

## 10 How eliminate the "Coup Culture": who is responsible?

1. The Regime has often stated that one of their objectives in the 2006 coup was to remove the "coup culture". They have never clarified their views on who exactly they see as responsible for the coup culture.
2. Decree No.98, Section 4 (c) (iii) specifically requires the Yash Ghai Commission to "learn from the past". It is therefore incumbent on the Commission that they attempt to clarify and articulate who exactly were or are the agents responsible for the mounting, support and "social legitimation"<sup>1</sup> of various coups, so that there is now a phenomenon recognized as Fiji's "coup culture". These are the groups (and key individuals) who must be targeted by the Commission and its recommendations on how the coup culture may be eliminated.
3. I outline here my personal identification of the Fiji elites who have been largely responsible for the "coup culture" and who need to be appealed to, if the coup culture is to be eliminated.
4. The known facts surrounding the coups in 1987, 2000, 2006 and 2009, indicate that none of them would have succeeded to the extent they did without the active participation and support of the senior and powerful elites in our society: the RFMF and its senior military officers, key members of the judiciary, major political parties, the religious leaders, the leading lights of the business community, senior professional people of all ethnicity and gender including the universities, and even the tacit acceptance and legitimation by the donor community, the embassies and international organisations.
5. The Commission needs to highlight that while no individual has admitted full responsibility and been held accountable, all have demanded immunity for their actions: effectively stating to the world that they themselves will not be held accountable for their actions, all the while pontificating (through documents such as the Charter etc.) that future governments and people must be held accountable.
6. I submit that inserting specific into the constitutions specific anti-coup phrases or penalties such as mandatory death penalty or life imprisonment, will be an exercise in futility. Such provisions against treason, have always been there in Fiji's laws, yet the country has routinely got into the habit of granting immunity for treason, with the number of crimes and perpetrators, and the period over which the immunity is to be granted, growing with each successive coup, as is occurring currently.
7. The dismaying lack of accountability and transparency may be seen in the current Military Regime demanding through their various decrees, total immunity for all actions between 2000 and 2014, including the unlawful expenditure of hundreds of millions of tax-payers funds without any Auditor General's Reports being released,

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<sup>1</sup> By "social legitimation" here, I mean the social acknowledgement of illegal regimes. I see this differently from "legal legitimacy" which is for the legitimate courts to decide.

the denial of basic human rights of its citizens and other acts which would be normally considered to be prosecutable crimes in a civilized society. Simultaneously, they have jailed a former lawfully elected Prime Minister, for alleged financial misdeeds twenty years ago, amounting to a few thousand dollars.

### **The over-riding role of the military in the "coup culture"**

8. The Republic of Fiji Military Forces have internationally and regionally been seen as an extremely professional group of soldiers, extremely disciplined in the field, courageous in action, and to be relied upon at times of national emergency. Evidence of these qualities is the international demand for their services as peace-keepers or as members of the regular army of Britain.<sup>2</sup>
9. Evidence of the RFMF's internal discipline is their total cohesion in falling behind Commodore Bainimarama in his attempt to govern Fiji with the RFMF playing a much stronger "developmental" role than ever envisaged of it historically. What has also been clear is the commitment, energy and drive of quite a few talented RFMF officers who have been appointed to senior civil service positions, even if their technical experience may not have matched their positions.<sup>3</sup>
10. Having over the years personally given a number of lectures on economics and development issues to the Officer Training courses at Vatuwaqa, and on the electoral system to RFMF officers in early 2006, I have come into contact with many senior military officers whose personal and professional integrity I have great respect for.<sup>4</sup>
11. Nevertheless, despite these positive attributes of the RFMF, the most fundamental contributor to Fiji's "coup culture" is that the military commander of the day, former army commanders, and the most senior army officers have been the initiators and/or collaborators of every single coup. It is not surprising therefore that in every coup, there has been total support by the rank and file of the RFMF.
12. The second fundamental fact is that no coup would have been "successful"<sup>5</sup> without the active support of key politicians and political parties, the judiciary, the religious

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<sup>2</sup> While there have been a few lapses of discipline leading to human rights abuses at the height of the coups in 1987 and 2006, they are the exception rather than the rule. The real danger of continued military dictatorships without any accountability to the public is that human rights abuses can become the rule, rather than the exception.

<sup>3</sup> What has been clear is that quite a few have performed better than some of the civil servants they replaced, and would have been seen as successful had the economy grown at healthy rates.

<sup>4</sup> Many are Old Boys of my secondary school, Marist Brothers High School, leading to the false conclusion by many that the 2006 coup was a "Marist coup" just as many incorrectly referred to the other coups as "QVS coups".

<sup>5</sup> By "successful" I mean the ability to continue to control all the processes of government and full public participation, like any other lawful elected government, without any effective opposition from the public or their organisations.

organisations, and private sector elites, many changing with the coups, but some to be seen supporting and benefiting from every coup.

13. My tentative identification of those responsible for Fiji's coup culture is presented here, not necessarily in the order of importance or causality, as a first step to addressing the coup culture. Some of these ideas have been presented in a previous article ("Fiji's cancerous conspiracies of silence").
14. Many of my conjectures are presented as questions that the Commission ought to ask the key players linked to the 1987, 2000, 2006 and 2009 coups.<sup>6</sup>

#### The 1987 coups:

15. While all focus has been on Sitiveni Rabuka for carrying out the 1987 coup and committing treason against the lawfully elected Bavadra Government, it would not have succeeded without the full support of the vast majority of the RFMF officers and rank and file.
16. It is also historically clear that the entire Fijian elite hierarchy- the high chiefs (including the former Prime Minister and former Governor General, and all the chiefs in the Great Council of Chiefs), and the Methodist Church, were fully in support of the 1987 coup, with the avowed objective of reasserting indigenous Fijian control over government. Few of the key players have ever publicly acknowledged their personal role or guilt,<sup>7</sup> few have been publicly identified, and fewer have apologized to the nation.<sup>8</sup>

#### The 2000 coup

17. The fact that the Commission is required to ensure that full amnesty is granted for events beginning in 2000, makes it imperative that the Commission has a clear idea of what events and for whom the immunity is being required.
18. While the 2000 coup has been popularly referred to as the "Speight coup", the evidence indicates that it was initiated by CRW soldiers led by a former officer (Ligairi, brought out of retirement by Commodore Bainimarama) with support from the military hierarchy, and all the major Fijian political parties in existence then, including the SVT and other Fijian parties, and the Methodist Church. It would appear from public statements, that the hierarchy in the SDL Party which was formed in 2001 (and which was essentially the SVT followers regrouped around new leaders), were also strongly in support of the 2000 coup, and the abrogation of the 1997 Constitution. Again the stated objectives of all were the support of indigenous Fijian political paramountcy.

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<sup>6</sup> Or at least those that are still alive.

<sup>7</sup> Some are even serving in the current Bainimarama Regime.

<sup>8</sup> Two known exceptions are Mr Rabuka and Ratu Meli Vesikila. The coconut wireless names a large number of prominent persons.

19. While there has been no public inquiry, the evidence given to the RFMF's own Evans Board of Inquiry Report<sup>9</sup> freely available on the Internet<sup>10</sup>, raises a number of unsettling questions that the Commission must investigate and clarify, if the Commission is to make recommendations that will have any hope at all of discouraging Fiji's "coup culture".
20. It is pointed out that while the thirty questions which the Evans BOI were tasked to answer were extremely comprehensive, many important ones which attempted to identify who were responsible for the 2000 coup, were simply not answered at all, although it was clear that many of the witnesses knew the names of coup supporters and civilian collaborators.
21. The Evans BOI Report also makes clear that the few senior officers of the RFMF who appeared before the Board were quite reluctant to reveal what they knew, even though their positions would suggest that they would have known the answers to all of the Evans BOI questions.
22. The evidence to the Evans BOI suggest the following questions which the Commission could usefully seek clarification on:<sup>11</sup>
  - (a) The personal role of Commodore Bainimarama: why did he bring out of retirement an ex-SAS soldier (Major Ligairi) who reported only to him, and who clearly gave the orders for the CRW soldiers to take over Parliament? While Bainimarama was told by senior officers the exact date of the coup two weeks prior, why did he choose to go off to Norway? Why did the Evans BOI report that they were "unable to interview" Bainimarama in order to ascertain whether he had supported the coup? Why did Commodore Bainimarama state on 1 July 2000 that Fijian interests and aspirations would be given priority in the appointment of the Interim Government (of Qarase), one of whose first tasks would be a review of the Constitution? Why was Commodore Bainimarama the only RFMF senior officer who did not appear before the Evans Board of Inquiry?
  - (b) Why did the BOI Report conclude that the CRW Unit had the initial understanding that the "army was supporting the takeover by the logistic and administrative support given". Which senior army officers authorized the arms and ammunition and rations to keep going into the Parliament to the CRW soldiers; which senior officers authorized the continuation of the salaries of the CRW soldiers in Parliament? Why is it that after the CRW soldiers took

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<sup>9</sup> The Board comprised Lt.Col.JN Evans, Major Aziz Mohammed, Maj. T. Gucake, and WOI H Macomber. They were tasked with inquiring into the CRW Unit's illegal takeover of Parliament on the 19 May 2000 and the holding of hostages between 19 May 2000 and 13 July 2000.

<sup>10</sup> It is an extremely long report, but may be downloaded from the website TruthforFiji maintained by former army officer Ratu Tevita Mara (initial supporter of the 2006 coup but later to fall out with Commodore Bainimarama). Ratu Epli Ganilau and Ratu Epli Nailatikau (key members of the Bainimarama Regime at one time or another) are both brothers-in-law of Ratu Tevita Mara.

<sup>11</sup> The Board interviewed 112 witnesses both military, police and civilian, as well as assistance given by Hansard Reporters, Fiji Law Society, and Government Printing. The Board noted that many witnesses were reluctant to give evidence, citing the excuse of "code of conduct" of their CRW Unit, while some had already made inconsistent statements to police on criminal charges.

hostages in Parliament, their leader Ligairi had gone to the RFMF HQ and told senior officers<sup>12</sup> that he was going to support his "boys" in parliament and for them to make sure that the Police did not do anything, yet these officers let Ligairi go back to Parliament? Who were all the senior RFMF officers who had lunches and dinners with civilians where the coup was discussed, weeks and even months before the event? Why was prominent RFMF spokesman Lt Col Tarakanikini in phone contact with the CRW soldiers early on the morning of the coup?

- (c) Who were the many Fijian politicians (from the SVT and FAP and other Fijian parties, and later from the SDL) and high chiefs, including two specifically named in the Evans Report<sup>13</sup> who knew about the 2000 coup two weeks before (and some, many months before), including those who became or attempted to become Ministers in the Speight Government? Who were all the religious leaders amongst the Methodist Church who were in support of the 2000 coup?
- (d) Who were the real coup leaders who failed to materialise, leaving George Speight to rise to the occasion?
- (e) Did Commodore Bainimarama only begin to oppose the coup when Speight's group named Colonel Vatu as the new Commander of RFMF and Tarakinikini as Chief of Staff?
- (f) Why did Commodore Bainimarama (with several other key individuals) ask his Commander in Chief and President (Ratu Sir Kamisese Mara) to "step aside"?
- (g) Why did Commodore Bainimarama claim in 2000 to have abrogated the Constitution and taken "Executive Authority"? Why did he file an affidavit in the Chandrika Prasad case that he had abrogated the 1997 Constitution (only to be judged otherwise by Justice Anthony Gates)? Did Bainimarama attempt even in 2000 to become Prime Minister?
- (h) Why was the lawfully elected Chaudhry Government not returned to power following the ending of the hostage crisis by the RFMF?
- (i) Why has there never been a public inquiry into the 2000 mutiny, the most devastating internal event to occur in the history of the RFMF, which resulted in the deaths of three innocent soldiers, and five CRW soldiers who were later taken into custody alive?

### The 2006 coup

23. There is no disputing that Bainimarama openly implemented the 2006 coup, with the full support of his senior officers and rank of file, with the exception of the few

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<sup>12</sup> Some are named in the Report: Col. Vatu, Col Tuatoko, and Lt. Col Saubulinayau.

<sup>13</sup> The weapons were stored in the Fijian Association Office, Ratu Tuatikau (brother of Ratu Epeli Nailatikau) was heard discussing matters with George Speight two weeks before, and meetings were held at the home of Ratu Apenisa Cakobau.

he forced to leave the army between 2002 and 2006 for refusing to support his coup plans and swear personal allegiance to him. Also prominent in the support of the coup were at least two former army commanders<sup>14</sup>, who directly benefited from the coup, one still continuing as President signing the numerous military decrees taking away citizens' fundamental human rights.

24. While Bainimarama has claimed that his main coup objective was to stamp out wide-spread corruption of the Qarase Government, there may have been other important factors such as the charges he faced stemming from the 2000 coup and mutiny, as well as the events leading to Qarase's failed attempt to replace him as Commander between 2002 and 2006? Does the latter explain why "political events" to be granted immunity according to Decree 99 includes the correspondence and discussions between government and RFMF between 2000 and 2006?
25. Contrary to Bainimarama's post 2006 coup claim that no military officer would benefit from his coup, the reality has been the opposite with large numbers of senior army officers appointed to senior civil service positions with major improvements in salary and conditions, and resulting benefits cascading down to all the levels.
26. Indeed, the militarisation of the civil service following the 2006 coup, and the vast relative improvements in the salaries of defence personnel, is the most extreme that has happened of all the coups. Apart from a few individual officers who resigned their commissions or were asked to resign, the bulk of the officer corps of the RFMF have uncritically followed their Commander into treason, and without whom none of these coups would have lasted.
27. There have also been numerous and large financial and non-financial benefits to Commodore Bainimarama personally, and to members of his own immediate and extended family, much of which would have been considered unethical had they been implemented by any elected Prime Minister.
28. The RFMF clearly have a solid reputation for peacekeeping and other duties internationally and they earn substantial revenues for the Fiji economy. They are clearly valued by the UN, NATO and US, who have urgent need for Fijian soldiers.
29. That international role for the RFMF must however be subservient to their role domestically. For this they are responsible to the Fiji state, the elected Government of the day, and to the tax-payers who fund their salaries and expect protection against external threats.<sup>15</sup>
30. It may be noted that historically the RFMF has been a universally revered institution amongst the indigenous Fijian community from whom 95 percent of their

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<sup>14</sup> The former commanders are Ratu Epeli Nailatikau (President under the Regime) and Ratu Epeli Ganilau (an early Minister in the Regime later displaced). It is not clear what was the attitude of Col. Paul Manueli who appears to have been an adviser to the Regime immediately after the 2006 coup.

<sup>15</sup> Internal threats are the responsibility of the Fiji Police Force, not the RFMF.

recruitment takes place. The RFMF hierarchy would need to honestly admit that at this point in time, the indigenous community could not be more divided in their attitude towards the military.

31. Assessed on their domestic role, any honest independent assessment would be that the RFMF has badly tarnished its reputation through all the coups of 1987, 2000, 2006 and total support of Bainimarama following and despite the 2009 Court of Appeal judgement.
32. Virtually all RFMF commanders, senior military officers, and the rank and file, have ignored their oaths to the State and the elected Governments of Fiji, and followed their Commanders into treason, in the coups of 1987, 2000, 2006 and 2009.
33. Following every coup, the RFMF have for protracted periods of time, also taken on roles which are the responsibility of the police. While the justification has often been made that this was due to the urgency of the matter or the ineffectiveness of the Fiji Police Force, the solution to these concerns must surely be to address the root causes. It could contrarily be argued that the military assumption of domestic "policing" responsibilities (such as the capture of escaped prisoners) also has the indirect effect or expectation of justifying the increases in resource allocation to the military, by feeding on social fears and sense of insecurity due to prisoners escaping.
34. This submission believes that only the military hierarchy (current and former) have the ability to stop the "coup culture"- not the police, not the judiciary, not civil society (business, social or religious organisations), or any futile clauses in the constitution recommending the death penalty for treason.
35. ***This Submission recommends that the Commission initiate a "closed session" with the current military hierarchy and retired former senior army officers to***
  - (a) honestly examine their willingness to treasonously remove lawfully elected governments in 1987, 2000, 2006 and their refusal to abide by the 2009 Court of Appeal judgement. The objective of this exercise, which may be moderated by a few respected international military authorities<sup>16</sup> and senior citizens, is to guide the Commission's recommendations on how to discourage the "coup culture";***
  - (b) honestly face up to the economic impact of all the military coups, as explained in Section 12 of this Submission.***
  - (c) acknowledge that following every coup, there has been significant reallocation and increase of tax-payers' funds to the military, at the expense of all other more important development calls for resources such as health;***

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<sup>16</sup> Given the bad relations with Australia and NZ, the US Government may be requested to provide this professional military expertise to assist the RFMF.

*(d) acknowledge that in the long-term, there must be a reduction in resources and personnel for the military forces, separation of the income-earning roles from the others, and all done in a gradual manner which does not harm the welfare of the armed forces;*

*(e) acknowledge that the military does not have any role in the maintenance of internal law and order, which much be the sole domain of the Fiji Police Force;*

*(f) set out clearly in RFMF regulations on the proper lawful response of military personnel, should there be approaches to them EITHER from their Commander, OR from civilians, to instigate any kind of illegal actions against the lawful government of the day;*

*(g) that the next elected Parliament form a Select Committee drawn from the current and former officers of the RFMF, outside expert military advisers, and qualified domestic citizens to conduct a thorough review of the RFMF in order to plan its future in a constructive and co-operative manner.*

### **The Role of the Judiciary**

36. The Regime's Decree 98 states that there must be an independent judiciary, and that the constitution must protect and promote human rights. One of the basic human rights is the right to personal property. It is deeply regrettable therefore that the Regime has passed Decrees which not only prevent citizens from taking their just grievances to court, but also require the courts to deregister cases that are already being heard by the courts.  
[\[http://narseyonfiji.wordpress.com/2012/03/18/fnpf-transition-decree-last-nail-in-the-fnpf-coffin-2011-blog/\]](http://narseyonfiji.wordpress.com/2012/03/18/fnpf-transition-decree-last-nail-in-the-fnpf-coffin-2011-blog/)
37. It is regrettable that the Military Regime's judiciary has not made any statement on this interference by the Government in the judiciary's affairs and the denial of every pensioner's right to go to court with their perceived grievances. Neither has there been any reference in public lecturing to lawyers being admitted to the Bar, or to the Law Society, on the fundamental denial by the Regime of the basic human right to go to court with grievances.
38. It is also clear that in 2006, there was a powerful section of the judiciary (led by High Court judges Nazhat Shameem and Anthony Gates) who implemented a "judicial coup" in order to facilitate Bainimarama's removal of the Qarase Government.<sup>17</sup>

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<sup>17</sup> It is a tragedy that these two talented individuals with so much to be proud of in their pre-2006 professional performances, should have ended up in enmeshing themselves in personal judicial politics and activities in aid of a coup, which have added little to their hitherto illustrious careers, and probably done the opposite.

39. It is also clear to lay persons, that the origins of this judicial coup lay in unacceptable decisions and actions by their judicial colleagues between 2000 and 2006. While there may be justification for their unhappiness with the former Chief Justice and his sympathizers, "two wrongs do not make a right".
40. Also giving flimsy justification for the 2006 coup was Dr Shaista Shameem appointed by the Regime as Human Rights Commissioner (an inappropriately named position in this case as she ignored all human rights abuses taking place after the 2006 coup). She ironically found herself on the other side of the fence in the pensioners' case against FNPF and the Regime.<sup>18</sup>
41. There is little doubt that good constitutions and good governance require a complete separation of the powers of the judiciary, the executive and the legislature. These separating lines have been blurred following every coup, and are still considerably blurred.
42. This current blurring and indeed, conflict of interest between the current judiciary and the legislature who may be held responsible for the constitution, the highest set of laws for the country (including the provision of immunity) is clearly implicit in the Decrees 98 and 99, as discussed earlier.
43. It is critical that the judiciary "puts its house in order" so that it may serve the nation with a clear conscience in the future, however much they may compromised themselves in past coups. This is a necessary condition if there is to be a "fresh start" for our nation, based on the revised constitution.
44. It may be noted that there are a few members<sup>19</sup> of the Bar who have attempted to provide lawful and public guidance to their colleagues and the judiciary on constitutional matters. That has not been matched by ordinary members of the very much divided Fiji Law Society.
45. ***This Submission recommends that the Commission initiate a "closed session" with the current judiciary hierarchy and retired senior former judges and lawyers to honestly examine their willingness to support illegal governments in 1987, 2000, 2006 and their refusal to abide by the 2009 Court of Appeal judgement. The objective of this exercise, which may be moderated by a few respected international legal authorities, is to guide the Commission's on how to discourage the "coup culture" amongst the judiciary.***

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<sup>18</sup> It is ironic that this economist prepared the economic and legal case for the pensioners, part of Shameem/Burness case which was eventually thrown out of court by the Regime's FNPF Decrees. How the Shameem/Burness case became inextricably tied up with broader human rights cases in Fiji and doomed it to failure, may be read here: <http://narseyonfiji.wordpress.com/2012/03/18/why-the-burnessshameem-case-is-not-likely-to-be-heard-fiji-pensioners-23-february-2012/>

<sup>19</sup> Amongst them I would mention Joni Madraiwiwi, Graham Leung, Tupou Draunidalo and Richard Naidu.

## **The political parties**

46. There is little doubt that many stalwarts of the Alliance Party which lost the elections in 1987 were strongly in support of the 1987 coup.
47. There is little doubt that the stalwarts of the SVT<sup>20</sup> which lost the 1999 election, and other major Fijian parties, were strongly in support of the 2000 coup.
48. A strong case can be made that the Bainimarama Regime succeeded for the first year because of critical support from the Fiji Labour Party and its stalwarts. This also encouraged many important Indo-Fijians and others to join the Regime's initiatives. While many of the FLP who joined the Bainimarama Regime, were to fall out of favour within a few years, some now appear to be fervent opponents of the Regime.
49. By 2009, all the major political parties<sup>21</sup> in Fiji have supported one coup or another and none "can cast the first stone"- an excellent pre-condition for national reconciliation.<sup>22</sup>
50. *This Submission recommends that the Commission initiate a "closed session" with the political parties and their leaders to honestly examine their willingness to support illegal governments at various points in time, The objective of this exercise, which may be moderated by a few respected independent social leaders is to guide the Commission's on how to discourage the "coup culture" amongst the political parties.*

## **The religious organisations**

51. It has been abundantly clear that the 1987 and 2000 coups received the full support of the Methodist Church. Few of their leaders have ever recanted of their roles.
52. In 2006, the Bainimarama Regime also obtained the active support of Catholic, Hindu and Muslim religious organisations many of whose leaders and clerics justified their support by reference to ethnic equality and broad development objectives.
53. Some of whose religious leaders personally benefited from the coup: one obtained profitable printing contracts for his company, while another was appointed as a High

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<sup>20</sup> It is extraordinary that Ministers in the SVT government, also received influential appointments from the Qarase Government, and some even in the current Bainimarama Regime.

<sup>21</sup> The exception has been the National Federation Party which by 2006 had become a very minor force.

<sup>22</sup> I point out that I was a founding member of the Fiji Labour Party in 1985 though left in 1986. I was also a National Federation Member elected unopposed into Parliament between 1996 and 1999 (following an invitation from the Leader of the Opposition). Following my loss in the 1999 elections (as did all my other 26 NFP colleagues), I have withdrawn from all political activities and remain the independent economist I was, even while in Parliament (to the dismay of some of my NFP colleagues). I also continue my electoral education work, recognizing its importance to the nation.

Commissioner overseas. Prominent university administrators, and a wide range of professional civil servants (most of whom were aspirants to higher positions) also joined the Bainimarama Regime.

54. It is a pity that religious organisations have failed to extend their hands of friendship when their sister organisations are unfairly treated by the government of the day.<sup>23</sup>  
[\[http://narseyonfiji.wordpress.com/2012/03/18/ending-the-cycles-of-religious-intolerance-pacific-scoop-aut-3-september-2011/\]](http://narseyonfiji.wordpress.com/2012/03/18/ending-the-cycles-of-religious-intolerance-pacific-scoop-aut-3-september-2011/)
55. *This Submission recommends that the Commission initiate a "closed session" with all the religious organisations to honestly examine their willingness to support illegal governments at various points in time. The objective of this exercise, which may be moderated by a few respected independent social leaders is to*
- (a) guide the Commission's on how to make recommendations that could discourage the "coup culture" amongst the religious organisations..*
- (b) see if there can be consensus on the "Christian State" issue, amongst the religious organisations.*

### **The business community**

56. In the three years following the 2006 takeover, it also became clear that Bainimarama had the active support of powerful business tycoons, one of whom was influential enough to ask at least two economists to become Bainimarama's Minister of Finance, while many others called narrow sectional meetings with the Military Council to offer their fervent support to the coup. Large business houses continue to have close relationships with the Regime, which the frustrated Father Kevin Barr has referred to as "crony capitalism".
57. There is little doubt that the large business houses also played supportive roles to the Interim Government set up by the 1987 coup, and would have equally supported any long-serving Interim Government after the 2000 coup.
58. It is not helped that many of the leading business families have residence abroad, and show little social commitment to Fiji, which becomes only a location to make profits which are eventually repatriated abroad.
59. It also does not help that while the country affords great respect to chiefs and religious leaders, there is no comparable respect given to entrepreneurs who are ultimately responsible for the livelihoods of thousands of employees and their families.

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<sup>23</sup> There have been organisations like Women's Crisis Centre, Fiji Women's Rights Movement and Sangam, which have been principled supporters of the rule of law in Fiji. Some (like the Citizens Constitutional Forum) unfortunately compromised themselves in 2006, while returning to more principled stances today.

60. *This Submission recommends that the Commission initiate a "closed session" with all the organisations that represent the business community, to honestly examine their willingness to support illegal governments at various points in time, The objective of this exercise, which may be moderated by a few respected independent social leaders is to guide the Commission's recommendations on how to discourage the "coup culture" in the corporate sector.*
61. *This Submission recommends that the Commission recommends a greater appreciation of entrepreneurs by incorporating their representatives in the upper house of Parliament with appropriate allocation of honours.*

### **The media**

62. In the absence of a freely elected Parliament with "Opposition" parties able to hold the Government of the day to account, it is even more urgent that the media be free to fulfil a critical role holding to account those who govern the country in determine the lives of people in a myriad of way, not the least of which includes full powers of taxing and spending, administering justice, and managing the resources of the country.
63. The media was not allowed to do this for several years, with Regime censors in every newsrooms. It is still not allowed to do so freely, six years on from the 2006 coup.
64. While the censors have been removed, there is still a general climate of fear amongst journalists who have been forced into the more invidious self-censorship. [<http://narseyonfiji.wordpress.com/2012/07/04/what-the-fiji-sun-refused-to-publish-dodgy-australians-and-kiwis-abroad-16-june-2012/>]
65. The Regime has managed to get the total support of one print media which prints all the Regime propaganda and attacks on Regime critics, while denying the critics "right of reply".
66. This particular print media owner's foreign financial officer has also been appointed to head a wide range of government and statutory boards, representing many clear conflicts of interest, with his employer also engaged in valuable financial transactions with the Regime).
67. The Regime also obtained the total support of one government owned national radio and television broadcaster, whose CEO was replaced by the brother of the Regime's Attorney General and subsequently received massive government supported loans and business amounting to unfair subsidies.

68. The only other national television station has been intimidated through a variety of ways (including the granting of short-term licenses), into also practising draconian self-censorship.<sup>24</sup>
69. Far from ensuring "balanced media coverage" of all issues of public interest, what exists currently is a media which is dominated by the presence and propaganda emanating from the Regime and, in particular, two all-powerful individuals, effectively brainwashing large sections of the uncritical public, and denying comparable space to their political opponents.
70. There is a general censorship of any critical discussions on vital issues affecting the country and tax-payers.
71. The media also exercises censorship on all critical views by particular targeted individuals.<sup>25</sup>
72. It is regrettable that the Regime practices intimidation on citizens who are merely exercising their rights of free speech in a responsible and constructive manner.<sup>26</sup>
73. It is unfortunate that Professor Subramani, the person entrusted to oversee the issue regarding media freedom and responsibility, has been totally dormant despite the many ongoing debates and concerns expressed regarding the ongoing media censorship, "self-imposed" or otherwise.<sup>27</sup> It is extremely sad that journalists are discouraged from playing their full roles in society, with not an ounce of support from this individual holding this position of responsibility and authority.
74. It is ironic that it is the Regime's spokesperson<sup>28</sup>, who has had to plaintively appeal to the media not to "use the excuse of self-censorship".
75. It is also sad that some journalist educators in the region choose to totally ignore the draconian media censorship in Fiji (the elephant in the room) while focusing completely on discussions on the developmental role of media, which is important of courses, but not a question of "either/or". Responsible media needs to fulfil both roles.

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<sup>24</sup> While television reporters have been keen to run programs on recent nationally important findings from household surveys by the Fiji Bureau of Statistics (which this economist authored), they have not been able to receive approval from their management.

<sup>25</sup> This economist has not been able to get many of his views published in the print media.

<sup>26</sup> This economist, upon his return from Australia, was read "precautionary" charges on "sedition" (arising out of his articles defending pensioners' rights), questioned very politely for three hours at CID HQ, his home searched (for files on FNPF!), a computer taken away (still not returned yet), and all the records from his mobile phone down-loaded. Sources indicate that the charges originated from the highest levels in the Regime, and that he has also been placed on the "Watch List" (effectively discouraging him from travelling). This file will presumably be kept "open" in order to intimidate the critic into silence.

<sup>27</sup> From Professor Subramani's writings it is clear that he also feels deeply the violence that was instigated against Indo-Fijians during the coups of 1987 and 2000.

<sup>28</sup> The Permanent Secretary for Information (Ms Sharon Smith-Johns).

76. *This Submission recommends that the Commission initiate a "closed and totally confidential session" with the leaders of media organisations, to honestly confront what their roles have been in supporting the "coup culture" and to assist the Commission to make the appropriate recommendations, on how to oppose it.*

### **Academia**

77. It is usually the case internationally that higher education institutions (universities and other tertiary institutions) are usually at the forefront of leading public debate on governance and other issues thrown up by military coups.
78. While some academics have done so, few tertiary institution administrators have done so. Public education by the expert academics or university administrators in this area has been virtually non-existent. One prominent institution unfortunately refused to defend the basic human right of academics to freedom of speech<sup>29</sup> and indeed put pressure on the academic to depart from his place of employment, which he served for more than thirty five years.
79. *This Submission recommends that the Commission initiate a "closed and totally confidential session" with the leaders of tertiary education organisations, to honestly confront what their roles have been in supporting the "coup culture" and to assist the Commission to make the appropriate recommendations for their future policies on the role of academia in opposing the coup culture.*

### **International agencies**

80. The Commission should note that many embassies gave complete recognition to the Bainimarama Regime, not just after the 2006 coup (when the illegality of the Regime was still subject to court decisions) but after the 2009 Court of Appeal judgement when its illegality was established in Fiji Law. Similar practice prevailed of course in 1987.
81. For some of these countries,<sup>30</sup> issues of law and order and democracy are of little importance, given their strategic national interests in the Pacific in terms of resources or geo-politics. Countries like China have often, quite unfairly, not been included in other regional and super-power discussions with Pacific leaders in the Pacific, despite their significant presence and development contribution.<sup>31</sup> Fiji also seems to have benefited quite significantly with the allocation of large Chinese loans for infrastructure projects such roads and hydros,<sup>32</sup> while the jury is still out

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<sup>29</sup> I make no statement about "academic freedom" as that is differently defined throughout the world.

<sup>30</sup> China and India have remained quite engaged with the Regime.

<sup>31</sup> I raised this issue at a 2011 meeting of Pacific leaders in Honolulu, organized by the PIDP. It may be read here <http://narseyonfiji.wordpress.com/2012/04/02/political-instability-and-poor-pacific-economic-performance-the-need-for-dialogue-spaces-presentation-to-state-of-the-pacific-dialogue-organised-by-pidp-east-west-centre-honolulu/>

<sup>32</sup> While it is unclear under what conditions the loans have been made to Fiji, China has a history of writing off loans to developing countries.

on the impact of loans from India for the sugar industry. They have readily and usefully filled a vacuum as other traditional donors do not generally fund large infrastructure projects, and probably do not have the financial capacity to do so.

82. While this recognition by embassies is to be expected given the geopolitics and competition between the super powers, it is not expected from international organisations such as UN, which lecture to the world, the importance of "good governance" and "rule of law". The UN would not impose sanctions on RFMF soldiers serving in the UN peace-keeping missions internationally despite their support of good governance and law and order. They also quickly acknowledged the Regime illegal appointees as legitimate.
83. Since 1987, many international and local organisations and donor groups have run courses on ethics, good governance, leadership, transparency, and accountability. It is an anomaly, however, that most of these initiatives have been aimed at the young people and civil servants, none of whom have ever been in positions of power, or even vaguely influential for the success or failure of military coups.
84. Some embassies gave qualified criticisms of the 2006 coup, but stopped short of imposing any real sanctions. It would appear that more important for some of them<sup>33</sup> than "rule of law" and "democracy" in Fiji were the role of Fijian soldiers and the RFMF in their armies and initiatives in Iraq, Afghanistan and the Middle East.
85. *While it is totally unlikely to have any effect whatsoever on the international agencies, this Submission calls on the Commission to make a clear statement in its Report calling on international agencies (embassies and international organisations) to clearly condemn military coups which remove democratically elected governments, and to impose all available sanctions on illegitimate Regimes.*
86. *This Submission calls on the Commission to clearly state in their Report, that it is not the general population which needs to be taught the importance of good governance and law and order in eliminating the "coup culture" but the elites: the military hierarchy, the judiciary, the corporate sector, the religious and social organisations, the media owners, and other elites in society, who have willingly supported and collaborated with coup makers.*

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<sup>33</sup> This would seem to be the case for United States and United Kingdom.