

ADDENDUM

The Fiji coup of December 2006: who, what, where and why?

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The Fiji military's 'clean-up' coup reached a climax on 5 December 2006. Although President Ratu Josefa Iloilo rubber-stamped the takeover that morning¹, he was swayed by Vice President Ratu Joni Madraiwiwi to disassociate himself from it in the afternoon. The official statement from Government House said that the Republic of Fiji Military Forces (RFMF) had acted 'contrary to the wishes of their Commander in Chief', but conveyed the President's intention to remain in office only to preserve some semblance of continuity.² That was not to be. Because the Prime Minister had declined to resign and the President equivocated, the illegality of the takeover had become inevitable. At 6 pm on Tuesday 5 December, military commander Frank Bainimarama declared that: '...the President has been prevented by some, including the Vice President, from exercising his constitutional prerogative to dismiss the Prime Minister in exceptional circumstances. As Commander of the RFMF, I, under the legal doctrine of necessity will step into the shoes of the President given that he has been blocked from exercising his constitutional powers'.³

This was a coup that, unlike that in 2000, was reasonably quickly and straightforwardly logistically consolidated, but nevertheless remained highly politically precarious. There was none of the mayhem of 2000, no trashing of Suva's business district, no curfews, no more than the usual power and water cuts. In the days before the coup, in 'exercises' announced beforehand to the national media, illumination flares were fired into the night sky above Suva

Harbour and close to Nukulau Island, and soldiers fanned out across Suva. This was a show of strength aimed at ratcheting up the tension and convincing the somewhat incredulous political classes that the military meant business. Off the reefs of Kadavu, a Black Hawk helicopter crashed in to the sea while attempting to land on one of three Australian warships that were standing by if needed to evacuate nationals. Fijians said it had been taken down by the shark god, *Dakuwaga*. Newly arrived Australian security personnel attached to the High Commission were, Fiji's military command declared, to be treated as 'mercenaries'⁴, and the army top brass condemned the anticipated use of the Biketawa Declaration as a justification for invading Fiji.⁵ In the event, both Australian warships and security forces departed, and, from Canberra, Prime Minister John Howard declined to commit troops, publicly – if ill-advisedly – reporting that he had been asked to do so three times by Qarase, but did not want to risk Australian lives.⁶

When the coup itself started, it was not a surgical strike, but rather a slow, methodical, and seemingly irresistible takeover of state power. On 4 December, weapons were seized from the police armouries at Nasinu and Nasova in Suva and from smaller weapons' stores in Nadi, Lautoka and Labasa to prevent any potential threat to the RFMF's monopoly on the use of armed force. The next morning, Prime Minister Laisenia Qarase was summoned to Government House, to be confronted, he anticipated, with the options of capitulation or humiliating resignation.⁷ His vehicle was stopped at the gates, where soldiers insisted that he walk the remaining distance. Qarase refused, and returned to his Richards Road residence, declaring that 'under no circumstances will I resign or advise Ratu Josefa [Iloilo] to dissolve parliament'.⁸ In the glare of the international media, soldiers tried to raid Qarase's home, eventually succeeding in whisking away the Prime Minister's two official vehicles, thereby stripping him of the remaining trappings of statehood. He left, the next day, for his home island of Vanuabalavu. Parliament was not sitting on the day of the coup, depriving the 2006 takeover of those critical focal points of the 2000 and 1987 coups. But the Senate, which was in session, was shut down, and soldiers raided the Prime Minister's office, carting away papers and computer hard drives to be used as evidence in the intended clean-up campaign. Confirming the impression of preparedness for a prime ministerial resignation rather than a seizure of power,

military personnel that day roamed the offices of the Government printer and the Parliamentary Library seeking copies of Rabuka's 1987 coup decrees to use as models for the inauguration of the new order.⁹

The 2006 military takeover had been an event so regularly threatened that many doubted that it would ever eventuate, not least because the commander himself had for several years repeatedly and emphatically publicly denied that he was intending a coup. The Police Commissioner, Australian Andrew Hughes, had also regularly reassured the nation that there would not be a coup, based on private guarantees from the commander. Repeated spats with the government had encouraged the perception that the commander's antics were mere brinkmanship, designed to influence rather than control the political agenda. There were other good reasons why so many ruled out a military takeover. Previous coups had had quite different dynamics, or at least so it appeared. In both 1987 and 2000, coups had occurred in the wake of election victories by predominantly Indian-backed political parties. Each had overthrown reformist governments that were associated with the left of the political spectrum and identified with the politics of the sugar cane belts. Each time, takeovers had been carried out in the name of upholding 'indigenous paramountcy', extending the reach of a notion formally embedded only as a 'protective principle' in the 1997 constitution. Both previous coups had the backing of the bulk of the ethnic Fijian establishment, as indicated by the endorsement of the Bose Levu Vakaturaga (Great Council of Chiefs (GCC)) and the Methodist Church. Both had brought into office governments committed to 'affirmative action' aimed at uplifting the position of the indigenous community. Both post-coup governments had ultimately pulled back from the abyss of ethno-nationalism and veered towards a more moderate and internationally acceptable style of politics.

The December events turned Fiji politics upside down. Key coup victims of 1987 and 2000 emerged as defenders, enthusiasts and beneficiaries of the military takeover, while, overnight, the coup backers of 2000 became democrats and supporters of the rule of law. The Director of the Fiji Human Rights Commission, an assortment of Catholic social justice advocates, much of the business community and probably the majority of left-leaning civil society activists supported the coup.¹⁰ Vociferous opponents of previous illegal regimes,

such as the widely respected Justice Anthony Gates, took positions in the new order, as did several well-travelled participants on the Pacific's 'good governance' workshop circuit. Deposed 1999–2000 prime minister Mahendra Chaudhry became interim Finance Minister, as well as acquiring a host of other important portfolios, including sugar industry restructuring. The reaction from the bulk of the Fiji Indian community to the 2006 coup was astonishing; the group that had such a strong sense of its own victimhood, due to the 1987 and 2000 coups and the much earlier experience of *girmitya* (indentured labour), was strongly in favour of the clean-up coup.¹¹

That remarkable reorientation in Fiji politics had been brewing, behind the scenes, for a considerable time. In January 2006, FLP president Jokapeci Koroi astounded Fiji TV viewers by pronouncing support for a military takeover, seeing in this the potential for a fulfilment of the agenda of the deposed 1999–2000 People's Coalition government. RFMF antagonism to the Qarase government – a government that it had originally, in July 2000, put into office – became apparent in the wake of Justice Gates' November 2000 decision to restore the 1997 constitution. After the government appealed, the higher courts upheld that decision (in the Chandrika Prasad Case), but left space for the then 'interim' administration to transform itself into a caretaker government, pending fresh elections in August 2001. In response to those judgments, the RFMF had wanted a restoration of the former parliament, and the formation of a 'government of national unity'.¹² Instead, Qarase's newly formed Soqosoqo Duavata ni Lewenivanua (SDL) used the advantages of incumbency and, in particular, a generous agricultural assistance scheme, to procure indigenous electoral support in rural Fiji. Its detractors alleged that this was what won the 2001 election. In the wake of its victory, the SDL formed a coalition with the 2000 coup-supporting Conservative Alliance–Matanitu Vanua party, much to the dismay of the RFMF. The new government exerted pressure on the President's Office to drop charges against the November 2000 mutineers and to ease sentences for prominent coup leaders or allied chiefs (or release them under 'compulsory supervision orders') and, in mid-2005, threatened to enact a controversial Promotion of Reconciliation, Tolerance and Unity (RTU) Bill that might have provided an amnesty to those still incarcerated as a result of their involvement in the coup of May and the associated mutiny of November

2000. The RFMF vigorously opposed other pieces of intended SDL legislation as well, such as the Qoliqoli Bill and the Indigenous Claims Tribunal Bill, and strongly resisted proposals in a 2005 government-commissioned review to downsize the RFMF.

Alarm bells first started ringing when, in December 2003, RFMF commander Frank Bainimarama told soldiers dining at the officers' mess at the Queen Elizabeth Barracks (QEB) that he intended to take over the running of the government if his contract was not renewed. In the three following years, the outspoken commander was to engage in a series of high profile spats with the Qarase administration, each commencing with RFMF criticisms of government policy or personnel and vague threats of one type or another, and ending with various half-hearted reconciliatory statements, coupled with assurances that there would not be a coup d'état. Each spat served, internally, as a loyalty testing instrument for the purging and restructuring of the RFMF. As a result, over the five years after the 2000 coup, virtually the entire senior, often Sandhurst-educated, command had been dismissed, sent on leave or resigned. And still that cathartic transition continued. In January 2006, freshly appointed land forces commander Lt. Col. Jone Baledrokadroka, a close fellow-Marist-educated friend and ally of Bainimarama, warned that he had received orders which he deemed potentially treasonous, sparking a potentially violent showdown with the RFMF commander. Baledrokadroka was sent on leave pending a court martial.

There were robust attempts at peace-making. Vice President Ratu Joni Madraiwiwi, who as Roko Tui Bau was high chief to the Tailevu-born commander, sought to mediate between Bainimarama and Qarase, and wholeheartedly backed the multiparty cabinet formed after the 2006 election. When the commander publicly attacked the government yet again in September, the Vice President endorsed the government's long-running efforts to seek a Supreme Court ruling as regards the military's constitutional position.¹³ While the commander was out of the country in October, the President sought to remove him from office, and appoint instead Lt. Col. Meli Saubulinayau. But the takeover was badly mishandled, and other senior officers again rallied behind the commander and threatened a coup should the President issue such directions. The order was consequently withdrawn. Soon, Saubulinayau

too was removed from his position and placed under investigation. After each destabilizing crisis, the commander purged disloyal officers, or moved them to positions without responsibility at Strategic Headquarters at Berkley Crescent. By December 2006, the senior RFMF ranks were exclusively staffed by rapidly promoted and extremely junior officers who owed their position to the commander.

Before departing to inspect Fiji's Middle East troops in October, Bainimarama announced a three week deadline for the Qarase government to comply with RFMF demands or resign. While he was away, heavily armed soldiers raided the Suva wharf to secure the release of a consignment of imported RFMF weaponry and ammunition being held by the customs authorities on instructions from police chief Andrew Hughes, who had insisted on clear military assurances that they would not be used for a coup. Hughes had also commenced investigations aimed at laying charges against the commander for 'sedition', entailing a hugely controversial raid on the President's Office seeking incriminating evidence. Many alleged that the sedition charges were the trigger for the December 2006 coup. According to this view, further appeasement was the preferable course, and without that personal threat to the commander there would have been no coup. In fact, the point of no return had been reached earlier, at the time of the botched attempt to replace Bainimarama by Saubulinayau. After that, insiders knew that the so-called 'impasse' or 'stand-off' that had so destabilized Fiji politics was likely to be resolved by a military coup, and not by the government successfully asserting its authority.¹⁴ By November, it was widely known in local diplomatic circles that there was going to be a military takeover, and that nothing short of utter capitulation, resignation by Qarase or installation of a puppet government could avert it.

Commodore Bainimarama returned from his trip to the Middle East on 4 November, only to depart again for New Zealand to attend his granddaughter's first Holy Communion. While he was there, the New Zealand government facilitated crisis talks between the commander and Qarase, who flew down for the purpose. At these, Fiji's Prime Minister conceded to all the main RFMF demands, agreeing to suspend action on controversial legislation, to take into account RFMF views when considering whether or not to renew Hughes' contract, and even to accept advice from the Director of Public Prosecutions

or Solicitor General, were it offered, to publicly drop charges against Bainimarama.¹⁵ Yet, as soon as Bainimarama returned to Fiji, he declared that Qarase was 'lying' about the Wellington deal, that the bills should be withdrawn not stalled, and that nothing could stop the intended clean-up campaign.¹⁶ The deadline had fallen due, but now the commander said there would be no action until the school holidays and then, in a farcical climax to the pre-coup phoney war, put off the ousting of Qarase to attend the scheduled Ratu Sukuna Bowl rugby contest between the army and the police.

This time, the coup that had hovered finally happened: Bainimarama, having himself rendered the government incapable of acting, claimed its incapacity as justification for the takeover. The illegality of his action was nevertheless clear. The 1997 constitution does not permit the president to dismiss a prime minister unless he has lost the confidence of the majority in parliament, and a dissolution is only possible on the advice of a legally appointed prime minister.¹⁷ With President Ratu Josefa Iloilo in place, it was probable that RFMF lawyers would suggest that certain 'reserve powers' existed (on the Kerr/Whitlam model¹⁸) and that Ratu Josefa was acting under the 'doctrine of necessity' to speedily restore constitutional rule in Fiji. Without the President in place, the 'doctrine of necessity' was irrelevant; it was an unsuitable line of defence for a usurper, as the commander clearly was, and 'necessity' could scarcely be invoked to tackle an RFMF-provoked crisis.¹⁹ The more plausible line of legal defence was to suggest that a 'glorious revolution' had occurred (using Kelsen's theory of revolutionary legality) and established a new constitutional order. But, for that, the commander needed to abrogate Fiji's 1997 constitution, which he steadfastly refused to do through December–February, presumably because of the rift this might create with Ratu Josefa Iloilo and other conditional pro-constitution allies. Even with a formal abrogation of the constitution, the 2001 Chandrika Prasad case had left many in Fiji very familiar with the required tests of 'the doctrine of effectiveness', namely 'acquiescence'. That perhaps helps to explain the recurrent post-coup cycles of beatings and intimidation at the QEB in Nabua directed against outspoken critics, lawyers, women's rights activists, and SDL party officials, if not the considerable number of ordinary civilians picked up from the check-points, the police stations or from their homes for various allegedly criminal activities.

In the weeks before the coup, international opinion and local diplomats had rallied behind the Qarase government. At a meeting of the Pacific Islands Forum, held in Nadi in October, Qarase was fêted by Helen Clarke and John Howard, and served as their ally in controversies with other members of the Melanesian Spearhead Group.²⁰ Australia, New Zealand, the USA, the European Union, Britain and the United Nations made clear their disapproval of the commander's intended coup, and threatened sanctions. On 28 November, the American Ambassador, and the Australian and British High Commissioners, had visited the QEB during Bainimarama's absence, urging a stand down of forces and change in the command structure. On the eve of his retirement, the UN's Kofi Annan threatened to withdraw Fiji peacekeepers serving with the UN, something potentially far more damaging to the RFMF than the Australian and New Zealand severing of bilateral military ties. Australian Minister for Foreign Affairs Alexander Downer urged people in Fiji to rise up against the new military order, prompting those sympathetic to Bainimarama to talk of double-standards given the more muted responses to the 1987 and 2000 coups.²¹ In fact, once the initial outrage had abated, there was no great difference in the overseas reaction as compared with previous Fiji coups. The hard-pressed UN was never likely to deprive itself of an urgently needed supply of peacekeepers for Iraq. Although there were targeted travel bans, Australia and New Zealand ultimately did not impose trade sanctions, concerned as they were of the consequences for antipodean expatriates and businesses in Fiji.

In his new role as self-proclaimed 'President', Commodore Bainimarama temporarily appointed the army physician, Dr Jona Senilagakali, as prime minister, and announced the commencement of his clean-up campaign. On the day after the coup, a nervous-looking Bainimarama declared a state of emergency and promised stern repression against any who dared to incite popular resistance. Yet, on the following days, the commander dropped his severe green military fatigues for florid *bula* shirts at his daily press conferences, and announced a series of populist measures designed to bolster support for the takeover. The deposed government's previously announced imposition of an increase in VAT was to be reversed. The board of the Fiji National Provident Fund (FNPF) was to be purged, with the suggestion that its excessive take-up of government debt would be halted and the associated monopolies in the Fiji telecommunications market

abolished. Costly prison facilities on the offshore island of Nukulau were to be dismantled, enabling the island to become, once again, a popular weekend picnic resort. 2000 coup leader, George Speight, was transported from there to the Naboro Maximum Security Prison, and other still-imprisoned 2000 'coup convicts' were spread out amongst prison facilities elsewhere on Viti Levu.

Ministers were given a month to vacate their government quarters. Vice President Ratu Joni Madraiwiwi was given only hours to leave his official residence, in a petulant response to his refusal to support the military takeover. A new broom swept through the commanding heights of the state apparatus. Military officers took over key positions in the civil security institutions; Colonel Ioane Naivalurua became Commissioner of Prisons, naval commander Viliame Naupoto took over as Director of Immigration, and Col. Jim Koroï became Commissioner of Police. A succession of government CEOs, including the key advisor in the Prime Minister's Office, Jioji Kotobalavu, and the Chairman of the Public Service Commission, Stuart Huggett, were sacked, as were the Solicitor General, the Supervisor of Elections and the Parliamentary Secretary. The boards and chief executives of state-owned enterprises – including Fiji Pine, Fiji Post, the FNPF, Airports Fiji, Air Terminal Services, the Civil Aviation Authority of Fiji, Ports Corporation and Ports Terminal Ltd, the Fiji Electricity Authority and the Sugar Cane Growers' Council – were all purged. Those targeted were usually officials identified with the Qarase government or known opponents of the new regime, but dismissals were invariably accompanied by allegations of corruption, mismanagement and abuse of office. On Radio Fiji One, military spokesmen initiated daily attacks in the Fijian language on such opponents, making accusations of grave misdemeanours that were not repeated on the station's English language programs.²²

The coup had been justified by claims of military knowledge of deep-seated corruption under the Qarase government. If such there was, the military was well placed to know. In addition to 3,500 or so paid RFMF personnel, some 20–25,000 Fijians had passed through the military since independence, many serving on overseas peace-keeping missions. Perhaps 5,000 were no longer alive, but the remainder were all, at least in theory, military reservists. As a result, the RFMF had former officers positioned throughout Fiji's key institutions; in

the police force, at the airport and customs authorities, in the Lands Transport Authority, on the Native Lands Trust Board, and through all the ministries and state-owned enterprises. Such prying eyes, where sympathetic, should have been able to discern multiple incidents of small- and large-scale fraud. Yet, in the wake of the coup, the military set about primarily seeking evidence, rather than exposing already known scandals. Often, what proof there was, was far from robust. The RFMF dismissed Fijian Affairs Board CEO Adi Litia Qionibaravi, claiming that she had ‘used money from the Fijian Affairs Board to buy herself a vehicle’ and to ‘renovate a private house at Ma’afu Street’, based on information from the two Indian carpenters contracted to do the work.²³ Like ousted Airports Fiji Ltd Chief Executive Sakiusa Tuisolia, she responded by taking out paid advertisements in the Fiji newspapers denying the RFMF allegations. The military was publicly soliciting informers to assist the proposed ‘national audit’, and large volumes of papers and computer hard drives were being stored away as evidence for the ‘forensic accountants’ that Bainimarama wanted to bring to Fiji. Australia and the UK refused his requests for such assistance, not wanting to have anything to do with efforts to discredit the ousted Qarase government.

In one sense, corruption under the deposed government was well known; especially in the government tendering process, in the immigration department, in the Native Land Trust Board, in the affirmative action programs and at the interface between foreign investors and government. Reports from the Auditor-General’s Office, down the years, had highlighted hundreds of irregularities, not only under Qarase’s administration but also under those of his predecessors.²⁴ The Public Accounts Committee, when it had functioned, had also documented incidents of gross mismanagement of public funds, although it had a poor record of initiating prosecutions. The courts had heard evidence of significant abuses of public office under the Ministry of Agriculture’s Agricultural Assistance Scheme, and had convicted former permanent secretary Peniasi Kunatuba for his role in what became widely known as the ‘agricultural scam’. But the RFMF too had been subjected to scrutiny, in particular for busting spending limits and failing to obey repeated court judgements requiring an audit of its regimental funds.²⁵ The democratic process had been far from perfect in encouraging enquiries, or securing convictions against public officials for corruption. The Qarase

government had failed to pass pressing anti-corruption legislation, but it was far from clear that a coup could rectify those weaknesses, and prove midwife to the emergence of a cleaner social order. Unleashing an accusatory culture, and putting judgement into the hands of those who were not experts, also elevated the position of those with axes to grind on the mill of the clean-up campaign. Detailed scrutiny was always likely to pick up some evidence of government corruption, as it always had done in the past, but would this be sufficient to justify, retrospectively, the December coup?

Evidently aware of the small pickings in the early days of the anti-corruption crusade, the commander promised extraordinary revelations on January 1, so as to see in the New Year 'on a truth and transparency note'. Spokesman Neumi Leweni applauded a junior officer's initiative in mounting 'Operation Free Fiji' to expose major fraud among senior SDL officials and provide evidence of ballot-rigging at the 2006 election and of kickbacks for ministerial favours.²⁶ The RFMF, it turned out, had recruited notorious Australian conman Peter Foster to solicit the information. Foster had, before the coup, been hunted down and unceremoniously arrested by the Fiji police for using a forged Queensland police report to obtain a work permit. More disturbingly, he had published black propaganda on the internet seeking to depict the Champagne Beach resort in the Yasawas as a 'heavenly haven for homosexuals' in the hope that this would bring down the wrath of conservative landowners upon the promoters.²⁷ The motive, apparently, was that he had previously secured a US\$580,000 loan from the Bank of the Federated States of Micronesia to develop his own resort in the Yasawas, and thus urgently needed somehow to secure the termination of his rivals' lease.²⁸

Foster had been released on bail by the Fiji court, but ordered to stay under police guard at the luxury Suva hotel, JJ's on the Park. From there, he was taken into RFMF custody and wired to gather evidence of corruption and election-rigging from senior SDL officials – evidence which the RFMF spokesman initially described as 'irrefutable proof' of ballot-rigging.²⁹ The resulting heavily spliced tapes were aired on Fiji TV on 2 January; Navitalai Naisoro, a key SDL strategist was shown purportedly admitting involvement in ballot-rigging in May 2006, but his claims lacked plausibility and, before long, the RFMF had abandoned its plans to release any more of the footage obtained by Foster.³⁰ In

early January, having already breached bail apparently with RFMF collusion, Foster evaded his military minders and escaped Fiji aboard a vessel bound for Vanuatu.³¹ ‘Democracy is corrupt’, Foster had told the *Fiji Daily Post* in early January at the time when he extolled the virtues of the military’s coup, but now he claimed that it was military corruption that was halting the further public disclosure of his revelations.³² The junior officer previously acclaimed for his initiative in mounting ‘Operation Free Fiji’, was subsequently, allegedly, badly beaten up by RFMF soldiers for his role in the Foster escape.³³

According to the plan initially laid out by ‘President’ Bainimarama, the Great Council of Chiefs was to meet to ‘reappoint’ President Ratu Josefa Iloilo, and in so doing demonstrate acquiescence in the military takeover.³⁴ With a similar objective, the commander insisted that he would only attend the GCC meeting if invited as ‘President’, rather than as ‘commander’. But the chiefs delayed and demurred, with Chairman Ratu Ovini Bokini cancelling the scheduled Levuka meeting, and taking refuge in Tavua, where the traditional bodyguards of the Tui Tavua set up roadblocks, reportedly to halt an expected RFMF assault. Reports filtered out that the ‘warriors of the 14 provinces’ were preparing an uprising and assassination of the commander, and soldiers were sent out into the provinces to pre-empt that threat, although the military denied harassing the GCC chairman. When the GCC eventually met at the FMF Dome in Suva on 20–22 December, Ratu Ovini lamented that never before had the GCC been so ‘ridiculed and suppressed’. The chiefs had refused RFMF entreaties to invite the commander as ‘President’ but instead requested his presence as military commander. Bainimarama consequently refused to attend. Qarase, although invited, was also absent, stranded on his home island of Vanuabalavu owing to military insistence that no plane or vessel carry him to the capital.

At the meeting, Fiji’s three confederacies³⁵ were at odds as to how to react to the ousting of the Qarase government; Burebasaga and Kubuna were united in refusing to endorse Bainimarama’s request, but Tovata was divided. One member of the Lau (Tovata) delegation, Ratu Tevita Uluilakeba, who was the son of former president, Ratu Mara and who had recently been promoted commander of the all-important Third Fiji Infantry Regiment (3FIR), insisted that the council be ‘realistic’ and acknowledge that the military held executive authority. That language of ‘realism’ was also embraced by other members

of the family of Ratu Mara, echoing the former president's post-1987 coup epithet about accepting positions in an illegal interim administration; 'when my house is on fire how can I stand and watch?'. The GCC disagreed, and stood instead, temporarily, on principle; it resolved to uphold the 1997 constitution, suggesting that the President and Vice President remain in office and the army return to barracks. The GCC did, however, recognise that the Qarase government had been 'rendered ineffective and incapable of discharging its constitutional responsibilities', recommending that 'since there is no other alternative in this crisis, the GCC has regretfully advised the Prime Minister Laisenia Qarase to tender his resignation to the President'.³⁶ Under the GCC plan, a Privy Council would have been established to advise the President, including representatives from the military, the SDL and the FLP, which would choose a prime minister and establish membership of a 'Government of National Unity', paving the way for fresh elections fifteen months later.

Many expected greater Fijian resistance to the military takeover. Australian Minister for Foreign Affairs Alexander Downer and ex-police chief Andrew Hughes anticipated civil unrest; so too did the RFMF itself. The rationale for constant beatings and harassment up at the QEB and the continuation of the emergency decree was, after all, that the security threat remained real. Labour leader Mahendra Chaudhry insisted that there were 'elements out there who would not hesitate to create disorder should there be any slackness on the part of the law enforcement authorities'.³⁷ These fears were, perhaps, exaggerated. Fijians were scared. Back in 2000, there had been enduring resistance to the RFMF in some parts of the country, such as Wainibuka (in Tailevu) and Wailevu as well as other parts of Vanua Levu. But Fijians in these areas had been brutally repressed, and they feared a repeat of the military onslaught.³⁸ The 2000 protests had, in most cases, been orchestrated by prominent chiefs, many of whom had been beaten up and imprisoned in the aftermath. Calls from chiefs in Namosi and Cakaudrove for their soldiers to stand down were countered by rival RFMF provincial contingents visiting villages to solicit communal support.³⁹ Although 80 per cent of Fijians had backed the Qarase government in May, popular enthusiasm was hardly such as to spark an uprising in its support. And Qarase's flight to Mavana removed the short-lived focal point of post-coup resistance in Suva. Within Fijian society, there exists a tradition

of submission to forceful and violent overlords, but silence, culturally, is not acquiescence. In time, indigenous Fijian resistance to the interim government might grow. The Methodist Church is by no means reconciled to the new order, and nor are the Bau and Cakaudrove chiefs. The government – short of money – will impose public spending cuts that are likely to stir resentment in the indigenous Fijian community, especially as Mahendra Chaudhry will be the minister implementing them.

The greater immediate potential for resistance, or for some kind of counter-coup, came from within the army itself. Repeated internal incidents of opposition to Bainimarama over 2000–2006 had shown this to be a real possibility. The poor turnout of reservists called into the army camps shortly before the coup also indicated some lack of enthusiasm for the coup. At the May 2006 election, the bulk of rank-and-file soldiers probably backed the SDL, as did ethnic Fijians more generally. But, as we have seen, Bainimarama had also cemented a dependable command structure, and subjected this to repeated loyalty tests. Amongst the rank-and-file, loyalism held its attractions. Not least, the RFMF offered reasonable salaries to otherwise unemployed Fijians, as well as the possibility of lucrative participation in overseas peacekeeping missions. Internally, the RFMF provided a highly structured life experience for soldiers, like a spiritless carbon copy of the long lost village order. The army was *the vanua* for many Fijians, and this coherence provided potential reservoirs of support for the senior command. Active mobilization, keeping soldiers on their toes, was also used to galvanize the rank-and-file; the threat of foreign intervention before the coup, for example, was used to rally soldiers in ‘defence of the nation’.

The most vociferous opposition to the coup came from civil society activists, but these too were divided. People were urged to wear black on Thursdays, and citizens were implored to wear blue ribbons and attend silent prayer vigils to support ‘peace and democracy, the rule of law and active non-violence’.⁴⁰ A ‘democracy shrine’ established by businesswoman Laisa Digitaki, consisting of a house in the Suva suburb of Lami sporting a large banner saying ‘Yes to Democracy, No to guns’, was repeatedly raided by the military. Outspoken May 2006 SDL candidate, and former TV presenter, Imraz Iqbal had his business burnt to the ground. Digitaki responded to allegations that their protests were

against the law by insisting on the illegality of the emergency regulations, and pointing out that ‘their interim Prime Minister himself has publicly admitted that the military takeover is illegal’.⁴¹ On Christmas eve, Digitaki, Iqbal and Fiji Women’s Rights Movement coordinator Virisila Buadromo were amongst a group taken up to the QEB, threatened and manhandled, and then frog-marched up Mead Road with soldiers behind them shouting ‘*toso! toso!*’ (move! move!). Local music celebrity, *Vude* Queen Laisa Vulakoro was among the many protestors taken up to the camp after she penned critical letters comparing the commander to Idi Amin.⁴² One by one, the critics were effectively silenced, usually after a single visit to the camps. Fiji Human Rights Commission Director Shaista Shameem said many of the protestors were ‘not genuine pro-democracy activists’, prompting fellow commissioner, Shameema Ali, to denounce the Director and suggest that the organization had lost credibility.⁴³ Many NGOs remained silent, or, as in the case of the local branch of Transparency International, expressed their support for the military’s anti-corruption objectives.⁴⁴ Those that resisted were isolated, largely because of the muted grassroots Fijian reaction.

To convey the GCC resolutions to the Commodore, Paul Manueli, 1974–79 RFMF commander and finance minister under Rabuka, was sent up to the barracks; he was followed by a broader delegation, comprising chiefs from the three confederacies. On the TV news, military spokesman Neumi Leweni said, ‘why should we meet them when they don’t recognise us as the executive authority?’ By this point, the Mara dynasty had publicly identified itself with the coup, as Ratu Tevita Uluilakeba made clear at the GCC meeting. His sister, former Senator Adi Koila Mara, had also strongly supported the clean-up campaign on Radio New Zealand.⁴⁵ So too had a politician widely alleged to be Mara’s illegitimate son, Poseci Bune, and Mara’s son-in-law, Ratu Epeli Ganilau, Bainimarama’s predecessor as military commander, was clearly positioning himself for a top position in the new government. Ganilau’s National Alliance Party of Fiji (NAPF) had obtained less than three per cent of the national vote at the May 2006 election, but his party members emerged at the forefront of those insisting that Fiji accept the ‘reality’ of the situation, and acquiesce in the new order. NAPF spokesman Kini Rarubi said of the GCC plan ‘their resolution is nothing more than a wish list and they should take it to the Santa

Claus'.⁴⁶ The commander concurred with this disdain for the chiefs' resolutions; 'I am of the view that the GCC in their last meeting embroiled themselves too much into the legality of our actions'.⁴⁷ He refused to allow any further chiefs' meetings unless these were instigated by the RFMF.

Now cut adrift from all the traditional bastions of state power in Fiji, the RFMF turned inwards for its Christmas festivities, with internal ceremony acquiring added importance now that the commander had transformed himself into the pivotal figure in Fiji politics. At the QEB, an increasingly busy hive of activity, church services became a means for cementing an inevitably fragile coherence. 'We must clean ourselves', the army's Reverend Major Josefa Tikonatabua told close to 700 soldiers attending the Rabuka Hall Christmas church service at the QEB, 'although you have been spat upon and sworn at by your own people because of the uniform you wear, you must remain strong'.⁴⁸ These were sentiments echoed by the commander, whose rhetoric regularly featured the objective of a disciplinarian transcendence of Fijian primitivism; 'we the Fijians are too selfish', he told soldiers at the Rabuka Hall, emphasizing the importance of the family, of sharing and of multi-ethnic harmony, as against the 'teachings of some chiefs, church leaders and politicians who have now been sacked'.⁴⁹ In another Rabuka Hall church service several days later, the commander – evidently concerned by allegations about RFMF abuses at the checkpoints – again emphasized that 'the clean-up starts from within us', and Reverend Tikonatabua appealed to soldiers to pray three times a day, at 4 am, noon and 4 pm. The assembled throng attending the Sunday service was told that senior commanders intended to embark on a month-long spiritual fast and that the rank and file should likewise deny themselves something, such as tobacco, *yaqona* or alcohol.⁵⁰

Many of the commander's statements about the Qarase government had, down the years, echoed the Fiji Labour Party's attacks on government corruption, mismanagement and inefficiency. But there were also not-so-subtle differences. George Speight's coup was seen by the commander as a 'cry of the land', and the contemporary pleas of Nadroga landowners, as well as evidence of a spurt in land transactions in the two weeks immediately following the coup, led the commander to temporarily ban all land sales, claiming that native title was being converted to Crown land and then sold as freehold.⁵¹ Returning

Crown lands to native owners was used to bolster popular Fijian support for the coup, but capital gains tax policies on land sales also threatened to ruin the already troubled half-completed Momi Bay development in western Viti Levu.⁵² The neighbouring Natadola development, financed by the displaced old guard at the FNPF, also found itself in trouble. Many fortunes were endangered by the new order, including that of Ballu Khan, whose Pacific Connex joint venture with the Native Land Trust Board was placed under investigation. The cancellation of the affirmative action programs threatened to halt the post-1987 gravy train, which had catapulted a generation of educated Fijians into the propertied élite.

Authoritarian rule was directed at Fijian and Indian alike, and several Indians reported severe bashings at the hands of the RFMF. But most Fiji Indians welcomed the checkpoints, and extolled the virtues of a government that had, at least temporarily, substantially improved the law and order situation. Fijians were mostly opposed, and they felt the brunt of military repression. One Tailevu villager, Nimilote Verebasaga, was taken into custody by the RFMF in the wake of a village land dispute. Up at the barracks, he was allegedly beaten to death in such a gruesome way that his clothes had to be changed before the body was returned to his distraught kinsfolk.⁵³ Many others were subjected to intimidation and harassment at the QEB barracks, including politicians, civil society activists and outspoken lawyers. Usually, they were forced into humiliating 'exercises', such as running round the army grounds or crawling through muddy ditches, in what were evidently RFMF externalizations of its internal disciplinary procedures.

Immediately after the coup, FLP leader Mahendra Chaudhry remained unusually silent; then he suggested a speedy return to democracy but notably did not call for the restoration of the elected Qarase government. Three weeks after the coup, with Fiji well embalmed in the softening rhetoric of 'accepting realities', 'coming to terms with what has happened' and the need to 'move the nation forward', the Labour leader ventured an explicit endorsement of the Bainimarama takeover. 'Last year's coup was warranted', said Chaudhry in his New Year message; 'One cannot forget that the current constitutional crisis had its roots in a growing discontent and frustration with six years of bad governance, characterised by pervasive corruption, ethno-nationalism

and defiance of the rule of law'.⁵⁴ The May 2006 election, like that of August 2001, had been rigged, said the FLP leader, dismissing the 'rhetoric about the takeover of a democratically-elected Government'.⁵⁵

In these statements, Chaudhry was clearly positioning himself for an extraordinary transition from steadfast upholder of the rule of law to participant in an illegal administration, from RFMF victim to ally of the latest military insurrection and from principled democrat to coup apologist. He had not been prepared to enter Qarase's post-May election multiparty cabinet, and had successfully undermined, out-maneuvred and disciplined the 'gang of five' FLP supporters of power-sharing. Of these, Krishna Datt, Poseci Bune and Atu Emberson-Bain were expelled from the party. At the first crucial test, the 2007 budget vote, the multiparty cabinet had all but fallen apart. Now the FLP leader was poised to enter a new form of power-sharing arrangement, no longer inspired by sophisticated constitutional engineering theories, but rather by a Bonapartist transcendence of ethnic divisions and a blunt and remorseless shift onto the path of authoritarian modernization.

With the GCC now cut out of the loop, Bainimarama chose to directly 'reappoint' the President, Ratu Josefa Iloilo, as the precursor to setting up an interim government. The event was to prove yet another extraordinary spectacle – despite the absence of the foreign dignitaries, ambassadors, and high commissioners usually in attendance on such occasions. After detailing 21 reasons why the RFMF takeover had been justified, the commander explained that 'extra-constitutional steps' had been 'necessary to preserve the Constitution', insisting that legal precedents existed for his use of 'reserve powers' and had not been over-turned, and thus remained 'binding and valid law'.⁵⁶ Ostensibly to facilitate an inquiry into the activities of the judiciary at the time of the 2000 coup, Chief Justice Daniel Fatiaki and Chief Magistrate Naomi Matanitobua had been sent on leave a day before the presidential handover. Justice Anthony Gates was soon made acting Chief Justice.⁵⁷ The independence of the judiciary, which had been damaged but not broken by the events of 29 May 2000, was now to be more thoroughly compromised by senior judges' assumption of positions under the auspices of an illegal regime.⁵⁸

On 4 January, the re-appointed President addressed the nation for the first time since the December coup.

Good citizens of our beloved Fiji Islands. I know that the events of the past few weeks have been trying on all of us. In particular in early December we were at cross roads at which hard and decisive decisions needed to be made. I was, as has been noted by the Commander of the Republic of the Fiji Military Forces, unable to fully perform my duties as I was prevented from doing so. I do not wish to elaborate further on this point but I can state that they were predominantly cultural. In any case given the circumstances I would have done exactly what the Commander of the RFMF, Commodore Josaia Voreqe Bainimarama did since it was necessary to do so at that time. These actions were also valid in law. Therefore, I fully endorse the actions of the Commander of the RFMF and the RFMF in acting in the interest of the nation and most importantly in upholding the Constitution.⁵⁹

For the President to so blatantly endorse such an illegal act was extraordinary, and flatly contradicted the Government House statement of 5 December, when he had refused to 'condone' or 'support' the military takeover. The unelaborated 'cultural reasons' referred to the advice of Vice President Ratu Joni Madraiwiwi, who, as Roko Tui Bau, might in traditional terms be seen as the higher-ranking of the two chiefs. But Ratu Joni had been dismissed from his position, and the President's military speech-writers were no longer constrained in their efforts to rubber-stamp the new order. Nonetheless, the President's statement sent shock waves through the Fijian community, not least through the Methodist Church, which suggested that the President be 'medically boarded, and if necessary, retired with dignity and respect'.⁶⁰

The day after he had relinquished the Presidency, Commodore Bainimarama was sworn in as prime minister, replacing the rather ineffective Dr Jona Senilagakali. Esala Teleni, who had shot up through the ranks to become deputy commander after the coup, became acting commander of the RFMF, although Bainimarama retained the substantive position. The interim cabinet was then announced, an occasion for those civilian politicians sympathetic to the coup to emerge into the public glare. The Fiji newspapers had, prior to Christmas, published novel adverts soliciting applications from the general public for positions in the interim cabinet, with the job description requiring clean criminal records and a declaration that applicants would not stand in the next election. A slimmed-down cabinet of 16 members was announced, replacing Qarase's bloated 36-member collection of ministers and 'state ministers', with the commander claiming to thereby save \$2m annually. Former parliamentary

speaker Ratu Epeli Nailatikau emerged from a behind-the-scenes role liaising with the Commonwealth and bilateral partners, to become Foreign Minister. Several politicians associated with the NAPF, and some former RFMF officers with civil service experience, acquired portfolios. The popular Bernadette Rounds Ganilau amazed the chattering classes of Suva by taking up the post of interim Minister for Labour, Industrial Relations, Productivity, Tourism and Environment, while the sole other MP in her United Peoples Party was being hauled into barracks in western Viti Levu to face military questioning for his critical public statements about the coup. The president of Fiji's Chamber of Commerce, Taito Waradi, became Minister of Commerce, and Ratu Epeli Ganilau belatedly took up the Fijian Affairs portfolio. Lawyer Aiyez Sayed-Khaiyum became interim Attorney General, surrendering a \$150,000 per annum position at the Colonial Bank. Frustrating Labour warnings about 'opportunists', Poseci Bune, the former 'hard man' in the deposed 1999–2000 government became interim Minister for Public Service Reform. Bune had only recently been expelled from the FLP, but had previously established for himself a chameleonic reputation for traversing all manner of political divides.

In what he admitted was 'a strange twist of destiny', Mahendra Chaudhry became interim Minister of Finance, as well as interim Minister for National Planning, Public Enterprise and the Sugar Industry. Lekh Ram Vayeshnoi, who had formerly been Chaudhry's Trojan horse in Qarase's multiparty cabinet, took up the Minister of Youth and Sports portfolio and promptly sacked the entire board of the Sports Council. The only other surviving cabinet member was the SDL's Jonetani Navakamocea, who explained that he had spent close to \$30,000 on the May election campaign and did not want to lose out – rather oddly, given the clean-up mandate that was intended to define the new order.⁶¹

Realism soon took its toll. With an interim government in place, domestic critics were presented with the conundrum of whether to continue to insist on the seemingly impossible restoration of the Qarase government or to instead call for the interim government to settle on a roadmap for the restoration of democracy. That ambivalence between pragmatism and strict legality, which always figures in the aftermath of coups, led to a wave of more nuanced domestic accommodation with the new order amongst the non-enthusiasts – those with no hope of places either in the new order nor, any longer, in the resurrection of the old. The formerly stalwartly pro-government *Fiji Daily Post*,

managed by Qarase's cousin Mesake Koroi, now concluded that the SDL had 'failed in its duty' because 'a coup happened on their watch' owing to its non-inclusion of 'the military leadership in its deliberations on national security'.⁶² Also, internationally, key bilateral and multilateral agencies had by January abandoned much hope of restoration of the elected government. Even ousted Prime Minister Qarase was, by the time the Pacific Islands Forum Eminent Persons Group visited him in late January on his home island, primarily taking issue about the timetable for the next election.⁶³

Efforts were made to 'normalize' the political situation, to rubber-stamp the decrees of the previous month, and earnestly pursue the anti-corruption program. Following the President's statement, a wide-ranging immunity decree was passed, although the legality of this (and of all the other decrees) remained to be tested. Chaudhry was to re-design the 2007 budget, and somehow fill the F\$70m gap left by the dropping of the previous government's proposed VAT increase, avoid the impending economic collapse anticipated to result in a F\$190m revenue shortfall (including an undisclosed sum to cover the military's giant blow out of its budget during December) and, he hoped, persuade the European Union to continue to provide F\$350m to assist sugar restructuring after the inevitable end of sugar price subsidies. Poseci Bune announced the sacking of all government CEOs, and a reversion to the former system of lower paid 'permanent secretaries', as well as a reduction in the retirement age from 60 to 55, opposition to which earned general secretary of the Fiji Public Service Association Rajeshwar Singh a visit to the QEB. With the new government installed, Ratu Ovini Bokini announced the support of the GCC for the decisions of the President, albeit without the chiefs being allowed to meet to ratify this shift in stance. The Methodist Church, whose leaders had formerly been outspoken in their criticism of the new order, and then been temporarily silenced, again challenged the new regime in a statement sent to the Pacific Islands Forum's Eminent Persons Group.⁶⁴

December 5 signalled an extraordinary inversion of Fiji's earlier political trajectory. Ethno-nationalist coups had been countered by what Catholic social justice advocates called a 'multi-culturalist coup'.⁶⁵ Some fellow travellers denied that it was a coup at all. The RFMF had transformed itself from *the* guarantor of indigenous Fijian paramountcy into its nemesis. The FLP had cartwheeled from victim to victor in the illegal overthrow of elected governments, and the

despised language of the 2000 coup ('I agree with the goals, but not the means') had become the favoured retort of those seeking accommodations with the new order. It was an event justified, like previous coups, by claims that perhaps Fiji was not yet ready for democracy, nor for institutions that had been carefully nurtured over hundreds of years in Europe and North America.⁶⁶ Precisely because the longer-run character of the RFMF program remained so obscure, all manner of local reformists, erstwhile optimists and vigorous enemies of Qarase sought to impress on this seemingly blank sheet their own pet projects and vague aspirations. In the early weeks, the commander evidently cherished such valuable reservoirs of legitimacy; even to the point of organising a tea party for selected representatives of the civil society organizations. As the economic downturn set in, this honeymoon era was inevitably displaced by the harsher realities of consolidating the military takeover.

The December 2006 coup signalled the collapse of the mid-1990s 'constitutional engineering' project. At the core of that effort to address the post-1987 coup crisis and to put in place institutional supports to promote 'multi-ethnic government' was a hybrid mixture of two political science perspectives; the Horowitz approach to electoral system design meshed together with the Lijphartian recommendation of top-level power-sharing among élites.⁶⁷ Fiji's Constitutional Review Commission had embraced the alternative vote system as a means of promoting moderation, encouraging cross-ethnic alliances around the exchange of preferential votes, and fostering stable 'coalitions of conviction'.⁶⁸ But the 1999, 2001 and 2006 elections had provided negligible support for such expectations and, particularly in 2001 and 2006, produced highly ethnically polarised results.⁶⁹ The Lijphartian power-sharing provisions, which entitled all parties with over 10 per cent of seats in parliament to cabinet portfolios, had remained untested, at least until 2006.⁷⁰ In the wake of the 2006 election, Qarase formed a government that, for the first time, brought together in cabinet parliamentarians from the two largest political parties, one representing the ethnic Fijians and the other the Fiji Indians. Nine FLP members had entered cabinet, and had received substantial portfolios, like Labour, Health and the Environment. But, as we saw above, FLP leader Mahendra Chaudhry had refused to enter cabinet, a decision that was always likely to entail a death sentence for the new arrangements. Even before the swearing in of the new cabinet, it had become clear that this would spark a power struggle within the

FLP. Given the constitutional penalties for floor-crossing,⁷¹ FLP disciplinary measures against the moderate supporters of power-sharing had the potential to bust apart the multiparty cabinet. The most senior FLP enthusiast for power-sharing, Krishna Datt, had his effigy burnt at a meeting of the Nasinu FLP in one event among several that indicated the absence of strong Fiji Indian support within the FLP for power-sharing. Still deeper divisions were always likely when controversial SDL legislation, such as the RTU Bill, the Qoliqoli Bill and the Indigenous Claims Tribunal Bill, were put to the parliamentary vote. Would FLP cabinet ministers adhere to the Westminster rules of 'collective responsibility' codified in the 1997 constitution? Or would they follow the FLP party line, as also required by the 1997 constitution?

In the event, the multiparty cabinet collapsed at the first hurdle. FLP ministers were confronted by ultimatums both from Qarase and Chaudhry to, respectively, support and oppose the 2007 budget. Four backed the FLP line and voted against the budget, while five conveniently absented themselves. In a last ditch effort to save his crumbling cabinet, Qarase relented from dismissing the four anti-budget ministers, but Chaudhry showed little sign of wishing to make any peace with his rebel ministers, although he smartly embraced those other FLP members who sought reconciliation.⁷² Would there have been a coup in December had the multiparty cabinet been working smoothly and constructively? That seems unlikely, and, had there not been a military coup, the political ramifications of the collapse of power-sharing might well have been more severe for the FLP leader. Internationally, the break-up of coalition governments is frequently accompanied by efforts by antagonistic parties to make each other appear as the 'spoilers'. In this sense, Bainimarama's coup saved Chaudhry from appearing as the destroyer of an arrangement that had been so warmly welcomed by Fiji's citizens in May 2006.

The fact that the break-up of the power-sharing cabinet, an aspect of the December events that received insufficient attention both at home and abroad, and the 2006 coup happened simultaneously was not a coincidence. After the May 2006 election, Bainimarama had publicly and enthusiastically supported the new arrangements.⁷³ Outspoken hostility to the Qarase government had, albeit temporarily, been silenced. Only in September, as politicians battled over the issue of 'ground rules' for the new cabinet arrangements, did the

commander again resume his public challenges to the Qarase regime. Given the lack of any groundswell of FLP support for the moderate position, the refusal of Mahendra Chaudhry to enter cabinet and the timidity of Qarase in re-orienting his government's policies and personnel to bolster the new accord, the fate of the multiparty cabinet had been sealed by early December 2006. In its place, although the majority Fijian-backed party was excluded, a different grouping of Fijian and Indian leaders was to come together in a new kind of embrace, but this time in violation of the constitution, of democracy and of fashionable theories of institutional design.

That broader structural explanation for the December 2006 coup needs to be combined with more specific accounts of institutional galvanization, repulsion and attraction. How significant were the 'shadowy backers' of the 2006 coup, which Police Commissioner Andrew Hughes claimed to have under investigation prior to the coup? Did the 2006 coup primarily reflect the revenge of the Mara dynasty, long shut out of the corridors of power and altogether eclipsed by the death of Ratu Mara himself? Alternatively, was the coup driven, at least ideologically, by Mahendra Chaudhry in a thinly-veiled effort to capture power on the back of a military coup? Or was Commodore Bainimarama correct when, responding to allegations of hidden backers, he said 'it starts from within us'.⁷⁴ It was, after all, the RFMF that had internally re-made and steeled itself through protracted power struggles with the Qarase government. Others had only seized upon the opportunities presented by the showdown, even if they encouraged and took succour from it. In the process, the RFMF had acquired the ideological colours of those most bitter opponents of Qarase's government, following the principle of 'my enemy's enemy is my friend'. But if it was Qarase, as incumbent, who precipitated such an unholy alliance among his adversaries, what was to happen once these lost the focus of their coming together and featured as fellow ministers in cabinet?

Last but not least, what of the role of personal factors? The threat to the commander's life in November 2000 encouraged a relentless pursuit of those responsible, and ensured a breakdown of relations with the very government he had once put into power. Charges of sedition against the commander and the longer-running controversies about the killing of Counter Revolutionary Warfare Unit soldiers during the November 2000 mutiny generated some

personal incentive to overturn the legal order. The role of the individual in Fiji's modern history should not be lightly dismissed. For military leaders, personal loyalty can prove to be everything, particularly when their political interventions do not express the broader social uprisings. Loyalty pledges and psychological tests had – for many years – proved a regular feature at Strategic Headquarters at Berkley Crescent and at the QEB. Would there have been a coup in December 2006 if Bainimarama had accepted a diplomatic posting to Wellington in 2003, as he nearly did? Was it possible that a stronger response from the Office of the President might have dislodged the commander back in 2003 or 2004? Would history have taken the same course if Bainimarama's contract as commander had not been renewed in 2004, or if he had become commander of the United Nations in Kuwait Observer Mission, a job he applied for and for the purposes of which he was promoted, temporarily, to Rear Admiral?⁷⁵ As the military leader responsible for appointing the Qarase government back in July 2000, the commander always held a unique position, and he never accepted the subordination of the RFMF to the government.

Fiji's May 2006 election was thoroughly eclipsed by the December coup, but the issues it raised may continue to haunt Fiji politics. How can the country overcome ethnically based voting patterns and, if it cannot do so, does power-sharing among political élites provide the only effective answer?⁷⁶ If Fiji follows the pattern of past post-coup settlements, there will be a reversion to constitutional democracy. Several factors are likely to delay that process. In particular, a new population census will entail a redrawing of constituency boundaries, possibly accompanied by electoral system changes. Anticipation of the post-electoral configuration of a future parliament may also prove a deterrent to holding elections for some time – especially if concerns remain about the weakness of support for the interim government amongst ethnic Fijians. Will those Fijian politicians who have rallied to the RFMF cause settle easily for a part as bit players if the Fiji Indian vote delivers the bulk of support for the next government? And, even if alliances change much more dramatically, will it prove possible to get the military out of Fiji's political life when elected politicians are returned to the national stage? These are questions Fiji must inevitably wrestle with over the years ahead.

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Notes

- ¹ *Fijilive*, 5 December 2006.
- ² Government House Statement, 5 December 2006.
- ³ Press Statement from Government House, 6 December 2006.
- ⁴ *The Australian*, 7 November 2006; *Sydney Morning Herald*, 6 November 2006.
- ⁵ The Pacific Islands Forum's Biketawa Declaration allows regional intervention in a member country after an invitation from the government concerned.
- ⁶ Essentially the same non-interventionist policy could, more diplomatically, have been defended by saying that it would not help the situation in Fiji if the government became dependent on outside military support for its survival and that this was an élite power struggle that had to be, ultimately, resolved internally, preferably without bloodshed. Qarase was later threatened with treason charges for, allegedly, making such requests for foreign intervention.
- ⁷ Address to the Nation by the Hon. Laisenia Qarase, 5 December 2006.
- ⁸ *The Fiji Times*, 6 December 2006.
- ⁹ *The Fiji Times*, 6 December 2006.
- ¹⁰ Shaista Shameem, Director, Fiji Human Rights Commission, 'The Assumption of Executive Authority on December 5th by Commodore J.V. Bainimarama, Commander of the Republic of Fiji Military Forces: Legal, Constitutional and Human Rights Issues', 3 January 2007, <http://www.humanrights.org.fj>. For a critique, penned anonymously by senior lawyers also, ironically, under the FHRC logo, see 'A Response to the Fiji Human Rights Commission Director's report on the Assumption of Executive Authority by Commodore J.V. Bainimarama, Commander of the Republic of Fiji Military Forces', available online on the Intelligentsiya website, <http://intelligentsiya.blogspot.com>.
- ¹¹ There were, of course, exceptions, but to a considerably lesser degree than there were Fijian critics of either the 1987 or 2000 coups.
- ¹² In January 2001, a military delegation to Government House including Commodore Bainimarama, Colonel Ratu George Kadalevu, Ilaia Kacisolomone and Lesi Korovavala, told the President that it would uphold Anthony Gates' November 2000 ruling restoring the 1997 constitution if it was upheld in the Court of Appeal and support the formation of 'Government of National Unity' (Margaret Wise, 'Fiji Army Stands Firm, Law and Order Top Priority List', *The Fiji Times*, 24 January 2001; see also Dakuvula, J., 'The Fiji Military Forces Vs The Elected Government of Fiji; A Case Study of Conflict', Citizens Constitutional Forum, 19 January 2004).
- ¹³ Senior military personnel held the view that the 1997 constitution had not displaced the earlier 1990 constitution provisions, granting that 'it shall be the overall responsibility of the Republic of Fiji Military Forces to ensure at all times the security, defence and well being of Fiji and its peoples' [Republic of the Fiji Islands, 1990 Constitution, S94(3)]. The Qarase government had, even before the May 2006 election, wanted to put this matter before the courts.
- ¹⁴ In early November, for example, Lesi Korovavala, Chief Executive Officer in the Ministry of Home Affairs was suspended from duty by Home Affairs Minister, Josefa Vosanibola, for failing to turn up to three consecutive meetings of the National Security Council, which Korovavala chaired (Radio New Zealand International, 9 November 2006). Korovavala,

himself a former military man, clearly saw the writing on the wall for the Qarase government, and made himself scarce.

- ¹⁵ 'Meeting between Prime Minister Qarase and Commodore Bainimarama', Government House, Wellington, November 29 2006; Points of Agreement & Next Steps', <http://img.scoop.co.nz/media/pdfs/0612/WellingtonMinutes.pdf>
- ¹⁶ *Fiji Sun*, 1 December 2006.
- ¹⁷ 1997 Constitution of Fiji, Sections 99 (1), 109 (1) & (2).
- ¹⁸ Appealing for international support, the commander made reference to Governor Kerr's dismissal of Australian Prime Minister Gough Whitlam in 1975 (see 'Coupe leader invokes Whitlam sacking', *Sydney Morning Herald*, 6 December 2006).
- ¹⁹ Mahmud, T. 1994. 'Jurisprudence of Successful Treason: Coup d'État and Common Law', *Cornell International Law Journal*, 49, pp.49–140.
- ²⁰ That, in turn, ensured lukewarm support from other Melanesian leaders for Qarase after the coup, a schism manipulated by officials in the Fiji Ministry of Foreign Affairs to secure international recognition for the post-coup government.
- ²¹ Graham Davis 'An island enigma', *The Fiji Times*, 11 December 2006.
- ²² The program ran on weekday mornings, and was hosted by former Fiji Broadcasting Corporation Ltd (FBCL) radio personality Sitiveni Raturala, who had been fired by FBCL in early 2006 for running an interview in which the commander fiercely attacked the Qarase government.
- ²³ *The Fiji Times*, 23 December 2006.
- ²⁴ See <http://www.oag.gov.fj/reports.html>.
- ²⁵ Commander, Republic of Fiji Military Forces V Auditor General, Court of Appeal of Fiji, 26 August 2003; Commander, Republic of Fiji Military Forces V Auditor General, Supreme Court of Fiji, 17 September 2004.
- ²⁶ *The Fiji Times*, 29 December 2006.
- ²⁷ 'Fijian Police seek Foster over Resort Claims', *Sydney Morning Herald*, 12 October 2006.
- ²⁸ Radio New Zealand, 3 October 2006; *Pacific Magazine*, 15 January 2007.
- ²⁹ *Fiji Sun*, 24 December 2006.
- ³⁰ To rig elections merely in the way claimed, by stuffing extra ballots into the boxes, was implausible, at least without also altering the reconciliation forms that tally ballots issued with the numbers emptied out of the boxes at the counting centres. More suspicious was the long-standing failure to release the 0-39 forms that provide detailed evidence as regards the counting and transfer of preference votes in the marginal urban open constituencies along the all-important Suva–Nausori corridor, despite strong pre-election assurances from the Chair of the Electoral Commission that this would be done.
- ³¹ In Vanuatu, he was again arrested, and eventually deported to Australia, where he was arrested for a third time, now on charges related to securing the Bank of the Federated States of Micronesia loan.
- ³² *Daily Post*, 2 January 2007; *The Australian*, 19 January 2007.
- ³³ *The Fiji Times*, 15 January 2007.
- ³⁴ The GCC, after all, was the constitutional appointing authority for the President and Vice President.
- ³⁵ Fiji's three chiefly confederacies, Kubuna, Burebasaga and Tovata, have nowadays become the basis for the organization of GCC meetings, which regularly break up into smaller confederacy-based groupings before reaching decisions as a whole.

- ³⁶ *Fiji Sun*, 23 December 2006.
- ³⁷ *The Fiji Times*, 28 December 2006.
- ³⁸ See *The Fiji Times*, 23 September 2000, and letters to *The Fiji Times* on 25 September and 30 September 2000. See also 'Pacific People Building Peace', Update No. 12, email circular, 20 December 2006.
- ³⁹ *The Fiji Times*, 7 December 2006; *Fiji Post*, 9 December 2006; *Fiji Sun*, 9 December 2006.
- ⁴⁰ *The Fiji Times*, 15 December 2006.
- ⁴¹ *Fiji Sun*, 9 December 2006.
- ⁴² *The Fiji Times*, 24 December 2006. A subsequent letter to the newspapers stated '[Lt. Col.] Driti should know that as long as he walks this earth, the people of Yacata in Cakaudrove will always despise him and his bullies for what they did to Laisa Vulakoro' (*The Fiji Times*, 6 January 2007).
- ⁴³ *Fiji Sun* 31 December 2006; *Fiji Sun* 27 December 2006.
- ⁴⁴ 'If the military is cleaning up corruption, then we are more or less with them on that, and support their campaign' (Hari Pal Singh, Chairman Transparency International (Fiji), *The Fiji Times*, 28 December 2006).
- ⁴⁵ Radio New Zealand, 7 December 2006.
- ⁴⁶ *Daily Post*, 24 December 2006.
- ⁴⁷ *The Fiji Times*, 28 December 2006.
- ⁴⁸ *Daily Post*, 23 December 2006.
- ⁴⁹ *Fiji Sun*, 24 December 2006.
- ⁵⁰ *The Fiji Times*, 8 January 2007.
- ⁵¹ Only 5 per cent of Fiji's total land area is freehold, while 87 per cent is native land, which cannot be bought and sold. The residual 8 per cent is crown land, which the Qarase government, following a policy also embraced under previous governments, had been gradually reverting to native owners.
- ⁵² 'Attitude "Caused Resort Loss"', *The Fiji Times*, 15 February 2007. The responsibility of the Fiji Islands Revenue and Customs Authority (FIRCA) for the resort's difficulties was subsequently rejected in an advertisement paid for by FIRCA (*The Fiji Times*, 23 January 2007).
- ⁵³ *Fiji Sun*, 7 January 2007.
- ⁵⁴ *Fiji Sun*, 1 January 2007.
- ⁵⁵ *The Fiji Times*, 3 January 2007.
- ⁵⁶ Commander of the RFMF's Handover Speech, 4 January 2007, http://www.fiji.gov.fj/publish/page_8136.shtml. The commander's reference was to the judgement of M.D. Scott, in Yabaki v President of the Republic of the Fiji Islands, 11 July 2001, available at <http://www.paclii.org>.
- ⁵⁷ Justice Gates was the former Lautoka High Court judge who had initially upheld the 1997 constitution in November 2000, a decision which was appealed by the government leading to the February–March 2001 case held before the Court of Appeal (mentioned above). Justice Gates had, down the years, vehemently criticized former Chief Justice Timoci Tuivaga, as well as the new Chief Justice Fatiaki, and Justice Scott's judicial complicity in the attempted 2000 illegal abrogation of the 1997 constitution. Since it was the military itself that had purported to abrogate that constitution back in 2000, it was strange that these judges should now suffer such a fate. Realizing that he had departed with too little protest, the 'suspended'

Chief Justice later turned up at his chambers on 18 January, claiming to be back at work and holding an impromptu TV press conference before being escorted away by senior police officers.

- ⁵⁸ Interim Attorney-General Aiyez Sayed-Khaiyum later claimed to have constitutionally convened a meeting of the Judicial Services Commission (JSC) to appoint Justice Gates as Acting Chief Justice, and to have appointed as JSC chair Justice Nazrat Shameem (the sister of FHRC Director Shaista Shameem). But both the Shameem and Gates appointments were found to be unconstitutional by the University of Cambridge's James Crawford S.C. in 'Opinion. Re: Judicial Services Commission of Fiji – recommendation for Appointment of Acting Chief Justice', 20 February 2007, published on the Intelligentsiya website, <http://intelligentsiya.blogspot.com/>.
- ⁵⁹ H.E the President Ratu Josefa Iloilovatu Uluivuda's speech after Commander of the Republic of the Fiji Military Force, Commodore Voreqe Bainimarama handed back Authority 5 January 2007, http://www.fiji.gov.fj/publish/page_8194.shtml accessed 6 February 2007.
- ⁶⁰ Methodist Church in Fiji, 'Here we stand', reprinted in the *Fiji Daily Post*, 3 February 2007.
- ⁶¹ For a broader survey of SDL campaign expenditures, countering some of the wilder speculations, see Verenaisi Raicola 'It's money down the drain', *The Fiji Times*, 1 February 2007.
- ⁶² *Fiji Daily Post*, 7 February 2007.
- ⁶³ *The Fiji Times*, 1 February 2007.
- ⁶⁴ Methodist Church, 'Here We Stand', reprinted *Daily Post*, 3 February 2007. Several church leaders were taken into military custody after the issuing of this statement, which was consequently said in the media to have been 'withdrawn', although Methodist Church President Ratabacaca insisted that the RFMF and church had 'agreed to differ'. Later reports suggested that the report had in fact been approved by the Methodist Church Standing Committee (see letter, Rev T.K. Waqairawai, Deputy General Secretary, on behalf of the Church Media Committee, *The Fiji Times*, 26 February 2007).
- ⁶⁵ Paulo Baleinakoro-Dawa, Father Kevin Barr and Semiti Qalowasa, 'Time of Uncertainty, Opportunity', *The Fiji Times*, 19 December 2006.
- ⁶⁶ See the comments of Commerce Minister Taito Waradi before his appointment in *The Fiji Times*, 29 December 2006, and those of Catholic Archbishop Petero Mataka in *The Fiji Times*, 23 January 2007.
- ⁶⁷ Horowitz, D.L. 1991. *A Democratic South Africa? Constitutional Engineering in a Divided Society*, University of California Press, Berkeley; Horowitz, D.L. 1997. 'Encouraging Electoral Accommodation in Divided Societies', in Lal, B.V. & P. Larmour (eds) *Electoral Systems in Divided Societies: The Fiji Constitutional Review*, ANU, Canberra; Lijphart, A. 1985. *Power-Sharing in South Africa*, Policy Papers in International Affairs, 24, Institute of International Studies, University of California, Berkeley; Lijphart, A. 1991. 'The Power Sharing Approach', in Montville, J. (ed.) *Conflict and Peacemaking in Multiethnic Societies*, Lexington Press, Lexington, Massachusetts,.
- ⁶⁸ Constitutional Review Commission. 1996. *The Fiji Islands: Towards a United Future*, P. Reeves, T. Vakatora & B.V. Lal (eds), Suva: Parliamentary Paper 34, pp. 309–10, 312, 316, 317.

- ⁶⁹ See Fraenkel, J. & B. Grofman. 2006. 'Does the Alternative Vote Foster Moderation in Ethnically Divided Societies? The Case of Fiji', *Comparative Political Studies*, 39(5):623–51.
- ⁷⁰ In 1999, the FLP had formed a power-sharing cabinet, but this had been beyond what was constitutionally required owing to concerns about the security situation and it had not included the party that obtained the largest share of indigenous Fijian votes. In any case, it had lasted only a year, and none of the Fijian politicians who had participated had secured re-election from their own community in 2001. (The one exception, Poseci Bune, had abandoned his Fijian communal seat and stood, in 2001, instead for the FLP in the 70 per cent Indian Labasa Open constituency. He was elected on the basis of Indian votes). After the 2001 poll, the Qarase government had avoided assembling a multiparty cabinet, at first by repeated delaying tactics, and then by compliance with the letter but not the spirit of the law, although Labour in any case rejected the 2004 offer of cabinet participation and shifted into opposition.
- ⁷¹ 'The place of a member of the House of Representatives becomes vacant if the member: ... (g) resigns from the political party for which he or she was a candidate at the time he or she was last elected to the House of Representatives; (h) is expelled from the political party for which he or she was a candidate at the time he or she was last elected to the House of Representatives and: (i) the political party is a registered party; (ii) the expulsion was in accordance with rules of the party relating to party discipline; and (iii) the expulsion did not relate to action taken by the member in his or her capacity as a member of a parliamentary committee' [1997 Fiji Constitution, 71.-(1)].
- ⁷² Only two of the FLP ministers were expelled, Krishna Datt and Poseci Bune.
- ⁷³ In one post-election issue of the RFMF newsletter, the commander applauded 'the evolution of this great and new concept of power sharing at the executive level of government' and reiterated earlier calls for 'total support to the Multi-party cabinet from each and every member of the Republic of Fiji Military Forces' (*Mataivalu News*, July/August 2006, p.3; see also 'Fiji Military Pledges Support for Government', *The Fiji Times*, 28 July 2006.
- ⁷⁴ Fiji TV *Viti Nikua*, 3 December 2006.
- ⁷⁵ Keith-Reid, R., 'Frankly Speaking', *Islands Business*, June 2003; *Fiji Daily Post*, 13 December 2003.
- ⁷⁶ The 'paradox' of the 2006 election, that voters were strongly polarized on ethnic lines in May 2006 but then also strongly supportive of post-election power-sharing, is perhaps not as odd as it at first sight appears. Why, many liberals asked, if they endorsed power-sharing, did voters not support those moderate politicians who were most committed to making multiparty cabinet work? The answer is obvious: power-sharing cabinets do not supersede the antagonisms they are intended to resolve. They provide means for negotiating them. Putting the more obstinate representatives of one's own ethnic group into office may seem a better negotiating strategy than sending into cabinet the more conciliatory, or less hard-line, politicians.