

# THE ROUND TABLE

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**GUEST EDITOR: PROF. BRIJ LAL**

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## Editorial: Fiji's Coup Conundrum

### Introduction

When Commodore Frank Bainimarama deposed Fiji's democratically elected government on 5 December 2006 in the country's fourth coup in 20 years, most citizens breathed a sigh of relief that a long-simmering tension between the government and the military had finally come to a head. Bainimarama justified his intervention not as a coup but as a 'clean up' campaign and portrayed himself as a selfless guardian of the national interest, wanting nothing more than to return to the barracks once his campaign was completed. In this promise, he was of course no different from other coup makers who disavow personal political ambition but seldom return to their traditional roles on their own volition. Six years later, the Commodore is safely ensconced in power and showing no sign of relinquishing control. The other overwhelming feeling in the country was that the coup was not likely to succeed in the long run because the key institutions of indigenous Fijian society, the Great Council of Chiefs and the Methodist Church, to which the majority of Fijians belong, were not with the coup maker as they invariably had been in the past. Without their active support, Bainimarama would surely soon find himself isolated and marooned. Again, the Commodore surprised everyone. The Great Council of Chiefs, once the powerful umbrella body of the indigenous Fijians endowed with the power to elect the country's head of state, was summarily disestablished when it refused to do the military's bidding, and the Methodist Church found itself similarly shunted to the margins. New elections are promised for 2014 under a new, race-free and truly democratic constitution, but if the past is any guide, such promises should be taken with a large grain of salt. The true intentions of those in power are murky. What is certain is that the road to a truly democratic and stable Fiji will be long and hard indeed.

In April 2009, the military regime finally abrogated the 1997 Constitution after the Fiji Court of Appeal ruled that the coup was illegal, overturning an earlier surprising Supreme Court ruling upholding its legality, and imposed draconian Public Emergency Regulations, which effectively silenced the country, severely curtailing freedom of speech and assembly and association. Decrees sanctioning these could not be challenged in the courts. There was a massive violation of human rights of those targeted by the regime as dissidents. Many were hauled up to the military barracks and 'interrogated'. Australian and New Zealand diplomats were expelled and newspaper editors critical of the unfolding events in Fiji deported. The military tightened its grips on the levers of power as time went on. All hitherto elected municipal councils were dissolved, the Sugar Cane Growers Council, the power base of the Fiji Labour Party, was disbanded, foreign ownership of the media was limited to 10%, pension payments of regime opponents were temporarily stopped, and the

freedom of the Trade Union movement severely curtailed and their leaders harassed. By 2011, nearly 50 military officers occupied some of the most important positions in civil service and district administration. Friends and family members of those in power were riding the gravy train. Bainimarama's early insistence that no one would benefit personally from his coup was manifestly breached in full public view.

Clamping down on internal dissidents proved easier than gaining sympathy and understanding from the international community. While the local media could be muzzled through official edicts and physical intimidation, the cyberspace proved impossible to control. Blogsites mushroomed, disseminating censored news from Fiji, providing a contrary narrative to the one the regime struggled to weave and, sometimes, deliberately spreading mischievous disinformation to cause discomfort to those in power in Fiji. Blogs were as new to the scene in 2006 as email was in 2000 and the facsimile machine was in 1987. The European Union withheld funds it had earmarked for the restructuring of the country's sugar industry because the military takeover had breached the principles of the Cotonou Agreement, upholding democratic values and freedom of speech. Australia and New Zealand slapped travel bans on those most closely allied to the military regime and demanded evidence of demonstrable progress towards returning the country to parliamentary democracy in return for relaxing sanctions, which Fiji found hard to provide. The Commonwealth Secretariat despatched its envoy, the late Sir Paul Reeves, the chair of the 1995 Constitution Review Commission, whose report had formed the basis of the 1997 Constitution, to facilitate dialogue between the regime and principal political leaders, but to little avail. The regime wanted acquiescence to its plans, not open discussion about its agenda. This was contained in a so-called 'Peoples Charter for Change, Peace and Progress', and in the 'Roadmap for Democracy and Sustainable Socio-economic Development, 2012–2014'. Among the goals the regime wanted to accomplish were eradicating systematic corruption (for which purpose it set up the largely ineffectual Fiji Independent Commission Against Corruption), reducing poverty and levels of destitution (both increased markedly, with the result that now over 40% of the total population lives below the poverty lines in mushrooming squatter settlements fringing the country's urban centres), and improving relations with the international community (which included setting up embassies in South Africa, Indonesia and Brazil, with whom Fiji's trade and commercial links are virtually non-existent).

The Pacific Islands Forum, an inter-governmental organisation of independent Pacific Island nations, condemned the coup, citing in support the Biketawa Declaration upholding 'democratic processes and institutions which reflect national and local circumstances, including the peaceful transfer of power, the rule of law and the independence of judiciary, just and honest government'.<sup>1</sup> The Forum's secretariat is located in Suva, Fiji's capital, which made its stand even more unpalatable to the regime. Stung, Fiji set about denigrating the regional body as ineffectual and meddling, and began cultivating the regionalist Melanesian Spearhead Group (Vanuatu, Solomon Islands and Papua New Guinea). The Melanesian Spearhead Group, of which Fiji was a late and once nominal member, expressed solidarity with Fiji, but the support was more rhetorical than real. This was partly because of the realisation that Fiji's motives were suspiciously opportunistic, trying to play one group of Pacific islands against another, and

partly because of the reality of Australia's and New Zealand's massive assistance to the islands. None of the Pacific islands could do without their largesse, however much they might publicly criticise their policies. The sad irony of it all was that Fiji, once the leader of the South Pacific region—it was the key player in the establishment of the Forum in the early 1970s—now found itself very much on the outside, as a pariah nation, its influence diminished and its image as a peaceful, democratic nation severely tarnished, the butt of ridiculing comments from much smaller countries such as Samoa.

### **New Constitution**

Early in 2011, Fiji announced the appointment of a five-member Constitution Commission to prepare a new constitution for the country chaired by the well-known Kenyan constitutional lawyer Professor Yash Ghai.<sup>2</sup> Its other members were retired Fiji politicians Satendra Nandan and Taufa Vakatale, both known coup sympathisers, children's activist Penny Moore and South African-born constitutional lawyer Christina Murray. The Commission was asked to draw up a document that would abolish all vestiges of racial and gender discrimination and entrench the principle of one person, one vote, one value. Ghai's appointment was greeted with cautious optimism by many, especially his announcement that he would ask the regime to review all decrees that hindered freedom of speech and assembly, so vital for the credibility of the Commission's much-touted consultation process.

The regime made token gestures in that direction which left many, including the Fiji Labour Party, dissatisfied. Labour told the Forum Ministerial Contact Group visiting Fiji in May 2012 that 'the regime's constitutional process cannot be recognized as inclusive, participatory and credible so long as restrictions on human rights remain in place under the various decrees'. Earlier the party had demanded the immediate publication of the Auditor General's report, full disclosure of ministerial salaries and an impartial investigation of human rights abuses. For many in the country, perhaps the most crucial question was the place the military would have in the new constitutional dispensation. For its part, the military left no doubt in anyone's mind about its intended role in Fiji's future: it would, it said, play a prominent guardian role outside the prescribed perimeters of the democratic processes of parliament. Turkey was often mentioned as a model for Fiji. Land Forces Commander Mosese Tikoitoga promised to 'hand government back' after the 2014 elections, with the implicit threat that they could take it back if the military disapproved of it.

A further stumbling block in the soon-to-start constitutional consultation process is the insistence by all the major parties—Fiji Labour Party, Soqosoqo na Vakavulewa ni Taukei (SDL) and the United General Party—that the 1997 Constitution had not been abrogated and should be the starting point for any constitutional review. That may turn out to be the case in any event, but the regime insists that the abrogated constitution 'will never come back' and that a fresh start needs to be made. If nothing else, face saving demands a fresh start. Complicating matters even further, the three parties put their considerable previous differences aside and agreed to make a joint submission to the Constitution Commission. Critics, with some justification, dismissed this as an opportunistic coalition of

convenience, but the three parties agreed on several key points. Among them was the insistence that the military revert to its traditional role in Westminster democracy: under civilian control. The other was the desirability of moving away from racial parliamentary representation, although the pace of it remained an issue of contention. The Labour Party would like to make a gradual transition to non-racialism, whereas SDL, the principal indigenous Fijian party, would entertain a more rapid transition now that indigenous Fijians are close to 60% of the population and likely to support political parties pushing Fijian causes.

### Demographic Change

This demographic change has been a transformation of fundamental importance in Fiji over the last two or so decades. In 1987, Indo-Fijians constituted around 49% of the national population, but now that percentage is closer to 33 or 34%, and declining owing to a lower birth rate and increased migration. Migration figures are notoriously unreliable, but many observers agree that well over 120,000 have left since the 1987 coups, and the haemorrhage of the skilled labour force continues. It is often said that there is hardly a single Indo-Fijian family that does not have at least one member overseas, but now it is not only Indo-Fijians who are leaving: indigenous Fijians are leaving as well, and in increasing numbers. The reduction in the numbers of Indo-Fijians has effectively ended the fear of 'Indian' domination that has plagued the Fiji political scene and hobbled rational political discourse since the mid-1940s when Indo-Fijians first exceeded the Fijians. In the years immediately before and after independence in 1970, 'race' was the single most insistent factor characterising public discourse in Fiji. Every issue of public policy, from allocation of scholarships for tertiary education to promotion in public service, to the leasing of agricultural land, was viewed through the lens of 'race'. Ratu Sir Kamisese Mara, Fiji's first prime minister, was fond of saying that 'race is a fact of life'.<sup>3</sup> Under his administration, it almost became 'a way of life'. Commodore Bainimarama's commitment to creating a non-racial state marks an important and potentially decisive intervention in a debate that has preoccupied Fiji for much of the 20th century, but whether his commitment is real or rhetorical is yet to be tested.

The absence of 'race' in the narrative surrounding the 2006 uprising was one thing that distinguished it from previous coups, which always portrayed conflict, erroneously but effectively, as racial contests between indigenous Fijians and 'immigrant' Indo-Fijians. The 2006 uprising pitched an exclusive indigenous Fijian military against a government headed by an indigenous Fijian, a prospect that would have been unthinkable just a decade ago. The conventional assumption had long been that the military was the ultimate protector of 'the Fijian cause', the armed wing of the Fijian establishment, not its nemesis. The military has strenuously sought to create an autonomous niche for itself, independent of its traditional networks of support and free of its once powerful allegiance to chiefly hierarchies. All speculation of factionalism and splits in its ranks has proved to be wishful thinking. Bainimarama is the unchallenged and unchallengeable leader of his troops who has given them a national purpose and identity and who is their ultimate benefactor at a time of great uncertainty. For that reason alone, it is difficult to see how the

army will willingly return to its traditional role. Bainimarama may want to, but he may not be allowed to.

Another major difference between the 1987 and 2006 coups was the role paramount chiefs played not only in indigenous Fijian but also in national political life. Ratu Sir Penaia Ganilau<sup>4</sup> and Ratu Sir Kamisese Mara, chiefs tutored for national leadership by the departing British, were men of considerable mana and experience and overarching political influence in the immediate post-independence years. It has often been suggested that Sitiveni Rabuka had carried out his coup at their behest and with their active knowledge.<sup>5</sup> Be that as it may, what is true is that having done the deed, Rabuka handed power back to his paramount chiefs. The relationship between Rabuka and Mara was fraught because Mara had disdain for Rabuka's commoner status and sometimes impetuous behaviour, but his influence was considerable.<sup>6</sup> By the time of Bainimarama's intervention, the big chiefs were either gone or in ailing retirement, figures of pity and scorn rather than veneration, held responsible by many of the younger generation for the country's unresolved problems and its present crisis. Current paramount chiefs such as Ro Teimumu Kepa, head of the Burebasaga Confederacy, and Ratu Naiqama Lalabalavu, head of the Tovata confederacy, are marginal, diminished figures, humbled by the military for their alleged roles in crises of the past. Others are embroiled in provincial and regional politics, with no national presence to speak of. There is no one among indigenous Fijian political leaders to rival Bainimarama's mana and influence. To many of his supporters, he is a paramount chief in his own right, head of a new confederacy (*vanua*), the military.

### Distant Promises

The Frank Bainimarama of 2012 is a very different person from what he was in 2006. Then, he appeared uncertain, diffident, unsure of the role he would play on the public stage. He disavowed a political career for himself, promising to return to the barracks once his 'clean up' campaign had been completed. He insisted that only men and women of integrity and accomplishment would be allowed to serve in his administration. Everyone would have to apply for a position in Cabinet; and no one in his administration would be allowed to take advantage of their position for personal gain. But these promises seem so distant now, observed more in the breach. Previous coup supporters are in the Bainimarama cabinet, such as Inoke Kubuabola, a key architect of the 1987 coup, who is his Foreign Minister, and others, such as Isikeli Mataitoga, who has diplomatic posting as Fiji's Ambassador to Japan. People convicted of serious criminal offences have been released from gaol on Compulsory Supervision Order and restored to their previous posts in government (such as Bainimarama's brother-in-law Francis Kean). The promise of an open and transparent government is now no longer tenable even to the regime's staunchest supporters as the public purse is plundered and lucrative contracts given to a chosen few. But Commodore Bainimarama is safely ensconced in office and comfortable with the trappings of power. He now sees himself, like most coup perpetrators, as being indispensable to Fiji's destiny. He is determined to remain in harness 'till the job is complete', he says, which is a long way off into the foreseeable future. His military base is secure, and he has his backers in the business and wider community,

people riding the gravy train who will prop up the regime for as long as they possibly can.

### **Determination**

Why has the Bainimarama coup succeeded, or at least not faced as much resistance as the 1987 coup, for example? Bainimarama's determination is an important factor. He summarily dismissed all officers in the military who questioned his leadership and his project. He abrogated the constitution, imposed extreme media censorship and killed free speech through draconian decrees. There was systematic abuse of the human rights of those who spoke out, too numerous and credible to be dismissed as random. But along with the stick went the carrots as well. Many, fed up with years of corruption and mismanagement and racial vilification under the previous government, believed him that his intervention was indeed a 'clean up' campaign rather than a military coup. His disavowal of personal political ambition for himself seemed plausible to many. Bainimarama also captured the 'anti-politics' mood across sections of the population. Politicians were corrupt and political campaigns pandered to the basest instincts among the electorate. Some academics, technocrats and former Fiji citizens came on board and sought to rationalise the coup as a necessary evil on the path to creating a democratic and progressive society: 'wrong means but the right cause'. By the time they realised the error of their judgement, the military was firmly in control.

The 2006 coup was often described as an 'Indian' coup because of vocal support for it among sections of the Indo-Fijian community. There were, of course, many prominent Indian opponents of the coup as well, but there was more than a grain of truth to the charge. Some reactions were suffused with feelings of revenge and retribution. All the previous coups had in intent and purpose been anti-Indian, which had in their wake brought rampant discrimination against the Indo-Fijians. In this coup, the 'shoe was on the other foot', so to speak. Those who were forced to leave Fiji in desperate circumstances voiced vocal support from overseas. But perhaps the most important factor in muted Indo-Fijian criticism was the stance of the Fiji Labour Party and its leader Mahendra Chaudhry, who joined the military regime in early 2007 as its Finance Minister. Chaudhry was the dominant leader of his people and his lobbying on behalf the military regime had its desired effect, including upon local and overseas trade unions, which had in the past staged boycotts and protest marches against coups. A year later, Chaudhry was effectively sacked from the regime and found himself compromised in a cul-de-sac, neither able publicly to criticise the regime of which he had been a part, nor condone its wayward policies. He is today a chastised opponent of the Bainimarama regime, chafing from the sidelines.

Indigenous Fijian reaction is more complex. Fear of retribution from the military undoubtedly played a part, as did the numerous draconian decrees issued at will by the regime. Many also had an acute appreciation of where the centre of power lay. Their support for Bainimarama was contingent, not unconditional. Hence, silence should not be construed as acquiescence. The absence from the scene of the central institutions of Fijian society, such as the Great Council of Chiefs and the Methodist Church, which in the past provided guidance and leadership to their people in times

of crisis and uncertainty, created a vacuum that no one filled, or was allowed to fill. Fijian political leadership was in disarray, with the deposed prime minister, Laisenia Qarase, confined to his small island village in the remote maritime province of Lau for long periods of time. His lieutenants were nowhere to be seen, some leaving politics for other careers; but non-resistance was not due solely to the fear of punishment by the regime. Many Fijians also saw opportunities opening up for themselves as skilled professionals departed Fiji in increasing numbers. They were enjoying their moment in the sun as elite Fijian leaders and institutions faced eclipse, which partly explains why the demise of the Great Council of Chiefs, for example, went largely unmourned. Bainimarama read the mood of his people well and subtly positioned himself as the champion of ordinary Fijians against traditional vested interests.

### **Deep-seated Problems**

Six years after the 2006 coup, Fiji's deep-seated problems remain unresolved. Internally the country is divided over the best way out of the crisis. Fiji may be able to devise a multiracial, progressive constitution for itself, but the thought uppermost in most peoples' mind is the role the military will play in the future governance of the country. The deep fear is that, having tasted power, it will not willingly revert to the barracks. That certainly has been the experience of many other coup-ridden countries. The politics of patronage has taken a heavy toll on the practices and protocols of good governance and it will be a long time before Fiji can recover a semblance of the effective, merit-based civil service it inherited at the time of independence. The frayed relations with the regional and international community will similarly be prolonged, demanding much tact and diplomacy and a willingness on the part of the Fiji leaders to heed the advice of its well-meaning friends. Whether Bainimarama's coup was a coup to 'end all coups' or whether it is yet another contribution to Fiji's sad 'coup culture' remains to be seen.

### **Analysing the Crisis**

The Fijian crisis has, predictably, generated a vast amount of literature, not only of the published variety (monographs, scholarly papers, newspaper and periodical articles), but also on the internet.<sup>7</sup> The rapid traffic through cyberspace is one of the distinguishing characteristics of our age, with all its challenges and opportunities. The precise details of events, policy documents and spoken comments are easily accessible. The articles that follow offer a more reflective, in-depth analysis and commentary that provide a context for the unfolding story. Robbie Robertson reflects on the trajectory of Fiji's post-colonial political and economic development and the contradictions inherent in them that have contributed to the country's problems. The pursuit of 'racialised and elite-oriented economic strategies', he argues, deepened divisions (class, urban-rural) in society and exacerbated income disparity across the ethnic divide; but instead of addressing the root causes of these problems, politicians resorted to 'racial scapegoating that found its greatest expression in the legitimising rhetoric of the 1987 coups and the subsequent 1990 constitution'. A politically expedient race-based approach to Fiji's deep-seated

problems has had horrendous consequences for Fiji. 'Fiji did not collapse, but it has surrendered to impoverishment in the widest sense of the word.' Recall that nearly half of the population lives below the poverty line.

Robert Norton takes us to the question that has long lain at the heart of Fiji's political problems: indigenous Fijian aspirations and how they should be accommodated in the multiracial body politic of Fiji. Throughout the 20th century, but particularly in the decade leading to independence, indigenous Fijians insisted that their interests in the body politic of Fiji should be paramount, tracing the origins of that claim to the Deed of Cession in 1874 by which Fiji was ceded to the United Kingdom. The British acquiesced and devised a constitutional structure that was nominally democratic but which left political power in the hands of indigenous Fijians. Efforts at greater inter-ethnic cooperation and broad-based national leadership in the post-independence era were constantly challenged by forces of indigenous nationalism, an inevitable result of the race-based electoral system the country inherited at independence. When Fijian hegemony was effectively challenged in 1987, a military coup restored chiefly leadership to political power; but with the departure of paramount chiefs and with increasing fragmentation in indigenous Fijian politics, the military found room to assert itself into the national political equation, leading over time to a decisive shift of power from chiefs to warriors, that is, the military. As the professed guardian of the multi-ethnic state, Norton suggests, the military might 'have a function in helping free the arena of electoral politics and parliamentary government for inter-ethnic collaboration to an extent hitherto not possible', but on its own terms. Norton expresses the widely held view that 'it seems at present improbable that the army leaders will agree to a new constitution that does not entrench in some form a prerogative authority for them in the political system'.

Along with the Great Council of Chiefs, the Methodist Church was long the mainstay of the Fijian establishment. Ever since its arrival in the islands in 1835, Christianity has become an integral part of the indigenous Fijian way of life. Although other denominations existed in Fiji, such as the Roman Catholics, Anglicans, Presbyterians and Seventh-Day Adventists, it was the Methodist Church 'which became the church associated with being indigenous Fijian (*i-Taukei*)'. In the 1987 coup, it aligned itself unequivocally with the Fijian nationalists. Its leaders, such as Manasa Lasaro, Tomasi Raikivi and Viliame Gonelevu, were members of a militant nationalist group called the 'Taukei Movement'. They demanded that Fiji be declared a Christian State and were behind the briefly declared 'Sunday Ban', which enforced a strict national observance of the Sabbath. But after Bainimarama's coup, the Church found itself on the outside because of its support for the deposed Qarase government. The military encouraged the formation of dissident factions such as the 'New Methodists' and banned the older Church from holding its annual convention in an effort to curtail its power and influence. The New Methodists imploded and largely disappeared from the national scene, but the impasse between the Methodist Church and the military continues. It would be foolhardy to write the Methodist Church off as a spent force.

Biman Prasad provides an overview of the current Fijian economy. The picture he paints is a dismal one, the protestations of the military regime to the contrary. The sugar industry, once the backbone of the Fijian economy, is dying a visible death

because of milling inefficiencies, the uncertainty surrounding the renewal of land leases and the end of preferential access to the European Union.<sup>8</sup> Remittance has now exceeded it as the country's major revenue earner. Tourism is a promising but fickle industry. The projected opening of the copper mine in Viti Levu, the country's largest island, holds brighter promise if the angst-causing environmental concerns of the landowners are met. The Bainimarama regime has touted economic development as its top priority, and understandably so, though as Prasad shows, investment flows have been minimal. Prasad also makes the crucial point that a large part of the economic stagnation in Fiji has flowed from the constant political upheaval of the last two decades. Foreign investment will not come into an unruly environment characterised by disrespect for the rule of law and governed by an endless stream of decrees.

In the final article in this collection, Stewart Firth, a long-term observer of Fijian and Pacific politics, offers reflections on broad trends in Fijian politics since independence. He offers a cautionary tale to those who think—and there are many in Fiji, of all political persuasions—that the answer to Fiji's political problems lies in adopting the 'right' electoral system (though there is consensus on what the right system might be). These are means to an end, not an end in themselves. 'Voting at elections is a vital element of successful democracy,' he says, 'but far from the only one'. 'Just as important,' he continues, 'are a free media, freedom of speech, freedom of association, an independent judiciary, a legal profession that operates independently and according to law, a public service based on meritocracy, and government appointments to the leading positions of state that owe at least something to the professional rather than the political qualifications of those appointed'. In this respect, Fiji has a very long way to go before it can put to rest the ghosts of the past that continue to haunt its forlorn landscape.

Brij V. Lal

## Notes

1. The Biketawa Declaration was issued by the Pacific Islands Forum Leaders at the 31st meeting of the Forum held in Kiribati (in the central Pacific) in October 2000.
2. Ghai was the legal counsel to the National Federation Party and Fiji Labour Party in the 1990s. Before that he advised on the constitutions of the Solomon Islands, Vanuatu and Papua New Guinea, and latterly on other parts of the world as well, including Nepal.
3. A somewhat convoluted biography of Ratu Mara is by Deryck Scarr (2008) *Tuimacilai: A Life of Ratu Sir Kamisese Mara* (Adelaide). See also Brij V. Lal (1992) *Broken Waves: A History of the Fiji Islands in the 20th Century* (Honolulu).
4. For an account of his life, see Daryl Tarte (1993) *Turaga: Life and Times and Chiefly Authority of Ratu Sir Penaia Ganilau* (Suva).
5. See, for example, John Sharpham (2000) *Rabuka of Fiji: The Authorised Biography of Major-General Sitiveni Rabuka* (Rockhampton, Qld).
6. See Brij V. Lal (1998) *Another Way: The Politics of Constitutional Reform in Post-coup Fiji* (Canberra).
7. A convenient collection of papers is in Jon Fraenkel, Stewart Firth and Brij V Lal (Eds) (2009) *The 2006 Military Takeover in Fiji: A Coup to End all Coups?* (Canberra).
8. For more on this, see Padma Narsey Lal (2008) *Ganna: Portrait of the Fiji Sugar Industry* (Lautoka, Fiji).

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# The Round Table

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