 'in the interest of crime prevention and investigation but to remove me from office as a result of political pressure on the Police Commissioner to silence the RFMF'.<sup>34</sup>

Hughes went further, appealing directly to the soldiers. 'I repeat a warning made a few weeks ago to the military, officers and troops in the military that they cannot commit unlawful acts and say I was only following orders.'<sup>35</sup> Five senior officers were already facing charges of committing unlawful acts. Most in the military were 'decent, honest and law-abiding honourable professionals, who should not have their reputations tainted. Think of your families and I don't want to see costly mistakes happen'. The military was being manipulated.

In 2000 there were people behind George Speight, shadowy, operating in the shadows, manipulating and influencing rebels and we suspect the same applies here. There are individuals, groups and organizations behind this inciting and manipulating the commander and others to do what they are doing. Tell everyone hiding in the shadows who were involved in the conspiracy to destabilize the Government that they need to think again because the investigation is getting closer.<sup>36</sup>

Hughes had a commendable record as police commissioner, the best in recent years, but his increasingly public outbursts about 'shadowy characters' and about the need for justice to prevail and his appeal to soldiers above the head of the commander, created the impression that he was doing the government's bidding. The fraught relationship between the military and the police force broke down completely. Bainimarama demanded Hughes's immediate resignation.

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33 *Fiji Times Online*, 25 November 2006.

34 *Fiji Sun*, 11 November 2006.

35 *Fiji Times Online*, 25 November 2006.

36 *ibid.*

While tension mounted, Qarase turned to the GCC to resolve the impasse, seeking its ‘support and understanding of the approach I am taking to seek a resolution to this’. After describing the legislative processes of government, he outlined the importance to the Fijian people of the controversial Qoliqoli Bill and the Indigenous Claims Tribunal Bill.<sup>37</sup> These Bills, Qarase argued, were an integral part of the government’s ‘Blueprint for the Protection of Fijian and Rotuman Rights and Interests, and the Advancement of their Development’—the racially based affirmative action policies in favour of indigenous communities—which were endorsed both by Bainimarama and the interim Cabinet on 11 July 2000.<sup>38</sup> Qarase, in an address to the GCC, said, ‘It was wrong to ignore the pleas and oft-expressed wishes of the Fijians over these historical grievances’, adding that ‘so long as the undercurrents of unhappiness and discontent associated with them continue, we can never be assured about long term stability in Fiji’.<sup>39</sup> Under the auspices of the blueprint, the government had already transferred Crown Schedule A and B from the government to the Native Land Trust Board.<sup>40</sup> A Fijian Trust Fund had been established to give the GCC an independent source of income. Qarase did not need to repeat other policies in education and in the transport industry (such as giving special grants to Fijian-run schools and denying them to Indo-Fijian schools where often the majority of the students were Fijians, and reserving 50 per cent of all new taxi licences to Fijians). Seen in the broad context, all these measures were designed to ensure the ‘paramourcy of Fijian interests’.

Was Qarase wise in seeking the support and intervention of the chiefs in resolving the impasse? The GCC had often been called upon in the past (in 1987 and again in 2000) to adjudicate matters of national interest. At one level, Qarase argued, the crisis was between the government and an institution of the state. ‘But when we look deeply into it,’ he said, ‘we see that this concerns the relationship between a Fijian-led government and a Fijian-led army. It is about us, *koi keda saka na I taukei kei Viti kei*

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37 This Bill’s purpose is to enable Fijians to present cases concerning long-standing grievances about the alienation of some of their ancestral land and to seek compensation or return. Around 500 claims have been lodged thus far.

38 ‘Blueprint for the Protection of Fijian and Rotuman Rights and Interests, and the Advancement of their Development’, presented to the GCC by Qarase, 3 July 2000.

39 Qarase, Address to the GCC, 1 November 2006.

40 Land which as deemed vacant or without an owner as decided by the Native Land Commission set up after Cession in 1874.

*Rotuma* [indigenous people of Fiji and Rotuma].’ It was for this reason that he had sought the Council’s ‘blessings to the Commander and to me, as we find our way to the path of peace and reconciliation for all’.<sup>41</sup>

Bainimarama differed. For him, the impasse was a political problem to be resolved by the government in consultation with the military. He accused Qarase of evading his responsibility as the duly-elected leader of the government. Further, the commander did not see the Council as a neutral or appropriate body to adjudicate the dispute. Many of its members had supported the coups of 1987 and 2000, and some of them occupied senior positions in government. Bainimarama said:

I say Qarase lied from the beginning when he was elected to lead the country and did the opposite of what is expected of a Prime Minister in laughing at the rule of law by releasing coup perpetrators and coming up with racist policies that has [*sic*] divided this country more than ever.<sup>42</sup>

As for the GCC itself, Bainimarama was adamant that the military would not listen to them and that it was ‘wrong for them to be involved in making any decisions’. Bainimarama’s dismissive attitude towards the chiefs was unprecedented and could have had far-reaching consequences. The *Fiji Sun* editorialised:

The chiefs have been treated with contempt. They have been reviled as never before by being told [by Bainimarama] to go and drink homebrew under a mango tree as they could be of no further use. Where it will all end is difficult to predict but it does seem inevitable that the GCC will emerge from whatever process takes place a diminished force at least in the public mind.<sup>43</sup>

The GCC’s quiet endorsement of the coup compromised its position, especially as the coup was against a Fijian leader who was their staunch champion.

41 See also Maika Bolatiki, ‘Fijian state versus Fijian army’, *Fiji Sun*, 11 November 2006.

42 *fjilive*, 12 November 2006.

43 15 December 2006. See also the *Fiji Sun* editorial of 20 December where the paper asked:

Are we seeing the beginning of the end of a chiefly system unable to integrate with this rapidly evolving world in which we live? Probably not. But we may be witnessing the first signs of a society unsure of its changing relationship with its history as the outside world inexorably alters the way in which we see ourselves and our place in it.

Further, ‘There is a strong case for arguing that the chiefs have diminished in status as a result of the GCC’s stand-off with the army commander and it is difficult to see how they can reverse that’.

How the GCC reacts as events unfold would be watched with considerable interest. The 1987 coups were staged in the name of the chiefs and conventional understandings of their place in the larger scheme of things; the 2006 coup was a complete reversal. In the longer perspective, the damage that the military had done to the role and function of traditional chiefs in modern society may eventually be seen as a far more significant effect of the military coup than the damage it had done to the institutions of parliamentary democracy. The latter could be repaired, as Fiji's recent experience suggests, but the damage to the indigenous cultural and social institutions may prove to be irreparable.

As the standoff between the military and the government escalated, the budget debate in parliament in November 2006 created further acrimony. Public attention and angst focused on the proposed increase in value added tax (VAT) from 12.5 per cent to 15 per cent except on basic consumer items such as powdered milk, tea, flour, sharps, tinned fish and kerosene. The government argued that the tax was considered worldwide as 'increasingly important as a source of revenues', and that it was 'one of the fairest and most efficient methods of taxation'.<sup>44</sup> One hundred and twenty countries had it, including many in the Pacific Islands. Labour rejected the tax outright and used the occasion to mount a spirited attack on the government's overall economic performance. Apart from causing internal dissension in the Labour Party when two of its ministers (Krishna Datt and Poseci Bune) decided to support the budget so as not to jeopardise the multiparty Cabinet, it raised a huge public outcry. The government's credibility as the manager of the nation's economy was at its lowest ebb. Amongst the nation's poor, sympathy was shifting towards the military.

In early November, Bainimarama repeated his 'non-negotiable' demands for the police to drop all investigations against him, for all Cabinet members who were involved in the 2000 coup and had served prison terms to be removed, for Police Commissioner Andrew Hughes to resign, for the police force's lightly armed Tactical Response Unit to be disbanded and for the two controversial Bills to be withdrawn. In late November, taking the opportunity of Bainimarama's private visit to New Zealand for a family celebration, New Zealand Prime Minister Helen Clark arranged a meeting between the commander and Qarase in an effort to break the

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44 Budget Speech, 22 November 2006.

impasse.<sup>45</sup> To the military's demand that the government publicly declare that the coup of 2000 was illegal and that all those associated with it had to be removed from office, Qarase agreed to:

develop, without delay, a renewed and fully resourced public education programme, to take to the public and the villages of Fiji, an information programme aimed at ensuring the wide public awareness and understanding that the events of 2000 were illegal.<sup>46</sup>

Those found by due process to have associated themselves with illegal activities would be prosecuted.

On the controversial Bills, Qarase agreed that if the Bills were found to be 'legally or constitutionally unsound', they would be suspended (the military wanted them dropped). On the investigations against Bainimarama, Qarase agreed that if the appropriate Fiji Government authorities (Solicitor-General, Director of Public Prosecutions and the Commissioner of Police) recommended that the charges be dropped, the government would heed their advice (the military wanted the charges dropped forthwith). Andrew Hughes's contract was up for renewal, and the government agreed to accept the military's concerns when reviewing his position (the military wanted immediate termination of his contract). There would be no foreign military or police intervention in Fiji's affairs. Qarase agreed to 'undertake a review of the Police Tactical Response Unit'. The military's concerns about corruption and good governance would be addressed through new legislation dealing with leadership conduct, freedom of information and through the establishment of an Anti-Corruption Agency. And finally, regarding the military's concerns about force structure, allowances and terms of reference and conditions of employment would be addressed by an independent committee.

Qarase had conceded to virtually all of Bainimarama's demands, going as far as he could, although his critics argued that the prime minister was merely buying time by attempting to give the impression that action would follow when he had no such intentions. In any event, he had acknowledged his weakness and starkly demonstrated the relative power of elected office versus the military. But the commander repudiated the 'deal' as soon as he returned to Fiji. His mind had already been made up long before his New Zealand visit. The 'clean-up' campaign was fully

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<sup>45</sup> *Fiji Daily Post*, 3 December 2002.

<sup>46</sup> *ibid.*

activated, although no one knew precisely what the military had in mind. Strategic facilities around the country were secured, police ammunitions seized, access to the president channelled through the military.

At 6 pm on 5 December 2006, Commodore Bainimarama announced the military takeover:

We consider that Fiji has reached a crossroads and that the government and those empowered to make decisions in our constitutional democracy are unable to make these decisions to save our people from destruction.

He misguidedly invoked the ‘doctrine of necessity’<sup>47</sup> in defence of his action and declared a state of emergency. But no ‘exceptional circumstances’ existed in the country. The duly elected government was in office. The prime minister had not advised the president to dissolve parliament, and the executive in the Westminster system is obliged to act on the advice of the prime minister. Claiming that the president was being put under undue pressure and prevented from exercising his constitutional powers, Bainimarama assumed his executive powers. The constitution, the commander claimed, was still alive. His coup, therefore, was constitutional. In truth, it was anything but.

A state of confusion ensued about the fate of the constitution, the commander’s conduct under it, the meaning and implications of the doctrine of necessity, the impact of impending sanctions. However, none was more confusing than the behaviour of the president. In his mid-80s, frail and reportedly suffering from Parkinson’s disease, he was conspicuous by his absence from the public eye. Conflicting statements issued under his name compounded the problem. It was claimed that the president had sanctioned Bainimarama’s action—the two were reportedly close—but then came the claim that the president was still in charge. The removal from office of Vice-President Madraiwiwi, a former High Court judge, deprived the country of sane advice. Exactly a month after the coup, on 5 January 2007, Bainimarama re-installed the president whose powers he had temporarily appropriated. The president then appointed the interim administration, with the commodore at its head.

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47 The doctrine authorises the executive to intervene if the government is unable to discharge its responsibilities in the event of an emergency such as massive civil disorder. But the doctrine is limited in its scope, and the executive is obliged to return power to the government once the emergency is over.

The confusion continued. The constitution had not been abrogated, at least formally, although the commander's edicts were in breach of its essential spirit. Many chief executive officers and political appointees of statutory bodies were sacked. Senior military officers were appointed to the police and prison services. Civil liberties remained precariously intact under the ever-vigilant eye of the military, although abuse of human rights began to surface. Travel bans on those involved in the coup were imposed by Australia, New Zealand and the European Union, and sanctions and cancellation of defence and sporting engagements were enforced. The Commonwealth suspended Fiji's membership from its foreign ministers meeting. The economy suffered from a decline in the tourist sector and the country's sugar industry, which was already under considerable strain from the projected cessation of preferential access to the European Union. The concurrent announcement by Emperor Gold Mines that it would cease its operations, with a loss of 1,500 local jobs, also had its effect. And the emigration of the best and the brightest, already high, continued apace, draining the country of talent and skill it could ill afford to lose. All this was predictable.

But some things were not. On the political front, the fraught relationship between the army and the GCC was something that would not have been predicted even six months previously. In the past, the GCC, as the umbrella body of the Fijians, exercised great moral and legal authority over the affairs of the indigenous community. It had endorsed the coups of 1987 and, less overtly, 2000. After the 2006 coup it was fractured and hobbled and ineffectively led. It was a frustrated bystander in a saga involving the Fijians. Fijians were divided, and the GCC was unable to provide its accustomed leadership. There was grumbling in the *vanua* (the land) about the military and its dismissive attitude to the chiefly body. Some provinces had asked their sons and daughters in the army to return home. It is unlikely that they did; for them, the military was their *vanua*, which had given them a place in society and was the source of their livelihood.

The potential for fragmentation and division in the indigenous community along provincial and regional lines had surfaced openly since the coup of 2000. It had been accentuated by the departure of the 'mana' and authority of the paramount chiefs who had been able to provide overarching leadership to their people. This was cause for grave concern. Compared to the other coups, there was a greater danger of the weakening of the moral authority of the basic ethnic Fijian institutions. There were

many Fijians who thought that the military, the GCC and other elected leaders were not acting in their best interests. The question then arose: What institution could claim to represent all ethnic Fijians?

Unlike 1987 and 2000, neither race nor the protection of indigenous rights was an issue in 2006. This crisis was widely perceived as a tussle for power between a Fijian military and a Fijian government. As a result, the kind of intense international agitation that accompanied the earlier crises, largely at the behest of Indo-Fijian communities abroad, did not eventuate. Nor was there much sign of active or effective local protest. A part of the reason was that the issues were not starkly defined in racial or ethnic terms. Many supported Bainimarama's stated intentions for staging the coup, ridding the country of bad governance and corruption, but they disapproved of his methods. More puzzling was the quiescent reaction of the indigenous Fijians, the overwhelming majority of whom had supported Qarase's party just a few months previously. One reason might have been that their traditional institutions, the GCC and the Methodist Church, had changed sides and supported the coup, even if it was out of necessity rather than by choice. But culturally, military prowess and demonstration of physical strength, not abstract ideology, were highly esteemed virtues in Fijian society, which might have partly explained the Fijians' accommodating response. 'Fijians very quickly shift to where power lies,' a Fijian elder told me. 'We are a pragmatic people.'

From overseas—Australia, New Zealand, the Pacific Islands Forum and Commonwealth Secretariats, the United Nations Security Council—came unequivocal support for the Qarase Government. In their staunch commitment to the rights of the democratically elected government, they allowed no understanding or sympathy for Bainimarama and others. The sharpness of New Zealand's reaction was probably attributable, in part at least, to its failed attempt to broker a peace between Qarase and Bainimarama and the feeling that the latter acted in bad faith from the outset, having no intention of engaging in meaningful negotiation. Australia's displeasure probably arose from seeing its foreign policy initiatives in the region falter. Despite decades of benign engagement with the region through a series of bilateral and multilateral initiatives, Australia's reputation was at its lowest in decades. That said, there was no denying genuine dismay in both Wellington and Canberra at the overthrow of a democratically elected government in Fiji.

The reaction of the Melanesian Spearhead Group (MSG) (Papua New Guinea, Solomon Islands, Vanuatu) was at odds with the response of its bigger neighbours. At the meeting of its foreign ministers in Honiara on 12 January 2007, the MSG declared that ‘the political situation in Fiji is an internal matter that can only be resolved by the people of Fiji using constitutional and democratic processes’. The ministers were content with the assurance that the ‘rule of law and human rights will be observed, and that a democratic government through the holding of a general election would be held within a reasonable time frame’.<sup>48</sup>

The MSG’s lack of sympathy for Qarase’s government was surprising as on 30 October 2005, the Government of Papua New Guinea had awarded the then Fijian Prime Minister the ‘Star of Melanesia’, for bringing political stability to Fiji and for promoting business and commerce in the region.<sup>49</sup> The MSG’s reaction put the Melanesian states at odds with the views of their larger neighbours—Australia and New Zealand—and with international organisations such as the European Union, the Commonwealth Secretariat and the United Nations. It was suggested that the Melanesian reaction may, in part, have been due to their then hostile attitude to Australia in particular. Be that as it may, the MSG’s support for the military coup in Fiji was to come in time to be seen as short-sighted and ultimately counterproductive.

In the Indo-Fijian community, there had always been a marked lack of sympathy for the Qarase Government, which came upon the back of George Speight’s coup in 2000. They were victims of the Qarase Government’s many racially based pro-Fijian policies in education, the civil service and the public sector generally. The government had not given the impression of being interested in the welfare of the non-Fijian community. ‘What was on offer’, wrote an Indo-Fijian academic, ‘was a dismal public management record, a race-based resource allocation regime, continuing tolerance of public racial abuse of a community by colleagues, and a range of exclusionary policies’.<sup>50</sup>

48 From the press release of the meeting, issued on 13 January 2007.

49 The other awardees were Sir Allan Kemakeza of the Solomon Islands and Ham Lini Vanuarora of Vanuatu.

50 Subhas Appana, ‘Can’t blame our Indians now’, *Fiji Times Online*, 22 December 2006.

Many in the Qarase Government supported the 2000 coup and even benefited from it. Their sudden conversion to democracy was therefore politically expedient and unconvincing. For these reasons, many Indo-Fijians, now making up around a third of the population, silently supported Bainimarama's so-called 'clean-up' campaign. But it would be wrong to suggest that Indo-Fijians, as a community, had rallied behind the commander. They had not. Their condemnation of the coup had been expressed through muted murmurs rather than the vigorous campaigns that greeted past crises. Nonetheless, some nationalist Fijians were accusing Indo-Fijians of providing the military with moral and even financial support. They therefore bore the brunt of Fijian anger redirected against the military, and they unwittingly got caught in the crossfire between the military and Fijians opposed to it.

Unlike 1987 or 2000, calls for a sympathetic understanding of the military's position came from unlikely quarters. Fr Kevin Barr is one of Fiji's more enlightened church leaders. In a newspaper article, he wrote: 'If we look at the military takeover from the perspective of democracy, it stands condemned in principle. However, there is another perspective which needs to be considered.' He went on:

Does the protection of 'democracy and the rule of law' have to be the only consideration when a military takeover has occurred? Is 'democracy' to be understood only in its narrow Western context and to be measured only by the criteria of free and fair elections? Are wider considerations such as those of social justice also relevant and important in assessing what has happened recently in Fiji? Could it be that the future in Fiji will be more truly democratic and people-centred, more just and more inclusive because of the Military takeover and clean-up?<sup>51</sup>

Questions such as these were being asked throughout the country, by members of all ethnic groups and social classes, suggesting the unpopularity of the Qarase Government's six years in office.

The 2006 coup was visible in Suva, whereas in the sugarcane belt of Western Viti Levu and in Vanua Levu its impact was barely noticeable, beyond a few stray military checkpoints on the periphery of urban centres. In 1987, and to a lesser extent in 2000, life in the Indo-Fijian

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51 Paulo Baleinakorodawa, Kevin Barr and Semisi Qalowasa, 'Crisis brings uncertainty: What about opportunity?' *Fiji Sun*, 17 December 2006.

areas was severely disrupted. In 1987, boycotts against the coup in the sugar industry affected the cane belt severely; in 2000, Indo-Fijian areas on the Rewa Delta were terrorised for food (cattle, root crops), forcing many to flee to refugee camps in Lautoka. The 2006 coup left a different impression. Incidents of violent crime and burglary in urban areas were noticeably down. People felt personally safe on the streets and in their homes. The military's determination to prevent a breakdown in law and order had its impact, and was an important reason for the gathering public support. Nevertheless, recent concerted efforts to quell dissent did raise concern among human rights activists.

It has been asked whether removing Qarase and Commodore Bainimarama from their respective offices would have helped resolve the impasse. Personality did play a part and Qarase was more accommodating and moderate in public, as he had to be, though his critics argued that he was dangerously deceptive; a reassuring face of Fijian nationalism, the very soul of sweet reasonableness. Qarase is a self-avowed Fijian nationalist who is not necessarily antagonistic to the other communities. Bainimarama, heading an almost exclusively Fijian institution, the military, is an avowed multiracialist, although in television interviews he appears awkwardly assertive, even dogmatically authoritarian. His multiracialism may be a legacy of his education at the elite multiracial Marist Brothers High School in Suva. Qarase is a product of the exclusively Fijian (Queen Victoria School) and the European (until the early 1960s) Suva Boys Grammar.

But this crisis went beyond personalities. It was clear that the military sought a more enlarged, permanent public role for itself. It did not wish to remain simply an institution of the state, but sought to play an important role in the affairs of the state. 'Prevention is better than cure', a senior military officer told me. 'It is better to prevent the mess from taking place in the first place than to be called to clean it up afterwards.' He was referring to the role the military had to play in rescuing the country from the crisis of 2000. He cited Thailand, Indonesia, Pakistan and Turkey as models. Along with parliament and (until recently) the GCC, the military regarded itself as a major centre of power in Fiji and it was there to remain.

Could the crisis have been avoided? Bainimarama was adamant that he would have proceeded with his 'clean-up' campaign whatever the cost, but he had stated his intention to take on the government almost three years previously. His intention to execute the coup was probably the longest announced in recent history. His tactic differed from those

employed by Sitiveni Rabuka in 1987. Then, Rabuka delivered a single, surgical strike on a single day, abrogated the constitution immediately and soon afterwards declared Fiji a republic. His actions stunned the nation. In 2006, Bainimarama deposed the government through 'death by haemorrhage' over a long period. His demands were clear and his intention unmistakable. He hoped that unrelenting pressure would crack the government and force it to accede to his demands. But the SDL Government, buoyed by overwhelming Fijian support in the May 2006 elections, and riding high on the wave of enthusiastic public support for the multiparty government concept, did not take the military's threat as seriously and as early as it could and should have. Indeed, for the most part, the government was determined to clip the commander's wings. Clumsy efforts to have him sacked when he was out of the country and to reduce the military's budget fuelled tensions. The government's attempt, to foster dissent among the officer corps against Bainimarama, failed. On the contrary, its actions only strengthened support for him. By the time the government realised the resoluteness of the military's position it was too late. The military had crossed its Rubicon.

Many questions remained to ponder, and only time would provide the answers. Would Commodore Bainimarama be the charismatic messiah who would lead Fiji away from the path of corruption, bad governance and the era of racially polarised politics towards a better future for all its citizens. Or would he, like one of his military predecessors, Sitiveni Rabuka, succumb to hubris and take his country back into the cul-de-sac of despair and disillusionment? Would the multiracial 1997 Constitution, once hailed as the saviour of the nation, remain intact, its lights undimmed, or would it be emasculated and eventually snuffed out if it conflicted with the agenda and interests of those in power? Would the military, henceforth, insist on having a far greater, far more visible public role in Fiji or would the fundamental tenets of parliamentary democracy be allowed to prevail? Would the institutions of law and order be allowed to exercise their proper function or would they do so only under the close supervision of the military? Would a parliamentary democracy of the Westminster type, with all its faults and flaws, return to Fiji or would it be allowed to exist only at the sufferance of the military?

## Appendix

### Andrew Hughes's Letter

*The following letter from Fiji Police Commissioner Andrew Hughes (2003–2006) to the New Zealand Police Commissioner Howard Broad is about resolving the imminent political crisis in Fiji in 2006 following Commodore Frank Bainimarama's public threat to overthrow the democratically elected government of Qarase. Hughes recommends the desirability and importance of arresting and charging Bainimarama while he was on a visit to New Zealand to attend mediation talks between himself and Prime Minister Laisenia Qarase arranged by the Government of New Zealand. The New Zealand police had evidence of Bainimarama in a video conference with his loyal senior staff in Fiji urging them to kidnap Hughes to force the already beleaguered Fijian Government to capitulate to his ever-expanding demands. Technically, the matter was within the jurisdiction of the New Zealand police but the then New Zealand Foreign Minister Winston Peters opposed the idea in favour of a diplomatic solution (which Hughes predicted would never materialise). Had the New Zealand police acted on Hughes's advice, fully supported by the Fijian National Security Council, the course of Fijian history would have been very different.*

*Andrew Hughes's assessment was made during a rapidly unfolding series of events, but it was prescient in important respects. As he predicted, the coup took place soon after Bainimarama returned to Fiji in early December. His assessment of Bainimarama as 'cunning, self-obsessed, stubborn, manipulative, divisive, ruthless individual with a short temper accompanied by a propensity to violence' has been echoed by many other observers, including Michael Green, the New Zealand High Commissioner during the 2006 crisis in his book *Persona Non Grata*.<sup>52</sup> The New Zealand mediation talks in early December 2006 bore out Hughes's prediction that compromise was not a word in Bainimarama's vocabulary and that he would renege on any undertaking that did not meet his demands in their entirety. Similarly, his fear about the impartiality and professionalism of state institutions under Bainimarama has been vindicated. Just to take one example, all the local commissioners of police have been senior military officers, Brigadier General Iowane Naivalarua, Commodore Esala Teleni and Brigadier General Sitiveni Qilihio. His acolytes*

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<sup>52</sup> Michael Green, *Persona Non Grata: Breaking the Bond: Fiji and New Zealand, 2004–2007* (Auckland: Dunmore Publishing, 2013).

*staff the senior echelons of the Fijian military and civilian administrations. Hughes correctly surmised that at the time of the 2006 coup, many in the military and the civilian population were 'sitting on the fence' who might have opposed Bainimarama's plans if the commodore was not on the scene. Loyalty in Fiji is always contingent, not absolute or principled. Hughes writes about 'shadowy characters' behind Bainimarama but does not identify them. We now know that among them were leading Indo-Fijian businessmen who are amongst Bainimarama's staunchest supporters.*

*In a separate note, Andrew Hughes answered, in writing, 48 questions put to him about aspects of the 2006 crisis. He said early in his tenure he had cordial relations with Frank Bainimarama that deteriorated rapidly as the police began investigating his role in the mutiny and other related matters around November 2000. He formed an opinion early on that Bainimarama was suffering from post-traumatic stress disorder from an attempt on his life by rebel soldiers during the mutiny, and that he ordered their brutal deaths (mentioned in the letter). Hughes was asked about the role of Fiji High Court Judge Nazhat Shameem in the crisis. He replied that she was a 'key advisor to the Commodore', and was very 'close' to him. He mentioned the speculation about the nature of the relationship between the two, adding: 'There was some intelligence in this regard that was shared with me by Australia'. I should add, for the record, that Hughes had mentioned this to me in an informal interview in Canberra in 2007. The actual truth of the matter may never be known. All we have at present is Police Commissioner Andrew Hughes's statement. Hughes also says that Bainimarama sought advice from a wide range of sources, which, he says, included Muslims and Gujarati businessmen and, most surprisingly of all, the Fiji Human Rights Commissioner, Shaista Shameem, the elder sister of the judge. The true murky history of the 2006 coup, the mixture of motivations behind it, the identity of the key players behind the scenes, the amount of money that exchanged hands, the promises made, may never be known, but Andrew Hughes's letter will remain an indispensable document as a starting point for future researchers. For that reason it is being published in full.*

*Andrew Charles Hughes (6 June 1956–28 August 2018) was recommended for the position of Fiji Commissioner of Police by the Australian Federal Police. Before his Fiji posting, he was Chief Police Officer of the Australian Capital Territory. After being removed from his position by Bainimarama, he was appointed to head the UN's Police Division from 2007–2009.*

IN-CONFIDENCE

28 November 2006  
Mr Howard Broad  
Commissioner  
New Zealand Police  
(Hand delivered)

Dear Howard,

The purpose of this letter is to formally seek your re-consideration of the decision not to arrest Commodore Frank Bainimarama under the provision of Section 117 (e) of the Crimes Act 1961 of New Zealand. At the outset let me state that I do recognize and appreciate that any decision in this regard is yours, however the gravity of the situation that confronts the nation of Fiji, its democratically elected government and its people, compels me to write to you to state my case in the strongest possible terms. I would not even contemplate influencing your statutory responsibilities in any other circumstances.

You have previously acknowledged that you are satisfied with the sufficiency of evidence, so I will not discuss this point.

You have told me that it is the public interest issue which is now being exercised.

**Public interest**

From my reading of Section 117 (e), its applicability to the current situation is that it includes, 'an overseas jurisdiction.' Would it not be reasonable to consider the public interest in a broader sense to include the public interest in the overseas jurisdiction that is being perverted, defeated etc.? Not necessarily exclusively in a legal sense, but more from a moral obligation as a 'good neighbour', especially in the case of Fiji with which New Zealand has strong and mutually beneficial interest across a wide range of common areas.

If that line of argument is followed, does it not then follow that the relevant authorities in that overseas jurisdiction are best placed to determine the best public interest that will inevitably be impacted by any decision made in New Zealand? Where the balance lies is ultimately a matter for New Zealand. In Fiji, the National Security Council chaired by the Prime Minister and comprised of the Attorney-General, Minister for Home

Affairs and Immigration, Minister for Foreign Affairs and Minister for Finance and National Planning, with the Commissioner of Police and the Chief Executive Officer of Home Affairs as co-opted members, considered that an arrest in New Zealand was by far the best, (and perhaps the only substantial option left), to avoid a destabilisation and likely replacement of the Government of Fiji.

I now turn to two scenarios. One where Commodore Bainimarama is allowed to return to Fiji and the other where he is arrested in New Zealand and charged with offence(s) under Section 117 (e).

### **Commander returns to Fiji**

His intention when he threatened to 'force the government to resign' and then 'clean up the government' is now clear. He openly admits he is intending to severely destabilize or remove the democratically elected government. From reliable, intelligence sources we know that the first phase will occur soon after his return, likely to be on or shortly after 4 December 2006. According to leaked information regarding their Operation Plan (codenamed Arch Angel 2), the Commissioner of Police will be taken hostage and held to ransom at the Detention Centre at Queen Elizabeth Barracks to cause the government to 'throw in the towel' on the 8 demands (which I understand are known to you). This is unlikely to occur because many of the demands are either unreasonable, or impossible for the government to carry out. The concept for my incarceration was communicated to his close shorts by Bainimarama himself via a video conference to RFMF Headquarters from Wellington on Friday evening of last week. No action is to be taken in this regard by RFMF until he returns, but the order will be given shortly after he returns by the Commodore himself. Consistent with his statement that there will not be a coup, my 'arrest' will likely be on the basis that I am a threat to national security following the execution of a search warrant by Police on the office of the president recently.

(As an aside, and at the risk of introducing subjectivity into what must be a completely objective assessment, the Detention Centre was the sight of the brutal bashing murders of 4 Counter Revolutionary Warfare Soldiers that were taken by the Military from the Central Police Station cells under orders by Commodore Bainimarama. We have reason to believe he then ordered their beatings. The extent of the injuries that caused their deaths are the most horrific I have ever seen (from photographic evidence) in

30 years of policing. Eyeballs were hanging out of sockets, bodies pulped beyond recognition as being those of human beings. In one case, the bones of their right shoulder of the victim were protruding out the back of the victim on the opposite side of his body. The prospect of being captured and detained in the facility by these people is not one which I look forward to. It is also a reason why his demand for all investigations into the Military to be dropped cannot be contemplated).

Concurrent with this action will be the attack on the Police Tactical Response Unit where presumably, members of the PTR will be incarcerated and ill-treated. The Assistant Commissioner Operations Samuela Matakibau, aged 50 years, a long-serving loyal and capable officer is known to be the person held responsible by the RFMF for the development of the PTR. He could also be targeted. He has already drawn on his superannuation savings to send his family to the United States to stay with relatives.

If, or more likely when, the 9 demands cannot be met, the Minister for Home Affairs & Immigration, The Honorable Josefa Vosanibola, aged in his 60s, is next on their hostage list under Arch Angel 2. His 'arrest' could also be 'justified' on the grounds of national security because he is seen to be behind the 'unlawful removal' of the commander. Recent intelligence indicates that have also included the Prime Minister, Mr Laisenia Qarase, as a future hostage.

The Commodore has publicly attacked the Deputy Commissioner, Mosese Driver, aged 58 years and the Assistant Commissioner Crime, Keveuli Bulamainavalu, aged 59 years (a 40 year police veteran), because of their publicly expressed loyalty to me as their Commissioner and for simply doing their job. I suspect Superintendent Waisea Tabakau, the lead investigator into the treason allegations, whose identity and recent visit to New Zealand to provide evidence against the Commodore to New Zealand authorities, will also be earmarked by him for special attention. In preparation for this course of action the RFMF has been training so called 'Kidnap Squads.'

The public threats from the Commodore that 'The Commissioner of Police should pack his bags and leave Fiji, or I'll pack them for him,' is another indication of his contempt for the office of the Commissioner and his role. Interestingly, the RFMF did not deny plans to kidnap me when they were stated as the reason I would not attend the launch today

of the annual sporting challenge between the two services. If that was not cause enough for concern, the threats were broadened on Monday 27 November 2006 to include my family. They were repatriated to Australia today and my personal effects are now in storage. It is no longer possible, nor safe for me to live in my home of the past 3 and a half years.

The commander has no respect for any public authority. He has publicly scoffed at and ignored the GCC ('They should sit under a Mango tree and drink home brew') was his public response to the GCC's attempt to mediate in dialogue between him and the Prime Minister. As an aside, the psychiatrist in the mediation team regards him as being unstable, a view widely held by non-professionals as well [as], parliament, the Prime Minister (publicly labelling him a liar and a supporter of the 2000 Coup), government, the churches, the Supreme Court, the community, his overseas counterparts, the Auditor-General, the Police Commissioner and every other civil authority in Fiji. He has openly defied the due process of the law by surrounding himself with heavily armed bodyguards of between 20 and 25 in number. When arriving from overseas he is met airside by around 100 armed military personal, in disregard of airport security. This is simply to avoid arrest. On two occasions in the recent past one of his senior cohorts (Pita Driti) has publicly warned the Police not to attempt to arrest him, ominously stating that it would be 'unwise.' He clearly regards himself as above the law. The very thing he claims he is fighting for.

The Commodore's intention is to appoint himself President and commander in chief. This was documented by a source who was taking official Minutes (PROTECTED) when the Commodore told this to the President himself before leaving for New Zealand last week. His 'shadowy supporters' as I have referred to them publicly, will then be appointed to key positions. Ratu Epeli Ganilau as Minister for Home Affairs, Mahendra Chaudhry as Prime Minister, etc., etc.

His choice for my replacement is an ex Police Inspector Naipote Vere. He is regarded by my Chief Officers as arrogant, racist (hates Indians), vindictive and vicious fellow. Following the coup of 1987, he personally arrested the then Assistant Commissioner Administration, Chandra Dell [Deo] and dragged him through Nausori Police Station and Central Police Station as an act of intimidation. The arrest was under the order of Sitiveni Rabuka. What will become of my Indian Officers under his leadership?

How will he treat those targeted by Bainimarama for replacement? What will become of the others on the target list, including the Prime Minister and senior Cabinet Ministers?

The Fiji Police has undergone significant reforms over the past years, too numerous to list here. The impact of the reforms are more important. I enjoy a public approval rating that has reached 92% and never gone below 79%. 84% of the respondents believe the Force is now doing a better job than it was 12 months ago. Complaints against Police have dropped by 50%. Fiji Police won the Commitment to Business Excellence Award in 2005. In 2006 we won the coveted Achievement Award at the recent Service Excellence Awards, one of only 4 Ministries out of 46 to do so. In public opinion polls I have ranked as the 5<sup>th</sup> most popular person in Fiji. The Prime Minister is even higher. In stark contrast, the Commodore has only 18% from indigenous Fijians. His support from the Indo-Fijians is higher. This could be due to his attacks on the SDL Government and support for the Indo-Fijian dominated Labor Party. In any event, the Indo-Fijian community were extraordinarily tolerant and nonviolent in terms of showing their collective disapproval on issues.

What will become of the Force, the reforms and more importantly its service delivery to the people of Fiji? Will it retain its independence or will it become an instrument of oppression under Bainimarama's dictatorship?

Last week 15 members of the 19 strong Association of Christian Churches Forum (ACCF) came to visit me at Force Headquarters. The support of the other 4 members was communicated through their spokesperson at the meeting. They were effusive in their support for me and the stance against the Commodore I am taking. They represent 600,000 followers, including the most influential church in Fiji, the Methodist Church. They are praying for me to succeed in bringing Bainimarama under the rule of law. (At their instigation we all stood, held hands and prayed in my conference room. A very moving experience). They referred to Bainimarama as being 'possessed by the devil.' PROTECTED. This may seem unusual and perhaps an insignificant event by Bew [*sic*] Zealand and Australian common practice, however the power of The Church in Fijian society should not be underestimated. They are preaching to their congregations, including members of the RFMF, key messages in respect of supporting the Commissioner of Police.

The impact on the economy, Fiji's international reputation, including its membership of the Commonwealth, are [*sic*] self-evident. It will be a puppet government under an unstable military dictator. Will other undesirable foreign interest fill the void left by New Zealand and Australia? Will Fiji become a base for 'Transnational Organized Crime and Terrorism?'

### **Bainimarama is arrested and charged in New Zealand**

Although there can be no guarantees, it is the firm view of the NSC and the Police leadership that widespread and lasting disorder is unlikely. Right minded Colonels similarly hold this view and moreover, that they can contain any disturbance to the barracks. Colonel Meli Sabulinau [Sabulinayau] (who was, and legally still is the presidentially appointed Commander RFMF following government's recommendation last month that Bainimarama be suspended while the Force investigations proceed, and was himself suspended by the president in this process), was met by Deputy Commissioner Driver today. The Colonel is confident that he can take control this time, if the Commodore in [*sic*] not in Fiji, and especially if he is arrested and charged overseas, rather than just the subject of local Police investigation. He believes timing will be crucial, as will a public announcement of his appointment by Government House.

We have pledged our full support in this process, as has government. The avenue to achieve this is Vice-President Ratu Joni Madraiwiwi, who is able to influence the president. Unlike last time, there are no documents to prepare, sign and have leaked to RFMF to derail the process. The presence of the two other most highly respected colonels in Fiji, unlike last time when they were both overseas, is a further significant factor in favour of Colonel's Meli's appointment and acceptance by the RFMF on this occasion. The Commodore has revealed his intention to remove the government. Previously his intention was veiled and open to interpretation. Removing the government is not a popular course for RFMF membership. At a recent briefing of senior RFMF Officers by Captain Teleni in which the RFMF concept of operation was unveiled, they all walked out when he was distracted momentarily away from the venue, is a clear illustration of the lack of support for the Commodore's intended course of action.

It is important at this point to recall that the Operation commences with a criminal act of kidnapping the Commissioner of Police. This in itself is not a coup in the Commodore's way of thinking. It is a process designed to force the government to agree to his demands, clearing the way for fresh demands. He does not require complete support of the RFMF to achieve this outcome. Just a core group of supports and his Kidnap Team.

This outcome is supported by our knowledge that Bainimarama rules the Military by fear. The more he gets away with things, the more powerful and feared he becomes. Despite this there are cracks in the RFMF. It is not a unified and united outfit. These cracks will widen if he is off the scene and this can be exploited to provide support for Colonel Meli, as he himself envisages. It is our assessment that most members of the RFMF are sitting on the fence, waiting to see what happens, prepared to take the path of least resistance, or to follow the direction that the strongest wind blows, and primarily concerned with their pay packets. The vast majority of them are decent Fijians who would not contemplate breaking the law in their own right.

As at 0800 hours today, only 791 Territorial Force members have marched in, out of about 3,000. Even the RFMF has expressed its surprise publicly at the very low turnout. Most of those who marched are the unemployed ones who are eager to receive (or possibly receive) the \$18 per day allowance. When they marched in earlier this month, many were not fed for the first 24 hours. Some have only received \$20 for the time they spent in camp. The RFMF Budget is overspent by \$3.8m as at 22 October 2006. LPOs are not being honoured. Creditors are withdrawing goods and services. The Western Division RFMF (the second largest) is known to be against any unlawful action. This position was confirmed by the Divisional Police Commissioner to me today. He is in regular contact with his RFMF counterparts and they remain, in his assessment, loyal to the government and quietly supportive of my stance.

During the 2006 General Election, police who received the votes from the RFMF members deployed overseas on peacekeeping duties (over 800 in number) reported that 100% voted for the SDL Party. This is probably indicative of the support SDL enjoys among the wider RFMF. This is not surprising considering the vast majority of its members are indigenous Fijian. There is no political motivation to follow the Arch Angel 2 Plan as its principal architect is removed.

In the scenario that Fiji authorities believe is most likely, order will quickly be restored in the RFMF, damage to the economy from the continuing impasse minimized, and the Police/Military relationship can be rebuilt with me continuing as Commissioner of Police. In short, there will be a collective sigh of relief from the overwhelming majority of the population, and overwhelming majority of the RFMF.

The British High Commissioner to Fiji, Roger Sykes, also believes that the arrest of Bainimarama in New Zealand is the best option. He described it as ‘cutting off the viper’s head.’ PROTECTED. The British presence in Fiji is small compared to New Zealand and Australia, but not insignificant.

In so far as the impact would be against New Zealand citizens, it is important to note that the RFMF usually issues warnings before strong action is taken. Coupled with this somewhat redeeming feature in an otherwise twisted leadership culture (although I suspect the grandstanding, projection of power and media attention feeds certain egos), is the fact that New Zealanders (and indeed Australians) are generally, almost universally, liked by Fijians. They admire our successes economically, educationally, technologically and most importantly to them, in Rugby. There is no latent resentment or hostility waiting to [*sic*] the opportunity to boil over. Look at my acceptance as an example of this general respect. Despite Bainimarama’s vitriolic public attack on me, my base of popular support remains intact.

Criminal elements target expatriates for the same reason they target Indo-Fijian business people—their relative wealth, not because they are of a particular race. I should add at this juncture that there is no connection with the home invasion on the AFP Officer based at the Australian High Commission and the present political situation. He was targeted for his vehicles which were used later that morning in a failed attempt to rob a service station. This group has been identified and suspects are being chase. Regrettably, such incidents are relatively commonplace.

Turning to his closest cohorts, Captain Teleni and Colonel Pita Driti. Teleni is a classic example of what I have described above in respect of bending with the strongest breeze. He has no inherent leadership qualities and his naval background is not a natural point of endearment with the Army (The Commodore has overcome this through his charismatic leadership style and through his record of taking care of the welfare and pay of the troops).

Colonel Driti is not a respected leader. He is disliked by the troops and regarded as a theorist rather than a soldier's soldier. Quite opposite to Colonel Meli, Brigadier Iowane and former Colonel Seravakula who were extremely influential and command respect, All 3 have stood up to the Commodore in the recent past (and suffered the consequences in the case of two of them). Seravakula escaped to a UN job, but fortuitously he is back in Fiji for the Rabuka trial (His moderating influence should Bainimarama be arrested will be enormous). Meli and Seravakula are very high Chiefs. Bainimarama is either a low ranking Chief, or without any chiefly status. Opinions on this are divided between the two. Whatever the case, his chiefly status is not a factor in his favour. This means there will be no 'traditional insult' in his incarceration. Meli, Seravakula and Iowane are supporters of the Police and understand the importance of Law.

I believe once the Commander is arrested and charged, Teleni will go into survival mode and seek indemnity to 'tell all.' His character is weak and he will not be able to stand up to Colonel Meli if the Commodore is out of circulation. He is concerned about the Police investigation and upcoming charges into the unlawful removal of ammunition from Suva Wharf last month. Driti will most likely meld into the background similarly concerned over his future survival.

### **Will the New Zealand strategy or mediation/conciliation succeed?**

As stated above, Commodore Bainimarama has a track record of walking away from previous attempts when the outcomes do not fit with his own agenda in its entirety. There is no room for compromise in his mind. I have worked with him for 3 and a half years. In my assessment he is a cunning, self-obsessed, stubborn, manipulative, divisive, ruthless individual with a short temper accompanied by a propensity to violence. I have caught him out lying to me on several occasions. He simply cannot be trusted.

My senior officers have grown up with him, they have played sport together, trained together, worked together as junior officers and up through the ranks. Diverse as my senior officers are in age, ethnic and religious backgrounds, personalities and personal values and beliefs, the opinion of him is unanimously and exactly the same as I have concluded above.

With the greatest respect to the efforts and intentions of the New Zealand Government, he will play along until his demands are not, or simply cannot, be met and then he will walk away from the talks, confident in his own mind that everyone is to blame because they did not meet his demands.

### **Conclusion**

I believe the risk of violence resulting from RFMF members loyal to Bainimarama should he be arrested is low. The risk that any violence would be specifically targeted at New Zealand citizens is marginal and will be limited to Suva, not the tourist areas in The West where the Military are quite openly loyal to government and the police. I further believe that the risk of violence and long term instability should Bainimarama be allowed to return to Fiji is very high. With respect, I therefore conclude that you have overestimated the risk factor should he be arrested in New Zealand and underestimated the risk factors should he be allowed to return and continue with his plans unimpeded by civil authorities.

I further suggest, again with the greatest of respect and appreciation for the best intentions of the New Zealand Government, that a mediated diplomatic solution will not succeed unless all of the outcomes align perfectly with his demands, including fresh demands to his increasingly growing list. Moreover based on his recent track record I question whether this fellow deserves this opportunity.

His arrest in New Zealand would demonstrate in Fiji that no one is above the law, that the Rule of Law will always prevail. This is an important message to break the coup cycle once and for all. Failure to do this will reinforce that whoever controls the military can control the government.

If Bainimarama can be arrested and charged in New Zealand to allow sufficient time measured in days, not weeks, for Colonel Meli to exercise his current presidential appointment as Acting Commander RFMF, with the option left open for the Attorney-General to consider the public interest afresh in terms of prosecuting him, and with the benefit of gauging the success of Meli's appointment and the reaction (if any) from RFME, then this will be a compromise that will give Fiji authorities the time it needs to resolve this problem and the opportunity for New Zealand authorities to redeem themselves in the eyes of Bainimarama and his supporters by not proceeding to prosecution and releasing him.

If the outcome is as the Fijian authorities confidently predict, the Fiji investigation and charges can proceed with a view to his extradition from New Zealand to Fiji for the substantive offences of Treason and Sedition and others. New Zealand intervention is therefore a short term one.

As stated above the National Security Council and the Fiji Police are firmly of the view that Bainimarama's arrest in New Zealand will produce the desired result in the short term to allow sufficient time for both the appointment of a new Commander and the justice process to take their respective courses and for the Government of Fiji to regain control of its long term future. This is in everyone's interests, not just the public interest of New Zealand.

No man should be allowed to hold a country, and a region, in his unbridled, absolute and unaccountable power.

Yours sincerely

Andrew Hughes  
Commissioner of Police  
Fiji Police

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