THE UNIVERSITY OF THE SOUTH PACIFIC
LIBRARY
Author Statement of Accessibility

Name of Candidate: Jokapeci Wea Qalo Qiolemu

Degree: MA

Department/School: School of Government, Development and International Affairs

Institution/University: USP

Thesis Title: Regional Responses to the Fiji crises: A comparative analysis of the 1987, 2000 and 2006 coups

Date of completion of requirements for award:

1. This thesis may be consulted in the Library without the author's permission. [Yes/No]

2. This thesis may be cited without the author's permission providing it is suitably acknowledged. [Yes/No]

3. This thesis may be photocopied in whole without the author's written permission. [Yes/No]

4. This thesis may be photocopied in proportion without the author's written permission. Part that may be copied:

   Under 10% ______________________ 40-60% ✔
   10-20% ______________________ 60-80%
   20-40% ______________________ Over 80%

5. I authorise the University to produce a microfilm or microfiche copy for retention and use in the Library according to rules 1-4 above (for security and preservation purposes mainly). [Yes/No]

6. I authorise the Library to retain a copy of this thesis in e-format for archival and preservation purposes. [Yes/No]

7. After a period of 5 years from the date of publication, the USP Library may issue the thesis in whole or in part, in photostat or microfilm or e-format or other copying medium, without first seeking the author's written permission. [Yes/No]

8. I authorise the University to make this thesis available on the Internet for access by authorised users. [Yes/No]

Signed: Jokapeci Qiolemu

Date: 12/02/11

Contact Address
P.O. Box 10153
Laucaina Beach

Permanent Address
P.O. Box 10153
Laucaina Beach

Feb2005
THE UNIVERSITY OF THE SOUTH PACIFIC
LIBRARY

Author Statement of Accessibility- Part 2- Permission for Internet Access

Name of Candidate: Jokapaci Wea Kole Qiolema

Degree: MA

Department/School: School of Government, Development and International

Institution/University: USP

Thesis Title: Regional Responses to the Fiji Crisis: A Comparative Analysis of the 1987, 2000 and 2006 Coups

Date of completion of requirements for award: 

1. I authorise the University to make this thesis available on the Internet for access by USP authorised users. [Yes] [No]

2. I authorise the University to make this thesis available on the Internet under the International digital theses project. [Yes] [No]

Signed: Qiolema

Date: 12/08/11

Contact Address

P.O. Box 10153
Laukala Beach

Permanent Address

P.O. Box 10153
Laukala Beach

Rec'd 20/10/11
SP.

by

JOKAPECI WEA QALO QIOLEVU

A thesis submitted in fulfillment of the requirements for the degree of Master of Arts

Copyright © 2011 by Jokapeci Wea Qalo Qiolevu

School of Government, Development and International Affairs
Faculty of Business and Economics
The University of the South Pacific

August, 2011
DECLARATION

Statement by Author

I, Jokapeci Wea Qalo Qiolevu, declare that this thesis is my own work and that, to the best of my knowledge, it contains no material previously published, or substantially overlapping with material submitted for the award of any other degree at any institution, except where due acknowledgment is made in the text.

Signature ............................ Date .............
Name ........................................
Student ID No. .................

Statement by Supervisor

The research in this thesis was performed under my supervision and to my knowledge is the sole work of Jokapeci Wea Qalo Qiolevu.

Signature ............................ Date .............
Name ........................................
Designation .............

Dr Sandra Tarte
Director of Politics & IA Programme (SGDIA)
University of the South Pacific
Suva, Fiji Islands
DEDICATION

This thesis is dedicated to my beloved parents, my late dad, Aminio Qalo and my mother, Paulini Raumala Golea Qalo, who instilled in me the value of education and faith in God.
ACKNOWLEDGEMENTS

So many people have contributed to the successful completion of this thesis and to whom I am greatly indebted. Firstly, I wish to thank AusAid for their generous sponsorship of my studies which enabled me to study full time for the past two years (2009-2010) and to the ReSt office team (Emali, Tupou, Tomasi and Luisa) for looking after my welfare during the past two years. Secondly, I wish to express my deep gratitude to my main supervisor, Associate Professor Sandra Tarte, for her consistent guidance, kind assistance and encouragement in the past two years. I am also very grateful to my second supervisor, Dr. Alumita Durutalo for her guidance and assistance during the past two years.

I am indebted to the former Permanent Secretary for Foreign Affairs and former Ambassador to the United Kingdom, Mr. Emitai Boladua, who willingly allowed me to interview him on two occasions and over the phone and his daughter, Dr Sai Boladua, who kindly arranged for the initial interview with her dad. I also wish to thank the former Prime Minister, Mr. Sitiveni Rabuka, for allowing me to interview him through email and also for availing himself to be interviewed face-to-face. I also wish to thank my helpful source of information who preferred to remain anonymous. I am also grateful to the librarian at the Forum Secretariat, Kesa, and the media officer at the Forum Secretariat, Johnson, for their kind assistance. I also wish to thank the helpful staff at the National Archives for their help during my research there.

To my husband, Sairusi, and my precious children, Vono, Mika and Mili, I am deeply grateful for your love, support, prayers and patience that has helped me tremendously especially during the tough times. I am also very grateful to my mum, Paulini Qalo, and my siblings; Mesa, Mika, Pa, Roni and Tabu and their families, my husband’s family (Tekuku family) as well as my aunt’s family (Qovu family), my cousin’s family (Lutunamaravu family) for their love, prayers, support and encouragement which helped me to believe that I could do this and finish it. I also am thankful for the prayer support and encouragement of our senior pastor, Pastor Penitati Vodivodi and his family, of the ANCF Naitasiri division and Senior Pastor Peni Niudamu and the Evangelist Team of the ANCF Church, Nasinu. I am also
very grateful to my friends Tele, Pau, Sai, Sikiti, Ma, Rosy, Lina, Lela, Ima, Lusi, Jeli, Mrs. Soloila Vaurasi and my many friends on Facebook for the friendship, encouragement and support during the past two years. Above all, I wish to extend my most heartfelt gratitude to the Almighty God Jehovah, my Heavenly Father and the strength of my life.
ABSTRACT

This thesis outlines the response of the South Pacific Forum/Pacific Islands Forum to the Fiji coups of 1987, 2000 and 2006. It examines how the role of the Forum has evolved from one of non-interference after the 1987 coup, to a reactive role after the 2000 coup and a pro-active and one of closer engagement after the 2006 coup and why these changes have occurred. Furthermore, it seeks to test the assumptions concerning the increased security role played by Australia and New Zealand in the region particularly in mediating/resolving the internal crises of Forum member countries. This study is relevant for understanding the current political situation in Fiji and how Fiji’s coups affect regional relationships and also for understanding how regionalism works particularly in mediating/resolving its members’ internal crises.

The research involved collecting data through archival research from libraries, internet research from relevant websites, and conducting personal interviews.

This study has illustrated that the role of the Forum has evolved from one of non-interference in 1987 to a pro-active and close engagement after the 2006 coup. In doing so, it has highlighted a number of important factors that shape the Forum’s security role in mediating/resolving the internal crisis of its member countries. One of the leading factors for this change is the role of Australia and New Zealand in pushing for more Forum involvement in the internal crises of its members. The result of this was the landmark Biketawa Declaration which was created by Forum leaders in 2000 which provided the Forum with a mechanism to deal with the future internal crises of its members. This document was used as the basis of the Forum’s engagement in the Regional Assistance Mission to the Solomon Islands (RAMSI) in 2003, the Pacific Regional Assistance to Nauru (PRAN) in 2004 and post 2006 Fiji. This study has also shown that the security role of ‘hegemonic’ powers such as Australia and New Zealand, while may be constructive in mediating/resolving a Forum member’s internal crisis, can also be counter-productive when they attempt to use regional organisations such as the Pacific Islands Forum as a vehicle to implement their own foreign policies as was the case with Fiji particularly after the 2006 coups. The two metropolitan countries’ bilateral sanctions and travel bans
against Fiji were counter-productive to what the Forum was trying to achieve. Furthermore, their strong stand against Fiji, particularly after the 2006 coup, has split the Forum and is a threat to the future cohesion of the Forum.

Finally, this study has demonstrated that the Biketawa Declaration works best when it is applied consensually as was the case in RAMSI and PRAN, but does not work when applied coercively and punitively as was the case with Fiji after April 10, 2009. It shows that punitive actions such as sanctions, travel bans and suspensions do not bring about their intended result but rather may lead to a more ‘hardened’ stance by the country in crisis. This, in turn prevents further constructive engagement between the Forum and the country in crisis. Thus the effectiveness and in turn, the necessity of such punitive actions is questionable. This was clearly illustrated by the Fiji government’s refusal to change its stance in the face of the punitive actions implemented against it and this type of outcome undermines the Forum’s future security role in the region.
ABBREVIATIONS

BRA – Bougainville Revolutionary Army
CRSIE - Committee on Regional Security Information Exchange
CRW – Counter Revolutionary Warfare
ECP - Enhanced Cooperation Package
EPG – Eminent Persons Group
FFAMM – Forum Foreign Affairs Ministers meeting
FRSC – Forum Regional Security Meeting
GRA – Guadalcanal Revolutionary Army
IFM – Isatabu Freedom Movement
JWG – Joint Working Group
MCG – Ministerial Contact Group
MEF – Malaita Eagle Force
PIF – Pacific Islands Forum
PRAN – Pacific Regional Assistance to Nauru
RAMSI – Regional Assistance Mission to the Solomon Islands
SPF – South Pacific Forum
# TABLE OF CONTENTS

**ACKNOWLEDGEMENTS** i  
**ABSTRACT** iii  
**ABBREVIATIONS** v  
**TABLE OF CONTENTS** vi

## CHAPTER 1 INTRODUCTION
1.1 Introduction and Objectives 1  
1.2 Significance of study 2  
1.3 Research and Data Collection Method 4  
1.4 Outline of Thesis 6

## CHAPTER 2 LITERATURE REVIEW
2.1 Introduction 8  
2.2 A short history of the Forum’s response to the domestic crises of member states 8  
2.3 The Forum’s changing role 16  
2.4 Understanding the Forum’s changing role 18  
2.5 Conclusion 26

## CHAPTER 3 THE FORUM AND THE FIJI COUPS OF 1987
3.1 Introduction 28  
3.2 Background to the coup 29  
3.3 The reaction of the South Pacific Forum to Fiji’s coup 30  
3.4 The response of the two metropolitan powers to Fiji’s coups 33  
3.5 Response of the countries in the region to Fiji’s coup 40  
3.6 Ousted Bavadra government’s engagement with the Forum 41  
3.7 Factors influencing the Forum’s response to the 1987 coup 50  
3.8 Conclusion 54
## CHAPTER 4 THE FORUM'S RESPONSE TO THE POLITICAL CRISIS IN 2000

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.1 Introduction</td>
<td>56</td>
</tr>
<tr>
<td>4.2 Background to the coup</td>
<td>57</td>
</tr>
<tr>
<td>4.3 Immediate response of the Forum to the 2000 coup</td>
<td>60</td>
</tr>
<tr>
<td>4.4 The Commonwealth and the African Caribbean Pacific Group in Fiji</td>
<td>62</td>
</tr>
<tr>
<td>4.5 Forum: What stance to take over Fiji?</td>
<td>67</td>
</tr>
<tr>
<td>4.6 The Biketawa Declaration and its implications on regional security cooperation</td>
<td>71</td>
</tr>
<tr>
<td>4.7 Comparison of the 1987 and 2000 approach in the Forum’s Stance on Fiji</td>
<td>77</td>
</tr>
<tr>
<td>4.8 The response of the Forum member countries to Fiji’s coup</td>
<td>79</td>
</tr>
<tr>
<td>4.9 Factors influencing the Forum’s response to the 2000 coup</td>
<td>83</td>
</tr>
<tr>
<td>4.10 Conclusion</td>
<td>86</td>
</tr>
</tbody>
</table>

## CHAPTER 5 THE 2006 COUP AND THE ROLE OF THE FORUM

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.1 Introduction</td>
<td>88</td>
</tr>
<tr>
<td>5.2 Background to the Coup</td>
<td>89</td>
</tr>
<tr>
<td>5.3 Reactions to the 2006 coup</td>
<td>91</td>
</tr>
<tr>
<td>5.4 The interventionist role of Biketawa</td>
<td>93</td>
</tr>
<tr>
<td>5.5 Outcome of negotiations</td>
<td>96</td>
</tr>
<tr>
<td>5.6 Factors influencing the Forum’s response to the 2006 coup</td>
<td>133</td>
</tr>
<tr>
<td>5.7 Conclusion</td>
<td>136</td>
</tr>
</tbody>
</table>

## CHAPTER 6 CONCLUSION

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bibliography</td>
<td>145</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appendices</td>
<td>156</td>
</tr>
</tbody>
</table>

## LIST OF APPENDICES

| Appendix A: Biketawa Declaration | 156 |
Appendix B: Forum Eminent Persons’ Group Report Fiji
29 January – 1 February 2007

Friday, 16th March 2007

Appendix D: Pacific Islands Forum Special Leaders’ Retreat,
Port Moresby, Papua New Guinea 27 January 2009
CHAPTER 1: INTRODUCTION

1.1 Introduction and Objectives

The focus of this research is the South Pacific Forum/Pacific Islands Forum’s response to the 1987, 2000 and 2006 Fiji coups.\(^1\) It provides a study of the evolution of the role of the Forum in the security of its member countries since the 1980s. Security role as used in this context is specifically referring to how the South Pacific Forum/ Pacific Islands Forum has responded to the internal crises of its members since the 1980s. This study is particularly relevant for Fiji and the Forum as the Forum’s involvement after the December 2006 coup in Fiji has resulted in the suspension of the Fiji government from the Forum on May 2, 2009. This is a pivotal moment for the Forum as it attempts to resolve the political security issues emanating from the December 2006 military takeover. The focus and challenge for the Forum is its attempts to restore Fiji to parliamentary democracy in the face of the Fiji government’s insistence that it implement its Peoples Charter first before Fiji can go to the polls in 2014.

In his report to the Pacific Islands Forum in 2000, Crocombe stated that ‘despite the diversity of the region and the perceptions of threat within it, there is also considerable agreement on security matters’.\(^2\) While he acknowledged that ‘external military threats exist, but are low’, he highlighted ‘external criminal threats involving internal finance, smuggling of drugs, goods, people and rare plant and bird species’ as ‘serious and escalating’.\(^3\) However, he emphasized that ‘internal threats are generally considered to be the most serious’.\(^4\) He identified the main causes of these internal threats as ‘ethnic tensions (whether among Pacific Islanders, or between Islanders and immigrants), land disputes, economic disparities, and a lack of confidence in governments’ ability or willingness to solve the problems’.\(^5\) It is how

---

\(^1\) The South Pacific Forum is a regional organization which was established in 1971 by Fiji, Tonga, Samoa, Cook Islands, Nauru, Australia and New Zealand. Its name was changed in 2000 to Pacific Islands Forum.


\(^3\) Crocombe, ‘Enhancing Pacific Security’:3

\(^4\) Crocombe, ‘Enhancing Pacific Security’:3

\(^5\) Crocombe, ‘Enhancing Pacific Security’ :3
the Pacific Islands Forum sought to respond to this type of internal threat in Fiji that is the focus of this study.

The four main objectives of this study are to:
Compare and contrast how the South Pacific Forum/Pacific Islands Forum engaged with Fiji after the 1987, 2000 and 2006 coups. Underlying this is the assumption that the role of the Forum has evolved from one of non-interference after the 1987 coups to one of much closer engagement after the 2006 coup. This study will seek to examine how engaged the Forum has become with regards to Fiji’s coups over time and find out how its role has evolved over time. Furthermore it will identify the reasons for the shift in the Forum’s approach. This leads to the second major objective which is to identify the factors shaping the Forum’s engagement during those times. In doing so, it will also examine the role of the major powers in the Forum; Australia and New Zealand against claims made regarding their ‘hegemonic’ roles in the region. This is based on the assumption that their security role in the region has been pivotal. The third objective is to assess the implications of the Forum’s engagement with Fiji after 1987, 2000 and 2006. In particular, it will examine the implications of the Forum’s engagement with Fiji after the 2006 coup on the current situation in Fiji and also on how this engagement is likely to influence the future role of the Forum in mediating/resolving the internal crisis of its member countries. Finally, on a broader scale, the study aims to assess the effectiveness of regional institutions and frameworks in mediating/assisting countries in resolving their internal problems. This is based on the hypothesis as will be outlined in the literature review that regional organisations play an “honest broker” role.

1.2 Significance of study

This study will shed light on the factors, which have determined the Forum’s engagement with Fiji since 1987. It is particularly relevant as the Forum’s engagement with Fiji in the post 2006 period culminated in the suspension of the Fiji government from the Forum on May 2, 2009 which caused some division and debate. Thus, the Forum’s engagement with Fiji is a current, ongoing issue. The Forum’s decision on Fiji was a historic one given that Fiji, under the leadership of Ratu Sir Kamisese Mara, was one of its founding members and this is the first time for a
Forum member government to be suspended from the Forum. This development has important implications for the future role of the Forum in mediating and assisting countries in the region in resolving their internal problems.

While there has been literature written on the role of Fiji in the (then) South Pacific Forum and how the Forum as a regional organization can facilitate ‘closer security cooperation’, and much literature available on the Forum’s role in security cooperation in the Regional Mission to the Solomon Islands (RAMSI), Pacific Regional Assistance to Nauru (PRAN), Enhanced Cooperation Package (ECP), there is a vacuum on the evolution of the security role of the Forum in a specific country over a certain period of time. Moreover, while there is a wide body of literature available concerning the Fiji coups, these tend to focus more on such aspects of the coup as the causes of the coups, the effects of the coups on the social, political and economic life of the country and the events that took place before and after the coups. There is some literature on the role that the Forum played before and after the 2006 coup and the factors underlying the Forum’s involvement in Fiji but no study that covers all coups.

It is thus argued that this study is not only relevant and timely with regards to understanding the current regional approach to Fiji and how this has affected regional relationships, but that it will contribute to the existing literature on the Forum by providing a better understanding of how the Pacific Islands Forum’s role in mediating/assisting countries in resolving their internal problems has evolved since the Santo Rebellion of 1980, which was the region’s first major internal crisis. This study also provides insight into how an internal crisis in one island nation, in this case Fiji, has ramifications in the region, particularly on regional relationships.

---

9 Richard Herr. ‘Democratic Intervention, Biketawa and the 2006 Fiji Military Coup’ in La Nouvelle Caledonie pour L'integration Melanesienne, Paul De Deckker et Jean-Yves Faberon (ed), actualite Sociale Et politique Ocean pacifique melanesie Nouvelle Caledonie, L’Harmattan, (Janvier 2009), pp 71-87 (Note: This article was forwarded to me via email thus the page number is different from the original published article in the journal cited here. The publication details was obtained from the author himself via email)
Furthermore, it highlights the interplay of local, regional and global factors in determining the role of the Forum after each of Fiji’s coups. This is significant as it illustrates that regional relationships do not operate in a vacuum but are dependent on local and global factors as well. On the other hand, this study also illustrates that regional factors influence local and global relationships. Finally, the information gathered from this research on the Forum’s role after the Fiji coups of 1987, 2000 and 2006 will provide insights into the role of international and regional engagement in mediating or resolving the political problems of a member state and how it has changed over time.

Underlying the evolution of the Forum’s security role has been the concept of ‘democratic intervention’ and the role of hegemonic states in the region. While Herr does not provide a precise definition of ‘democratic intervention’, this concept refers to an intervention that emphasizes a return to parliamentary democracy as was the case with Fiji after the 2006 coup, with the Forum’s insistence that Fiji hold elections as soon as possible. ‘Hegemonic’ states are those states which play a dominant role within the region such as Australia and New Zealand who played an influential role in the region due to their bilateral sanctions and travel bans which were intended to put pressure on countries like Fiji to return to parliamentary democracy. However, such actions did not bring about the intended result which raises the question of how effective they really are and whose purpose they are really serving.

1.3 Research and Data Collection Method

This study was primarily qualitative in nature. Archival research, Internet research and interviews were mostly used in gathering and clarifying information for this thesis.

1.3.1 Archival Research

Books, journals and magazines from the USP Library were mostly used, however, in addition to this; the author also visited the Forum Secretariat Library in Nasese where she obtained valuable information from books and journals available there. However, the author was not able to gain access to some documents requested from
the Forum Secretariat as they were confidential documents. Past years’ newspapers were obtained from the National Archives and the Fiji Times Library to supplement publications already consulted.

1.3.2 Internet Research

Websites accessed included the Forum Secretariat website which contained past years’ Communiqués, Press Statements and speeches, ACP- EU Secretariat and the Commonwealth Secretariat Website, Islands Business and Fiji Times websites and ProQuest. The Internet was used to obtain more up to date information and to supplement secondary information obtained from published sources, which were less up to date. Furthermore, emails were also used as a method of interviews to make it more convenient for the interviewee and also to clarify information obtained from face to face interviews.

1.3.3 Interviews

Interviews were used to obtain primary information from relevant people. Senior members of past governments were interviewed using face-to-face interview methods, telephone interviews and questionnaires sent over e-mail. The method of interview had to be adjusted to suit the interviewee’s schedule and convenience. Information obtained was used to substantiate that obtained from secondary sources. This was one of the most challenging aspects of the data collection as interviews were difficult to obtain. One of the main reasons for this was due to the perceived political nature of the research question. Members of governments, which had been deposed by coups, had either passed away, were living abroad or were difficult to make contact with, as their contact numbers were not publicly listed. Furthermore, members of the present government (such as the Attorney – General and the Permanent Secretary for the Public Service Commission) and senior government officials such as those in the Foreign Affairs Department whom the author had tried to interview either had very busy schedules or did not respond to emails and letters. Email requests to interview a senior official from the Forum Secretariat were not answered. This necessitated the heavy reliance on newspapers, magazines, books and on the internet to provide information.
1.4 Outline of Thesis

There are six chapters altogether in this thesis:

1.4.1 Chapter 2 – Literature Review

This chapter examines the role of the South Pacific Forum (now the Pacific Islands Forum) in resolving the internal crises of its members since 1980. It traces the evolution of the Forum’s role since then up to its role in Fiji after the 2006 coup until the Fiji government’s suspension on May 2, 2009. It highlights the turning point in the Forum’s security role with the creation of the Biketawa Declaration in 2000. In doing so, it also outlines how this changed role has been interpreted and explained and the different conceptualizations underpinning this change. Furthermore, it also highlights the different security architecture created by the Forum over the years such as the various declarations and committee meetings that were created in response to the internal crises faced by its members over the years.

1.4.2 Chapter 3 - The Forum and the Fiji Coups of 1987

This chapter begins with a brief background to the Fiji coups of 1987 and then goes on to discuss the response of the Forum to Fiji’s coups. It also examines the response of Australia and New Zealand to Fiji’s coups and that of the other island leaders in the region. In doing so, it highlights the differences in the stance displayed by the metropolitan powers towards Fiji as compared to that shown by the other Island countries. Central to this difference is the issue of non-interference as put forward by Island leaders as opposed to the two metropolitan powers’ stance in advocating a more active involvement of the Forum to try to restore Fiji to democracy.

1.4.3 Chapter 4 - Forum and Fiji after the 2000 coup

This chapter begins with a brief background to the 2000 coup. It then describes the reaction of the Forum to Fiji’s coup, which resulted, in part, in the creation of the Biketawa Declaration. There is a separate section on the Biketawa Declaration; what it contains and what has been written about it. The chapter examines the evolution of
the Forum’s stance towards the internal crises of its members as evident by the creation of the Biketawa Declaration. The response of Forum member countries to Fiji’s coup is also described before the factors underlying the Forum’s role are examined in more detail.

1.4.4 Chapter 5 – The 2006 coup and the role of the Forum

This chapter begins with a background to the 2006 coup. It then describes the reaction of the countries in the region towards it. Furthermore, it examines the interventionist role of the Forum’s Biketawa Declaration before describing the outcome of the various Forum mechanisms employed to engage with Fiji up till the suspension of the Fiji government from the Forum on May 2, 2009. It then examines the implications when there’s a “non-compliance” attitude/stand by members as has been the case of Fiji. This chapter highlights the weakness in the Biketawa Declaration (as evidenced by the Forum’s engagement with post 2006 Fiji) that it only works best when it is cooperative rather than coercive and illustrates that punitive actions prove unproductive rather than constructive in attaining the desired outcome.

1.4.5 Chapter 6 – Conclusion

The role of the Forum has evolved from one of non-interference to one of closer “hands on” engagement. Underlying this change in the Forum’s approach has been the role of ‘hegemonic’ powers such as Australia, a greater realization by the Forum that it needed to play a more active role in the internal crises of its members which led to the creation of the Biketawa Declaration and the changing conceptualisation of security from respect for sovereignty to ‘humanitarian intervention’ and now ‘democratic intervention’. While metropolitan countries such as Australia and New Zealand may play a constructive role in conflict mediation, the sanctions and travel bans that they impose on the affected country may actually work against the goal that the Forum is trying to achieve. This may invalidate the claim that regional institutions are more “honest brokers” (a term used in Annex A of the Biketawa Declaration) than other actors if they allow their decisions to be heavily influenced by these hegemonic powers.
Chapter 2: Literature Review

2.1 Introduction

This Literature Review examines the reflections, claims, assertions, justifications and criticisms made by academics, Forum officials, past government officials in the region and journalists concerning the role of the Pacific Islands Forum (hereafter referred to as the Forum) in dealing with the internal crises faced by its members since 1980 to the present. The literature being reviewed are those concerned with how the Forum has dealt with the internal crises in the region from the Santo Rebellion in Vanuatu in 1980 to post 2006 coup in Fiji and the comments made about its role by the various commentators mentioned. Firstly, it outlines a short history of the Forum’s response to the domestic crises of member states. Secondly, it examines the stance taken by the Forum (then called the South Pacific Forum before its name was changed to Pacific Islands Forum in 2000) towards the internal crises faced by its member countries and how this has evolved from one of non-interference in its members’ internal affairs in the 1980’s to one of closer engagement after the creation of the Biketawa Declaration in October of 2000. In doing so, it will also highlight the evolution in the regional security architecture as a demonstration of the Forum’s attempts to deal with the internal crises faced by its members since the 1980’s. Finally, it examines the way in which security has been conceptualized in the region from the 1980s to the present and how this conceptualization has changed over time.

2.2. A short history of the Forum’s response to the domestic crises of member states

The Santo Rebellion took place in between the months of June to August 1980 on the island of Santo in the newly independent state of Vanuatu. The main cause of the rebellion stemmed from the Francophones’ (people of French descent living in New Hebrides) insecurity over their future when the Anglophone (people of Anglo descent living in New Hebrides) Vanua’aku Party won the November 1979 general
The Francophone losers were backed by the French settlers and the Phoenix Foundation, an American libertarian group. The Francophones’ fears were also caused by the impending independence. Thus, their opposition to the new government centered ‘around Jimmy Stevens’ Santo-based Nagriamel movement’. Stevens became the key player for the group of secessionists which included ‘the Phoenix Foundation, many of the French settlers on Santo, and several other Melanesian custom groups’. Consequently, Chief Minister Walter Lini’s new government spent the first half of 1980 dealing with the secessionists while at the same time engaged in negotiations with the British and the French ‘over the terms and timing of independence’. In early June, with independence expected only six weeks later ‘the secessionists resorted to direct action on Santo and Tanna’. While, ‘the Tanna disturbance was quickly quelled’, the situation was different on Santo. The secessionist renamed Santo the Republic of Vemarana and declared its independence from New Hebrides. According to Gubb, the Vanuatu Prime Minister, Walter Lini, began lobbying his neighbours almost immediately (after) the rebellion broke out on 28 May 1980. Within days he had asked Forum members, through the South Pacific Bureau of Economic Cooperation, to send observers to monitor Britain and France’s transfer of power and the rebellion on Santo; apparently at least two, Solomon Islands and Western Samoa, agreed. He wrote again to Forum members on 29 June seeking military help if the rebellion had not been quelled before independence, but was advised that it would take a long time for agreement to be reached on collective assistance.

Lini addressed the Forum meeting in Tarawa in mid-July, in which he highlighted the continuing unrest and insurrection on the island of Espiritu Santo and the fact that his government had been freely elected. In response, the Forum, while welcoming the admission of New Hebrides to full membership of the Forum, adopted a stance that put the onus on the two departing colonial powers to contain the situation. The Forum resolution in relation to the Santo Rebellion called upon and expressed its expectation to Britain and France, the two administering powers 'to meet the express wish of the elected Parliament and Government of the New Hebrides to achieve independence on 30 July 1980 in terms of the agreed Constitution'; it reaffirmed its view that it was 'the particular and immediate responsibility of the two administering powers to effect a smooth and full transfer of authority to the elected Government of a unified and stable independent state'; it called

upon the two administering powers to use all means within their authority, in accordance with their responsibility, to restore law and order, including respect for democratic processes, by immediately securing an end to all defiance of the national authority so that independence can be achieved on the agreed date of 30 July and, beyond that date, to promote the stability and integrity of the new state in support of the full authority of the New Hebrides Government

and finally, it noted ‘that its members would be watching closely how the two administering powers discharge their responsibilities’. 20

With no promise of immediate direct assistance from the Forum, the Vanuatu government then presented a formal request to the PNG Prime Minister in the form of a letter in which the Prime Minister, Walter Lini,

portrayed the Santo Rebellion as a threat to the stability of the Pacific region and explained his recourse to Papua New Guinea in terms of a desire to minimize big-power intervention and handle the problem in a “peaceful Melanesian way”. 21

---

Consequently, the Santo Rebellion was quelled in late August, 1980 through the Papua New Guinea Defence Force which was assisted by the Australian military who provided ‘20 Australian loan personnel in non-combat support roles’ with ‘a number of Australians sent to provide minor direct military assistance to Vanuatu, two army reconnaissance aircraft and a Hercules transport aircraft to ferry urgent supplies to Santo’.  

The next internal crisis faced by a member country was the 1987 coup in Fiji. Although it was a prominent issue of discussion at the Forum meeting of that year, the Forum did not play a major role in its engagement with Fiji. One form of help that was identified at the Forum meeting was to send a mission to Fiji provided the Governor General of Fiji gave his consent. The Mission was to be led by the Australian Prime Minister, Bob Hawke and comprise the Prime Minister of Solomon Islands, Ezekiel Alebu and the Director of the South Pacific Bureau for Economic Cooperation (SPEC), Henry Naisali and it was to ‘hold discussions with all parties in Fiji with a view to attempting to facilitate processes leading to a resolution of current problems’. However, Fiji’s Governor General declined this offer.

Although the Forum did not play a direct role in resolving the Fiji crisis, the coup in Fiji led to the creation of the Forum Regional Security Committee (FRSC). According to Boxall, it was at the 1987 Forum in Samoa that the FRSC was established. It was then known as the Committee on Regional Security Information Exchange (CRSIE) and its name was changed to FRSC in 1990. Five days after the Fiji coup, an Air New Zeal and aircraft had been hijacked at Nadi Airport and it was in this context that the leaders agreed to “establish a working group to examine the issue and develop ways to enhance the capacity of the Forum states to counter terrorism and hijacking”.

The Bougainville crisis in Papua New Guinea took place over a decade from 1988 to 1998. It had its origins in the Bougainvilleans ‘campaign for compensation for

---

24 Boxall. *Pacific Islands Forum*:143
25 Boxall. *Pacific Islands Forum*:143
damage from giant Australian-controlled Bougainville copper mine, greater share of profits, and referendum on secession’. In 1989, a state of emergency was declared on Bougainville as the war escalated and the mine closed. The Bougainville Revolutionary Army (BRA) which represented the Bougainvilleans’ forced the Papua New Guinea army to temporarily withdraw and in response, the Papua New Guinea government blockaded the island. Urwin explained that an offer was made at the Forum meeting in Honiara in 1992 to send a mission to Bougainville however, ‘the Papua New Guinea government took the view that Bougainville was an internal matter and that for the Forum to send a mission would be to give the Bougainville Revolutionary Army the recognition it sought’. The response of the Forum then was to create the Honiara Declaration. Urwin asserted that the adoption of the Honiara Declaration in 1992 was ‘in part, a kind of generic response to the Bougainville situation, in which the Forum addressed some of the security-related challenges the region faced’.

In 2000, the coups in Fiji and the Solomon Islands took place within a month of each other in May and June respectively. In response to these events, the FRSC met in Vanuatu in July where options for regional action were recommended which were then further developed by the region’s Foreign Ministers in Apia in August and then presented to the Forum Leaders at their meeting in Kiribati in October later that year. This was also the first time the mechanism of the Forum Foreign Affairs Ministers Meeting (FFAMM) was convened. Former Forum Secretary-General, Noel Levi explained that

included amongst these (recommendations) is a mechanism to strengthen the role of the Secretary General of the South Pacific Forum Secretariat, in times of crisis, to develop a regional response that is in the best interest of Forum members and the region. This could include the use of eminent persons, fact finding missions, third

26 Robert Keith-Reid. ‘The people the region’s leaders don’t want to talk about’. Islands Business, July 1992. P20
27 Keith-Reid. ‘The people the region’s leaders don’t want to talk about’:20
28 Keith-Reid. ‘The people the region’s leaders don’t want to talk about’:20
30 Urwin, ‘Preventing Conflict’:15
party mediation and the appropriate convening of a high level Forum Regional Security meeting, or an ad hoc Ministerial meeting of members’.  

These recommendations were then adopted by the Forum leaders in Kiribati in October 2000 and became known as the Biketawa Declaration.

The Biketawa Declaration was described by then Secretary-General of the Forum Secretariat, Levi as committing ‘for the first time in the 30 years history of the Forum a collective regional political approach to address political crisis situations in member countries’.  

He described this new approach as ‘a significant shift from the traditional Forum’s long standing policy of non-interference in the domestic political affairs of the member countries’.  

The major reflection of this shift could be seen in the Regional Assistance Mission to the Solomon Islands (RAMSI) three years later in 2003, a move which has been labeled by some as an Australian- initiative with regional backing.  

Thus, the Forum’s role in the Solomon Islands in 2003 under RAMSI, to Nauru under the Pacific Regional Assistance to Nauru (PRAN) in 2004 and post 2006 coup in Fiji were conducted under the auspices of the Biketawa Declaration. They reflected greater involvement by the Forum in attempting to resolve these countries’ internal political and financial crises. This new approach by the Forum was very different from how it had handled its members’ crises in the past. The Enhanced Cooperation Package (ECP), although not a regional initiative but a bilateral one between Australia and PNG will also be covered briefly in this review because it also highlights greater engagement by Australia in the region.

In response to the Solomon Islands Prime Minister, Albert Kemakeza’s request to Australia for external intervention due to the deteriorating law and order situation caused by the Solomon Islands coup in mid 2000 and the continuing ethnic conflict between the Guadalcanal Revolutionary Army (GRA) which was later renamed the Isatabu Freedom Movement (IFM) and the Malaita Eagle Force (MEF), RAMSI was

---

32 Levi. ‘Regional Strategies’: 5
34 Levi. ‘Opening Remarks’, FRSCM: 2
undertaken under the auspices of the Biketawa Declaration in July 2003. It was led by Australia and involved the Cook Islands, Federated States of Micronesia, Fiji, Kiribati, Marshall Islands, Nauru, New Zealand, Niue, Palau, Papua New Guinea, Samoa, Tonga, Tuvalu and Vanuatu. It was ‘led by a police contingent of some 330 police officers, mainly from Australia but with participation from other Forum member states’ and ‘supplemented initially by around 1,800 military personnel from the region, again largely Australian’.  

It involved three distinct phases namely commencement, consolidation and sustainability and self-reliance. The first phase of commencement ‘was expected to last approximately six months’ for the purpose of restoring ‘stability by disarming the population, restoring law and order, capturing militant leaders and criminals, and strengthening the police force’. The second phase of consolidation which began in January 2004 and lasted a year emphasized institutional reform. The final phase of sustainability and self-reliance which began in January 2005 focused on ‘the development of indigenous self-reliance and the solidification of governmental and social reforms’.

PRAN was conducted in response to Nauru’s request for assistance to the Forum Leaders at their meeting in August, 2004. It involved a reevaluation of Nauru’s fiscal policies and objectives, a review of their constitution and reforms for its education and health sectors. It began in 2005 and at the 40th Pacific Islands Forum in Cairns in 2009, it was agreed that since Nauru was on its path to sustainable economic recovery, PRAN was no longer required. Notable in Nauru’s path to economic recovery was the assistance provided by Australia. Even prior to the commencement of PRAN, Australia was already providing financial assistance to Nauru. According to Toatu, it was Australia’s development assistance of A$41.5

---

37 Glenn. *Counterinsurgency in a Test Tube: 23*
38 Glenn. ‘*Counterinsurgency in a Test Tube*: 23
42 Statement by H.E. The Hon. Marcus Stephen, 2009:
million in late 2001 which was linked to Nauru’s agreement to host asylum seekers that kept the Nauruan economy going. Furthermore, Toatu explained that

in February 2004 the governments of Australia and Nauru signed a new memorandum of understanding providing for A$22.5 million in assistance for the period July 2003–June 2005. Included in this package was the provision for Australian personnel serving in line positions, including an Australian Secretary of Finance with a mandate to address key economic and financial reforms.

The Enhanced Cooperation Package (ECP) between Papua New Guinea and Australia is more a bilateral engagement rather than a regional engagement. Dinnen described the ECP as ‘an enhanced form of the assistance that PNG has been receiving from Australia for many years’ which has covered various sectors of government and, in the case of the police, has involved a major capacity building project dating back fifteen years’. However, what was new about the revised ECP proposed in late 2003 was ‘the placing of seconded Australian officials, including police officers, in line positions where they will operate as employees of domestic government agencies, rather than as technical advisors or consultants working for Australian managing contractors’. Although the proposed revised ECP was agreed to by both the Australian and PNG government at the Australia – Papua New Guinea Ministerial Forum in Adelaide in December 2003 and signed in June 2004, the deployment of Australian police was delayed due to disagreement over their conditions of employment. After the issue of Australian policemen being granted immunity was declared unconstitutional by the PNG Supreme Court in May 2005, a revised version of the ECP was formulated. The remodelled version of the ECP was announced in September, 2005. It saw a reduction of the aid package from A$800 million to A$500 and no immunity for Australian police personnel. Instead of going on foot patrols, they were to be with the fraud and anti-corruption directorate,

---

44 Toatu. ‘Keeping the Nauru economy afloat? p123
46 Dinnen. ‘Lending a Fist?: 4
47 Dinnen. ‘Lending a Fist?: 4
48 Dinnen. ‘Lending a Fist?: 8
forensics and other sections in advisory capacities focusing on the fight against corruption.

After Fiji’s coup on December 5, 2006, the Forum invoked all the mechanisms provided for under the Biketawa Declaration. This included the Forum Foreign Affairs Ministers Meetings (FFAMM), the Eminent Persons Group (EPG), Joint Working Group (JWG), and the Ministerial Contact Group (MCG). However, after extensive engagement with Fiji’s interim government and exhausting all mechanisms available under the Biketawa Declaration, the Fiji government was suspended from the Forum on May 2, 2009. ⁵⁰ This decision was attributed to Commodore Bainimarama’s failure to address the issues discussed at the Port Moresby Leaders’ Retreat which was held earlier in the year in January.⁵¹ The second targeted measure, which was the ‘ineligibility of the Fiji interim government to benefit from Forum regional cooperation initiatives and new financial and technical assistance’⁵² was also activated, however, the clarification was made that ‘this decision does not amount to the expulsion of Fiji, as a nation, from its membership of the Forum’.⁵³

2.3 The Forum’s changing role

Overall, it can be seen that there has been a shift by the Forum from a ‘hands off’ approach to more direct intervention. From the Santo Rebellion in 1980 up till the 2006 coup in Fiji, the response of the Forum had changed significantly from one of non-interference (whereby its role was limited at most to statements expressed in Forum Communiqués)⁵⁴ to a reactionary position in 2000 as reflected in the creation of the Biketawa Declaration and now one of a pro-active and ‘hands-on’ approach with direct intervention as seen in the Regional Mission to the Solomon Islands (RAMSI) in 2003, the Pacific Regional Assistance to Nauru (PRAN) in 2004 and

---

⁵¹ Statement by Forum Chair on suspension of the Fiji military regime from the Pacific Islands Forum.
⁵³ Statement by Forum Chair on suspension of the Fiji military regime from the Pacific Islands Forum.
post 2006 period in Fiji. This new approach has been called by different labels, such as the ‘new interventionism’ and ‘state-building intervention’ by academics such as Fry and Kabutaulaka, 55 ‘cooperative intervention’ by Alexander Downer while referring to RAMSI in 2003, 56 and ‘democratic intervention’ (in Fiji’s case) by Herr. 57 All interventions drew on the Biketawa Declaration, which provided the framework for the Forum to deal with its members’ future internal crises. Fry and Kabutaulaka defined state building intervention as ‘the creation and the maintenance of law and order, the establishment of stable and accountable liberal democratic government, and the restart of the economy and delivery of services’. 58 Herr defined cooperative intervention as ‘intercession … with the compliance of the affected states’ 59 as was the case with RAMSI in mid 2003 and PRAN in 2004. Democratic intervention, however, is a term used by Herr to describe the Forum’s involvement in Fiji in post December 5, 2006 coup. 60 As explained earlier, while Herr does not provide a precise definition of ‘democratic intervention’, this concept refers to an intervention that emphasizes a return to parliamentary democracy as was the case with Fiji after the 2006 coup, with the Forum’s insistence that Fiji hold elections as soon as possible. This type of intervention may be consensual as was the case with RAMSI and PRAN, which were undertaken at the request of the governments in crisis or coercive, which was the case with Fiji after the Forum threatened Fiji with suspension if they did not meet the ultimatum set by the leaders at their Special Retreat in Port Moresby in January, 2009 which eventuated on May 2, 2009.

While RAMSI, PRAN and post 2006 coup engagement were undertaken under the auspices of the Biketawa Declaration, Herr argued that ‘the application of the Biketawa – based sanctions against post 2006 Fiji is substantially different in character from other regional usages’ in the sense that while RAMSI and PRAN

58 Fry and Kabutaulaka. ‘Political legitimacy and state-building intervention in the Pacific’: 12
59 Herr, ‘Democratic Intervention, Biketawa and the 2006 Fiji Military Coup’: 2
60 Herr, ‘Democratic Intervention, Biketawa and the 2006 Fiji Military Coup’: 1
were undertaken at the request and with the compliance of the Solomon Islands and Nauru governments, in Fiji’s case, ‘current sanctions against Fiji are imposed against the wishes of Fiji and not based on the cooperative engagement with the interim Government’. He explained that the Bainimarama government ‘has repeatedly railed against the sanctions and sought their removal or, if this was not forthcoming, a reduction in their severity’.

2.4 Understanding the Forum’s changing role

The factors highlighted by the literature underlying the change in the Forum’s security role in the region include both external and internal causes, that is; factors from outside the region and within the region. A global factor which motivated some sort of intervention was the new principle of ‘responsibility to protect’. Other global factors underlying this change included the changing role of regional organisations particularly after the creation of the United Nations in 1945 and the end of the Cold War in 1989. These two major global developments provided regional organisations a greater role to play in world politics. The regional factors underpinning this change included the twin coups in Fiji and the Solomon Islands in mid 2000 and the ‘hegemonic’ role played by Australia.

The concept of “responsibility to protect” ‘argues that every state has an obligation to its own members to provide some fundamental protections from abuse including from the state itself’. It is founded on the basis ‘that sovereignty is a “gift” of the international community thus the international community has a right and, even more a duty, to protect people from their own Government if necessary by coercive international humanitarian intervention’. Herr explained that while the concept of “responsibility to protect” is ‘not yet a norm of international law’, the increasing positive response to it ‘demonstrates the change in attitude by the international community toward restricting the doctrine of non-intervention when human rights are violated’. Herr asserted that ‘in time, its logic could come to be used to support  

---

63 Herr. ‘Democratic Intervention, Biketawa and the 2006 Fiji Military Coup’ : 4  
64 Herr. ‘Democratic intervention, Biketawa and the 2006 Fiji Military Coup’ : 4  
65 Herr, ‘Democratic intervention, Biketawa and the 2006 Fiji Military Coup’ : 4
a stronger and more general validation of the concept of democratic intervention’. 66 Furthermore, he explained that ‘since the end of the Cold War in 1989, there has been increased worldwide emphasis on “good governance” in aid relationships’. 67 This is the basis on which the concept of democratic intervention is based. Herr argued that certain aspects of the concept of “responsibility to protect” ‘support important elements of democracy’ and that the ‘coups in Fiji and Solomon Islands in 2000 provoked the Forum leadership to go further in asserting protection of civic values by drafting the Biketawa Declaration to add “democracy” to regional obligations’. 68 The concept of “responsibility to protect” is relevant to this study because it provides the justification behind the democratic intervention approach adopted by the Forum in its engagement with Fiji after the 2006 coup.

Fry refers to the changing importance of regionalism since the 1990’s; especially in the context of security. He highlighted security theorists such as Barry Buzan, Muththiah Alagappa and Mohammed Ayoob who suggested ‘that global security must now be seen largely as the sum of its regional parts rather than as a product of global logic’. Fry also highlighted the views of other scholars who suggested that ‘the region offers a possible new site of promotion of world order values of democracy, and human rights and a possible site of resistance to globalization’. 69 This perspective is useful for understanding the role of the Pacific Islands Forum in the region particularly with mediating/resolving its members’ internal crisis with the emphasis being on the restoration of parliamentary democracy or ‘democratic intervention’.

The end of the Cold War in 1989 and the greater expectations placed on regional organisations by the United Nations also contributed to regional organisations playing a greater role in world politics. 70 The argument is that ‘regionalism becomes more important because of the limitations on US reach and political will in a “unipolar” world’. 71 This argument is useful for testing claims made concerning

---

66 Herr, ‘Democratic intervention, Biketawa and the 2006 Fiji Military Coup’: 4  
67 Herr, ‘Democratic Intervention, Biketawa and the 2006 Fiji Military Coup’: 1  
68 Herr, ‘Democratic Intervention, Biketawa and the 2006 Fiji Military Coup’: 1-2  
70 Fry, ‘A “Coming Age of Regionalism”?’: 120  
71 Fry, ‘A “Coming Age of Regionalism”?’: 120
Australia’s role as a ‘deputy sheriff’ for the United States in the Pacific region, particularly after 9/11. In 1992, the then UN Secretary-General, Boutros-Boutros Ghali, “proposed that regional organizations take a greater share of security management – in such areas as peacekeeping, peacemaking, and preventive diplomacy – but in partnership with the UN and consistent with the principles of the Charter”. 72 This helps to explain why regional organisations need to seek the consent of the Security Council first before any type of intervention is undertaken.

While Fry described ‘the region’s role as a political agent in world politics’ as ‘more mixed’, he argued that ‘two developments … suggest that this will develop further’. 73 The first one being ‘the increasing tendency of international agencies to expect regional positions and reactions to global issues such as the environment, biodiversity, population control, sustainable development, human rights, gender issues, “good governance”, and the second being ‘social issues’ as illustrated ‘in the approach to the series of global summits that took place in the 1990s’. 74 The first development that Fry highlighted is useful for viewing the role that international organisations such as the United Nations, Commonwealth and the EU-ACP group of countries expect the Pacific Islands Forum to play in the region particularly in the area of mediating/ resolving its members’ internal crisis and also why countries in crisis seek the support of regional organisations as securing such support ensures further support from global organisations such as the UN, Commonwealth and the EU.

Fry further explained the role of ‘the region and its institutions’ in that they sit ‘between states and global forces and agencies’ and are ‘increasingly a place where business gets done’. 75 Moreover, he described the region as standing ‘alongside state and global institutions as a site where contests occur over what values, practices and concepts should prevail within the societies of that region’. 76 He argued that ‘the region often has the capacity to confer legitimacy on practices (such as

---

72 Fry, ‘A “Coming Age of Regionalism”?:120
73 Fry, ‘A “Coming Age of Regionalism”?:123
74 Fry, ‘A “Coming Age of Regionalism”?:123
75 Fry, ‘A “Coming Age of Regionalism”?:124
76 Fry, ‘A “Coming Age of Regionalism”?:124
intervention) and on important concepts (such as “security” or “development”).

Furthermore, ‘it distributes resources, legitimates procedural norms, and adjudicates on the legitimacy of states and governments by policing the right to membership. It is also increasingly a site of the generation of international law. In all these roles it is a site of contest between contending ideas and is particularly an arena in which the tension between the global and the local is mediated’.

Firth asserted that the change in the attitude of the Forum towards the internal crises of its members arose from ‘the turbulent events of 2000’ which ‘confronted Island leaders with the stark reality of regional instability and the need for the Forum to respond to it’. Similarly, Tarte and Kabutaulaka emphasized that it was the conflicts in Fiji and the Solomon Islands in 2000, which ‘prompted forum leaders to directly address, for the first time, security threats and challenges arising from internal conflicts’. This view was also shared by the Forum as expressed by former Secretary-General Noel Levi who explained that

the security environment of the Pacific region has always been traditionally viewed as being one of relative stability. However, events in our region over the past two decades, including in recent months in Fiji and the Solomon Islands have revealed serious challenges to the traditional perception of security environment, in particular the democratic process and the rule of law.

However, much of the debate on the new approach adopted by the Forum has revolved around Australia’s new security role in the region and its implications. The arguments presented suggest that the change in the Forum’s security role has a very strong link to Australia’s “new engagement” in the Pacific. Some writers, such as Firth, argued that the impact of global security events such as 9/11 and the Bali bombings have in turn influenced the Forum to play a more active role in the internal

---

77 Fry, ‘A “Coming Age of Regionalism”?':124
78 Fry, ‘A Coming Age of Regionalism”?':124
81 Levi.‘Regional Strategies’:2
82 Firth, ‘A New Era in Security’:94
security of its member countries to prevent them from deteriorating into ‘failed states’ which will then provide a safe haven for terrorists to launch their attacks from.\textsuperscript{83} According to Wesley-Smith

the term ‘failed state was first used to describe the major human rights and humanitarian disasters of the 1990s in places like Somalia, Haiti, Cambodia, Bosnia and Kosovo. These situations attracted the attention of scholars and policy makers because of the enormous suffering involved, as well as the massive international interventions they provoked. Perhaps most important, these crises raised the spectre of imminent breakdown of the state-centred global order that had been relatively stable in the Cold war era. Since the 2001 terrorist attacks on the United States, questions of “failed states” and what to do about them have become firmly linked to concerns about terrorism and the deployment of weapons of mass destruction. It is also that failing and failed states are assumed to be vulnerable to the overtures of a variety of non-state actors, including transnational criminals which could threaten the economic, security or political interests of other states\textsuperscript{84}

Fry claims that Australia has played a hegemonic role in the region.\textsuperscript{85} In highlighting Australia’s new “hands on” approach to security in the region, Firth claimed that the change in the regional approach to security came with Australia’s decision ‘to intervene in Solomon Islands…with regional assistance’.\textsuperscript{86} The implication made by Firth’s statement is that RAMSI was really an Australian government intervention assisted by other members of the Forum. Australia’s decision to respond was made after it had turned down a number of earlier requests for assistance by the Solomon Islands government. Kabutaulaka explained that Australia’s decision to intervene in the Solomon Islands was the result of a combination of factors; ‘Australia’s role in the war against terror, the failing Solomon Islands state, Australia’s negative representation of Island countries, and its self-perception as leader and superior arbiter of regional affairs’.\textsuperscript{87} Firth linked Australia’s decision to intervene in the

\begin{itemize}
\item \textsuperscript{83} Firth, ‘A New Era in Security’:94
\item \textsuperscript{86} Firth. ‘The new regionalism and its contradictions’:126
\item \textsuperscript{87} T.T.Kabutaulaka. “Australian Foreign Policy and the RAMSI Intervention in Solomon Islands’. \textit{The Contemporary Pacific V17, N2}, pp283-308
\end{itemize}
Solomon Islands to the events of September 11, 2001 and the Bali bombings. He explained that the threat of a nearby island state like the Solomon Islands becoming a ‘failed’ state and thus providing a haven for terrorists to launch their attacks from was just too risky for Australia thus the decision to intervene.

Claims made regarding the change in Australia’s security role in the region particularly with RAMSI may be viewed through the realist lens described by Fry which supports ‘regionalism on security/order grounds’. The concept of realism emphasizes the role of the state as the key actor in international politics and views the environment which states inhabit as ‘a perilous place’. Thus, it views the role of the ‘statesperson to calculate rationally the most appropriate steps that should be taken so as to perpetuate the life of the state in a hostile and threatening environment’. In this context, regionalism is seen ‘as an informal alliance against other states or as a hegemonic sphere of influence of a great power’.

“Regional security” as this idea is known, came about during the Cold War especially in the 1960’s when the process of decolonization meant that the Great Powers were not certain of their place over certain areas of the world. Fry added that ‘the dominant doctrines’ are primarily concerned with the security of states, particularly hegemonic states, rather than with societal or human security’. The doctrine of “regional security” helps to explain Australia’s dominant security role in the region, expressed through the Pacific Islands Forum, which began in earnest with the announcement of Australia’s policy of ‘constructive commitment’. This is a policy which ‘entails maintaining and developing a partnership with Pacific Island countries which promotes regional stability through economic development and the

89 Firth, ‘A New Era in Security’.94
90 Fry. ‘A “Coming Age of Regionalism”?': 129
93 Fry. ‘A “Coming Age of Regionalism”?':129
94 Fry. ‘A “Coming Age of Regionalism”?': 129
95 Fry. ‘A “Coming Age of Regionalism”?':129
encouragement of shared perceptions of strategic and security interest’, and was announced by then Australian Foreign Affairs Minister, Gareth Evans in 1988. Furthermore, this doctrine of “regional security” helps to explain what Firth and Kabutaulaka highlighted as the primary reason for RAMSI; which was Australia’s concern for its own security. This is not to suggest, however, that RAMSI did not benefit the recipient country. Solomon Islands benefitted greatly from the restoration of law and order and the rebuilding of the government machinery there since the commencement of RAMSI in mid 2003. What it provides, however, is a lens with which to view the role of Australia within the Forum and the Forum’s relationship with Fiji after the 2006 coup.

Some scholars such as Dinnen welcomed Australia’s ‘renewed focus on its Pacific neighbours’ explaining that ‘the region has all too often been relegated to the outer perimeters of Australia’s foreign policy agenda despite the mounting challenges facing a number of countries’. He asserted that Australia’s ‘renewed engagement’ provided Pacific island countries the opportunity to address the challenges that they faced and ‘if the level of commitment is sustained’ it would provide ‘the most significant opportunity for implementing fundamental reform since the original era of decolonization in the 1970s’. However, he raised a number of concerns such as how closely Australia’s new policy agenda corresponded with the interests and priorities of the countries concerned. Other concerns he raised related to Australia’s diagnoses and prioritization of problems in the region and the kinds of remedial strategies being proposed such as ‘the centrality of security considerations in Canberra’s current assessment of the challenges facing the Pacific islands and, in particular, the implications of viewing these countries through the lens of the Washington – led ‘war on terror’; ‘the state-centric character of the assistance being offered under the auspices of these engagements’; ‘the limited degree of consultation

---

96 Gareth Evans and Bruce Grant. Australia’s Foreign Relations in the world of the 1990s’. Melbourne University Press, Melbourne, 1995. p 175
98 Dinnen. ‘Lending a Fist?’
99 Dinnen. ‘Lending a Fist?’
100 Dinnen. ‘Lending a Fist?’
and negotiation with local stakeholders in the shaping and implementation of the new assistance programs”; and finally, that of its sustainability.  

Fry also questions the relevance of the assumptions underlying Australia’s new interventionism in countries such as the Solomon Islands. He stated that while ‘the new Pacific model of state building intervention appears to have very strong claims to legitimacy in the sense …of establishing political acceptance of the project among those affected by it’ certain assumptions underlying this new model while ‘persuasive for an international audience (particularly the ‘coalition of the willing’) or Australia’s domestic audience, have serious implications for the legitimacy of the intervention project in the Pacific itself’. He identified these issues as

the way in which the ‘failed state’ discourse leads to particular state building ‘solutions’ which have not enjoyed legitimacy in the past; the underlying security imperative associated with the war on terror; the assumption by Australia of a ‘special responsibility’ to give leadership to the effort to turn around state failure in the Pacific on behalf of the international community; assumptions concerning the appropriate model of governance and economic development informing state-building; the way in which the authority of regional community has been employed; the manner in which the ideals of ‘participation’ and capacity-building have been pursued; assumptions about the relationship between state-building and peace-building; and the impact on sovereignty, despite claims that the project is conducted to strengthen this attribute.

Fry defined the neoliberal view of regionalism ‘as a means of assisting the participating states to move beyond the security dilemma through cooperative security’. Neoliberalism is the “new” liberal theoretical perspective that accounts for the way international institutions promote global change, cooperation, peace, and prosperity through collective programs for reforms. This perspective views the role of the Pacific Islands Forum as that of a regional organisation whereby its

101 Dinnen. ‘Lending a Fist?’: 2
102 Fry and Kabutaulaka ‘Political legitimacy and state-building intervention in the Pacific’ in Greg Fry and Tarcisius Kabutaulaka (eds) Intervention and state-building in the Pacific: the legitimacy of ‘cooperative intervention’:4
103 Fry and Kabutaulaka, ‘Political legitimacy and state-building intervention in the Pacific’:3-4
104 Fry, ‘A Coming Age of Regionalism’?:129
members work together to resolve their security issues by cooperating with each other. This gives some conceptual basis for the Biketawa Declaration of 2000. It also emphasises the role of the Forum in resolving the security issues of its members and provides a perspective by which the role of the Forum in maintaining security in the region can be viewed.

Fry also describes an approach that “questions realist and neoliberal definitions of “security” and “regional security”.” 106 This approach ‘sees the dominant doctrines as being primarily concerned with the security of states, and particularly hegemonic states, rather than with societal or human security’. 107 It contains a broader ‘definition of what constitutes a security threat’ to include ‘environmental and economic threats and threats from the state to its own citizens’. 108 Furthermore, this approach ‘argues that “regional security” as defined by the dominant doctrines not only leaves out human security; its promotion actually undermines it by legitimizing state-centred security’. 109

2.5 Conclusion

The literature surveyed in this chapter has highlighted the change in the approach taken by the Forum in the internal crisis of its members from one of non-interference to one of closer, more ‘hands on’ engagement. This was illustrated in the change in the Forum’s approach which was limited to making a statement in its communiqué regarding the Santo Rebellion in 1980, to a reactionary role in 2000 with the creation of the Biketawa Declaration and to an interventionist role in RAMSI and PRAN and a pro-active and interventionist role in post 2006 Fiji. Underlying this change in approach has been two global factors; the principle of “responsibility to protect” which formed the basis of the new concept of ‘democratic intervention’ and the greater role given to regional organisations particularly after the creation of the United Nations in 1945 and the end of the Cold War in 1989. The regional factors underpinning this change in approach included the twin coups in Fiji and the Solomon Islands in mid 2000 and the ‘hegemonic’ role played by Australia. Thus

106 Fry, ‘A “Coming Age of Regionalism”?’:129
107 Fry, ‘A “Coming Age of Regionalism”?’:129
108 Fry, ‘A “Coming Age of Regionalism”?’:129
109 Fry, ‘A “Coming Age of Regionalism”?’:129
global factors contributed to a greater role being played by regional organisations and the justification for the principle of “responsibility to protect” leading to ‘democratic intervention’ forming the basis for intervention of regional organisations in its members’ internal crisis. On the other hand, from within the region itself, the twin coups in 2000 coupled with the ‘hegemonic’ role played by Australia were the catalyst for a change in approach by the Forum.
Chapter 3: The Forum and the Fiji coups of 1987

3.1 Introduction

The 1987 coup was the first of its kind to take place in the South Pacific. It took the countries of the region by surprise especially as Fiji played a prominent role in regional affairs. The Opposition leader in Papua New Guinea, Michael Somare ‘expressed shock and disbelief at news of the coup’.110 Within the country, the news of a coup was similarly met by disbelief. Former Fiji diplomat and former Permanent Secretary for Foreign Affairs, Mr. Emitai Boladuadua, explained that he was waiting for a connecting flight at Luvuluvu Airport in Nausori that morning when a friend relayed the news to him and his response was one of disbelief also. In Parliament itself, when the Prime Minister, Timoci Bavadra was first instructed by coup leader, Sitiveni Rabuka, to ‘lead his team down to the right’, he had ‘sat motionless, disbelief written all over his face’, before he was instructed to do so the second time.111 In fact, it was the element of surprise or kidacala that coup leader, Rabuka, had banked on in order to successfully carry out the coup.112 Bavadra was reported to have remarked to his Education Minister, Tupeni Baba, as they made their way out of Parliament on that fateful morning “Is this really happening? A coup d’état in Fiji?”113

Although Fiji’s coup was a prominent issue of discussion at the Forum meeting of that year, Fiji’s crisis being the third item noted in the communiqué and occupying about two thirds of the Forum’s agenda in Apia114, the Forum did not engage much with Fiji.115 Instead, it was Australia and New Zealand who tried to put pressure on Fiji to return to parliamentary democracy through bilateral means with the imposition of trade bans, suspension of aid and travel advisory against visits made to Fiji by their citizens. As Bryant-Tokalau and Frazer observed: ‘in 1987, after the Fiji coup, the strongest support for restoring the deposed government of Timoci Bavadra, came

112 Dean and Ritova. ‘Rabuka’:70
115 ‘Hawke named for Fiji talks’. Fiji Times, June 1, 1987. P1
from New Zealand and Australia, not from other island states’.\textsuperscript{116} The Commonwealth also played a role in seeking to return Fiji to parliamentary democracy. Within the Pacific region though, amongst the Island countries, the reaction was more one of non-interference in what was considered as Fiji’s internal affairs. This chapter, however, will examine the response of the then South Pacific Forum to Fiji’s two coups in 1987. In doing so, it will also highlight the individual responses of Australia and New Zealand to Fiji’s coups as compared to that of the other island states in the region.

3.2 Background to the coup

Fiji became a British colony in 1874 and gained its independence in 1970. According to Ratuva, political representation under Fiji’s colonial system ‘was divided along ethnic lines’ thus, ‘the political culture and institutions evolved along the same lines’.\textsuperscript{117} ‘After independence in 1970, Fiji was ruled for seventeen years by the Alliance Party under Ratu Sir Kamisese Mara, an Oxford-educated Fijian chief who during the 1987 election lost to the newly formed Fiji Labour Party under Timoci Bavadra, a commoner. Due to its Indo-Fijian parliamentary majority, the new government was perceived as posing a threat to Fijian interests and as a consequence there was widespread public demonstration by Fijians, culminating in two coups in 1987 by the predominantly Fijian military’.\textsuperscript{118}

Fiji’s first military coup took place on May 14, 1987. It was executed by Lieutenant Colonel Sitiveni Rabuka, the third highest-ranking officer in the Fiji military at that time. The second one occurred in September, to thwart an effort by the Governor General to form a government of national unity. The Governor-General had assumed executive authority of an interim government between May and September of that year.


\textsuperscript{118} Ratuva. ‘The Paradox of Multiculturalism’:198
After the September coup, the 1970 constitution was abrogated and a new constitution, created in favor of indigenous Fijians, was promulgated in 1990.  

The new constitution increased the number of parliamentary seats to seventy of which thirty-seven were reserved for Fijians, twenty-seven for Indo-Fijians, and five for general electors. Among its provisions, only a Fijian could become a prime minister. The first election to be held under the 1990 constitution was in 1992 and it was won by Rabuka’s Soqosoqo ni Vakavulewa ni Taukei (SVT) party. However, due to ‘national and international condemnation of the constitution as racist’ it was reviewed and a new constitution (which came into force in 1997) was developed after nationwide consultation. The total number of seats provided for in the new constitution was seventy-one, and of these, forty-six were communal (twenty-three for Fijians, nineteen for Indo-Fijians, one for a Rotuman, and three for other ethnic groups), and twenty-five were open seats. Since 1992, ‘a series of Fijian-dominated governments governed until 1999, when for the first time Fiji had an Indo-Fijian prime minister in the form of Labour Party leader Mahendra Chaudhry’.

3.3 The reaction of the South Pacific Forum to Fiji’s coup

Prior to the Forum meeting in Apia in late May 1987, the Western Samoan government reportedly received an inquiry from Fiji’s Governor-General, Ratu Sir Penaia Ganilau regarding the possibility of a Fiji delegation at the Forum meeting. Accordingly, the Western Samoan government referred the question to the South Pacific Bureau for Economic Cooperation (SPEC) only to be told that it was their decision to make. When the Australian Prime Minister, Mr. Bob Hawke heard of the possibility that Ratu Sir Kamisese Mara might be at the Forum, he ‘telephoned the Samoan Prime Minister, Vai’i Kolone, to warn that he would not be turning up to Apia if a Fiji government presence was to occur in any form’. Consequently, there was no Fiji government representation at the Forum meeting of that year, but

119 Ratuva. ‘The Paradox of Multiculturalism’: 207
120 Ratuva. ‘The Paradox of Multiculturalism’: 207
121 Ratuva. ‘The Paradox of Multiculturalism’: 207
122 Ratuva. ‘The Paradox of Multiculturalism’: 207
123 Ratuva. ‘The Paradox of Multiculturalism’: 207
124 Ratuva. ‘The Paradox of Multiculturalism’: 197
two ministers of the ousted Coalition government lobbied leaders outside the Forum. According to the Pacific News Bulletin, they were refused entry into the Forum meeting as observers. Ratu Mara was reportedly asked about the possibility of sending an emissary to the Forum to explain Fiji’s situation in a non-partisan way and his reply was in the form of a question of whether Mr. Lange or Mr. Hawke would want to listen to any explanation given that their ambassadors in Fiji did not want to see him but have avoided him and not spoken to him since the coup.

The 1987 Forum Communiqué stated that while the Heads of Government recognized the complexity of the problems in Fiji ‘they fully shared the hopes expressed by the Chairman…for a peaceful and satisfactory solution to the current problems’. It was agreed that the Forum’s willingness to assist would be conveyed to the Governor General of Fiji through the Chairman. One form of help that was identified was to send a mission to Fiji provided the Governor General of Fiji gave his consent. The Mission would be led by the Australian Prime Minister, Bob Hawke and comprise the Prime Minister of Solomon Islands, Mr. Ezekiel Alebua and the Director of the South Pacific Bureau for Economic Cooperation (SPEC), Mr. Henry Naisali and it was to ‘hold discussions with all parties in Fiji with a view to attempting to facilitate processes leading to a resolution of current problems’. However, Fiji’s Governor General declined this offer. According to Thomson, who was the Governor General’s Secretary at that time, Ratu Penaia had stated that ‘the most useful assistance the forum could give Fiji at that time would be to use what influence it had to get trade, tourism and aid bans against Fiji lifted’. Ratu Penaia’s position seemed to reject the role of the Forum as a mediator and an ‘honest broker’ but rather he saw the Forum as a useful intermediary between Fiji and the wider international community.

Cook Islands Prime Minister, Sir Tom Davis who was also the Forum chair in 1987, explained that ‘Mr. Hawke and Tupuola Efi (Western Samoa’s Deputy Prime Minister)
Minister) worked hard at having the Forum agree to a resolution of theirs to send a delegation to Fiji to solve their problem and restore democracy’. 132 This reflected Australia’s (and perhaps) Samoa’s view that the forum needed to play a more active role in resolving Fiji’s crisis. However, Davis claimed that ‘most of us (Forum leaders) disagreed to such a move as we all felt that Fiji needed to be left alone to lick her wounds and work out her own solutions with our sympathetic assistance as they might request it’. 133 He explained that ‘after three long after-hours sessions, we were unable to dissuade the minority to desist. With no consensus reached, a telegram was sent to Ratu Sir Penaia Ganilau to alert him of a Forum delegation to deal with their problems to be led by Mr. Hawke’ and ‘the offer was firmly rejected’. 134

In describing the differences that sometimes occurred in Forum meetings between the Island countries and the two metropolitan countries in the region, Sir Tom Davis explained that

it is a characteristic of Pacific Islanders that keeping silent about a proposal does not mean acquiescence. It generally means reservation or opposition. We consider it rude to openly oppose our equals or betters. Therefore silence is preferred and should be read as such. 135

He added that

the most vocal in the Forum were Australians and New Zealanders and it is no exaggeration to say that they verbally dominated our meetings. Our silence encouraged this domination. However, sometimes, our silence was because we had nothing to say on an issue. By most of us, the difference can be sensed. 136

133 Islands Business, ‘Book Special: Island Boy’: 59
134 Islands Business, ‘Book Special: Island Boy’:59
135 Islands Business, ‘Book Special: Island Boy’:59
136 Islands Business, ‘Book Special: Island Boy’:59-60
He explained that ‘on the Fijian coup, our silence and attempts at verbal discouragement of intentions on behalf of Fiji was one of disagreement with them’.  

Australia and New Zealand’s stance was also criticized by Fiji’s coup leader, Rabuka, who claimed that the ‘true members of the region- the Asians, Far East, Indonesians, the Filipinos, the Micronesians, the Melanesians, the Polynesians…understand our situation’. However, he contended that he couldn’t say the same for Australia and New Zealand, which are European communities in a Pacific environment. They are isolated from the European community they identify with, and they are trying to impress upon us their values and expectations. We are supposed to behave like responsible European societies, which is not the case. We are what we are and not what other people perceive us to be.

3.4 The response of the two metropolitan powers to Fiji’s coups

In seeking to understand the Forum’s response to Fiji after the 1987 coups, it is necessary to examine the policies of the main actors in the Forum; Australia and New Zealand. In doing so, it is helpful to view their roles in the region in light of Fry’s explanation that the beginning of the 1980s marked ‘the recent departure of Britain as an administering power in the area (South Pacific region) and the emergence of Australia and New Zealand as the main economic, educational, and security partners for the independent South Pacific’.

3.4.1 Australia’s response to Fiji after the 1987 coup.

Australia’s response to Fiji’s coup began with condemnation for the coup and support for the reinstatement of the ousted government which practically translated into the suspension of aid and military assistance and trade bans. Over time however, it moderated its approach and this was reflected in the lifting of trade bans.

---

137 Islands Business, ‘Book Special: Island Boy’:59-60
139 Moala. ‘Regional Support’: 96
later in the year and the restoration of aid the following year in 1988. However, military relations were not restored until 1992, after coup leader, Sitiveni Rabuka, had been democratically elected as Prime Minister. Australia’s response to the Fiji coup thus involved both the government and the private sector. The government responded by suspending aid to Fiji while the industrial sector responded by imposing trade bans on exports to and imports from Fiji.

The Australian Prime Minister, Bob Hawke expressed the first response of the Australian government in a statement which stated that “the Australian government, and I am sure the Australian parliament and Australian people, condemn this attack on a government of the South Pacific and the Commonwealth, elected through the proper constitutional and democratic process”. He added that “instability in the South Pacific is of direct concern to Australia”. Furthermore he indicated that “the Australian government has refused to formally recognize the new government arrangements in Fiji” and described major aspects of the government as “completely deficient” and “unacceptable”. Prior to attending the Forum meeting in Apia later in May, Hawke further explained Australia’s policy on Fiji when he said that “our obviously preferred position, as is that of Dr. Bavada, needless to say, is the reinstatement of the Bavada government, because we say that is the only legitimate government”. However, he acknowledged that given Dr. Bavada’s willingness to accept new elections if ordered by the Governor-General, then “we regard that, in these circumstances, as the next best course of action, so we will continue to argue for that”.

All bilateral aid was suspended except those that were currently on Australian funded scholarships studying in Australia and medical aid, which, after some disagreements on how it was to be paid out, was finally channeled through the South Pacific Bureau for Economic Cooperation (SPEC) in order to avoid direct government-to-government dealing. The trade bans were imposed after the coup at the request of the Fijian Trades Union Congress to their Australian and New Zealand counterparts.

---

144 ‘Bavada Govt is legitimate: Hawke’. *Fiji Times*, May 30 1987:7
The ban on food and medical supplies was removed in June and all other trade bans were lifted on July 20 after intense lobbying by their Fijian trade unionist counterparts for its removal. The change in the stance taken by their Fijian counterparts came about after the latter were subjected to questioning by the military and there were also claims of violence and intimidating tactics inflicted on union leaders by the military and pressure on them by the interim government. In addition to the suspension of bilateral aid, the Australian government instructed its ambassador in Fiji to have no dealings with the military installed government after the coup.

A thaw in Australia’s relations with Fiji may have begun with Prime Minister Hawke’s personal letter to Ratu Sir Penaia Ganilau on July 31, 1987 ‘stressing Australia’s goodwill’ by highlighting the removal of trade bans followed by the Australian government’s agreement in mid August to the appointment to Canberra of a Fiji High Commissioner. Furthermore, Fiji’s Minister for Foreign Affairs and Civil Aviation, Mr. Filipe Bole travelled to Sydney in November where he met with the Australian Minister for Foreign Affairs and Trade, Mr. Bill Hayden. The trip was at the Fiji government’s initiative and according to Mr. Bole, the purpose of that trip was to inform the Australian government ‘that the situation in Fiji was rapidly returning to normal’ and he described the meeting as “very successful”. Aid was restored in 1988 but defence cooperation with Australia was not restored until the Forum meeting in Honiara in 1992 after meetings between Australian Prime Minister, Paul Keating and Fiji’s elected Prime Minister, Sitiveni Rabuka.

According to Graeme Dobell, it was noted by the Australian Federal Parliament Joint Committee on Foreign Affairs, Defence and Trade in their 1989 Report entitled “Australia’s relations with the South Pacific” that Australia "subsequently moderated its approach", due to three factors which were: ‘the lack of condemnation or action against Fiji by other South Pacific island countries; the lessening of..."
Australia's ability to influence events within Fiji due to reduced contact with Fiji's regime; and ‘the moves to restore civilian government’.  

in January, 1988, in what the Joint Committee called "a pragmatic reappraisal of diplomatic niceties", Australia abandoned its previous policy of recognising governments. Henceforth, Australia has followed the more neutral approach of recognising states. This avoids a repeat of the agonising over whether to give some form of recognition to the government Rabuka installed in 1987.

According to coup leader, Rabuka, Australia’s trade interest was ‘the main deciding factor camouflaged as ‘a more conciliatory stance’. Rabuka asserted that ‘the trade balance effect of the “ban” revealed ‘that Australia stood to lose a lot more than Fiji who had the open and apolitical remainder of the international trade community waiting to fill the vacuum created by the Australian ban’. With regards to the Australian military assistance provided to Fiji under the Defence Co-operation Programme (DCP), Rabula explained that this was ‘withdrawn to “teach a lesson” to the Fiji Military Forces. However, he reasoned that

unfortunately, for Australia, the Fiji Military Forces at the time had highly qualified personnel to continue domestically what used to be obtained from Australian Military Training establishments to fully cater for Fiji’s Military roles. They could not have sustained the snub as other Military “interests” had their eyes also focused on the perceived vacuum in Military co-operation

Rabuka further explained that ‘DCP is not only for the members – it also kept out “unwelcome” military attention in the Region. He concluded that ‘Fiji’s “look north” policy in post coup Fiji sent a shiver to the weak spine of Canberra’s Defence planners with the possible entry of Indonesia and other non-SEATO nations into the equation of regional security.’

---

153 Dobell, ‘Fiji forces rethink in Australian diplomacy’.
154 Sitiveni Rabuka. Email Communication. 8th November, 2010.
155 Rabuka. Email Communication.
156 Rabuka. Email Communication.
157 Rabuka. Email Communication.
3.4.2 New Zealand’s response to Fiji after the 1987 coup

New Zealand’s response to Fiji was similar to that of Australia in that it involved both the government and the private sector. Immediately after the coup, the New Zealand Prime Minister, Mr. David Lange, stated “as far as New Zealand was concerned, the Governor-General was the constitutional authority and New Zealand continues to recognize that”.158 On May 28, New Zealand suspended its aid to Fiji.159 It also terminated its military assistance to Fiji, recalled its six military advisers there and expelled 38 Fijian military trainees from New Zealand.160 Military cooperation was not restored until more than five years later in October, 1992.161 Furthermore, it did not renew its sugar agreement, which was due to expire in March 1988.162 Under this agreement, New Zealand paid above world market prices for sugar imported from Fiji. New Zealand trade unions imposed trade bans on Fiji cargo after the coup and the bans were only fully lifted on July 20 after intense lobbying by Fijian trade unionists with their Australian and New Zealand counterparts seeking their removal. The intense lobbying by Fijian trade unionists was due to the same reasons as explained earlier in Australia’s case. A month earlier, bans on food and medical supplies had been removed.163 Furthermore, the New Zealand ambassador in Fiji was instructed by his government to have no dealings with the military installed government after the coup.164

According to McCraw, the New Zealand government ‘began to moderate its attitude when it became clear that other South Pacific states did not share New Zealand’s view of happenings in Fiji’. 165 This was the same reason why Australia also moderated its approach as described earlier. McCraw explained that ‘New Zealand

161 McCraw, ‘New Zealand, Fiji and Democracy’, Commonwealth & Comparative Politics, 47: 3, 267 — 286
162 ‘NZ allows envoy to negotiate with govt’. Fiji Times, November 12, 1987. P2
165 McCraw, ‘New Zealand, Fiji and Democracy’, 47: 3, 267 — 286
and Australia came in for criticism from other Pacific island states for their lack of understanding of the situation in Fiji which had led to the coup, and for attempting to impose their own values on the Pacific’. 166 Furthermore, Lange’s public statement ‘that New Zealand could consider helping to bring back Fijian troops serving with the United Nations in the Middle East to counter the coup…outraged… the Melanesian members of the South Pacific Forum. 167 The Prime Ministers of Papua New Guinea, Solomon Islands and the Deputy Prime Minister of Vanuatu responded in a joint statement in which they said that “the situation in Fiji requires sensitivity and understanding, not reckless threats of military adventurism”. 168 Within New Zealand itself, the New Zealand government’s stance came under criticism from the ‘National party’s spokesman on foreign affairs, Sir Robert Muldoon’ who ‘warned that New Zealand’s apparent support for the ousted coalition government placed the future of the South Pacific Forum in jeopardy’. 169 He added ‘that the other Forum countries “hotly resented” New Zealand’s failure to recognise ethnic Fijian concern with their loss of power, and saw New Zealand acting as a neo-colonial power’. 170 This highlights the conflict between the security agendas of Australia and New Zealand and those of Pacific island countries.

New Zealand’s relationship with Fiji began showing signs of improvement in late September 1987. This was when New Zealand resumed its new long-term training awards usually administered through the Public Service Commission (PSC) which provided students from Fiji the opportunity to study in New Zealand on scholarship. 171 Although the New Zealand government issued a travel advisory to its citizens after Fiji’s second military coup on September 25, cautioning New Zealanders planning to visit Fiji at that time to ‘reconsider’, this travel advisory was cancelled in early November 1987. 172 In addition, the New Zealand High Commissioner, Mr. Rodney Gates, was given the green light by his government ‘to have dealings with ministers in the military government’ in early November. 173 He

166 McCraw, ‘New Zealand, Fiji and Democracy’, 47:3, 267 — 286
167 McCraw, ‘New Zealand, Fiji and Democracy’, 47:3, 267 — 286
168 McCraw, ‘New Zealand, Fiji and Democracy’, 47:3, 267 — 286
169 McCraw, ‘New Zealand, Fiji and Democracy’, 47:3, 267 — 286
170 McCraw, ‘New Zealand, Fiji and Democracy’, 47:3, 267 — 286
172 ‘NZ tells people Fiji is now safe’. Fiji Times, November 11, 1987. P 10
173 ‘NZ allows envoy to negotiate with govt’. Fiji Times, November 12, 1987. P 2
explained New Zealand’s stand that ‘part of New Zealand’s diplomacy over the
coming months will be to encourage an early return to civilian parliamentary
democracy’ and ‘for Fiji to return to a position where they can influence their
traditional role of leadership in South Pacific regional affairs’. Furthermore, Fiji’s
Minister for Foreign Affairs and Civil Aviation, Mr. Filipe Bole visited Wellington
in late November where he held talks with New Zealand’s Minister of Foreign
Affairs, Mr. Russell Marshall, Leader of Opposition, Mr. Jim Bolger and the
Minister of Pacific Island Affairs, Mr. Richard Prebble. As with the talks with
Australia, they were carried out at the request of the Fiji government. Furthermore, as in the Sydney visit, the purpose of this visit was to inform the New
Zealand government ‘that the situation in Fiji was rapidly returning to normal and to
begin dialogue with a view to restoring friendly relation’ and Bole regarded the
meeting as “very successful”.

In February 1988, ‘some civilian aid was restored’. According to Foreign
Minister Marshall ‘the resumption of the non-military aid programme was a way of
acknowledging the return to civilian government in Suva and encouraging further
moves towards democratic rule’. New Zealand’s moderated approach may be
further explained by Foreign Minister Marshall’s comments more than a year after
the coup in which he stated that

some New Zealanders have got this mistaken idea that we can do something.
There’s a kind of…neocolonialist attitude around amongst some elements, including
some people in the press in this country, who sort of want to rattle the sabre and say
‘Why don’t we do something?’

However, he explained that Fiji

---

174 ‘NZ allows envoy to negotiate with govt’. Fiji Times, November 12, 1987. P2
176 ‘Hayden, Bole to hold talks’. Fiji Times, November 6, 1987. P8
178 McCraw, ‘New Zealand, Fiji and Democracy’, 47: 3, 267 — 286
179 McCraw, ‘New Zealand, Fiji and Democracy’, 47: 3, 267 — 286
is a country with a problem which was inflicted upon it by the colonialist masters which they had earlier on which haunts them to this day, and which will stay with them for the foreseeable future. There’s no easy, simple, quick solution. The sooner people in the South Pacific realise that the better.\textsuperscript{181}

There were strong parallels between Australia and New Zealand’s stance towards Fiji. While they both initially condemned the coup and imposed sanctions and trade bans against Fiji, they both moderated their approach over time due to the attitude of non-interference adopted by the island leaders and their own, often conflicting foreign policies. They both resumed non-military aid and high level political contact by early 1988 and the resumption of military assistance after the Honiara Forum in 1992 after Rabuka had been democratically elected as Fiji’s prime minister.

3.5 Response of the countries in the region to Fiji’s coup.

The reaction from the other Forum Island countries was mainly a “hands off” approach. For instance the Papua New Guinea government regarded the coup as an internal issue for the people of Fiji to resolve by themselves. The Fiji Times reported the day after the coup that “in Port Moresby, Papua New Guinea yesterday urged foreign powers not to interfere in events in Fiji”.\textsuperscript{182} According to the PNG Foreign Minister, Mr. Ted Diro, “the political developments in Fiji are a matter for the people of Fiji to resolve themselves” and he appealed to “foreign powers to respect the sovereignty of Fiji”.\textsuperscript{183} This view was repeated by his successor, Michael Somare, a year later who explained that

after the coup I was in close contact with Ratu Sir Kamisese (Mara) and (Ratu Sir Penaia) Ganilau because I know them as friends. I did not want to interfere but I felt that between themselves and the Fijian chiefs and Bavadra they should be able to settle this problem. It’s a Fijian problem and we do not want to be involved. We have to stay out of it. They are capable of sorting their own problem out.\textsuperscript{184}

\textsuperscript{182} ‘Aust, NZ, “disturbed” by army takeover’. \textit{Fiji Times} May 15, 1987, P2
\textsuperscript{183} ‘Aust, NZ, “disturbed” by army takeover’. \textit{Fiji Times} May 15, 1987, P2
Cook Islands Prime Minister, Sir Tom Davis explained that when the media in Auckland asked him what he thought about Fiji’s coup, he had replied that ‘the Fijians would handle the matter themselves’.\(^{185}\) He added that ‘what the Fijians needed from us was understanding and consolation which would have had a calming effect’.\(^{186}\) He claimed that ‘nearly all the Pacific Island States took this view and we sent messages to that effect’.\(^{187}\) When asked more than a year after the coup why Pacific Islands states did not discuss Fiji at the United Nations, Western Samoa’s Prime Minister, Tofilau Eti Alesana replied that ‘no-one from outside can be fully aware of the reasons, the complications and what are involved in the Fiji situation. It is quite clear that the situation in Fiji now is an issue the Fijian people will have to solve themselves’.\(^{188}\) Fry noted, however, that Australian Foreign Affairs Minister, Gareth Evans had criticised Fiji’s constitution at the United Nations in October, 1990.\(^{189}\) Despite these “hands off” responses, Dr. Bavadra clearly sought some intervention.

### 3.6 Ousted Bavadra government’s engagement with the Forum

The ousted Bavadra government made a number of attempts to secure the Forum’s support for the reinstatement of their government. At the 1987 Forum meeting in Apia, there were two members of the ousted government present to lobby the Forum. They were Krishna Dutt and Tupeni Baba.\(^{190}\) Their colleague, Joeli Kalou had gone to see the International Labour Organisation ‘in pursuit of the campaign against the military takeover’.\(^{191}\) Bavadra also sent a representative to the 1988 Forum and sent a message to the Forum Leaders at the 1989 Forum before his death later that year.

At the 1987 Forum Meeting in Apia, Dutt and Baba lobbied members of the Forum including the New Zealand Prime Minister and the Solomon Islands Prime Minister. In addition to requesting the ‘continued recognition of the Bavadra Government by Forum members’ they also requested ‘an international peacekeeping force to come

---

\(^{185}\) *Islands Business*, ‘Book Special: Island Boy’.

\(^{186}\) *Islands Business*, ‘Book Special: Island Boy’.

\(^{187}\) *Islands Business*, ‘Book Special: Island Boy’.

\(^{188}\) ‘Alesana: on Samoan reunion, trouble in New Zealand, French testing, Fiji’s problems’. *Islands Business*, November 1988: p15

\(^{189}\) Fry, ‘Australia’s South Pacific Policy: From ‘Strategic Denial’ to ‘Constructive Commitment’:22


\(^{191}\) ‘Datt, Baba, call for peacekeepers’*Fiji Times*, May 30, 1987:3
in’ arguing that ‘the country has no confidence in the army’ and ‘the police force is in a state of disarray’; thus only a ‘neutral force from outside would perhaps have the confidence of the people to maintain some kind of peace and order’. In a document they circulated to Forum countries, they implored ‘the members of the Forum not to be influenced by old associations with the Mara government and the propaganda put forward to justify the coup’.

In his submission to the South Pacific Forum Leaders Meeting in Tonga in September 1988, which was sent through a representative, Mr. Jone Dakuvula, Dr. Timoci Bavadra stated that ‘we firmly believe that the South Pacific Forum has a duty to play a reasonable and active part in the process of returning Fiji to democratic government’. He added that ‘such involvement in the domestic affairs of a member country is not unprecedented’ citing ‘support for the independence struggle in New Caledonia’ as ‘the best example’. The Forum countries had used their membership at the United Nations to put New Caledonia back on the list of countries yet to be decolonized in the face of French opposition. Furthermore, he claimed that ‘two member states of the Forum, Papua New Guinea and Australia, have in the past assumed an active role in supporting, militarily, the legitimate and democratically–elected government of Fr Walter Lini in Vanuatu’.

Bavadra further asserted that ‘it has been repeatedly stated by a number of Forum governments that the crisis in Fiji is an internal or domestic matter’. While he acknowledged that ‘the events of last year, and the continuing political crisis in Fiji are primarily a concern of its own people’, he asserted that ‘there are elements of the situation which demand the responsible involvement of other international or regional organizations like the Forum, the Commonwealth and the United Nations’. He cited the statement made by the Commonwealth Secretary - General in October 1987 who ‘asserted that a number of issues “particularly those with institutionalized racial implications…reach beyond the country itself. They have produced deep

195 Bain and Baba. ‘Bavadra’:224
disquiet within the Commonwealth and have already been raised in the United Nations”. 196

The intervention sought by the ousted government was not ‘for military intervention by Forum countries’ but for the Forum to ‘take a clear stand against the illegal seizure and retention of power by the military forces in Fiji’. 197 He asserted that ‘the overthrow at gunpoint of a popularly – elected government and the establishment of a military dictatorship have grave implications not only for Fiji but also for the future of the Pacific region’. He urged for the Forum to

call upon the Interim administration to accelerate the process of restoring Fiji to full parliamentary democracy: to restore full human rights including political and trade union rights; and...to withdraw the Internal security decree; call upon the military to withdraw from government and civilian life and that bi-partisan negotiations in the spirit of the Deuba accord be allowed to resume; insist that all elected members of the last parliament, including the deposed Coalition government, be invited to participate in the preparation of the new Constitution; and that there be the widest consultation with the people; call for fair and free elections in Fiji as soon as possible; that the Forum demand that an international or regional team of observers be permitted to oversee and scrutinize the elections; actively support the initiatives of (the) deposed government including those that might be pursued at the United Nations and the Commonwealth, to return the country to constitutional parliamentary democracy 198

However, according to Islands Business, Bavadra’s 11-page letter to the Heads of Government which was given to the Australian Foreign Minister, Gareth Evans by Tongan parliamentarian, Akilisi Pohiva, ‘was received with a washing of hands’ and when asked whether the Forum would get involved, ‘Island leaders smiled uneasily and looked elsewhere’. 199 Furthermore, the Australian Prime Minister had replied to one questioner on this issue stating “You convey the implication that the Forum is a body which shall intervene in the internal domestic and political affairs of member

196 Bain and Baba. ‘Bavadra’: 225
197 Bain and Baba. ‘Bavadra’: 225
198 Bain and Baba, ‘Bavadra’: 227-228
199 ‘Bavadra’s man gets the message across’. Islands Business, October 1988. p19
countries – then you are talking about a body which the Forum ain’t’. The Australian Prime Minister’s comment suggests a change in his previous stance. While he had pushed for Forum delegation to engage with Fiji at the Apia Forum in late May the previous year, it seems that he has moderated his stance. This may have been due in part to the influence of the other island leaders in the Forum who preferred non-interference in Fiji’s affairs or perhaps as Bavadra’s representative, Dakuvula claimed, an attempt not to offend Mara who was present at the Forum meeting. Another explanation for this change could have been the change in Australia’s South Pacific policy at this time.

Within Australia, there were two conflicting schools of thought trying to influence foreign policy particularly that towards Fiji after the 1987 coup. On one side were the “realists” who advocated a change in approach from Australia’s initial stance. Their main concern was ‘that a continuation of the Fiji policy would be at the cost of Australia’s central objectives in the region and hamper its ability to have a leading influence on regional affairs’. On the other side were the “liberals” whose main argument was ‘that Australia could not support institutionalised state racism in its own region while taking a leading role in the opposition to apartheid in South Africa and on human rights issues elsewhere in the world’. Liberals are those who subscribe to the ‘paradigm predicated on the hope that the application of reason and universal ethics to internal relations can lead to a more orderly, just, and cooperative world’. This view ‘assumes that anarchy and war can be policed by institutional reforms that empower international organization and law’. This perspective gives more responsibility to regional organisations like the Forum to play a ‘policing’ role; a role which some critics have questioned the Forum with particularly in post 2006 Fiji coup. However, due to the attitude shown by the other Forum Island leaders at the 1987 Forum in Apia who felt that the best solution was not to interfere in Fiji’s

---

200 ‘Bavadra’s man gets the message across’. Islands Business: 19
201 ‘Bavadra’s man gets the message across’. Islands Business, October 1988, :19
202 Fry, ‘Australia’s South Pacific Policy: From ‘Strategic Denial’ to ‘Constructive Commitment’.22
203 Fry, ‘Australia’s South Pacific Policy: From ‘Strategic Denial’ to ‘Constructive Commitment’. 21-22
204 Fry, ‘Australia’s South Pacific Policy: From ‘Strategic Denial’ to ‘Constructive Commitment’. 21-22
situation, the effect of this on Australian policy was that there ‘was a gradual shift’ to the “realist” position’ although ‘the “liberal” position remained an important force until the end of the decade’. 207

Fry explained that ‘the “realist” position was expressed in the rejection of the call for sanctions, in the effort to stop trade union bans on goods from Fiji, in the reestablishment, and increase, of economic assistance, in the decision to recognize states rather than governments, thus allowing continued diplomatic links with Fiji, and in the increasing emphasis on “constitutional government” rather than “democracy” as a realistic objective for Australian policy’. 208 However, he contended that ‘the ambivalence evident in Australia’s earlier Fiji policy still remained’ as illustrated by Senator Evans’ criticism of Fiji’s constitution at the United Nations in October 1990. 209 He described ‘it as building “new and far-reaching racially discriminating principles into the Fijian political system”. He later described it as “racially based and racially biased”. 210

Fry’s explanation helps to understand not only the way security was conceptualized then in the region but also Australia’s initial stance and its moderated approach over time towards Fiji’s political situation then. It also helps to explain the change that took place in 1988 with the restoration of Australian aid to Fiji. It enables a better understanding of the underlying factors behind Australia’s policy towards Fiji at that time. Furthermore, in retrospect, Australia’s South Pacific policy at this time provides clear parallels for comparison with the Biketawa Declaration of 2000 which formed the basis of the Regional Assistance Mission to the Solomon Islands in 2003. This view was expressed by Firth who explained that

the idea of Australian military intervention in the South Pacific is not new. The former Labor government’s policy of constructive commitment to the region, enunciated by Foreign Affairs minister Gareth Evans in the late 1980’s, included the

207 Fry, ‘Australia’s South Pacific Policy: From ‘Strategic Denial’ to ‘Constructive Commitment’:22
208 Fry, ‘Australia’s South Pacific Policy: From ‘Strategic Denial’ to ‘Constructive Commitment’:22
209 Fry, ‘Australia’s South Pacific Policy: From ‘Strategic Denial’ to ‘Constructive Commitment’:22
210 Fry, ‘Australia’s South Pacific Policy: From ‘Strategic Denial’ to ‘Constructive Commitment’:22
possibility of sending Australian armed forces to South Pacific countries in crisis situations of the kind occurring at the time in Fiji, Bougainville and Vanuatu.  

Firth quoted Evans as having had said that Australians ‘should not be embarrassed about using the military capability we possess, with prudence and sensitivity, to advance both Australia’s and the common security of the region’. Furthermore, Evans announced that ‘Australia would intervene militarily in the South Pacific “in unusual and extreme circumstances”. Thus, Firth concluded that ‘RAMSI has policy forebears dating from an earlier period of regional political instability’.

In light of the policy changes in Australia which took place during the latter end of the 1980s decade, it raises questions as to what extent was the main content of the Biketawa Declaration and the ensuing “democratic intervention” later carried out under it simply an extension of Australia’s South Pacific policy with regional imprimatur as Firth had labeled it. This seems to lend some strong credibility to claims which will be discussed in more details in Chapter 4 regarding Australia and New Zealand’s role in the formulation of the Biketawa Declaration and the interventions which were later carried out under it.

According to the *Pacific News Bulletin*, at the 1988 Nuku’alofa Forum, there were still ‘differences … on the question of Fiji’. While New Zealand Deputy Prime Minister, Geoffrey Palmer, called ‘for major improvements to the draft constitution released a week earlier’, Australia ‘avoided any direct criticism of the draft constitution’. According to Australian Prime Minister, Hawke, ‘Australia would not be putting any overt pressure on Suva to make changes to the document’ although Hawke had ‘reported to the Australian Parliament on 29 September that he had told Ratu Mara about his concern over the internal security decree and urged the development of constitutional arrangements which protected the interests of all the

---

212 Firth. ‘A New Era in Security’:95
213 Firth. ‘A New Era in Security’:95
214 Firth. ‘A New Era in Security’:95
people of Fiji’. Palmer, in his meeting with Mara, expressed reservations about the inclusion of military elements in future Fijian governments.

Bavadra’s representative, Dakuvula, faced many obstacles in trying to gain access to the Forum leaders and government officials. He was ‘barred from entering the National Centre where the Forum met, the International Dateline Hotel, where government heads were accommodated, and hotels in which Forum officials were staying’. Initially, he was not able to meet the Australian and New Zealand delegation as they demanded a letter of introduction from Bavadra, however, they later agreed to meet him after he was able to present such a letter. Dakuvula claimed that

Fiji is not on the agenda because of the presence of Ratu Mara. Everyone is asking why the South Pacific Forum has not put Fiji on the formal agenda. The presence of a military regime in the South Pacific is not going to disappear just because the Forum wants to avoid offending Ratu Mara, who represents an illegitimate government.

According to McCraw, the ‘Fijian Prime Minister Mara attended the September 1988 South Pacific Forum and successfully insisted, with the help of the other Melanesian members as well as Tonga, that internal developments in Fiji not be discussed’. Mara’s presence at the Nukualofa Forum may also be interpreted as some form of recognition by the Forum countries of Fiji’s new regime. It also lends some credibility to Dakuvula’s claims as expressed above that Ratu Mara’s presence prevented the issue of Fiji from being included in the formal agenda. Bavadra also expressed disappointment with the non-inclusion of Fiji’s issue on the 1988 Communique.

In what became his final submission to the Heads of Government at the South Pacific Forum Meeting in Kiribati in 1989, Dr. Bavadra stated that while he ‘would not be

---

219 ‘Bavadra’s man gets the message across’. Islands Business, October 1988:20
220 ‘Bavadra’s man gets the message across’. Islands Business, October 1988:20
221 McCraw, ‘New Zealand, Fiji and Democracy’, 47:
present or represented at the Forum’ meeting, he did not ‘want it thought that the Fiji issue…is dead’. He claimed ‘that it is in the Forum’s own interest not to lose sight of the Fiji issue’ as ‘it is not one that will go away’. He added that ‘given the present collision course between Fiji’s people and its present rulers, it is one the Forum will again have to face squarely in the near future’. He asserted that in the two years since his government was ousted by the military coup, ‘circumstances have combined in such a way that the Forum has not…properly addressed the Fiji situation’. He acknowledged that ‘our side has been partly to blame’ as ‘we have tended to devote scarce resources to domestic demands and Forum island countries…have their own concerns’. Furthermore, he claimed that certain elements within the (interim) government are now orchestrating moves to extend its term for a further three years without elections…the promise of a democratic voice to the people of Fiji within two years…now…shown to have been demonstrably false

Bavadra’s pleas to the Forum seemed to have fallen on deaf ears then, as there was no direct action taken by the Forum. The action that Bavadra was pleading for did not eventuate until the creation of the Biketawa Declaration more than thirteen years after Fiji’s first coup, on October 2000.

Bavadra claimed that Rabuka ‘openly consorts with activists from other regional nations, some of whom have displayed contempt for democratic values and institutions’. In addition, he stated that while ‘the Forum has already been warned of the dangers of Forum island countries being diverted from their common resolve to address regional issues by accepting donations of aid from countries who do not have the region’s best interests at heart’ he warned that ‘a nation which does not respond to or consult with its people is immune to moral concepts of right and wrong’ and that ‘military and other aid will buy its silence’. He was probably referring here to French aid, which came to Fiji’s rescue after the withdrawal of Australian, and New Zealand aid.

---

223 Atu Bain and Tupeni Baba, ‘Bavadra’: 283
He concluded that he did not believe that Fiji’s 1987 military coup would be the last in the region and that ‘the Forum must address the general issue of constitutional changes of government’ claiming that the questions of what will be its stance, what it will tolerate and how it will act are no longer ‘academic questions’ that the Forum must ask itself and that ‘the Forum cannot run away from the problem’. He asserted that ‘the present path on which the people of Fiji and their present rulers are headed is a collision course’ and ‘for people in Fiji and the wide world to ignore this fact is only to make them accomplices to the likely tragic consequences of a greater political crisis in future’.  

According to the Islands Business, prior to the 1989 Forum Meeting, which was held on the 10 to the 11 of July in Tarawa, Dr. Bavadra had had a meeting in Auckland with Vanuatu’s foreign minister, Donald Kalpokas and the Vanuatuans ‘had agreed to informally circulate a message he wanted delivered to Forum delegations’. However, the Islands Business claimed that ‘the message did not appear in Tarawa as the Vanuatuans were being ’button-holed by the Fiji delegation’ and ‘gave an assurance that rumours that they might raise the Fiji political situation at the Forum were untrue. At the 1989 Forum, the Finance Minister, Josefata Kamikamica, led the Fiji delegation. Ratu Mara did not attend the Forum as he was attending a meeting of the ACP group of nations in Brussels, Belgium. His son, Ratu Finau Mara, a government lawyer, was part of the Fiji delegation as chief assistant secretary for regional trade and aid. The Islands Business further claimed that ‘a week later (after the Forum meeting), at the Fiji Labour Party annual meeting, Bavadra complained that it was worrying that some Forum countries regarded Fiji’s political problems as an internal matter’ and that the Forum ‘should set basic minimum standards beyond which morality and pragmatism would demand that they act responsibly’. Dr. Bavadra died on November 3, 1989 of what was believed to

224 Atu Bain and Tupeni Baba. ‘Bavadra’: 285  
225 ‘Forum opens fire in the second Battle of Tarawa’. Islands Business, August 1989. vol 15, no.7. p20  
226 ‘Forum opens fire in the second Battle of Tarawa’:20  
227 ‘Forum opens fire in the second Battle of Tarawa’:18  
228 ‘Forum opens fire in the second Battle of Tarawa’:14  
229 ‘Forum opens fire in the second Battle of Tarawa’:14,20  
230 ‘Forum opens fire in the second Battle of Tarawa’:20-21
be stress-related bone cancer, which he had suffered from nine months prior to his death.  

3.7 Factors influencing the Forum’s response to the 1987 coup

The role of the Forum in intervening in Fiji’s crisis was minimal compared to that played by Australia and New Zealand in their bilateral relations with Fiji. However, it is important to note that while Australia and New Zealand had started off with a very strong stance against Fiji, they later moderated their approach. While at first glance, it may be concluded that the Forum’s involvement was hindered by the Governor-General’s refusal to accept a Forum delegation to Fiji, there are also a number of underlying factors both within the Forum itself and externally which may help explain why the Forum was not actively engaged with Fiji after the 1987 coup. It is significant, though, that Bavadra saw the Forum as an important mediator and vested the Forum with an importance it would later assume, but up till then it did not have.

One of the major internal factors, which may have determined the Forum’s response to the 1987 coup, was the Forum leaders’ perception of the coup as a racial issue and an internal issue that needed to be dealt with by the people of Fiji itself.  

This factor is also linked to the issue of respect for each other’s sovereignty. These issues were not only highlighted by journalists and academics but were admitted by the island leaders themselves. Writers such as Robertson and Tamanisau asserted that ‘Pacific island leaders interpreted the coup only as a racial conflict’. Shibuya claimed that ‘there is a strong reluctance in the Forum to deal with matters internal to another country. While there are no official limitations or pledges of “noninterference”, the Forum has generally respected the internal sovereignty of its members’. But, he asserted that ‘this situation has not gone without criticism from

---

231 Adi Kuini takes up the fight’. *Islands Business*, December 1989. vol 15, no.11. p16
233 Robertson and Tamanisau. *Fiji Shattered Coups*. p89

50
within the Forum itself’. 235 He quoted former New Zealand Prime Minister David Lange as commenting that, “in no circumstances will anything be discussed, no matter how important, which involves the internal affairs of a member. We met in Apia in 1987, shortly after the Fiji coup and pretended it hadn’t happened”. 236 Shibuya further claimed that

the 1987 coups in Fiji were not the only instance of the Forum avoiding an internal matter of one of its members. Papua New Guinea (PNG) had been dealing with a secessionist movement in the province of Bougainville that had escalated into a full-scale civil war in 1989. Despite the loss of life and evidence of human rights abuses on the part of the Bougainville Revolutionary Army and the PNG Defense Force, the Forum made no comment on Bougainville until 1997, and the reference then was to peace talks being put in place. 237

Furthermore, there was also ambivalence on the part of Australia and New Zealand towards Fiji.

While the 1987 Forum Communique mentioned Fiji and the Forum’s collective stand, an examination of the 1988 and 1989 Forum Communique provides some justification to the claims made by Shibuya in that there was no mention of Fiji’s political situation at all in these two communiques. For instance, the Forum Communique of 1988 mentioned only New Caledonia and security issues such as terrorism, hijacking and the illegal trade in arms. Similarly, in the 1989 Communique, under the heading of ‘Political, Security issues and Environmental issues’, the four items mentioned were the decolonisation of New Caledonia, climate changes and sea level rise, the South Pacific Nuclear Free Zone Treaty and the South Pacific Regional Environment Programme. Again, there was no mention of Fiji’s political situation. This was despite the fact that, as described earlier, Fiji’s ousted Prime Minister Timoci Bavadra had sent representatives to the Forum meetings during those two years.

235 Shibuya. ‘The Problems and Potential of the Pacific Islands Forum’: 111
236 Shibuya. ‘The Problems and Potential of the Pacific Islands Fourm’: 111
237 Shibuya. ‘The Problems and Potential of the Pacific Islands Forum’: 112
The island countries’ attitude of non-interference in Fiji’s affairs was also interpreted as support for the Fijian cause. This view was expressed by Lal who claimed that ‘among the regional countries of the South Pacific itself, there was much emotional sympathy for the indigenous Fijians’. 238 This view, he claimed, was reflected in such statements as those made by Sir Tom Davis, Premier of the Cook Islands and the Forum spokesman who had told reporters “No real blooded ethnic Fijian could let a bunch of Indians run the country. What would you do? Take that lying down? I’m glad they didn’t”. 239 While this view may be considered a little presumptuous given that the island countries had clearly expressed their disagreement with the illegal removal of an elected government, there may be some substance to Lal’s claim in view of coup leader, Sitiveni Rabuka’s claim that he ‘received unofficial expressions of support from other Pacific Island governments for his role as instigator of the May coup’. 240 However, he refrained from naming these countries stating that it would be “undiplomatic because of the situation in which we are (in) now”. 241 Somare’s view, expressed a year after the coup, also lends some credibility to Lal’s claim in which he explained that

the problem (Fiji’s coup) is not caused by Fijians. The problem is that they have a multiracial community and sometimes one has to feel that way about Melanesian or Polynesian groups being the minority in their own country. There is a racial group, ethnic group, in Fiji who were not there because of their own making but because of other people’s making. They happen to be in an island community and they are ahead of the Melanesian Fijians. It’s hard if something like that happened in your own community. 242

The second internal factor, closely related to that explained earlier, was the division amongst the Forum leaders themselves as to what stand the Forum should take. While the island countries seemed to consider Fiji’s crisis an internal matter, Australia and New Zealand initially felt that the Forum needed to play a more active role in resolving Fiji’s political crisis. Keith-Reid described the 1987 pre-Forum

238 Lal. Power and Prejudice:108
239 Lal. Power and Prejudice :108
241 Moala. ‘Regional Support’: 6
mood concerning Fiji as ‘a strange and confusing one’. He explained that ‘while Australia and New Zealand have been strident in their condemnation of what has happened in Fiji and have been threatening various forms of economic punishment’; this attitude has caused ‘some resentment among island governments’. He claimed that a lot of island governments, while arguing that the coup was wrong, were of the view that ‘it is for Fiji Islanders to sort out their crisis and that the Forum, Australia, New Zealand and everybody else should not stick their noses into the matter unless asked’. This view was echoed by Papua New Guinea Prime Minister, Paias Wingti, who explained that he was personally opposed to Mr. Hawke’s idea of sending a Forum delegation to Fiji. He added that he felt ‘it is an internal matter for Fiji’ and that taking this form of action amounts to ‘patronising the smaller states in the Pacific area’. Furthermore, Mr. Wingti stated that ‘he felt Australia and New Zealand had overreacted with their initial response to the Fiji coup’. Wingti’s views may have been a reflection of island leaders’ resentment of neo-colonialism by the two metropolitan powers in the region. Furthermore, the tension within the Forum as reflected in the different stance taken by Australia and New Zealand towards Fiji and that of the other Forum island countries pointed to a deeper issue that had been brought to the surface by Fiji’s coup. The issue became one of whose Forum it was rather than the issue of Fiji’s coup and the stance that the Forum must make collectively.

Another internal factor may have been the personal friendship of many of the Forum leaders with Ratu Mara. Lal claimed that since Ratu Mara ‘was in the coup cabinet and thus seen to be supporting Rabuka’ the Forum leaders refrained ‘from taking a harder line’. This view was also expressed by Bavadra’s representative at the 1988 Forum who claimed that the reason why Fiji was not put on the formal agenda in 1988 was because of the presence of Mara.

---

249 Lal. Power and Prejudice:110
Externally, a major factor, which may have influenced the Forum’s response, is the way in which security was interpreted at that time from a Cold War perspective. Instead of Fiji’s internal crisis being seen in its own light, it was interpreted from an East/West security perspective. While this was probably how the metropolitan powers in the region viewed the Fiji crisis (particularly given the pro-western policies of the previous Mara government as compared to the more non-aligned and anti-nuclear policies of the ousted Bavadra government), it was not the way that the island countries perceived it. They saw it for what it was; as a fellow member country undergoing a political crisis and which needed their understanding without interference. For the two metropoles, however, they would view it from the perspective of what implications it would have for the western powers vis a vis the eastern bloc. This probably explained Australia and New Zealand’s initial stance which they later moderated in view of the Forum leaders’ stance of non-interference and their own moderated South Pacific policies.

3.8 Conclusion

In 1987 Fiji’s coups did not elicit active engagement by the Forum. However, these events may have highlighted the need for the Forum to make some important changes especially in how it handled its members’ internal crises. Initially, Australia and New Zealand had pushed for more active engagement at the Forum; however, their efforts were thwarted by the attitude taken by the other island countries towards Fiji. The issue of sovereignty was one that was of primary importance for the island countries in the Forum at that time especially when it came to the domestic crises of member countries. They did not feel that it was right to interfere in Fiji’s domestic crisis. This attitude, to a great extent, influenced the stand taken by the Forum towards Fiji’s coup. Furthermore, Fiji’s Governor-General’s refusal of the Forum’s offer of a delegation also gave the message that Fiji did not want outside interference in what it considered its internal affairs. Although Australia and New Zealand did not get the active involvement they initially wanted from the Forum, they took bilateral action by suspending aid and defence cooperation and imposing trade embargoes which was meant to communicate the message to Fiji to return to democratic rule. However, they later lifted these trade bans and sanctions and this may have reflected, to a large extent, the influence that the other Forum island
countries had on the two metropolitan powers. Their moderated stance also reflected their own evolving and at times contradictory policies and priorities. Significantly, deposed Prime Minister Bavadra did push for a strong and active role by the Forum. He saw the need for the Forum to take a strong stand- seeing the political crisis in Fiji as one that would return to haunt the region; a view which was prophetically fulfilled in the 2000 and 2006 coups in Fiji.
Chapter 4: The Forum’s Response to the political crisis in 2000

4.1 Introduction

Fiji’s third coup took place on May 19, 2000; exactly thirteen years five days after its first coup on May 14, 1987. Although the Forum had not played a direct role in resolving the Fiji crisis in 1987, the coup in Fiji led to the creation of the Forum Regional Security Committee (FRSC) which was then known as the Committee on Regional Security Information Exchange (CRSIE) before its name was changed in 1990. The next internal crisis to take place in a Forum member country was the Bougainville crisis in Papua New Guinea which took place over a decade from 1988 to 1998. Again, while an offer was made by the Forum to send a mission to Bougainville, this offer was turned down by the PNG government who ‘took the view that Bougainville was an internal matter and that for the Forum to send a mission would be to give the Bougainville Revolutionary Army the recognition it sought’. The response of the Forum then was to create the Honiara Declaration in 1992. It ‘was a response by the region’s leaders to the potential impact of transnational crime’. Its main goal was ‘the “need for a more comprehensive, integrated and collaborative approach to counter” the threats and impact of transnational crime’. Thus, while there was no direct intervention by the Forum, these two crises led to the development of the Forum security architecture.

The Forum’s response to the Fiji coup of 2000 reflected more engagement than that after the 1987 coup and the decade long Bougainville crisis from 1988 to 1998, albeit indirectly. While it once again brought to the surface old tensions which had arisen after the 1987 coups between the two metropolitan powers in the region and the island countries in the Forum over what stance to take on Fiji, the Forum’s response also saw significant changes being made with regards to how the Forum would deal

---

252 Urwin. ‘Preventing Conflict: 15
with future internal crises in the region. Most notable of these changes was the adoption of the Biketawa Declaration in October 2000 at the Forum meeting of that year. As in the 1987 coup, apart from trying to influence the Forum’s role in Fiji, Australia and New Zealand individually sought to restore Fiji to democracy through bilateral means. In addition to the Forum, other international organizations like the Commonwealth, EU-ACP (European Union-African Carribean Pacific) group of countries and the United Nations also played an active role in seeking to restore Fiji to democracy. This chapter will focus primarily on the response of the Forum to the 2000 coup in Fiji and analyse the factors that shaped the Forum’s response to Fiji’s crisis.

4.2 Background to the coup

The 2000 coup was a “civilian coup” which overthrew the first government to be led by an Indo-Fijian prime minister, Mahendra Chaudhry. Chaudhry’s Labour Party, in coalition with the Fijian Association Party, had formed the government after the May 1999 elections. This election, the first to be held under the 1997 constitution, also saw the defeat of Rabuka’s ruling Soqosoqo ni Vakavulewa ni Taukei (SVT) party and consequently his loss of power. Ironically, the 1997 constitution that Rabuka had helped to create with National Federation Party leader, Jai Ram Reddy, was the same constitution that facilitated his downfall from Fiji’s political leadership. While Chaudhry’s year long government from 1999 to 2000 lasted longer than Bavadra’s one month old government in 1987, Chaudhry’s government was nevertheless ousted by a coup instigated by ethnonationalist Fijian forces.

The May 19, 2000 takeover was the result of a combination of factors which fuelled strong ethnonationalist feelings amongst the indigenous population. These included the two Fijian political parties, the Soqosoqo ni Vakavulewa ni Taukei (SVT) and the Fijian Association Party’s termination of their coalition with their Indian political

256 Ratuva. ‘The Paradox of Multiculturalism’:208
parties coalition partners in early February and April, 2000 respectively\textsuperscript{257}, the revival of the Taukei Movement (a movement which had been behind nationalist opposition to, and destabilization of, the then Labor Coalition government back in 1987) \textsuperscript{258}. A number of policies proposed by the government caused further contention. \textsuperscript{259} These included the Constitutional Amendment Bill which Fijian critics claimed ‘would dilute the power of the Senate and by implication that of the Great Council of Chiefs, as well as weaken other Fijian institutions’;\textsuperscript{260} the Social Justice and Affirmative Action Bill which proposed to open up to other races assistance programs that were previously limited to indigenous Fijians and Rotumans\textsuperscript{261} and the government’s land policy.\textsuperscript{262} Prime Minister Chaudhary’s determination ‘to retain the Agriculture Landlord and Tenant Act (ALTA)’ was interpreted by his critics as ‘a bias toward the interests of Indo-Fijian farmers’.\textsuperscript{263} One of the government’s key proposals was the setting up of a Land Use Commission to ‘deal with the problem of unused land’.\textsuperscript{264} Critics described the proposal as an attempt to impose state control over land use, thus denying landowners their rightful ownership. Land issues gained even greater prominence due to the potentially huge returns that would be realized from the country’s vast mahogany plantations amidst fears that landowners would not reap the full benefits from the harvest of their mahogany plants.

The events leading up to the coup began with a series of antigovernment marches which took place in Lautoka, and Suva in April, 2000 which called for ‘the removal of the “anti-Fijian” government and for its replacement by an indigenous-based government’ and ‘for the 1997 constitution to be replaced by the 1990 constitution’.\textsuperscript{265} On Friday 19 May, 2000 which marked the first anniversary of the People’s Coalition Government, at about 10:30 am, a small group of armed men, wearing civilian clothes burst into the parliamentary chamber, handcuffing government

\textsuperscript{258} Tarte. ‘Fiji’:529
\textsuperscript{259} Ibid, 2001:530
\textsuperscript{260} Tarte, 2001:530
\textsuperscript{261} Ibid, 2001:530
\textsuperscript{262} Ibid, 2001:530
\textsuperscript{263} Ibid, 2001:530
\textsuperscript{264} Ibid, 2001:531
\textsuperscript{265} Ibid, 2001:531
members and taking them prisoner. This took place while another anti-government march was taking place in downtown Suva. Rioting, looting and arson took place later in Suva as word of the coup got out. The spokesman for the coup revealed himself as George Speight, the former head of Fiji Hardwoods (a company formed in 1997 to manage the mahogany plantations) who had been sacked by Agriculture Minister, Poseci Bune soon after the 1999 elections.

Fiji’s coup set in motion a number of related events, which caused further turmoil throughout the country for the rest of the year. This began with the captivity of the government hostages in parliament which lasted 56 days. The hostages were released after the military and Speight’s group reached an agreement (the Muanikau Accord) on July 9 and the hostages were released four days later on July 13. The military had stepped in on May 29 to try to resolve the hostage-taking situation after the Great Council of Chiefs failed to come up with a concrete solution. Army commander, Voreqe Bainimarama, then declared martial law and purported to abrogate the 1997 constitution\textsuperscript{266}, a decision which was later challenged in court. Bainimarama then set up an interim government firstly on July 4 which was replaced by another one on 28 July, 2000. Both governments were led by Laisenia Qarase, a former banker and senator in the ousted government.

On the night prior to the swearing in of the second interim government on July 27, Speight and some of his advisers were arrested at an army checkpoint.\textsuperscript{267} Other Speight supporters had also been arrested elsewhere on that same day.\textsuperscript{268} The army asserted that since Speight’s group had not fulfilled a part of the Muanikau Accord (the return of all weapons); immunity therefore did not apply to them.\textsuperscript{269} While this drama was unfolding, other events were taking place around the country such as the terrorising of Indo-Fijian communities in the rural areas which led to many of them becoming political refugees. Furthermore, there were incidences of indigenous Fijians taking over police stations, erecting roadblocks at various places, taking over the Monasavu Hydro Dam and other such activities which further contributed to the

\textsuperscript{266} Tarte, 2001:534
\textsuperscript{267} Ibid, 2001:536
\textsuperscript{268} Ibid, 2001:536
\textsuperscript{269} Ibid, 2001:536
turmoil. These events climaxed with the mutiny attempt by ‘rebel’ soldiers later in
the year.

The mutiny, which began at midday on November 2, was carried out by a group of
soldiers who had been involved in the coup but had been released in mid-October
and accepted back into the military to work under close supervision.\(^{270}\) However,
these soldiers ‘allegedly joined forces with other members of the First Meridian
Squadron (more often referred to as the Counter Revolutionary Warfare unit) in an
attempt to overthrow the military commander’\(^{271}\). The aim of the mutiny was ‘to
replace the Qarase administration with one more sympathetic to, if not including, the
Speight group’ and motives underlying it included; ‘to thwart investigations into the
events of 19 May, to avenge the perceived mistreatment of CRW soldiers and
civilians by the army after the storming of the Kalabu village school, and to stop the
rumoured disbanding of the CRW unit’.\(^{272}\) However it failed to achieve its main
objective when army commander, Frank Bainimarama fled to safety. While the rebel
soldiers managed to take control of the armory, the national command centre and the
officers’ mess during the attempted mutiny, ‘loyal’ soldiers combined with the navy
managed to regain control in the evening.\(^{273}\) The total deaths came to eight soldiers
(three ‘loyalists’ and five ‘rebels’). This event took place just after the conclusion of
the Tarawa Forum which had taken place from the twenty seventh to the thirtieth of
October, 2000.

4.3 Immediate response of the Forum to the 2000 coup

In response to Fiji’s coup, the Forum did not engage with Fiji immediately but it
activated various regional security mechanisms to try to resolve the crisis. The
Forum’s role was a more reactive rather than a pro-active one. Furthermore, by then
the Solomon Islands coup had also taken place in June. These actions included a
meeting of the Forum Regional Security Committee (FRSC) in Vanuatu in July and
the Forum Foreign Affairs Ministers Meeting (FFAMM) in Apia in August. The

\(^{270}\) Ibid, 2001:539
\(^{271}\) Tarte,2001:539
\(^{272}\) Ibid, 2001:539
\(^{273}\) Ibid, 2001:539
result of these two meetings was the Biketawa Declaration which was endorsed by the Forum Leaders at the Forum meeting in Tarawa in October that year.

At the FRSC meeting in Port Vila in July options for regional action were recommended. These recommendations included:

a mechanism to strengthen the role of the Secretary General of the South Pacific Forum Secretariat, in times of crisis, to develop a regional response that is in the best interest of Forum members and the region. These could include the use of eminent persons, fact finding missions, third party mediation and the appropriate convening of a high level Forum Regional Security Committee meeting, or an ad hoc Ministerial meeting of members.

These recommendations were then further developed by the region’s Foreign Ministers in Apia in August before being presented to the Forum Leaders at Tarawa in October later that year. Prior to the Port Vila meeting, by which time the Solomon Islands coup had also taken place in June, the Forum’s Secretary-General, Mr.Noel Levi, ‘remarked that there was “no easy answer” to the difficulties in the two countries’ (Fiji and Solomons) and that ‘since the security of the region was under “severe pressure” the “expectations from around the region of the (security) committee (were) never higher”.’

A Forum Foreign Affairs Ministers Meeting (FFAMM) was held in Apia from August 10-11 in response to ‘approaches from members for an opportunity to discuss developments in the region’s security environment relating to the Fiji and Solomon Islands crises’. According to McCraw, this meeting was the initiative of New Zealand Foreign Affairs Minister, Phil Goff, ‘in conjunction with Samoa’. Forum Foreign Affairs Ministers recommended ‘that existing regional arrangements be augmented to allow the Forum to respond to members’ request for help in times of

---

crisis’. At this meeting, Fiji’s interim Foreign Affairs Minister, Kaliopate Tavola, was “faced with a barrage of interrogations” by his New Zealand counterpart, Phil Goff. According to Tavola, “my vivid impression of that meeting was the no-nonsense approach by New Zealand's Minister Phil Goff to our situation and the calm and conciliatory approach, almost philosophical, by the Honourable Langi Kavaliku of Tonga”. For his part, Goff described the atmosphere at Apia as “particularly tense”. He explained that when I spoke on Fiji, as a relatively new and young minister in a usually enthusiastic way, I stopped speaking and there was silence for a minute and a half. And a minute and a half in those circumstances is a bloody long period of time. I realised that perhaps I might not have done it in totally the Pacific way.

The end result of these deliberations (FRSC meeting and FFAMM) was the Biketawa Declaration which was adopted at the 31 Forum Meeting at Tarawa in late October. Greg Urwin explained that the Apia meeting was the first time for the mechanism of the FFAMM to be employed. He added that the Forum ‘did not propose immediate … action (then) because the Commonwealth and the African Caribbean Pacific Group were already engaging with both Fiji and the Solomon Islands’. This suggests that the Forum probably viewed these organizations as complementary to itself in the sense that they also played a vital role in preventive diplomacy in the region.

4.4 The Role of the Commonwealth and the African Caribbean Pacific (ACP) Group in Fiji after the 2000 coup

According to former Permanent Secretary for Foreign Affairs in Fiji and former diplomat, Mr. Emitai Boladuadua, the reason for the Commonwealth engagement in

---

280 Regional Spokesperson. Personal Interview. 9th October, 2009.
281 Samisoni Pareti. ‘Kaliopate Tavola: Fiji’s top diplomat calls it a day’. Islands Business (date??). http://www.islandsbusiness.com/fiji_business/index_dynamic/containerNameToReplace=MiddleMiddle/focusModuleID=5596/overrideSkinName=issueArticle-full.tpl. Extracted on 24/10/09
283 Young. ‘Sense of Family values’.
284 Urwin, ‘Preventing Conflict’: 13
the region was because it had the mechanism to deal with the crises in the form of the Harare Declaration, which was signed in 1991 in Zimbabwe. Boladuadua explained that ‘prior to that (Harare), the Commonwealth had a benign treatment of usurpers of governments and they treated military leaders kindly’. It was not until the formulation of the Millbrook Action Programme on the Harare Declaration in 1995 that the Commonwealth began to take a hard line on usurpers of government and military leaders.

Similarly, the European Union (EU)-ACP had the Cotonou Agreement which was signed in Cotonou, Benin on 23 June 2000 but had become effective on 1 March, 2000. The purpose of this agreement was to ‘promote and expedite the economic, social and cultural development of the African, Caribbean and Pacific (ACP) States, contribute to peace and security and promote a stable and democratic political environment’. Ironically, this agreement was supposed to have been signed in Suva on June 8 and called the Suva Agreement but due to the coup in May, the venue was shifted to Cotonou. Prior to Cotonou, it had been the Lome Convention which had governed EU – ACP relations in the 25 years preceding the Cotonou Agreement. Thus it was the Millbrook Agreement on the Harare Declaration of 1995 and the Cotonou Agreement of 2000, which formed the basis for the two organizations’ involvement in Fiji after the 2000 coup. Perhaps they also influenced the formation of the Biketawa Declaration to a certain extent.

Fry and Kabutaulaka labeled the Biketawa Declaration as ‘a Pacific version of the Harare Declaration’. The Millbrook Agreement on the Harare Declaration under the subheading ‘Measures in Response to Violations of the Harare Principles’ and

---

289 Greg Fry and Tarcisius Tara Kabutaulaka. ‘Political legitimacy and state-building intervention in the Pacific’. P2
290 Millbrook Commonwealth Action Programme on the Harare Declaration 1995
the Cotonou Agreement under article 96\textsuperscript{291} are similar to the Biketawa Declaration in that they both lay out the steps to be taken when a government has been undemocratically overthrown. With regards to suspension, the Millbrook Agreement outlines the ‘suspension of participation at all Commonwealth meetings and of Commonwealth technical assistance if acceptable progress is not recorded by the government concerned after a period of two years’, whereas article 96 considers suspension as a ‘measure of last resort’.\textsuperscript{292}

The first engagement by the Commonwealth and the United Nations with Fiji after the 2000 coup was a collective one day joint visit by the Commonwealth Secretary-General, Don McKinnon and the Personal Envoy of the UN Secretary-General, Sergio Vieira de Mello on 24 May, 2000.\textsuperscript{293} During this time, de Mello was the UN Special administrator in East Timor while McKinnon was in Honiara for a meeting of the Commonwealth Youth Ministers. They met with the President Ratu Sir Kamisese Mara, Minister of Labour, Mr. Momoedonu and leaders of the Fiji Labour Party, which included Senators Jokapeci Koroi and Atu Emberson-Bain.\textsuperscript{294} They also met the heads of government departments and the diplomatic corps and visited the Prime Minister Mahendra Chaudhry and other hostages and spoke with George Speight and his associates.\textsuperscript{295} Their main concerns were ‘the unconditional release of all hostages and strict adherence to democratic and constitutional principles and practices in the process of resolving the ongoing crisis’.\textsuperscript{296} They also ‘emphasised the need for Fiji to remain an example of democracy and rule of law in the South

\textsuperscript{291}Cotonou Agreement.  
\textsuperscript{292}Fact Sheet No. 11: The ACP- EU Partnership Agreement and Human Rights Protection.  
\textsuperscript{294}‘Joint Press Statement by Commonwealth Secretary-General the Rt Hon Don McKinnon and the Personal Envoy of the UN Secretary-General, Sergio Vieira de Mello, on the Fiji hostage crisis’.  
\textsuperscript{295}‘Joint Press Statement by Commonwealth Secretary-General the Rt Hon Don McKinnon and the Personal Envoy of the UN Secretary-General, Sergio Vieira de Mello, on the Fiji hostage crisis’.  
\textsuperscript{296}‘Joint Press Statement by Commonwealth Secretary-General the Rt Hon Don McKinnon and the Personal Envoy of the UN Secretary-General, Sergio Vieira de Mello, on the Fiji hostage crisis’. 

64
Pacific region’. While their appeals for the immediate release of the hostages were resisted by Speight, he assured them ‘that the hostages would be well cared for and that no harm would come to any of them’.

On 6 June 2000, Fiji was suspended from the councils of the Commonwealth. The Commonwealth Ministerial Action Group (CMAG) ‘called for Fiji to set a timetable for the restoration of constitutional rule and democratic government’. This suspension was ‘not a full suspension’ and did ‘not include trade sanctions’ but removed Fiji ‘out of the grouping in political terms’. In addition, the ‘CMAG also expressed its concern over the imposition of martial law in Fiji and the abrogation of the Fiji Constitution Amendment Act of 1997’.

A meeting of the Commonwealth Ministerial Action Group on the Harare Declaration (CMAG) in September 2000 recommended the appointment of a special envoy. Justice Pius N Langa, the Deputy President of the Constitutional Court of South Africa was appointed as the Commonwealth Special Envoy to Fiji ‘to act as facilitator to accelerate the restoration of democracy and promote national unity’. The Commonwealth also appointed an Observer Group to observe Fiji’s elections which took place from 25 August to 5 September 2001. This was done at the invitation of Fiji’s Interim government and was the first time for the Commonwealth
to observe elections in Fiji. The Commonwealth observer group deemed the elections “free and fair”, thus at the December 2001 CMAG meeting, it was recommended that Fiji’s suspension be lifted from the Council of Commonwealth. At the March 2002 Heads of Government meeting in Queensland, Australia, the CMAG recommendations were approved by the CHOGM (Commonwealth Heads of Government Meetings) and Fiji’s suspension was lifted.

The response of the EU-ACP to Fiji’s coup began with the relocation of the venue for the signing of the new agreement to Cotonou, Benin. On 5 June 2000, ‘in a televised address to the nation, Commodore Frank Bainimarama said the European Union had threatened to stop subsidising Fiji’s sugar industry if Speight or his followers played a role in an interim civilian government, as the two sides had been discussing’. On 6 July, ‘the European parliament condemned the coup in Fiji by George Speight, the dismantling of all democratic institutions, the heightening of ethnic tensions and the destruction of property. It called for the unconditional release of hostages and urged the interim civilian administration and the new Prime Minister of Fiji, Laisenia Qarase, to do everything possible to restore democracy. The European parliament also called on the European commission to start appropriate procedures to suspend development co-operation with Fiji if there is no return to democracy within a set time frame’.

On 19 August, ‘a four member team of the Pacific members of the African, Caribbean and Pacific (ACP) went on a tour of Fiji to collect facts for the European Union (EU), so that the EU could decide whether economic sanctions should be imposed on Fiji. The leader of the mission was Sir John Kaputin, the Foreign Affairs Minister of Papua New Guinea. On 12 October 2000, ‘the ACP-EU Joint Parliamentary Assembly in Brussels rejected a motion for a draft resolution calling for economic

---

306 ‘Commonwealth to Send Observers to Fiji Islands’.
308 Boladuadua. Personal Interview.
310 Chronology Coup 2000 and the Role of the EU’.
311 Chronology Coup 2000 and the Role of the EU’.
sanctions on Fiji through the suspension of assistance after Fiji’s Foreign Minister Kaliopate Tavola addressed the assembly’.  

At the EU-ACP consultations on the political situation in Fiji which were held in Brussels on 19 October, 2000, Fiji was represented by its Foreign Affairs Minister, Kaliopate Tavola and accompanied by his Permanent Secretary, Emi Tai Boladuadua and Fiji’s ambassador to Brussels, Isikeli Mataitoga. The ACP delegation was led by ‘the Chairman of the ACP Committee of Ambassadors, Armand Guy Zounguere Sokambi. Fiji was assisted by Papua New Guinea and Ghana. According to Tavola, at this meeting he “had to front up to representatives of the European Commission and all the EU member states … assisted by two friends of Fiji, namely Papua New Guinea and Ghana”. The Fiji delegation expressed the Fiji government’s commitments to the EU ‘that the Interim Government was reviewing Fiji’s Constitution, that those responsible for the coup would be brought to justice and that democratic election would be held within 18 months’. For its part, ‘the EU committed itself to continue the dialogue with Fiji. In the meantime, however, delivery of new aid was suspended. This funding was not released until November 2003, when the Qarase Government finally committed itself to comply with a Constitutional requirement’.

4.5 Forum: What stance to take over Fiji?

Tensions within the Forum were illustrated by the different attitudes taken by its members towards events in Fiji and the Solomon Islands. These surfaced well before the Forum meeting later in October 2000. On the one hand there was strong reaction of the two metropolitan countries in the region. An observer described Australia and New Zealand as ‘virulent critics of events in Fiji, demanding the immediate restoration of (the) constitution abrogated by the military’ and claimed that ‘they (were) reported to be angry by the reluctance of Pacific Islands foreign ministers, at Apia two months ago, to take a tough stance against Fiji apart from a formal

---

312 Chronology Coup 2000 and the Role of the EU’.
313 Pareti. ‘Kaliopate Tavola: Fiji’s top diplomat calls it a day’, Islands Business
http://www.islandsbusiness.com/fiji_business/index_dynamic/containerNameToReplace=MiddleMiddle/focusModuleID=5596/overrideSkinName=issueArticle-full.tpl, 24/10/09
deploring of the violent toppling of the democratic government and calling for a swift return to democracy’.  

The tensions within the Forum became apparent during the process leading up to the adoption of the Biketawa Declaration at the Tarawa Forum. According to McCraw the metropolitan countries, led by New Zealand Prime Minister, Helen Clark, decided to take a much tougher stand and boost the power of the Forum to deal with such emergencies. The result was the Biketawa Declaration, adopted at the annual Forum meeting in Tarawa in late 2000. When it was put forward at the Tarawa meeting, the proposal ran into strong opposition among Forum members.  

A member of the Fiji delegation at the Tarawa Forum who requested anonymity explained that Fiji’s stand at the Tarawa Forum ‘was for non-interference’. He speculated that ‘there may have been others who felt likewise’ adding that ‘the final text (of the Biketawa Declaration) is worded in such a way that whilst respecting the principle of non-interference, there would be etc etc (sic), which implies that a compromise had to be reached’. Furthermore, he explained that while there was no planned and concerted lobbying programme by Fiji, interim PM Qarase however, in his quiet and dignified way, would have spoken one on one with a number of leaders on measures that Fiji would like to see in the final Declaration and on other issues as well.  

What stood out at Tarawa was the attitude of the Australian and New Zealand Prime Ministers towards Fiji’s interim Prime Minister, Laisenia Qarase. According to the member of the Fiji delegation, Fiji’s attendance and participation at the Tarawa Forum

---

316 Fiji Delegation Member. *E-mail communication*. 25 May, 2010.
317 Fiji Delegation Member. *E-mail communication*.
318 Fiji Delegation Member. *E-mail communication*.  

68
did not seem out of place at all. We felt part of the family and we behaved normally to all delegations. NZ PM of course avoided us like the plague. Australia PM was aloof. We felt that the rest of the delegations behaved civilly towards us. For many delegations, Fiji’s participation just felt natural 319

In describing the interaction between Howard, Clark and Qarase at Biketawa, Keith-Reid quoted Howard as having told a press conference:

I didn’t have separate discussions with him (Qarase). He was there. We conversed as part of the meeting. I mean there is no particular diplomatic scene in that. He is there representing Fiji. He knows my position and I made that very clear, very clear indeed. There is no point in not talking to somebody who is actually there carrying the Fijian representation at the meeting 320

However, the stance taken by his New Zealand counterpart, Clark, was totally uncompromising. She did her best to ignore and avoid Qarase throughout the entire Forum meeting. For example, while the leaders were being transported to Biketawa on Australian naval boats, Clark refused to board the same boat as Qarase but instead boarded a boat with Howard while the island leaders boarded the same boat as Qarase to travel to the Leader’s Retreat at Biketawa. 321 Shibuya interpreted this as a sign of solidarity by island leaders against the two metropolitan powers. 322 Furthermore, at Biketawa, an observer noted that Clark snubbed Qarase so Qarase snubbed Clark. 323

Young claimed that at Biketawa, ‘Helen Clark and the Australian Prime Minister, John Howard, doggedly put their case all day from 9 am to 4 pm, refining the wording (of the Biketawa Declaration) until they got what they wanted’. 324 He asserted that ‘Samoan Prime Minister Tuilaepa Sailele Malielegaoi was an important

---

319 Fiji Delegation Member. E-mail communication.
322 Shibuya. ‘The Problems and Potential of the Pacific Islands Forum’:109-110
323 Keith-Reid, ‘The Tensions of Tarawa’: 20
ally, as was the chairman, President Teburoro Tito, of Kiribati. On the other hand, Young explained that according to Qarase, ‘the (Biketawa) declaration ... was a consensus decision’ and he quoted Qarase as having said that

we're quite happy with it (Biketawa Declaration). My message is that we asked all other nations, including Australia and New Zealand, to understand our situation better and appreciate the complexity of our problems. That's all we ask - and any supportive measures they might like to take.

Furthermore, he quoted Qarase as having said that ‘the constitution being worked on "will be fair to all the citizens of Fiji, but take into account the particular aspirations and rights of the indigenous people of Fiji"’. It was not clear though which aspect of the declaration Qarase was referring to as having been reached by consensus, whether it was consensus on the need for such a mechanism to address future crisis in the region or in the actual provisions of the declaration itself. What was not clear also was the extent to which Forum leaders expected Biketawa to be an interventionist tool in a member’s internal crisis. This is a significant issue as it became a contentious issue when Biketawa was used coercively and punitively against Fiji in the latter part of the Forum’s post 2006 engagement.

The attitude displayed by Howard and particularly Clark towards Qarase was probably meant to communicate their disappointment with the fact that Chaudhry’s government was not restored but an interim government appointed instead by the military. According to McCraw, the New Zealand government was not happy with the non-restoration of the Chaudhry government and the appointment of an interim government instead. He explained that

it (New Zealand government) criticised the decision to replace the Chaudhry government with an interim administration, and said that the line-up of personnel in the new government was unacceptable. The administration contained one active Speight supporter and a number of sympathisers. Helen Clark said: “How much is

---

325 Young, ‘Clark leads tune at Pacific Islands Forum’.
326 Young, ‘Clark leads tune at Pacific Islands Forum’.
327 Young, ‘Clark leads tune at Pacific Islands Forum’.
enough for Mr Speight? He has trashed Fiji’s democratically elected government and its constitution and has secured ministerial portfolios for his supporters”. 329

In contrast to the cold shoulder given to him by the New Zealand Prime Minister, Qarase is reported to have obtained ‘unexpectedly strong support from Melanesian and Micronesian (with the exception of Kiribati ) countries’. 330 An observer noted that prior to the Forum, Qarase wrote personally to Forum leaders explaining Fiji’s case – ‘that the interim government was committed to restoring democracy as quickly as possible and wanted sympathy and support, not interference and sanctions’. 331 A Fiji delegate at the Forum claimed that “absolutely everybody (except Samoa and omitting Australia and New Zealand) was behind us. Samoa is obviously in the pockets of New Zealand and Australia”. 332

4.6 The Biketawa Declaration and its implications on regional security cooperation

The Biketawa Declaration is generally divided into two main sections. The first section outlines ‘a number of guiding principles…with the aim of elaborating upon earlier statements and in the interests of regional cooperation’ agreed to by Forum leaders. 333 The second section outlines ‘courses of actions’ agreed to by Forum leaders, which illustrate how the Forum will deal with a future crisis faced by its members. It outlines the steps to be taken in such a situation and what is to be done if all those steps are taken and the desired result is still not achieved. Steps highlighted include an assessment of the situation, consultation with the national authorities concerned, advising of and consultation with the Forum Foreign Ministers, which may result in further action. These further actions include ‘a statement representing the view of members on the situation’; ‘creation of a Ministerial Action Group’; ‘a fact finding mission or similar mission’; ‘convening an eminent persons group’; ‘third – party mediation’; ‘support of appropriate institutions or mechanisms that would assist a resolution’; and ‘the convening of a

329 McCraw, ‘New Zealand, Fiji and Democracy: 279
330 Keith-Reid, ‘The Tensions of Tarawa’:19
331 Keith – Reid, ‘The Tensions of Tarawa’: 20
332 Keith – Reid, ‘The Tensions of Tarawa’:20-21
333 Biketawa Declaration. 2009 Diary, The Pacific Forum Secretariat. p 20
special high level meeting of the Forum Regional Security Committee or an ad hoc meeting of Forum Ministers’. However, the Declaration states at the beginning that the chief consideration is respect for ‘the principle of non-interference in the domestic affairs of another member state’.

The Biketawa Declaration was described by the Forum’s chairperson, Kiribati President Teburoro Tito as

"the framework to hold our region together. It is like a village where we agree for the first time in the history of the Pacific that we have some common rules about our village and that these are the rules now. They may not be perfect. We have also agreed on how we should deal with a member of the village that doesn’t comply with the rules of the village."

He clarified, however, that “the declaration was not made for Fiji or the Solomon Islands” in particular, but “for any member state of the Pacific Islands who may go too far in the future to create problems, which affect not only the country, but also the region as a whole”. He further explained that

"we (Forum leaders) agreed that we were slow in creating the appropriate mechanisms to deal with what has happened in the case of Fiji. We will certainly deal with a future crisis much more speedily. If a crisis happens again tomorrow, or next week, similar to what we have seen in Fiji or the Solomon, I assure you, the Forum is going to act very quickly."

He concluded that the Biketawa Declaration was ‘very significant’ and “a milestone step in the right direction” illustrating that “we have become a mature region, and that we are able to deal with (trouble in) a family way instead of not being able to”.

334 Biketawa Declaration.  
335 Biketawa Declaration.  
336 Keith-Reid, ‘The Tensions of Tarawa’:21  
337 Keith – Reid, ‘The Tensions of Tarawa’:21  
338 Keith – Reid, ‘The Tensions of Tarawa’:21  
339 Keith – Reid, ‘The Tensions of Tarawa’:21
The then Secretary General of the Forum Secretariat, Noel Levi, described Biketawa
as committing ‘for the first time in the 30 years history of the Forum a collective
regional political approach to address political crisis situations in member
countries’. He also explained that it was ‘a significant shift from the traditional
Forum’s long standing policy of non-interference in the domestic political affairs of
the member countries’. Levi also explained that because of the relatively peaceful nature of the region in the past, there has not been
the urgency to develop a mechanism to respond quickly to crisis in the region, as
made clear by the recent crises in Fiji and Solomon Islands. While a decision had
been made by Leaders in 1997 in the Aitutaki Declaration to further develop
mechanisms for preventive diplomacy, the process and procedures for initiating
these regional responses, three years later were still being debated by members.

An observer noted that Australian Prime Minister Howard ‘declared approvingly that
with the (Biketawa) declaration the Forum could in future expect to be taken more
seriously by the rest of the world’. His New Zealand counterpart, Clark, ‘felt that
the (Forum) had matured at last’. According to a prominent member of the Fiji
delegation to Tarawa who prefers anonymity, ‘Fiji welcomed the Biketawa
Declaration. We … welcomed it as a regional guideline and this was essentially on
the basis that Fiji believed in Pacific Regionalism’. He added that ‘the text of the
Declaration is mild and cautionary’ and ‘this made it feel as if all Leaders had come
out from that Retreat with something’.

While the Biketawa Declaration has been for the most part generally lauded by
Forum officials, academics and journalists alike for the landmark document it is in
terms of ensuring a secure region, the issue of who really was behind its formulation
has been a matter of debate. Shibuya claimed that the Biketawa Declaration was the
result of Australia and New Zealand pushing ‘for a strong statement and an attempt

---

341 Levi, ‘Opening Address’. FRSCM: 2
343 Keith-Reid. ‘The Tensions of Tarawa’: 19
344 Keith-Reid. ‘The Tensions of Tarawa’: 19
345 Fiji Delegation Member. E-mail communication. 25 May, 2010.
346 Fiji Delegation Member. E-mail communication. 25 May, 2010.
at developing guidelines to assist on internal security measures’. McCraw asserted that ‘Helen Clark led the charge for the Forum to commit itself to upholding democratic principles’. She ‘wanted the Forum to adopt a new way, and that was to defend democratic values’. He claimed that with the assistance of ‘Australia, Samoa and Kiribati, Clark was able to achieve this goal by getting the Forum to agree to the Biketawa Declaration’. Firth predicted that

the future role of the Biketawa mechanism might well be to confer the imprimatur of regional legitimacy on what are essentially bilateral interventions undertaken by Australia and New Zealand, which will claim to be acting on the basis of a mandate given by the Pacific Islands Forum

Some writers, while acknowledging that the Biketawa Declaration is a landmark document in terms of maintaining security in the region, have also raised questions regarding its legal status as a declaration and not a treaty and whether it actually allowed for intervention. For instance, Firth argued that the Biketawa Declaration ‘went further’ that the Honiara and Aitutaki Declarations in that it recognized “the need, in times of crisis or in response to members’ request for assistance, for action to be taken on the basis of all members of the Forum being part of the extended Pacific islands family”. However, he asserted that ‘still, island leaders in the Forum did not want Biketawa to mean too much’ as ‘for them, the key phrase was “the principle of non-interference in the domestic affairs of another member state”. Furthermore, he asserted that Biketawa said ‘nothing about regional military intervention in a Forum member state, though the word “intervention” occurred in an annex’.  

347 Shibuya, ‘The Problems and Potential of the Pacific Islands Forum’:112  
348 McCraw, ‘New Zealand, Fiji and Democracy’:280  
349 McCraw, ‘New Zealand, Fiji and Democracy’: 280  
350 McCraw, ‘New Zealand, Fiji and Democracy’: 280  
353 Firth, ‘The new regionalism and its contradictions’:124  
354 Firth, ‘The new regionalism and its contradictions’:124
Part of Firth’s views were backed by Herr who acknowledged that the Biketawa Declaration ‘broke significant new ground with regard to the protection of democratic values within the South Pacific region and perhaps even globally, when first promulgated in 2000’. 355 However, he described the Biketawa Declaration as ‘essentially a diplomatic statement of agreement’ and ‘not a treaty’. 356 As such, he argued ‘it does not carry legal weight but rather is a political agreement amongst the Forum members’. 357 Thus, he concluded that while ‘the non-legal status of Biketawa does not lessen its political force… it means any activities carried out in its name are acts of political will not legal obligation’. 358

Shibuya’s views also backed those of Firth and Herr and he asserted that ‘Biketawa may be read as giving the Forum a larger role to play in the kinds of regional security issues it has previously avoided’ as it ‘commits Forum member countries to guiding principles including good governance, equality of all individuals under the law, and peaceful transitions of power, but it also respects indigenous rights and traditional values’. Furthermore, he claimed that Biketawa went further than its predecessors in that it laid ‘out processes of investigation that the Forum could initiate during a crisis in one of its members. While all of the explicit actions are innocuous (assess the situation, appoint a fact-finding mission, provide mediation, among others), the ability to convene a special meeting to “consider other options” does leave open the possibility of some type of intervention.’ However, he concluded that ‘it remains to be seen whether Biketawa will stand up to the test posed by the next crisis’. 359

The Oxford Analytical Daily Brief Service contended that while the Biketawa Declaration made it ‘clear that further coups were unacceptable’ it ‘also raised awkward questions about member states whose existing political practices did not meet these ideals’. 360 It was referring to Samoa where ‘only ‘matai’ (chiefs, or family

\[\text{\footnotesize 355 Richard Herr. ‘Democratic Intervention, Biketawa and the 2006 Fiji Military Coup’ in La Nouvelle Caledonie pour L’integration Melanesienne, Paul De Deckker et Jean-Yves faberon (ed), actualite Sociale Et politique Ocean pacifique melanesie Nouvelle Caledonie, L’Harmattan, (Janvier 2009), pp 71-87} \]
\[\text{\footnotesize 356 Herr, ‘Democratic Intervention, Biketawa and the 2006 Fiji Military Coup’} \]
\[\text{\footnotesize 357 Herr, ‘Democratic Intervention, Biketawa and the 2006 Fiji Military Coup’} \]
\[\text{\footnotesize 358 Herr, ‘Democratic Intervention, Biketawa and the 2006 Fiji Military Coup’} \]
\[\text{\footnotesize 359 Shibuya, ‘The Problems and Potential of the Pacific Islands Forum:112} \]
heads) may be elected to parliament’ and Tonga where ‘only nine of its 30 members of parliament are elected -- the remainder being appointed by the nobility or the King.’ Furthermore, it claimed that in order to get the island leaders’ endorsement for the Biketawa Declaration, ‘Australia and New Zealand also had to include recognition of Pacific island concerns about being forced to adopt a 'western' rather than an 'island' view of democracy.’ This was due to concerns raised by ‘several member nations’ over ‘what they regard as neo-colonial pressure to democratis their political systems along Western lines in order to qualify for aid’. Thus,

it was agreed that: “democratic principles should reflect national and local circumstances”; “indigenous rights and cultural values, traditions and customs should be restricted and protected”; and “the principle of non-interference in the domestic affairs of members states should be respected”.

However, despite having agreed to make some compromises in the face of the island governments’ concerns, the Oxford Analytical Daily Brief Service reported that ‘Howard... expressed concern that the Biketawa Declaration had no retrospective effect on Fiji’. According to a prominent member of the Fiji government at that time, the Biketawa Declaration was not immediately implemented in Fiji after its creation as

by that time, the interim arrangement was in place and there was a commitment to return to democracy as soon as possible by the interim government. Within a year, the roadmap back to democracy was announced to the rest of the world thus there was no urgency for the Forum to be further engaged.

http://proquest.umi.com/pqdweb?did=1687951971&sid=2&Fmt=3&clientld=34259&RQT=309&VName=PQD. Extracted on 30/07/09
366 Fiji Delegation Member. Personal Interview. 9th October, 2009.
4.7 Comparison of the 1987 and 2000 approach in the Forum’s stance towards the internal crises of its members

One major difference noted after the 2000 coup in comparison to the 1987 coup was the change in the Forum Leaders’ perception of their security environment. While the 1987 coup was viewed more as an internal issue,\(^\text{367}\) the 2000 coup was viewed for its implications for the regional security environment as a whole. This was reflected in the 2000 Communiqué in which the Forum ‘expressed grave concern that, since its last meeting in Palau in 1999, the region’s security environment had become more unstable’.\(^\text{368}\) It explained that the Forum’s growing awareness that its security environment has changed contributed to ‘the urgent need to address some of the fundamental causes of political instability in the region associated with ethnic tensions, socio economic disparity, lack of good governance, land disputes, and erosion of cultural values’.\(^\text{369}\) Concerns were also expressed by the Forum Secretariat that the political crises in Fiji and the Solomons affected the region economically in that it ‘smeared the region’s investment image and may cause European and American tourists to steer clear of it for a while’.\(^\text{370}\) The Forum Secretariat further highlighted that the coups affected other Pacific Island countries such as Tuvalu, Kiribati, Tonga and the Cook Islands which relied ‘on Fiji as a trans-shipment centre and for some as a prime source of consumer goods’.\(^\text{371}\)

In his keynote address at the Leadership Fiji Conference in September 2005, the Forum Secretariat Secretary-General, Greg Urwin acknowledged that

the Forum’s willingness to tackle sensitive issues in our backyard is also a feature of our changing perceptions towards regionalism. Following severe civil strife in Fiji and the Solomon Islands in 2000, the Forum adopted the landmark Biketawa Declaration, mainly because it needed a mechanism to deal with such a crisis, and

\(^\text{370}\) ‘Why the Forum thinks the Fiji and the Solomons disasters are not good for the region’. *Islands Business*, August 2000. Vol 26, no.8. p34
more importantly, there was a political consensus to create one. The Biketawa marked a clear shift in the region’s attitude to serious crises in the region, especially when compared, for example, to its guarded response to the 1987 coups in Fiji.

Urwin’s statement regarding the political consensus within the Forum to create the Biketawa Declaration, while also agreed to as consensual by Qarase as mentioned earlier seems to overlook the differences highlighted by academics and journalists who claimed that Biketawa was really the brainchild of New Zealand with support from Australia, Samoa and Kiribati. It suggests a consensus more apparent than real as claimed by academics and some journalists over the creation of the Biketawa Declaration as explained earlier.

In his speech at the Peace, Justice & Reconciliation in the Asia-Pacific Region Conference in March 2005, Urwin explained that ‘it can be said that the adoption of the Biketawa Declaration was the point at which the Leaders acknowledged, in principle at least, that the problems of one might, in certain circumstances, be the problems of all’. He also stated that

the Leaders have accepted that the Forum must constructively address the difficult and sensitive issues which underly conflict. They know that conflicts repeat themselves primarily because the underlying causes of tension are not adequately addressed, that the means to sustainable resolution of a conflict depend on an analysis of their cause, and that the lesson to be learnt from repeated conflict is that if the real causes are left unattended, vulnerability remains.

Urwin’s views strangely echoed Bavadra’s warning to the Forum in 1989 in which he had cautioned the Forum that if it did not deal with Fiji’s issue at that time, then that would not be the last coup in the region. It seems that 16 years and two coups later, Forum leaders had finally heeded Bavadra’s warning. While the Forum had

372 Keynote address by Mr Greg Urwin, Secretary General, Pacific Islands Forum Secretariat at the Leadership Fiji Conference. ‘The Role and Function of the Pacific Islands Forum’. Suva, Fiji, 28 September, 2005.
preferred to look the other way in 1987 when asked about whether it will engage further with Fiji, it seemed that the Forum had matured by being willing to take more responsibility for its members’ internal crises and considering one member’s problem as ‘the problems of all’.

The 2001 Communiqué stated that ‘the Forum welcomed the holding of elections in Fiji commencing on 25 August 2001’. Fiji’s interim Prime Minister did not attend this Forum meeting, which was held in Nauru from the 16 to the 18 of August, due to the elections in Fiji. However, a statement was issued by Fiji which

harshly criticised Australia and New Zealand for their lack of "understanding" of Pacific island affairs, and "seeking to impose their solutions in an insensitive manner" -- oblique reference to sanctions (for) and travel restrictions imposed by Canberra and Wellington in the wake of the May coup.

PM ‘Clark criticised Fiji’s stance as "looking the other way", and failing to confront serious issues such as challenges to democracy and human rights’. What she probably meant was that Fiji was purposely trying to steer attention away from its internal problems by focusing on Australia and New Zealand’s tough stance towards it and the resulting sanctions and travel bans. As explained earlier, Fiji’s coup, while resulting in the overthrow of a democratically elected government also brought about turmoil such as the burning and looting of shops in Fiji, hostage situation, attacks on some Indo-Fijian communities in the rural areas, the attempted mutiny and the like. These may have been the human rights issues that Clark was referring to in her statement.

4.8 The response of the Forum member countries to Fiji’s coup
In July 2000, the Federated States of Micronesia (FSM) became the first and only Pacific Islands Forum member country to recall its ambassador from Suva as a sign

of its disapproval of Fiji’s coup.\textsuperscript{378} Its stand may be explained partly by its political status of free association with the United States. According to the Islands Business, the action taken by FSM was in chorus with the main diplomatic players represented in Suva- Britain, Australia, New Zealand, Japan, the United States and France – in expressing stern condemnation of the toppling of the country’s democratic government.\textsuperscript{379}

The Islands Business further described the response of the other Pacific Island countries as not ‘quite a deafening silence, as it nearly was after the Fiji coups of 1987’, however, neither ‘was there a ringing chorus of condemnation that might be expected from the collection of states that as Forum members are officially committed to the practice and preservation of democratic principles’.\textsuperscript{380} It explained that while ‘strong expressions of concern and sorry came from PNG, some regret was heard from Vanuatu’ and the Crown Prince of Tonga expressed disgust ‘by the racism exhibited in Fiji’, however, apart from FSM, ‘no other Forum island countries denounced the coup in Fiji as strongly as Canberra and Wellington were doing’.\textsuperscript{381} The Cook Islands, Samoa and the Solomon Islands (which soon after had its own domestic crisis to deal with), were more concerned about the safety of their students studying at Laucala Campus in Suva.\textsuperscript{382}

In response to the 2000 coup in Fiji, Australia and New Zealand responded differently in their approach and the duration of the sanctions which they subsequently implemented. Australia demanded constitutional government to be restored but ‘was unwilling to impose broad-ranging sanctions’.\textsuperscript{383} Rather, it imposed ‘smart sanctions’ which targeted ‘particular groups rather than the population as a whole’.\textsuperscript{384} When the general elections were held in 2001, Australia abolished the sanctions and considered the election as a ‘peaceful return to

\textsuperscript{378} ‘We say’. Islands Business, August 2000. Vol 26, no.8. p6
\textsuperscript{379} ‘We say’. Islands Business, August 2000: 6
\textsuperscript{380} ‘We say’. Islands Business, August 2000: 6
\textsuperscript{381} ‘We say’. Islands Business, August 2000: 6
\textsuperscript{382} ‘We say’. Islands Business, August 2000: 6
\textsuperscript{384} Firth, ‘A New Era in Security’:93
democracy’. 385  On the other hand, New Zealand ‘was a much harsher critic of Fiji during this period and did not resume normal diplomatic relations with the country until 2004’. 386  Firth attributed New Zealand’s attitude as a response ‘to public opinion in New Zealand, not least the views of New Zealand citizens with an Indo-Fijian heritage who saw the events of 2000 as depriving their community in Fiji of its rightful place in the political life of the country’. 387

In analyzing Australia and New Zealand’s attitude in regional affairs, Ron Crocombe observed that ‘Australia and New Zealand will benefit if they learn more about systems of government that work best in the region’ as ‘their own are not the only models’. 388  He claimed that ‘patronising lectures, postures and threats from political leaders are losing them support throughout the region’. 389  He pointed out that Australia and New Zealand ‘do not object to Samoa’s constitution in which only chiefs may be elected’, neither ‘to Tonga’s which is much less democratic than Fiji’s 1990 constitution’, nor to the ‘elections in the Papua New Guinea highlands which they know are decided by control of the drug and gun trade, intimidation and corruption, with results much less democratic than Fiji’s former constitutions’. 390

However, former Minister for Pacific Affairs in the Keating government, Gordon Bilney, defended Australia’s position asserting that Australia had ‘the right focus in the region’ and ‘should have a more direct intervention role on security matters’. 391  He explained that ‘I think we need to take less shrieking about paternalism when perhaps a bit more direct action would have solved some of this problem or at least helped to prevent them’. 392  Furthermore, ‘he rejected claims that Australia is imposing its western values on Pacific islanders who are foreign to cultures of human rights and democracy’ asserting that:

---

385 Firth, ‘A New Era in Security’:93
386 Firth, ‘A New Era in Security’:93
387 Firth, ‘A New Era in Security’:93
388 ‘Australia, NZ need to understand region better’. Islands Business, September 2000. Vol 26, no.9. p39
389 ‘Australia, NZ need to understand region better’. Islands Business, September 2000: 39
390 ‘Australia, NZ need to understand region better’. Islands Business, September 2000: 39
we live in a globalised world where what is culture, it's not just a matter of lip service to democracy or to human rights or anti-racism. It's up to countries in the Pacific to go back to an idyllic lifestyle where they ate coconuts and let's say each other, then that's up to them. I don't think that's the way to bring about the kind of decent life for people in the Pacific, who I know hunger for good education for their children and better life for their families.  

Bilney’s comments reflects the commonly projected role of Australia’s ‘right’ to intervene particularly amongst Australia’s domestic audience with regards to security matters in the Pacific which, on the other hand, is often perceived as neo-colonialism by Pacific Islanders. Such a perspective lends strong credibility to Fry’s assertions of the hegemonic role of Australia in the region with regards to security matters.

The attitude of Fiji’s interim government to Australia and New Zealand was reflected in the interim Prime Minister’s address at the UN General Assembly in September 2000. In his address to the 55th Session of the United Nations General Assembly in New York on 16 September, 2000, Interim Prime Minister and Minister for National Reconciliation and Unity, Mr. Laisenia Qarase, raised a number of issues which made direct reference to other countries’ attempts to interfere in what he considered to be Fiji’s internal affairs. He expressed gratitude to ‘all those Governments who have shown sympathy and understanding, who recognize the complexities of the situation in Fiji as a multi-ethnic and multi-cultural country, and who readily accept that solutions to the present political crisis can be developed within Fiji, by the people of Fiji themselves, without external interference in any form’. He added that each country’s concern ‘about each other, about our common well-being, and common basic standards of rights and freedoms…does not give a country the right to impose on another, it’s own standards of democratic governance, and what it perceives or considers to be right and acceptable’.

Qarase further explained that his primary reason for raising this issue at the UN General Assembly was ‘to remind my own country’s friends and neighbours that

stridency of political rhetoric, smart sanctions and threats of more sanctions, will not really assist us in bringing about a speedy and amicable resolution to our political situation’ but rather only serve ‘to harden attitudes of one community against the other’. While he did not name these ‘friends and neighbours’, it can be safely assumed that two of those he had in mind would have been Australia and New Zealand.

Fiji’s situation after the 2000 coup, however, was a much more complex one compared to after the 1987 coup. For one thing, the hostage crisis lasted a total of 56 days during which time Fiji’s parliament was also used as a sort of carnival ground hosting all sorts of people mostly from Fijian villages and a training ground for a ‘guerilla’ type of army made up of mostly young Fijian men and boys. Furthermore, while the 1987 coup had been carried out by a select group but involved the whole of the Fiji military, the 2000 coup was carried out only by an elite branch of the Fiji military (CRW) and did not involve the whole Fiji military. In fact, the large part of the Fiji military which was not involved in carrying out the coup, under the command of the military commander, Commodore Voreqe Bainimarama, was trying to resolve the situation created by its elite branch. At the same time, rural Indian farming communities were terrorised by Fijian men with reports of rape, stealing and burning of their homes and livestock. Thus, in addition to the overthrow of a democratically elected government, there were also many other issues involved such as human rights abuse, increasing lawlessness and general chaos around the country and the mutiny later in the year. This further complicated the political upheaval in the country.

4.9 Factors influencing the Forum’s response to the 2000 coup

While the Forum’s response may be considered more a reactionary rather than a proactive one, it nevertheless highlighted willingness and a readiness on the part of the Forum to become more involved in its members’ internal crises. This was a major change from that shown after 1987 in which Fiji’s coup was considered its own affair.

for it to resolve on its own without any interference whatsoever. The underlying factors which determined the Forum’s role in attempting to restore democracy in Fiji after the 2000 coup was a combination of local, regional and global factors.

Locally, although the coup and its after-effects were felt right throughout the year 2000, Fiji was able to go to the polls within a period of 15 months. Furthermore, in its engagement with the Forum, the Commonwealth and the EU-ACP group of countries, Fiji’s interim government had a clear roadmap as to how democracy would be restored in Fiji and they stuck to their roadmap. They also engaged cooperatively with these regional and global organisations and invited them to send observer groups to observe the 2001 elections in the country. Fiji’s elections were observed by representatives from the United Nations, Commonwealth and the EU-ACP group of countries. This helped to instill confidence in these organisations that Fiji was really on its way back to democracy.

On the other hand, however, the court rulings in November 2000 which maintained that the 1997 constitution remained the supreme law of the country and which was upheld by the Court of Appeal in March, 2001, complicated regional relationships to a certain extent. This was particularly the case with Australia and New Zealand who continued to consider Qarase’s interim government as an ‘illegal’ government as Chaudhary’s ousted government was not restored despite the court ruling. Thus, Australia and New Zealand continued to maintain a tough stance against Fiji despite the fact that the Qarase government was working on a roadmap to take Fiji back to the polls.

Regionally, one major factor that influenced the Forum’s role was the change in the leaders’ perception of their security environment as expressed by Levi and Urwin. This changed perception was due in large part to the fact that two coups took place in the region within a month of each other. This was very different from the leaders’ perception of security in the region after the 1987 coup. While there was still great reluctance by the leaders to interfere in their fellow members’ internal affairs without being asked, however, there was also the recognition that one member’s problem is the problem of all, as highlighted by Urwin earlier. The role of Australia’s Prime Minister and particularly New Zealand’s prime minister was especially significant in
influencing the Forum leaders to take a stronger stand with regards to the illegal overthrow of governments in their member countries.

The tough stance taken by Australia and New Zealand against Fiji, however, caused a split in the Forum. Similar to 1987, on one side was Fiji, the Melanesian and most Micronesian countries while on the other side were Australia, New Zealand, Samoa, Kiribati and the other smaller countries, most probably those with political ties with Australia or New Zealand such as those in free association with New Zealand. While it was the two metropoles who were leading the way in the call for stronger measures in response to coups in the region, it was the support of these island countries which was needed in order get their resolutions through. Such support prevented accusations of neo-colonialism. Such a split, however, threatens the Pacific way of doing things, as is customary in the Forum since its formation; which is to make decisions based on consensus. Furthermore, it raised questions about the two metropolitan countries’ acceptance of other ‘undemocratic’ political systems in the region such as that of Samoa and Tonga while taking a hard line against Fiji’s coup. This further raises the question as to the motive behind the stance taken by the two metropolitan powers, in whether it’s ‘push’ to return Fiji to parliamentary democracy through the Forum was actually a fulfillment of their own foreign policies in maintaining a secure region so as to secure their own borders from other external threats such as terrorism.

While the Biketawa Declaration signified a shift in the Forum’s response to the future internal crises of its members and was widely lauded as a landmark document, claims made by Shibuya that Australia and New Zealand were behind the creation of such a document and Firth’s claim that it will be the two former metropoles who will carry out bilateral interventions under Biketawa with the Forum’s support deserves some attention. Clark’s actions at Tarawa and Biketawa and also Howard’s expressed view that the declaration would mean that the Forum would be taken seriously by the rest of the world in future substantiate Shibuya’s claim to a certain extent. Furthermore, Firth’s claim is important for evaluating how Biketawa would be carried out in practice in the future. This suggests that the two metropolitan powers viewed the Biketawa Declaration as a much more robust interventionist mechanism than the other island countries preferred.
The global factors, which shaped the Forum’s response in Fiji, were the active involvement of both the Commonwealth and the EU – ACP Group of countries. As mentioned earlier by Urwin who explained that after the Fiji coup, it was the two organisations above which immediately began engagement with Fiji, thus the Forum did not propose immediate action then. This suggests that the willingness and readiness of these two organisations to engage with Fiji soon after the coup took place could have been a contributing factor in the restoration of democracy in Fiji because it held Fiji’s interim government accountable for all its undertakings, in the sense that further aid was withheld pending the elections. Furthermore, both organisations sent election observer teams to the Fiji elections in 2001. These two organisations assisted the Forum in the restoration of democracy in Fiji by their early and continuing response and perhaps their own mechanisms for resolving the internal crisis of its members as outlined in the Millbrook Agreement on the Harare Declaration and the Cotonou Agreement may have strongly influenced the formation of the Biketawa Declaration. Their early response to the Fiji crisis may have been a lesson for the Forum leaders as they (the two organisations) already had in place the mechanisms for dealing with such situations when the Fiji coup took place.

4.10 Conclusion

While the Forum’s role was more a reactive one in response to Fiji’s coup, it was nonetheless significant in that in 2000 it led to the creation of the Biketawa Declaration. Although this declaration was not a blueprint for future action, it provided a framework for the response of the Forum to the future crisis of its members. Assisting the Forum’s security role were those of the Commonwealth and the EU – ACP group of countries who engaged actively with Fiji immediately after the coup right up to the elections in 2001 thus helping to steer Fiji back to democracy. This was significant given the fact that the Forum did not yet have a mechanism for dealing with such crisis situations prior to the creation of the Biketawa Declaration. The Forum’s role was also made easier by the commitment of Fiji’s interim government to the restoration of democracy and the actual fulfillment of these commitments which saw Fiji go to the polls in late August, 2000, although the fulfillment of this commitment was also assisted by the High Court ruling in
November, 2000 which upheld by the Court of Appeal in March, 2001 that the 1997 constitution had not been abrogated. These factors contributed to a shorter time span in the Forum’s engagement with Fiji and the quick lifting of the suspension on Fiji by the Commonwealth.

Also significant in the Forum’s response were the two metropolitan countries’ stand on Fiji, which split the Forum into two groups. This was obviously a threat to the Forum’s cohesion. While in 1987 they had pressed their case for more Forum involvement in Fiji’s crisis, they backed off in the face of the island leaders’ insistence that Fiji be left alone to solve its problems. However, the significant role played by the two countries’ leaders, particularly New Zealand Prime Minister, Helen Clark, in pushing for a mechanism to deal with future crisis in the region leading to the creation of the Biketawa Declaration is a reflection of the influence that Australia and New Zealand have in the Forum. The two metropolitan countries’ tough stance along with sanctions had not been appreciated by Fiji after both the 1987 and the 2000 coups and there have been calls for a change in Australia and New Zealand’s attitude in regional affairs as highlighted by Crocombe.

The 2000 coup and the Forum’s response to it also revealed a change in the Forum leaders’ perception of their security environment and an acknowledgement that the problem of one member becomes the problem of all. This shift in position by island countries reflects a realization and willingness by the Forum that it needs to take more responsibility for the internal crises of its members’ as opposed to that displayed after Fiji’s 1987 coup which was mostly considered Fiji’s affairs for it to solve on its own. The Biketawa Declaration, which was created as a result of this changed perception, is indeed a landmark document which would guide the Forum on its response to future internal crises in the region. It seemed that while there was a general consensus for the need for such a security mechanism, the island leaders and the two metropolitan powers differed in that the former wanted a mechanism that was not too intrusive, whereas the latter wanted a more robust mechanism. This difference in perception regarding the provisions of Biketawa would later be a cause of contention with regards to Fiji’s next crisis as will be illustrated in the next chapter.
Chapter 5: The 2006 coup and the role of the Forum

5.1 Introduction

The response of the Forum to the 2006 military takeover in Fiji reflected very close engagement compared to its response after the 1987 and 2000 coups. Its role was a more pro-active one after the 2006 coup as opposed to a passive and reactive one after the 1987 and 2000 coups. The Forum’s role could also be viewed as a continuation of its post – 2000 engagement in the sense that the Biketawa Declaration which was created at the Tarawa Forum in 2000 was used as the basis of its engagement with Fiji after the 2006 coup. It engaged extensively with Fiji immediately after the coup in December 2006 until the suspension of Fiji’s interim government from the Forum on May 2, 2009.

Even prior to the December 5 coup, the Forum was already planning to engage with Fiji to resolve the (then) impasse between the Qarase government and the military Commander, Frank Bainimarama. The Forum’s response after the military takeover primarily involved the invocation of the mechanisms provided for under the Biketawa Declaration in addition to Fiji being on the agenda at Forum meetings. These included the Forum Foreign Affairs Ministers Meetings (FFAMM), the Eminent Persons Group (EPG), the Joint Working Group (JWG), and the Ministerial Contact Group (MCG) and finally the ‘targeted measures’ mentioned in 2(iv) of the Biketawa Declaration which were to be implemented if the ‘other actions’ mentioned earlier did not work. This chapter will discuss how the Forum used these mechanisms to engage with Fiji after the 2006 coup and how Fiji’s issue was dealt with at subsequent Forum meetings. In doing so, it will also outline the response of Fiji’s interim government to the Forum’s engagements. It will then provide an analysis of the factors, which shaped the Forum’s role after the 2006 coup.
5.2 Background to the Coup

The military takeover of the Qarase government on December 5, 2006 was described by academic Brij Lal as ‘death by hemorrhage’. This was due to the fact that the coup was the long-anticipated climax of tensions between the Qarase government and Fiji’s military Commander, Voreqe Bainimarama which had begun as early as 2003. Lal explained that “a “cold war” between the two had begun as early as 2003, when it became clear that Commodore Frank Bainimarama was a ‘no-nonsense personality’ who would not toe the government line”.

There were a number of issues that caused contention between the Qarase government and Fiji’s military commander. The EPG Report listed the four underlying causes of the coup as; the ‘SDL attempts to pardon coup perpetrators of 2000’, ‘attempts to remove Commodore Bainimarama from office and review of the RFMF’, the ‘introduction of alleged racially divisive legislation and the RFMF’s role in politics’ and ‘issues relating to the conduct of the 2006 election and alleged widespread corruption’.

From the time of the December 5, 2006 coup until the end of May 2007, Fiji was ‘under an official state of emergency’. Bainimarama first appointed as interim prime minister 77 year old military doctor Dr. Jona Senilagakali. In early January, Bainimarama’s interim cabinet included an assortment of political figures from various political parties. These included Mahendra Chaudhry and Lekh Ram

---

398 Lal, ‘Anxiety, Uncertainty and Fear in our Land’:22
399 La, ‘Anxiety, Uncertainty and Fear in our Land’: 22
Vayeshnoi from the Labour Party, Poseci Bune, a political figure with shifting loyalties, former Speaker of the House of Representatives, Ratu Epeli Nailatikau, Manu Korovulavula, an unsuccessful National Alliance Party candidate in the previous election and Bernadette Rounds-Ganilau, who was the Deputy Opposition Leader in the ousted parliament and Ratu Jone Navakamocea, who had been a state minister in the ousted Qarase government. The other members of the government such as Tevita Vuibau, Jainened Kumar, Aiyaz Sayed-Khaiyum, Dr. Jona Senilagakali, Netani Sukanaivalu, Taito Waradi and Adi Laufitu Malani were people with no known political affiliation but who had previously held senior positions at government departments or non-government organisations. While the state of emergency was lifted on May 31st, restrictions on the media and public gatherings remained in place. The Public Emergency Regulations (PER), however, were reinstated after the abrogation of the 1997 constitution on May 10, 2009.

Fiji’s ousted Prime Minister, Laisenia Qarase challenged the legality of the interim government in court and on October 9, 2008 Fiji’s High Court ‘delivered its verdict in the case of Qarase and Others v Bainimarama and Others…that the President had the authority to legally empower the interim Government. This High Court decision was challenged by Qarase in Fiji’s Court Of Appeal which ruled in his favour on April 9, 2009. However, Fiji’s President, Ratu Josefa Iloilo, abrogated Fiji’s 1997 constitution the following day on May 10 and created a New Legal Order in the country. The result of the President’s action is that Fiji is now ruled by decrees in the absence of a constitution. Furthermore, Iloilo reappointed the Bainimarama government to govern the country. On July 1, 2009, Prime Minister Bainimarama announced a ‘Roadmap’ for Fiji, which stated ‘that elections will not take place until 2014 and work will not begin on a new constitution until September 2012’.

404 ‘Profile of Fiji’s interim cabinet members’.
5.3 Reactions to the 2006 coup

5.3.1 Response of the island countries in the region to Fiji’s coup.

Lal claimed that ‘the reaction of the Melanesian Spearhead Group (MSG), comprising Papua New Guinea, Solomon Islands and Vanuatu as well as Fiji, is at odds with the response of its bigger neighbours’. He explained that ‘at the meeting of its (MSG) foreign ministers in Honiara on 12 January 2007 the group declared that “the political situation in Fiji is an internal matter that can only be resolved by the people of Fiji using constitutional and democratic processes”’. Lal pointed out that ‘the MSG’s lack of sympathy for Qarase’s government was surprising’ given the fact that ‘on 30 October 2005, the government of Papua New Guinea had awarded the then Fijian prime minister the ‘Star of Melanesia’ for bringing political stability to Fiji and for promoting business and commerce in the region’. It has been suggested that the Melanesian reaction may partly be the result of its currently hostile attitude to Australia in particular.

Fraenkel, however, linked this unsympathetic stance by the MSG to Qarase’s own stance towards them at the Forum meeting that was held in Nadi in October 2006. He claimed that at that meeting ‘Qarase was fêted by Helen Clark and John Howard, and served as their ally in controversies with other members of the Melanesian Spearhead Group’. This, he explained, ‘ensured lukewarm support from other Melanesian leaders for Qarase after the coup’. The issues that Fraenkel may have been referring to were the controversy over Julian Moti and the renewal of Greg Urwin’s term as the Forum Secretariat’s Secretary-General.

On the issue of Julian Moti, an Australian citizen, Papua New Guinea had refused to hand him over and instead flew him in a PNG Defence Force plane to the Solomon

---

408 Lal. ‘Anxiety, Uncertainty and Fear in our Land’: 37
409 Lal. ‘Anxiety, Uncertainty and Fear in our Land’: 37
410 Lal. ‘Anxiety, Uncertainty and Fear in our Land’: 37
411 Lal. ‘Anxiety, Uncertainty and Fear in our Land’: 37
413 Fraenkel, ‘Fiji’s December 2006 Coup’: 64
Islands. According to the Islands Business, this ‘triggered a flurry of name calling and label throwing ranging from corrupt governments to leaders who are friends with criminals’ between Canberra and both Port Moresby and Honiara in the weeks leading up to the Nadi Forum. However, it claims that what helped Australia’s case was Fiji’s ‘reluctance to play ball with the rest of MSG members’.

The MSG met two days before Howard’s arrival and while ‘Somare, Sogavare and Vanuatu’s Ham Lini spoke with one voice: that Australia must be scolded and its role in the regional mission in the Solomons reviewed if not reduced’; Qarase insisted that ‘the row is a matter for the two Melanesian neighbours to resolve with Australia,…and ought not to involve other members of the MSG or the Forum’. With regards to the position of Forum Secretariat Secretary General, while the Melanesian bloc wanted Fiji to submit a candidate for the position to prevent Australian Greg Urwin from serving a second term, Qarase was reluctant saying that ‘while Fiji was interested in the job, the timing was not right’. An aide to Qarase explained that ‘Urwin is overseeing major reforms in the secretariat, so strategically, the best time to go for the position would be afterwards’. Fiji’s position on these issues was criticised by former Fiji coup leader and former prime minister, Sitiveni Rabuka, who wrote in his weekly column in the Sunday Times newspaper that

We should have showcased our own position as a member of the Melanesian Spearhead Group. But we preferred to be nice, forgetting that being nice may not be right. Why should we expect PNG, Vanuatu and the Solomons to support our exporters to their countries if we do not sing the same tune they are asking us to sing with them? We should have showcased our commitment to our Polynesian and Micronesian neighbours that we will be able to assist them better when we enjoy a stronger MSG co-operation. Instead, we chose to walk the tightrope, but very unconvincingly.

---

Samoa’s stance towards Fiji’s coup has been well publicised in the many public comments made by its Prime Minister towards Fiji’s Prime Minister, Voreqe Bainimarama and the current Fiji government since the December 2006 coup. Apart from Australia and New Zealand, it has been Samoa out of all the island countries in the region that has been the most vocal in its condemnation and opposition to the coup and the Bainimarama government and their policies to date. While there may be many reasons for this, one main reason could be because the Samoan prime minister is one of the longest serving leaders out of all the regional leaders which he probably sees as qualifying factor for him to speak out on such issues. Another reason could be because of Samoa’s historic ties with New Zealand as a former colony of New Zealand and the $10 million a year in aid it receives from its former coloniser, thus Samoa may feel obligated to be on New Zealand’s side. Furthermore, Samoa benefits indirectly from Fiji’s political woes such as in tourism. After the 2006 coup in Fiji, when Australia and New Zealand were issuing travel advisories to their citizens cautioning them against coming to Fiji, Samoa actually reported an increase in their tourist numbers. This suggests that Samoa may be seeking to capitalize on Fiji’s political woes as it benefits economically from it. Finally, Samoa may have viewed Fiji’s political woes as an opportunity to request for the Forum Secretariat to be relocated to Apia.

5.4 The interventionist role of Biketawa

As mentioned in Chapter 4, the ‘interventionist role’ of Biketawa has been the subject of debate amongst academics since the creation of the declaration in 2000. For instance, Firth argued that while the Biketawa Declaration ‘went further’ than the


Honiara and Aitutaki Declarations, he asserted that ‘still, island leaders in the Forum did not want Biketawa to mean too much’ as for them, the key phrase was “the principle of non-interference in the domestic affairs of another member state”.424 Furthermore, he asserted that Biketawa said ‘nothing about regional military intervention in a Forum member state, though the word “intervention” occurred in an annex’.425 While he questioned the basis for future intervention, however, he predicted that the future role of Biketawa would be ‘to confer the imprimatur of regional legitimacy on what are essentially bilateral interventions undertaken by Australia and New Zealand, which will claim to be acting on the basis of a mandate given by the Pacific Islands Forum’.426

This has been most evident in the Regional Assistance Mission to the Solomon Islands (RAMSI) and the Pacific Regional Assistance to Nauru (PRAN). For instance, RAMSI was the result of a request made to Australia by the Solomon Islands Prime Minister, Albert Kemakeza, requesting external intervention. Thus, it was led by Australia and involved the Cook Islands, Federated States of Micronesia, Fiji, Kiribati, Marshall Islands, Nauru, New Zealand, Niue, Palau, Papua New Guinea, Samoa, Tonga, Tuvalu and Vanuatu. It was ‘led by a police contingent of some 330 police officers, mainly from Australia but with participation from other Forum member states’ and ‘supplemented initially by around 1,800 military personnel from the region, again largely Australian’.427 With regards to PRAN, notable in Nauru’s path to economic recovery was the assistance provided by Australia. Even prior to the commencement of PRAN, Australia was already providing financial assistance to Nauru. According to Toatu, it was Australia’s development assistance of A$41.5 million in late 2001 which was linked to Nauru’s agreement to host asylum seekers that kept the Nauruan economy going.428

Furthermore, Toatu explained that

425 Firth, ‘The new regionalism and its contradictions’:124
in February 2004 the governments of Australia and Nauru signed a new memorandum of understanding providing for A$22.5 million in assistance for the period July 2003–June 2005. Included in this package was the provision for Australian personnel serving in line positions, including an Australian Secretary of Finance with a mandate to address key economic and financial reforms.

Herr described Biketawa from a different angle as ‘essentially a diplomatic statement of agreement’ and ‘not a treaty’. As such, he argued ‘it does not carry legal weight but rather is a political agreement amongst the Forum members’. Thus, he concluded that while ‘the non-legal status of Biketawa does not lessen its political force… it means any activities carried out in its name are acts of political will not legal obligation’. Shibuya, however, argued that while all of the explicit actions outlined in Biketawa ‘are innocuous (assess the situation, appoint a fact-finding mission, provide mediation, among others), the ability to convene a special meeting to “consider other options” does leave open the possibility of some type of intervention’.

Furthermore, Herr argued that while the ‘coup in Fiji and Solomon Islands in 2000 provoked the Forum leadership to go further in asserting protection of civic values by drafting the Biketawa Declaration to add “democracy” to regional obligations’ however, ‘the application of the Biketawa – based sanctions against post 2006 Fiji is substantially different in character from other regional usages’. Herr asserted that while ‘the intercessions in the other cases were with the compliance of the affected states, the current sanctions against Fiji are imposed against the wishes of Fiji and not based on the cooperative engagement with the interim Government’. He claimed that ‘the interim Government of Commodore Bainimarama has repeatedly railed against the sanctions and sought their removal or, if this was not forthcoming, a reduction in their severity’.

---

429 Herr, ‘Democratic Intervention, Biketawa and the 2006 Fiji Military Coup’: 1
430 Herr, ‘Democratic Intervention, Biketawa and the 2006 Fiji Military Coup’: 2
431 Herr, ‘Democratic Intervention, Biketawa and the 2006 Fiji Military Coup’: 3
433 Herr, ‘Democratic Intervention, Biketawa and the 2006 Fiji Military Coup’: 1-2
434 Herr, ‘Democratic Intervention, Biketawa and the 2006 Fiji Military Coup’: 2
435 Herr, ‘Democratic Intervention, Biketawa and the 2006 Fiji Military Coup’: 2
From the perspective of the Forum, however, Levi’s comments as described in Chapter 4 that Biketawa was ‘a significant shift from the traditional Forum’s long standing policy of non-interference in the domestic political affairs of the member countries’ implies that Biketawa allows room for intervention in the domestic political affairs of Forum members.

5.5 Outcome of negotiations

5.5.1 The Forum’s engagement in 2006

Four days prior to the 2006 coup, Forum ministers were already planning to convene a meeting of an Eminent Persons Group (EPG) to try to work through the impasse between the Qarase government and the military. On December 1, 2006 at the Pacific Islands Forum Foreign Affairs Ministers Meeting (FFAMM) in Sydney it was decided that an Eminent Persons Group (EPG) be convened ‘to visit Fiji to meet all the relevant parties to the (then) impasse and to make recommendations for a way forward’. However, the military takeover took place four days later, before this planned EPG eventuated thus a new EPG Terms of Reference (TOR) had to be drafted and was circulated to Forum Foreign Affairs Ministers on December 15. Its new TOR was as follows:

- to assess the underlying causes and the nature of the overthrow of the Government of Fiji by the RFMF;
- to assess the prospects for appropriate resolution of the present situation in Fiji in the short and medium term, and obstacles to such a resolution;
- to identify steps that the parties in Fiji may take to move swiftly and peacefully toward the restoration of democratic government, within the boundaries of Fiji’s Constitution and the rule of law;
- to consider the role the Forum and its members might most usefully play in assisting Fiji achieve this outcome

On December 20, consultations were made with Fiji’s military installed regime to determine their willingness to speak with a Forum EPG.\textsuperscript{440} The response from Fiji’s new regime was affirmative probably because it understood and wanted to honor its obligations to adhere to the principles of the Biketawa Declaration and this was reflected in the EPG visit to Fiji from late January to early February for a week during which time it held consultations for four days.\textsuperscript{441} The Forum’s stand was that it wished ‘to assist Fiji move swiftly and peacefully toward the restoration of democratic government within the boundaries of Fiji’s constitution and the rule of law’.\textsuperscript{442}

5.5.2 2007 engagement

The Pacific Islands Forum Eminent Persons Group

The Pacific Islands Forum Eminent Persons Group (EPG) was established under mandate by a meeting of the FFAMM in January, 2007.\textsuperscript{443} It was the first Forum mechanism used to engage with Fiji’s interim government after the military takeover. It was headed by Hon. Sato Kilman (Deputy Prime Minister and Foreign Affairs Minister – Vanuatu) and comprised Hon. Faumuina Luiga (Samoa’s Minister for Natural Resources and Environment), Sir Arnold Amet (retired Chief Justice of PNG) and General Peter Cosgrove (retired Chief of the Australian Defence Force).

It was well-received by the interim government, as stated in Fiji’s interim government submission to the FFAMM in Port Vila on 16 March, and its consultations were well-facilitated as evidenced by the large cross section of the community it was allowed to consult with.\textsuperscript{444} It consulted with state, political and civil groups, which included the President, members of both the interim and ousted government including Commander Voreqe Bainimarama and Mr. Qarase, the Chairman of the Great Council of Chiefs (GCC), former Vice-President,

\begin{itemize}
\item \textsuperscript{441} Forum Eminent Persons’ Group Report Fiji, 2007:1
\item \textsuperscript{442} ‘Clarification on EPG to Fiji’, 2009.
\end{itemize}
representatives of the Fiji Human Rights Commission, the Ombudsman’s office, the business community, unions, non-governmental organizations (NGO’s) and religious groups, the media, representatives of Forum member countries in Fiji and Post Forum Dialogue Partners in Fiji. During its consultations from the 29 January to 1st February, it heard views on a wide range of issues which included: the Fiji constitution, underlying reasons for the coup, suggestions for the way forward, and governance and human rights abuses.

The 14 page EPG Report to the FFAMM began with an introduction to ‘the background to the current situation in Fiji and the establishment and work of the EPG’ followed by four major sections which covered its four terms of reference and concluded with a conclusions and recommendations section. One of the observations noted by the EPG in its Report, under Section Two which was entitled ‘Assessment of the prospects for appropriate resolution of the present situation in Fiji and obstacles to such a resolution’, was that the election in Fiji was not likely to happen for another five years. This was based on information it received from the interim government regarding its ‘plans to embark on an anti-corruption exercise’ also called a ‘clean up campaign’, ‘to conduct a census with a view to revising electoral boundaries, and to undertake voter education programmes’ before a national election can be carried out. The EPG also interpreted the interim government’s insistence ‘that an election could not be held until the socio-economic conditions in Fiji were conducive to a credible election’, to mean that the elections would only be carried out ‘when the clean up campaign was completed’. The interim government had given a time frame of between three to five years for its plans to be achieved.

Another prominent issue noted by the EPG in its report was that while there were...
significant differences of opinion between the interim government and its supporters, and the remainder of the community, on the role of the Forum and its members in achieving the restoration of democracy in Fiji, there was however a consensus that the EPG, or some variant, should remain constituted to monitor developments in Fiji and make recommendations to Forum Leaders.  

The EPG report also noted ‘the interim government’s call for Forum members to engage with the interim government to acquire a better understanding of the particular circumstances in Fiji’ and ‘the removal of all sanctions commencing with the travel bans imposed on military personnel, interim Ministers, civil servants and their families’. This was mainly directed at Australia and New Zealand who were the only two Forum countries to impose sanctions and bans against Fiji’s interim government. Furthermore, the report expressed the interim government’s concern ‘that the travel bans were making it difficult to recruit members of the public to serve in the interim administration’ which undermined its attempts to govern effectively. Fiji’s interim government linked this issue to preparations for elections arguing that ‘preparations could not occur without suitably qualified people’. The interim government also ‘called on Australia and New Zealand to consider a package of assistance to facilitate the implementation of the steps leading to a democratic election’ stating that the provision of such an assistance, particularly ‘in the establishment of an anti-corruption commission’ would accelerate, ‘the remainder of the electoral timetable’. The EPG noted, however, that ‘the steps outlined by the interim government to date do not constitute a time bound roadmap, but rather a set of objectives’.  

In its concluding remarks, the EPG labelled ‘the RFMF’s takeover of government’ as ‘unlawful’. It therefore recommended ‘the immediate next step’ to be the reconvening of Parliament and the restoration of the Constitutional government drawn from the elected Parliament. However, it noted that ‘regrettably, this is
unlikely to occur’. It observed that the ‘interim government appears firm in its intention to rule without reconvening Parliament, and not to hold an election for a protracted period (up to five years)’, a timeframe which it considered to be ‘excessive’. Rather, it indicated that the majority of people with whom it spoke to ‘preferred an earlier return to parliamentary democracy and indicated election time frames ranging from eighteen months to two years’.

The EPG made nine recommendations to Forum Foreign Ministers which included: ‘a firm restatement that, in the Forum’s view, the takeover of Government by the RFMF on 5 December was unconstitutional and unacceptable; the RFMF to ‘be called on to take immediate steps to withdraw from its involvement in the interim government with a view to restoring civilian rule as soon as possible’; the interim government to be called on to restrict its activities in the following ways: to uphold the 1997 constitution and to restrict interim decrees to ‘matters necessary to meet the basic requirements of the community’, to ‘respect and uphold Fiji’s domestic and international obligations’, the interim government (and the RFMF) to ‘immediately cease all interference with the Judiciary and accountable institutions, the Chief Justice should be reinstated to office; and for the interim government (and the RFMF) to ensure that ‘citizens are free to seek legal redress in the courts in relation to the events on and following 5 December, and should be prepared to comply with any decisions of the courts in this regard’. Furthermore, it called on the interim government ‘to commit without delay to a roadmap with measurable milestones which includes the following:

- the interim government should commit to a firm timeframe for a national election between eighteen months and two years, if not sooner’;
- the interim government should de-link the election timetable from its clean up campaign except in those areas directly related to the electoral process  

The EPG also recommended that the Forum ‘call on the interim government and the RFMF to immediately cease human rights abuses’. It suggested that the Forum
consider, based on ‘commitments made by the interim government in regard to a roadmap and cessation of human rights abuses… a phased package of assistance including: financial and technical support for the electoral process; financial and technical assistance for the establishment of a credible and independent anti-corruption commission; assistance to restore the independence of the Judiciary’. 466 Furthermore, it stated that if the interim government does not commit to a roadmap along the lines already recommended, for the Forum to ‘consider further options’. 467 It also recommended that the EPG or ‘a variant thereof’ to ‘remain in being and continue further dialogue in a closely engaged and phased manner’. 468 Finally, it suggested that ‘the next democratically elected government of Fiji should be encouraged to examine the roots of Fiji’s ‘coup culture’ and the steps that need to be taken to eradicate it’. 469

Response of the interim government to the EPG

According to interim Prime Minister, Voreqe Bainimarama, ‘the Eminent Persons Groups mission to Fiji was critical because it paved the way to full engagement with the region and the rest of the world’. 470 He added that ‘Fiji is prepared to engage with partners bi-laterally, regionally and multi-laterally’. 471 He described the engagement of the interim government with the EPG ‘as informative, useful and positive’ with discussions centred on the ‘underlying reasons which led to the political transition, the prospects for resolution and the pathway to the restoration of democracy’. 472 However, he explained that

for Fijis next general elections to be free and fair there are several important requirements that must be fulfilled, including the holding of a national census, determination of new constituency boundaries, new voter registration system as well

---

472 ‘Bainimarama ready to engage partners’.
as a comprehensive program of voter awareness and education on the electoral
system and voting rights.\textsuperscript{473}

Furthermore, ‘capacity building at the Elections Office is also needed alongside the
aim to have a better system in place for actual voting and counting of votes through
the use of electronics and information technology’.\textsuperscript{474}

While the EPG visit was welcomed by Fiji’s interim government, the same could not
be said about its response to Australia and New Zealand. After the EPG visit,
Bainimarama was reported to have said that ‘apart from New Zealand and Australia,
the other members of the Forum have left Fiji alone to sort out its affairs’.\textsuperscript{475}
Furthermore, he accused ‘New Zealand and Australia of being insensitive to the
problems and aspirations of Pacific Island countries’.\textsuperscript{476} He was responding to the
comments made by the two former metropoles regarding the EPG Report on Fiji.
Bainimarama ‘said it was unfair for the two countries to start commenting publicly
on the report before the Forum Foreign Affairs ministers, the body that
recommended the groups visit, had a chance to deliberate on it’.\textsuperscript{477} New Zealand
Prime Minister Helen Clark had told journalists at a press conference that ‘the time-
frame given by the group (EPG) for Fiji to prepare for the polls was more than
enough’.\textsuperscript{478} She added that ‘the report from the group showed a forward path for Fiji
to move back to democracy’.\textsuperscript{479} On the other hand, Australia’s Foreign Affairs
Minister

\begin{flushright}
indicated their support for calls by the group to Commodore Bainimarama to resign.
\end{flushright}
\begin{flushleft}
He said they hoped the Interim Government illegal as it may be and its prime
minister will look at implementing the report’s recommendations.\textsuperscript{480}
\end{flushleft}

\textsuperscript{473} ‘Bainimarama ready to engage partners’.
\textsuperscript{474} ‘Bainimarama ready to engage partners’.
\textsuperscript{475} ‘Fiji interim prime minister meets Eminent Persons Group to discuss overthrow of Qarase
\textsuperscript{476} ‘Aussies, Kiwis are bullies’. \textit{Fiji Times}, 22 February, 2007.
\textsuperscript{477} ‘Aussies, Kiwis are bullies’.
\textsuperscript{478} ‘Aussies, Kiwis are bullies’.
\textsuperscript{479} ‘Aussies, Kiwis are bullies’.
\textsuperscript{480} ‘Aussies, Kiwis are bullies’.
In response, Bainimarama said that ‘Fiji’s interests couldn’t be subordinated to the wishes of Australia and New Zealand’. It seemed that the differences between Fiji’s interim government and the two former metropolitan countries in the region began to emerge right from the beginning of the Forum’s engagement with Fiji. This was a characteristic feature that was repeated throughout the entire duration of the Forum’s engagement with Fiji including Fiji’s suspension.

**Other comments on the EPG Visit and Report**

Other comments regarding the EPG visit included former Prime Minister Sitiveni Rabuka who expressed doubt about the group’s ability to ‘review the events that led to military intervention and to find out the truth about what the commander said were the reasons the SDL Government deserved to have its term cut short’. He asserted that ‘the group's report could not be a good base for any national or regional response’ explaining that the group cannot be expected to be independent “because they were appointed by the Pacific Forum” thus, “their findings will be put up against the Forum “values”, which may not be the values prioritised by the regime of Fiji”.

**Forum Foreign Affairs Ministers Meeting**

The FFAMM meeting was held in Port Vila on 16 March, 2007 and its purpose was ‘to discuss the situation in Fiji and consider the Forum’s response, under the Biketawa Declaration’. It was chaired by the Hon Paul Tiensten, Minister for Foreign Affairs & Trade of Papua New Guinea, and was attended by the Prime Minister of Samoa, the Premier of Niue and Ministers from Australia, the Cook Islands, Federated States of Micronesia, Kiribati, Nauru, New Zealand, Niue, Palau, the Republic of the Marshall Islands, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu. The Fiji delegation was led by the Interim Minister of Foreign Affairs

---


484 Forum Foreign Affairs Ministers’ Meeting Outcome Statement 16 March 2007:1
and External Trade, Ratu Epeli Nailatikau, who is now Fiji’s President. In their outcome statement, Forum ministers labeled the military takeover in Fiji as ‘unconstitutional’ and ‘unacceptable’. They urged Fiji’s return to parliamentary democracy as soon as possible and while taking note of Fiji’s 36 months timeframe for a national election, they were of the view that elections should be held in between 18 months and 2 years ‘if not sooner’. Fiji was offered financial and technical assistance for the elections and it was decided that a Joint Working Group (JWG) to be made up of officials from member countries with Fiji be formed, provided Fiji was willing to participate. Fiji’s response was affirmative because the JWG commenced engagement with Fiji in early April.

Chair of the PIF Ministers Meeting, Paul Tiensten told journalists after the meeting that the outcome of their meeting remained ‘progressively well’ and that ‘they were confident Fiji was working with the help of the international community to return to democracy sooner’. He explained that it was “important to continue creating dialogue and engage with Fiji instead of taking measures to isolate them by judging from the outside point of view”. Furthermore, he added that ‘it was pleasing, particularly, to see Fiji taking an interest to return to democracy soon after the coup’.

The engagement of Fiji’s interim government with the FFAMM

The Fiji delegation presented a 19 page submission to the Forum Foreign Ministers. In its presentation, the Fiji government reassured the FFAMM that its ‘commitment to regional cooperation and solidarity’ remained ‘firm and intact’. Furthermore, it reiterated that Fiji fully understood ‘her obligations under the Biketawa Declaration, the Honiara Declaration and the various United Nations conventions on human rights, rule of law and democratic governance’ and was ‘not seeking to be exempted

---

486 Forum Foreign Affairs Ministers’ Meeting Outcome Statement 16 March 2007:1
487 Forum Foreign Affairs Ministers’ Meeting Outcome Statement 16 March 2007:1
488 Forum Foreign Affairs Ministers’ Meeting Outcome Statement 16 March 2007:1
490 Tiensten confident that Fiji will return to democracy soon’.
491 Tiensten confident that Fiji will return to democracy soon’.
from these obligations’. 493 This seems to suggest some legitimacy for the regional framework.

Fiji’s interim government also requested ‘understanding and mutually beneficial assistance’ from the Forum Group and the international community ‘to address the underlying causes that led to the events of 5 December 2006’. 494 It claimed that if these concerns were not addressed then ‘democratic values and good governance will not be achieved and sustained in the long term’. 495 Here, it may be seen to be appealing to the provision stated in (2) of the Biketawa Declaration which required that ‘the Forum must constructively address difficult and sensitive issues including underlying causes of tensions and conflict (ethnicity, socio-economic disparities, and lack of good governance, land disputes and erosion of cultural values)’. 496 It stated that ‘to this end the Secretary-General in the future after consulting the Forum chairman should urgently initiate the following process’ and then goes on to list the steps to be taken in such a crisis situation. This suggests that constructively addressing the underlying causes of a conflict was to be the main goal of all action taken by the Forum regarding a member’s crisis. 497

Furthermore, Fiji’s interim government contended that ‘rushing to democratic elections without addressing the underlying causes of 5 December 2006 may achieve form but not substance’ thus ‘would be counterproductive’. 498 It also sought the support and assistance of its international development partners and the Forum for the process leading to the creation of a Peoples Charter which it claimed would ‘rebuild Fiji into a united, well-governed, truly democratic and a progressive nation’. 499 Finally, with regards to the election timetable, Fiji’s interim government acknowledged the difference in its timeframe to that of the EPG (which was

493 Fiji Government Submission To The Forum Foreign Affairs Meeting On The EPG Report On Fiji:1
494 Fiji Government Submission to the Forum Foreign Affairs Meeting On the EPG Report On Fiji:2
495 Fiji Government Submission To The Forum Foreign Affairs Meeting On The EPG Report On Fiji:2
497 Biketawa Declaration. Ibid.
498 Fiji Government Submission To The Forum Foreign Affairs Meeting On The EPG Report On Fiji: 2
499 Fiji Government Submission To The Forum Foreign Affairs Meeting On The EPG Report On Fiji:4
endorsed by the FFAMM) but conceded that it was willing to consider a new timeframe. This seemed to suggest a conciliatory and cooperative approach by Fiji’s interim government.

**Fiji Joint Working Group**

The Joint Working Group (JWG) comprised Forum government officials and Suva-based diplomats from Australia, Federated States of Micronesia, Kiribati, Nauru, New Zealand, Papua New Guinea, Republic of Marshall Islands and Tuvalu. Fiji’s representatives to the working group were Parmesh Chand (then Permanent Secretary in the PM’s office) and Isikeli Mataitoga (Foreign Affairs Special Advisor). The purpose of the JWG was ‘to engage with the interim government on credible mechanisms for returning to democracy as soon as possible’. At the outset, the JWG received the full cooperation of the interim government. At its first meeting on 5 April 2007, which Fiji representative Parmesh Chand labeled as ‘fruitful’, it was agreed that an independent assessment be conducted to determine the ‘minimum reasonable time required’ for the preparation and conduct of the next parliamentary elections in Fiji.

A team was engaged to carry out an Independent Technical Assessment of Election Timetable (ITAET) which comprised Mr. Paul Harris and Mr. Barrie Sweetman as co-team leaders, and Mr. Bruce Hatch and Dr. Kesaia Seniloli. It met in Suva from the 14 to the 25 of May 2007 to consult with relevant Fiji government officials and other technical experts. It seemed that up to this point, the attitude of the interim government to its engagement with the Forum was still very positive. It saw the

500 Fiji Government Submission To The Forum Foreign Affairs Meeting On The EPG Report On Fiji: 4
501 Samisoni Pareti. ‘Fiji can hold elections early 2009’. Islands Business.
503 Forum Foreign Affairs Ministers’ Meeting Outcome Statement 16 March 2007:1
value of working with the Forum and getting their support particularly in gaining the wider support of global organisations such as the United Nations, Commonwealth and the EU-ACP group of countries. This sentiment was expressed earlier by interim Prime Minister Bainimarama after the EPG meeting in late January to early February in which he acknowledged that ‘the Eminent Persons Groups mission to Fiji was critical because it paved the way to full engagement with the region and the rest of the world’ especially since ‘the Commonwealth, United Nations and the European Union will use the outcome of the EPG mission to determine their future relationship with Fiji’.

On June 15, the JWG met to discuss the ITAET Report and was also informed that Fiji’s final position on the assessment awaited a meeting of the interim cabinet scheduled for June 19. The JWG further appointed a Fiji Elections Scoping Mission (FESM) made up of Mark Borg, Andrew Ladley and Walter Rigamoto. Its purpose was to ‘determine the resources required to meet the election timetable set by the ITAET’. The FESM estimated that the total cost of the next election would be approximately FJD$ 25.07 million. In addition to its main role, the JWG also received presentations from the interim government on the Peoples’ Charter proposal and the work of the Fiji Independent Commission Against Corruption (FICAC).

According to its own website, FICAC is a public organization, independent of the government whose aims are to ‘protect public interest, prevent breaches of public trust and guide the conduct of public officials’ by investigating, exposing and preventing ‘corruption involving or affecting public authorities or public officials’, and educating ‘public officials and members of the public about corruption and its detrimental effects on public administration and on the community’.

509 PIF – Fiji JWG on the situation in Fiji 15 June 2007 Agreed Outcomes.
511 PIF – Fiji JWG on the situation in Fiji 19 September 2007.
Response of the interim government to the Joint Working Group

The formation of the Fiji/Forum joint working group was welcomed by Fiji’s interim Prime Minister, Voreqe Bainimarama. Bainimarama said that Fiji was keen to invest time and resources in the work of this group. We would like to pursue meaningful engagement, particularly on the road map for (the) return of Fiji to true parliamentary democracy.

Furthermore, he acknowledged that while there are obviously divergent views on the time frame Fiji is proposing to that being promoted by the forum and others, it is important that there is thorough scrutiny of both road maps, that we understand each other on the justification of our respective (roadmaps) timeframe and outcomes of the discussions are taken back for deliberation at higher level.

On the election timetable, Bainimarama contended that it would ‘be counterproductive to rush Fijis return to parliamentary democracy without effectively addressing the root causes of the December overthrow of government’. Again it can be seen here that Fiji’s interim prime minister appeared to be appealing to the provision of Biketawa which required the Forum to ‘address underlying causes of tensions and conflict’. Bainimarama explained that ‘the military did not stage the takeover so Fiji could have another election’ and that ‘we’ll be the laughing stock of the world if we did what we did and just came straight back without making any changes to the structures that we have’.

On May 19, 2007, Fiji’s interim Prime Minister announced that the Bureau of Statistics had been given $2.5 million to prepare for the national census, which was conducted later in September of that year.

---

515 ‘State happy with group’.
519 ‘Election rush idiotic’:Voreqe’.

108
According to Bainimarama, this was a reflection of ‘the interim regime's commitment to return to parliamentary democracy’.  

38th Pacific Islands Forum in Nukualofa, Tonga.

At the 38th Forum Meeting in Nukualofa in mid-October, 2007, Fiji’s interim Prime Minister, Frank Bainimarama, made the undertaking to hold a parliamentary election in the March, 2009. This was also to be the (then) interim PM’s first and only attendance at a Forum meeting before Fiji’s suspension in May, 2009. In the Communiqué, it was noted under the main heading of Fiji that leaders ‘welcomed the undertaking by the Leader of the Fiji Interim Government to the Forum Leaders today that a parliamentary election will be held in the first quarter of 2009, and noted that he (Bainimarama) also stated to Forum Leaders that he and the Republic of Fiji Military Forces will accept the outcome of the election in the first quarter of 2009’. Although Bainimarama later claimed that he was pressured into making this undertaking, at that time, this decision was welcomed by the Forum leaders and the Forum used it as the benchmark in its future engagements with Fiji from thereon.

Australia and New Zealand’s strong stance towards Fiji was described by Islands Business as follows:

both Downer and Clark confronted Bainimarama with pointed questions about his roadmap on free and fair elections during the closed-door retreat of Forum leaders at the Puataukane International Resort on Vava’u Harbour’s seafront. Their strong stance agitated Bainimarama who complained to journalists after the day-long retreat that Downer and Clark could never be satisfied with his plan.

Bainimarama was reported to have complained that

---


521 ‘$2.5 million to prepare for national census’.


524 ‘Forum’s Increasing Relevance: is it becoming more of a regional cop? [http://www.islandsbusiness.com/archives/islands_business/index_dynamic/containerNameToReplace=MiddleMiddle/focusModuleID=17705/overrideSkinName=issueArticle-full.tpl](http://www.islandsbusiness.com/archives/islands_business/index_dynamic/containerNameToReplace=MiddleMiddle/focusModuleID=17705/overrideSkinName=issueArticle-full.tpl). Extracted 7/4/10
everything that needs to be done to prepare ourselves for the election has been done. The last one was the appointment of members of the Boundaries Commission. What else do they want? I can’t figure out what else do they want 525

Bainimarama’s statement indicates a sign of an emerging disenchantment with the Forum by Fiji. Prior to the Nukualofa Forum, Bainimarama had ‘lashed out at attempts to prevent his attendance at the annual summit of Pacific Leaders in Tonga’.526 He said that it was

intriguing to see both Australia and New Zealand mounting a campaign to get me as head of interim Government disqualified from attending the Forum Leaders Meeting. Their reaction typifies their lack of understanding and arrogance. They also have a condescending attitude to the unique problems and challenges a small country like Fiji is facing 527

Bainimarama’s undertaking to hold elections by the first quarter of 2009 was viewed as a form of victory for Forum leaders.

The Secretary-General of the Forum Secretariat, Greg Urwin viewed the decision on Fiji as a sign of the Forum’s ‘increasing relevance’. 528 Urwin’s view was that ‘the Forum has become more relevant in the last two years’. 529 He described an interview he saw in which Helen Clark

made a very telling point when she said that she still had (former New Zealand Prime Minister) David Lange’s words ringing in her ears that he came to the Forum in 1987 after Fiji have had two coups and not a word was spoken about Fiji 530

This reflects a popular perception that nothing was done by the Forum after Fiji’s coup in 1987. This perception, however, is actually incorrect because there was a response by the Forum, in the creation of the Committee on Regional Security

525 ‘Forum’s Increasing Relevance: is it becoming more of a regional cop?
528 ‘Forum’s Increasing Relevance: is it becoming more of a regional cop?
529 ‘Forum’s Increasing Relevance: is it becoming more of a regional cop?
530 ‘Forum’s Increasing Relevance: is it becoming more of a regional cop?'
Information Exchange (CRSIE) which was renamed the Forum Regional Security Committee in 1990 and the Forum’s offer to send a delegation to Fiji.

Urwin further explained that ‘since the measures that came into force under the Biketawa Declaration, the Forum has started to become involved in issues that used to be previously ignored’. He concluded that the decision from Fiji reflected ‘a strong outcome from the Forum and it showed again that it (Forum) can deal with some of the difficult issues’. Australian Foreign Affairs Minister, Alexander Downer, expressed similar sentiments when he told journalists as he left the leaders’ retreat in Vava’u that he was ‘truly delighted with this Forum… it really showed the relevance of the Forum in taking the agenda forward’. He paid ‘particular tribute to Sir Michael Somare who has been very helpful in all of these and also the Prime Minister of Samoa, Honourable Tuila’epa who has done a very good job on this issue as well’.

While Tuila’epa’s role was unclear, it was believed that Somare’s role had to do with his meeting with Bainimarama at Nadi prior to the Vava’u Forum. It was reported that Somare confirmed to some journalists at the Vava’u retreat that at their meeting, Bainimarama had explained that his regime’s exit strategy was ‘through the formulation of a people’s charter’ to which Somare suggested that Bainimarama ‘make the same explanation on the people’s charter at the Forum meeting’. Furthermore, he was reported to have told Bainimarama ‘that Forum Islands countries would want a commitment from him that the election would be held in early 2009 and an assurance that this time around, the military that he leads would respect the outcome of the general election’ and ‘if Bainimarama was ready to give that assurance, then the Fijian leader could count on his support during discussions in the Tonga Forum’. Somare’s ‘moderating influence’ was also reflected ‘in his address as outgoing Forum chair at the Forum’s formal opening ceremony on

---

532 ‘Forum’s Increasing Relevance: is it becoming more of a regional cop?
533 ‘Forum’s Increasing Relevance: is it becoming more of a regional cop?
534 ‘Forum’s Increasing Relevance: is it becoming more of a regional cop?
535 ‘Forum’s Increasing Relevance: is it becoming more of a regional cop?
536 ‘Forum’s Increasing Relevance: is it becoming more of a regional cop?
537 ‘Forum’s Increasing Relevance: is it becoming more of a regional cop?
538 ‘Forum’s Increasing Relevance: is it becoming more of a regional cop?
October 16 where he referred to Fiji as ‘a member of our family of island nations’. With reference to Fiji, Somare had said that it is important that we all work together in the usual Pacific Way to find a way forward in the best interest of the people of Fiji. A member of our family needs our understanding and assistance to bring it back to the fold. We would not be doing justice to our objectives if we sought solely punitive actions for a member of the family.

5.5.3 2008 engagement

Fiji Joint Working Group

The engagement of the JWG with the interim government of Fiji in the first quarter of 2008 seemed promising in terms of the election timetable progressing as planned. On 7 February, 2008 the Deputy Supervisor of Elections assured the JWG ‘that an election by March 2009 was achievable’. However, in the second quarter of the year, the situation began to appear less promising. On April 10, the JWG members ‘expressed concerns about further public statements since its last meeting, which appeared to link the timing of elections to the progress of the Peoples’ Charter processes.’ In response, however, the interim government stated that it remained ‘firmly committed’ to the agreed election timing of March 2009. A month later, the JWG ‘expressed disappointment with the continuing delay by Fiji to provide a detailed timetable for election preparations to be considered by the interim Cabinet.’

539 ‘Forum’s Increasing Relevance: is it becoming more of a regional cop?
542 PIF – Fiji JWG on the situation in Fiji 7 February 2008 Outcomes.
543 PIF – Fiji JWG on the situation in Fiji 7 February 2008 Outcomes.
noting the significant lapses in achieving the electoral milestones in the integrated
timeline’. On 19 June, Fiji’s interim Attorney General informed the JWG ‘that
the interim government’s election timetable was yet to be finalized and would
depend upon the progress of the electoral reform process over the next few
months’. The JWG’s response was that this position was a modification of Fiji’s
earlier commitments, thus would need to be considered by Forum members at the
political level. Five days later, on June 24, the JWG convened to discuss the
interim Prime Minister’s letter to the Forum Chair that Fiji would no longer
participate in JWG meetings.

The interim government’s delay in its response to the JWG and finally its refusal to
continue participation seemed a clear indication that its stance had changed. It
seemed to reflect that it now considered the People’s Charter as the priority over an
election. From the point of view of the Forum, this stance taken by Fiji’s interim
government contradicted Bainimarama’s undertaking to Forum leaders in Tonga the
previous year to hold elections in March, 2009 and thus brought it into direct conflict
with what the Forum wanted from it. However, upon closer examination of
statements and submissions made earlier by Fiji’s interim government, this ‘new’
stance is not surprising at all because this is what it had been insisting on from the
outset in its engagement with the Forum. It was only a matter of time before this
stand-off would emerge between Fiji’s interim government and the Forum as they
were each insisting on different priorities; the former on full electoral reforms before
an election is carried out and the latter on elections as soon as possible. Thus, this
outcome is not surprising at all.

The difference that has emerged between the interim government and the Forum
raises the important question of what the Forum is really trying to achieve in its
engagement with Fiji. While the Biketawa Declaration commits Forum members to
certain key principles, it also clearly states that the goal of the actions to be taken by

545 PIF – Fiji JWG on the situation in Fiji 8 May 2008.
546 PIF – Fiji JWG on the situation in Fiji 19 June 2008 Agreed Outcomes.
http://www.forumsec.org/pages.cfm/newsroom/press-statements/2008/forum-fiji-jwg-meeting-
547 PIF – Fiji JWG on the situation in Fiji 19 June 2008 Agreed Outcomes.
548 PIF – Fiji JWG on the situation in Fiji Special meeting, 26 June 2008 Outcomes.
http://www.forumsec.org/pages.cfm/newsroom/press-statements/2008/forum-fiji-jwg-special-
the Forum in response to a member’s crisis is to ‘constructively address difficult and sensitive issues including underlying causes of tensions and conflict’. In view of this, the question that needs to be asked is to what extent has the Forum’s role in Fiji up to this point fulfilled this goal as stated in Biketawa? Specifically, how has the Forum addressed the underlying causes of Fiji’s coups since it began its engagement with Fiji? These are very important questions since the Biketawa declaration was the document used by the Forum as the basis for its engagement with Fiji, thus it is vital that Biketawa be used in the way it was meant to be used. The Forum’s emphasis that elections be held first within a certain timeframe actually raises questions as to the main goal of its engagement with Fiji.

**Forum Foreign Affairs Ministers Meeting**

While the JWG was engaging with Fiji’s interim government in early 2008, the FFAMM was doing likewise. Its Auckland meeting on March 26, 2008 was chaired by the Hon Sonatane Tu'akinamolahi Taumoepeau-Tupou, Minister for Foreign Affairs of Tonga, and was attended by the Premier of Niue; the Prime Minister of Samoa; Ministers from Australia, the Cook Islands, Kiribati, New Zealand, Papua New Guinea, Solomon Islands, Tuvalu and Vanuatu; and officials from the Federated States of Micronesia, Nauru, Palau and the Republic of the Marshall Islands. Fiji’s delegation was led by the Interim Minister of Foreign Affairs, International Cooperation and Civil Aviation’, Ratu Epeli Nailatikau.

The main issue of discussion was ‘to review the progress being made towards a parliamentary election in the first quarter of 2009’. In their statement, the Ministers acknowledged ‘that an overall resolution of issues in Fiji would be a long-term exercise’, however; they considered a national election to be ‘a crucial prerequisite to creating the conditions in which this longer term resolution could be promoted’. Furthermore, it was decided that a Ministerial Contact Group (MCG) be

---

549 Biketawa Declaration, 28 October 2000.
formed ‘to further monitor progress of Fiji’s preparations for the election and the return to democracy’. The MCG was to consist of the Ministers of Foreign Affairs from Australia, New Zealand, Papua New Guinea, Samoa, Tonga and Tuvalu.

**Pacific Islands Forum Ministerial Contact Group**

The Pacific Islands Forum Ministerial Contact Group (MCG) commenced direct engagement with the interim government of Fiji after Fiji’s withdrawal from engagements with the JWG in late June. It was chaired by Tonga’s foreign affairs minister, Sonatane Tu’akinamolahi Taumoepeau-Tupou and comprised Stephen Smith (new Australian foreign affairs minister), Winston Peters (New Zealand foreign affairs minister), Samuel Abal (PNG foreign affairs minister), Samoan Prime Minister and also Foreign Minister Tuilaepa Lopesoliala Sailele Malielegaoi and Tuvalu's Communication and Tourism Minister Taukelina Finikaso. On 15 to 16 July 2008, it conducted discussions with the interim Prime Minister, other interim ministers, officials including those from the Electoral Commission, office of the Supervisor of elections and the National Council for Building a Better Fiji, political leaders including the deposed Prime Minister and the Leader of the Opposition and the Commonwealth special envoy, Sir Paul Reeves. The focus of the talks was on ‘the willingness and preparedness of the interim government to meet its undertakings to hold elections by March 2009’.

According to Pareti, ‘the most jaw dropping moment’ of the MCG’s visit to Fiji ‘was their tour of the Elections Office’. He claimed that this was because ‘only three or four people made up the office staff and there was hardly any work being done at the two-storey complex in the capital city’s Toorak suburb’. This, he contended, ‘was the most visible evidence’ for the MCG ‘that the regime of coup leader and military strongman Frank Bainimarama was not going to hold the general election he had

---


promised Forum leaders by March 2009’. The MCG report on Fiji was to be tabled at the Forum leaders’ meeting in Niue in August. Furthermore, Pareti claimed that ‘the gist of the Tupou report was that Fiji was able to hold an election in March 2009 despite frequent pronouncements by the Bainimarama regime that the elections office would need at least 12 to 15 more months in order to be ready to convene the polls’. He quoted an anonymous source (who was present at the meeting between the MCG and the elections office officials) who said that “when the chair of the electoral commission told the MCG that the office won’t be ready until 12 to 15 months time, ministers were literally shocked. Seeing the horror looks, the deputy supervisor of elections (Soro Toutou) quickly interjected that the office could even be ready as early as nine months”.

39th Pacific Islands Forum, Niue

At the 39th Forum Meeting in Niue in August, 2008 Leaders ‘expressed serious concern’ at the non-attendance of the Fiji interim government labelling it ‘unacceptable’. The leaders were of the view that ‘the Interim government should have attended to account to Forum leaders for the undertakings given at the 2007 Forum’. Fiji’s excuse for staying away from the Niue Forum was because it was not issued with visas to attend the Post-Forum dialogue in New Zealand as the Fiji delegation was only issued with transit visas to Auckland Airport to catch their connecting planes to and from the Niue Forum. Post Forum dialogue meetings are meetings held after Forum meetings between Forum member countries and those interested in the region such as trade partners who are not members of the Forum. New Zealand Prime Minister, Helen Clark, contended that the visa issue was just an excuse for Fiji to stay away from the Forum and avoid facing Pacific leaders.

---

557 Pareti, ‘Fiji can hold elections early 2009’.
Leaders instructed the MCG to continue monitoring Fiji’s situation and report back to the leaders before the end of the year. 565 It was agreed that upon receipt of the MCG’s second report the Leaders would ‘consider special measures in relation to Fiji’ and that measures to be considered would include the Fiji government’s suspension from the Forum. 566

In defense of Fiji’s non-attendance, Herr asserted that ‘New Zealand’s offer to provide a venue for the post-Forum bilateral talks but to exclude Fiji from them on the basis that it would only transit visas for Fiji’s delegation was a breach the meeting practices within the comity of the Forum’. 567 He explained that ‘these talks were the responsibility of Niue and New Zealand’s assistance was a continuation of the obligations that Niue accepted when it agreed to host the 2008 Forum’. 568 Herr concluded that Fiji’s interim Government ‘did have a legitimate grievance at New Zealand’s abuse of the Forum process but its critics appeared both unaware of the slight and unwilling to accept it as sufficient grounds for Fiji to refuse to attend the Forum’. 569

Unlike the previous Nukualofa Forum where the drive to isolate Fiji was spearheaded by the two former metropolitan countries, and there was considerable empathy for Fiji especially from the Melanesian bloc, this time around the atmosphere was reportedly different. 570 This view was also expressed by Herr who explained that whatever reservations there may have been in the strong position taken by the two Australasian powers, the general position of the FICs moved genuinely closer to Australia and New Zealand after Niue. The failure to attend, and to confront its critics, has clearly eroded the interim Government’s standing within the Forum and therefore diminished its capacity to challenge the legitimacy of the sanctions imposed by the Forum. The consequence for the interim Government is that its

567 Herr. ‘Democratic Intervention, Biketawa and the 2006 Fiji Military Coup’
568 Herr. ‘Democratic Intervention, Biketawa and the 2006 Fiji Military Coup’
569 Herr. ‘Democratic Intervention, Biketawa and the 2006 Fiji Military Coup’
570 Dev Nadkami. ‘Views from Auckland: Crunch time for Fiji’.
attempt to play the victim in a regional power play has also been undermined significantly 571

The leaders’ obvious disappointment with Fiji was reflected in a number of statements they made to the media both during and after the Niue Forum. During the Forum meeting, ‘outgoing forum chair and Tongan Prime Minister Dr Feleti Sevele said the leaders were extremely disappointed with Commodore Bainimarama’s decision not to attend the meeting. 572 According to Dr. Sevele,

the commitments made by Commodore Bainimarama at the leaders retreat last year were not forced on him as he claimed. Commodore Bainimarama agreed with and accepted the seven-point communique on Fiji and so told all the leaders present at the retreat. Sir Michael Somare and I certainly did not pressure him into making those commitments to have elections next March as we and all the leaders are keen on helping Fiji move forward but Fiji has to play its due part 573

He added that

Commodore Bainimarama had an obligation to explain in person to the leaders why he could not fulfill those commitments. The leaders were looking forward to that in Niue and that he chose not to do that is most unfortunate and disappointing. 574

New Zealand Prime Minister, Clark, labeled claims by Commodore Bainimarama that he was forced to agree to an election in March 2009 as ‘nonsense’. 575 The newly-appointed Forum Chair, Mr. Toke Talagi said that ‘Pacific leaders condemned the recent statement by Commodore Bainimarama and reaffirmed the importance of having an election next March as promised by him. 576

After the Niue Forum, Tuvalu’s Prime Minister, Apisai Ielemia, said that ‘whatever the Fijian leadership had to say about the elections could have been said at the Forum

in the presence of Pacific leaders’. He explained that ‘we understand Pacific issues better and would have been able to offer some perspectives, if not suggest solutions. We are all very keen to help Fiji come out of what it is going through in every way possible’. He added that ‘it was disappointing that Fiji had decided to withdraw into its shell’. Solomon Islands Prime Minister, Dr. Derek Sikua commented that ‘it is unfortunate that Fiji decided to stay out instead of having an open discussion with all of us in Niue’ while Samoa’s Prime Minister Tuilaepa Sailele Malielegaio in reference to Fiji’s interim Prime Minister said that ‘what he is doing is ridiculing the independence and integrity of all the members of the Forum’. Another leader who did not wish to be named said that even if Fiji had ‘genuine reasons for not holding elections’, avoiding the Forum meeting ‘made those reasons look quite questionable’.

In comparing the MCG report with the Niue Forum Communiqué, an observer noted that ‘leaders had absorbed almost wholesale the MCG’s recommendations’. However, he highlighted that the only major difference between the communiqué and the MCG report was on the issue of Fiji’s suspension. He claimed that this issue was neither ‘raised nor recommended by the six foreign ministers who are members of the MCG’ concluding that ‘it was the leaders themselves who made the threat of suspension’.

Response of the interim government to the Niue Forum decisions

In the face of expressed disappointment by Forum leaders towards Fiji’s non-attendance at the Niue Forum, Fiji’s interim government maintained that they were fully prepared for the Forum but that it was New Zealand’s decision over the visa issue that caused their non-attendance. In the Fiji Times, interim Prime Minister Bainimarama was quoted as having said that

577 Nadkami. ‘Views from Auckland: Crunch time for Fiji’.
578 Nadkami. ‘Views from Auckland.
579 Nadkami. ‘Views from Auckland.
580 Nadkami. ‘Views from Auckland.
581 Nadkami. ‘Views from Auckland.
583 Pareti. ‘Fiji can hold elections early 2009’.
584 Pareti. ‘Fiji can hold elections early 2009’.
We were prepared for the Niue meeting. As asked, we provided extensive written comments on the Ministerial Contact Group Report ahead of the Niue meeting. However, we were compelled to refrain from travelling to Niue because of one reason alone the action taken by the New Zealand Government to exclude Fiji from the post-Forum consultations.

Bainimarama described this situation as ‘regrettable and unfortunate’.

Another issue of contention for Fiji’s interim government was the MCG Report which would be discussed at the Niue Forum. Prior to the Forum, Fiji’s interim Prime Minister Bainimarama stated that Fiji’s interim government was ‘dismayed and disappointed’ with the MCG Report. He requested understanding and support from the Forum and other international development partners maintaining that “we in Fiji will decide what is in our national interest in the short and the long term. Outsiders cannot decide this for us,” he said.

With regards to his undertaking to hold elections by March 2009, Bainimarama claimed that he ‘was pressured into agreeing to (the) date at the Pacific Forum Leaders meeting in Tonga last year’. He explained that "the Forum members wanted a definite date; I wanted flexibility and an 'in principle' understanding so the date could be reviewed if we were not able, for good reason, to meet that particular election date”. He asserted that ‘any election has to be held under the new electoral system’ and that ‘once the electoral system was agreed upon, it would take 12 to 15 months to hold the general election’. The new electoral system was supposed to be agreed upon at the President’s Dialogue Forum. The President’s Forum was a forum that was ‘to be facilitated by the Commonwealth Secretariat and the United Nations’, to work with an independent National Council for Building a Better Fiji (NCBBF) to provide an ‘opportunity for registered political parties to

587 Singh and Raicola. ‘Fiji pulls out of Forum talks’.
588 Singh and Raicola. ‘Fiji pulls out of Forum talks’.
589 Singh and Raicola. ‘Fiji pulls out of Forum talks’.
590 Singh and Raicola. ‘Fiji pulls out of Forum talks’.
591 Singh. ‘No election in March: State’.
592 Singh. ‘No election in March: State’.
discuss the weaknesses of the current AV and Communal Electoral System and the compelling reasons why it needs to be replaced’.  

The response of the interim government to the decisions made by the leaders at the Niue Forum was expressed in a statement issued by the Ministry of Foreign Affairs. In its statement, the interim government expressed condemnation of the ‘moves to expel Fiji from the Pacific Islands Forum and accused Australia and New Zealand of misusing the forum process’. It stated that ‘it noted with regret and disappointment, the tone and content of a statement issued by Forum leaders about the Fiji situation’ and that ‘such a move would have a negative domino effect on the merits of regional co-operation in the Pacific’. Furthermore, it maintained that ‘the position taken by the leaders demonstrated a clear lack of understanding of Fiji’s political situation’ and that ‘the assertion that Fiji failed to attend the meeting because of its unwillingness to uphold commitments given in the 2007 forum was factually incorrect and intentionally misleading’. It seemed that the relationship between the interim government and the Forum had taken a turn for the worse and disagreement over the Biketawa Declaration was beginning to emerge.

The interim Government also objected ‘to the leaders' statement that the decision to discipline Fiji was "consistent with provisions of the Biketawa Declaration"’ arguing that ‘the declaration was never intended to be a mechanism for inflicting retributive measures and allows for "several layers of consultation"’. Furthermore, it argued that ‘there was consensus in 2000 to keep the option of suspension and punitive measures out of the text (Biketawa Declaration) claiming that "Australia and New Zealand favour the very kind of punitive measures now being proposed in the Niue statement on Fiji. Based on these statements by Fiji’s interim government on threats of suspension against it, it seemed that the interim government’s problem was not really with the Forum as a whole but more with Australia and New Zealand and their tough stance against it as expressed through the Forum. Perhaps, from the point

593 Singh. ‘No election in March: State’.
595 Wise. ‘State rues expel threat’.
596 Wise. ‘State rues expel threat’.
597 Wise. ‘State rues expel threat’.
598 Wise. ‘State rues expel threat’.
599 Wise. ‘State rues expel threat’.
of view of Australia and New Zealand, it was important to get the Forum on their side to avoid accusations of neo-colonialism in the region. In discussing the nature and dynamics of sanctions, particularly in the region, Herr explained that

the powerful (in this case referring to Australia and New Zealand), prefer to have their actions accepted as legitimate and therefore international authorisation is a useful mechanism for reducing the resistance to the use of their strength. Thus, the legitimacy of the regional sanctions as a form of democratic intervention under the Biketawa Declaration has been very important diplomatically to Australia and New Zealand.

Fiji’s reengagement with the Joint Working Group

As mentioned earlier, Fiji had withdrawn from the JWG in late June 2008; most likely due to continued pressure by the JWG to progress the election timetable which it could not fulfil then, however, it commenced reengagement in early November, 2008. Significantly, the three member High Court made up of Justice Anthony Gates, Justice Devendra Pathik and Justice John Byrne had made a landmark ruling a month earlier on October 9, 2008, which ‘nullified Laisenia Qarase and SDL's challenge against the interim regime’.

Fiji’s reengagement with the JWG indicated some compromise by Fiji’s interim government to uphold its initial commitment to its regional responsibilities as first expressed to the EPG in early 2007 and perhaps reflected a boost in its confidence due to the favourable court ruling a month earlier. At its first reengagement meeting on 6th November, 2008 Fiji’s working group delegation leader, Mr. Parmesh Chand, withdrew from the working group due to work commitments and was replaced by Ratu Iosa Gavidi, Fiji’ Permanent Secretary of Foreign affairs and Justice.

Fiji’s willingness to re-engage was expressed in a letter written earlier by Fiji’s interim Prime Minister dated 19 September to the Forum Chairs, Premier Talagi of

---

600 Herr. ‘Democratic Intervention, Biketawa and the 2006 Fiji Military Coup’:6
According to Talagi, ‘Bainimarama said his regime was ready to resume participation in the Forum’s joint working group and the Forum foreign ministers’ MCG’. However, Bainimarama had ‘sought some amendments to the joint working group’s terms of reference’ but did not specify which particular ones. The JWG’s fivefold TOR were: ‘that the group should assist Fiji’s return to democracy, the restoration of civilian rule, upholding [Fiji’s] 1997 Constitution, cessation of human rights abuses and addressing allegations of abuse, and support for a credible and independent anti-corruption commission’.

Fiji’s willingness to reengage was welcomed by the JWG. Furthermore, the JWG discussed the Interim Prime Minister’s request that the Group develop new terms of reference, and received a proposed addendum from Fiji to the Working Group’s Terms of Reference. The Working Group noted the issues raised in Fiji’s proposal, and agreed to consider possible revision of the Terms of Reference for further discussion at its next meeting.

This new development promised some hope for better things to come in the future relationship between Fiji and the Forum as it reflected compromise made by both parties.

At its thirty-third meeting on 20 November, the JWG ‘received a paper from Fiji detailing reasons why Fiji would not be able to hold elections by March 2009. Fiji clarified to the Working Group that there was no definite proposed timing for elections, as the Interim Government’s position was that this was dependent on the outcome of the political dialogue process and related factors’. In response, Working Group members ‘reaffirmed the readiness of Forum members to continue to assist Fiji prepare for elections by March 2009, in accordance with the decision of

---

603 Press statement 122/08, 6\textsuperscript{th} November, 2008.
605 Pareti. ‘Fiji can hold elections early 2009’.
606 Pareti. ‘Fiji can hold elections early 2009’.
607 Press statement 122/08, 6\textsuperscript{th} November, 2008.
608 Press statement 122/08, 6\textsuperscript{th} November, 2008.
They also ‘queried the means by which the Interim Government intended to conduct electoral reform, and noted the Interim Government’s position that any mechanism for Constitutional change would be determined through the political dialogue process’. Furthermore, the Working Group also discussed the purposes and progress of the political dialogue process and ‘indicated that they were considering the request from the Interim Prime Minister for support for that process’. Finally, it ‘discussed possible revision of its Terms of Reference, and agreed on a proposed revised text which would be referred to (their) capitals (cities) for consideration in advance of the Working Group’s next meeting’.

**The Forum Ministerial Contact Group Second Visit to Fiji**

The MCG made its second visit to Fiji for three days from the 10 to the 12th of December, 2008. The purpose of the visit was to reflect the ‘Forum members’ continued commitment to constructive dialogue with Fiji and to support and encourage Fiji to return to democracy, within the framework of the decisions of Forum Leaders’. The directive given to the MCG by the leaders at the Niue Forum was that it

should include recommendations, taking into account practice in the Commonwealth and other relevant organisations, on further measures that the Forum should take to promote compliance by the Fiji Interim Government with its 2007 Vava’u election undertakings, with a view to strengthening the Forum’s efforts under the Biketawa Declaration.

---

611 ‘Pacific Islands Forum-Fiji Joint Working Group on the situation in Fiji 20 November 2008’.
613 ‘Pacific Islands Forum-Fiji Joint Working Group on the situation in Fiji 20 November 2008’.
The MCG held discussions with

interim Prime Minister Bainimarama, and the Interim Attorney-General, officials from the Electoral Commission and Office of the Supervisor of Elections, and political leaders including deposed Prime Minister Mr Qarase and Leader of the Opposition Mr Beddoes.  

The ministers’ talks ‘focused on the progress of the Interim Government’s preparations for elections, developments in relation to the political dialogue process, and the likelihood of political consensus arising from it’. While the ministers’ described their discussions ‘with the Interim Prime Minister and other key stakeholders’ as ‘frank and informative’, they were also disappointed with the Fiji Interim Government’s confirmation that it would not hold elections by March 2009 as it had previously undertaken to do at the 2007 Forum in Nukualofa. The MCG report on its findings and recommendations was presented to leaders at their special meeting in Port Moresby in January, 2009.

A new development in the bilateral relations between Fiji and New Zealand, which impacted negatively on the JWG work, took place later in December 2008. This involved the expulsion of New Zealand acting high commissioner to Fiji, Caroline McDonald, by Fiji’s interim government. McDonald was a member of the Forum’s JWG with Fiji. The New Zealand government retaliated by expelling Fiji’s high commissioner to New Zealand, Ponsami Chetty. Although there were no clear reasons given by the Fiji government for the expulsion, the background factor being the non-issuance of a study visa to the son of a senior Fijian civil servant, Rupeni Nacewa’s son, who wanted to continue his studies at a New Zealand university.

---

621 Rauto. ‘It’s war’.
622 Rauto. ‘It’s war’.
5.5.4 2009 engagement

Fiji Joint Working Group

The engagement of the JWG with the Fiji government in 2009 was marked by developments which culminated in the suspension of the Fiji government from the Forum in early May. Initially, there were indications that the Forum, through its JWG, recognized the fact that there were underlying causes to Fiji’s crisis that needed to be dealt with now and that could not wait for after an election. This seemed to be the message behind the interim government’s insistence that the Peoples Charter be accepted first by the people of Fiji before elections can be conducted. It seemed that in its engagement with Fiji’s interim government during this time, the Forum’s stance had moderated to a certain extent. It seemed more willing to see issues from the perspective of Fiji’s interim government rather than insisting that elections be held within a given timeframe.

In January, it was agreed that the JWG’s TOR be revised in order to ‘take into account developments in Fiji since the original TOR were formulated’. 624 The emphasis was no longer on holding elections in ‘the shortest practicable time’ but on Fiji’s return to democracy ‘as soon as practically possible’. 625 In addition, the revised TOR outlined the need to ‘explore the scope for independent and inclusive political dialogue processes…to address long-term issues in Fiji’ and to determine how Forum members could assist towards this process. 626 Furthermore, perhaps as a form of concession and incentive to Fiji to progress towards parliamentary democracy, the JWG was to ‘take note of significant political and legal domestic developments in Fiji and their possible significance for the restoration of democracy in Fiji, and for the creation of conditions which may lead to the relaxation of sanctions by individual Forum members’. 627 ‘Individual members’ in this case meant Australia and New Zealand as they were the only Forum members who

625 PIF – Fiji JWG on the situation in Fiji 19 January 2009 Agreed Outcomes.
626 PIF – Fiji JWG on the situation in Fiji 19 January 2009 Agreed Outcomes.
627 PIF – Fiji JWG on the situation in Fiji 19 January 2009 Agreed Outcomes.
imposed bilateral sanctions against Fiji. It seemed that while the Forum was beginning to accept the reality of the situation in Fiji, particularly the stance taken by the interim government, it was also keen to express its confidence that Fiji could return to parliamentary democracy. This apparent softening may have been partly reflected in the decisions made by Forum leaders to give approximately three months to Fiji’s interim government to make public their decisions on the issues laid out by the leaders, however, it was a more apparent than a real change of stance by the Forum. This was evidenced by the fact that at the Special Retreat in Port Moresby, the Forum leaders were still insisting on early elections by the end of the year, 2009.

**Special Leaders’ Retreat, Port Moresby, Papua New Guinea.**

At the Special Leaders’ Retreat in Port Moresby on 27 January, a meeting which had been mooted at the Niue Forum in August the previous year, leaders ‘noted and acknowledged the steps taken by the Fiji Interim government towards reengagement with the Forum since the Leaders’ Meeting in Niue…but expressed serious concern at the continuing lack of practical preparations for holding elections’. Fiji’s interim Prime Minister did not go, citing his involvement in the rehabilitation work after the massive flooding which affected most parts of Fiji in early January. Instead he sent Interim Attorney General, Aiyaz Sayyed Khaiyum as his envoy accompanied by Foreign Affairs official, Sai Navoti who replaced Foreign Affairs Permanent Secretary, Ratu Isoa Gavidi, who resigned a day before he was supposed to have accompanied Sayyed-Khaiyum to Port Moresby. This indicated some internal tensions within the interim government.

At the retreat, leaders gave the Bainimarama government a list of steps to take in order to ‘demonstrate its commitment to the restoration of parliamentary democracy in Fiji’. These steps included: providing a new timetable to the Forum leaders as agreed to by all key political stakeholders, a clear commitment ‘that any reforms agreed through political dialogue’ will be according to the Constitution, ‘undertake

---


and sustain serious and credible election preparations’, and making a renewed commitment to the military’s withdrawal from civilian politics after the elections and that the military will return to barracks and ‘submit to the authority of the elected civilian government’. Furthermore, it was decided that “targeted measures” would be imposed on Fiji unless the interim government nominated an election date by 1 May 2009, for elections to be held by the end of December 2009 and that the actions taken to fulfill the steps highlighted earlier were publicly declared by May 1, 2009. The targeted measures highlighted were: ‘suspension of participation…of the Fiji interim government in all Forum meetings and events’ and ‘ineligibility of the Fiji interim government to benefit from Forum regional cooperation initiatives and new financial and technical assistance’.

According to The Economist, ‘in Port Moresby both (New Zealand prime minister) Mr (John) Key and Australia’s prime minister, Kevin Rudd, pressed for a tough response on Fiji’. Fiji’s envoy at the Special leaders’ Retreat, Sayyed-Khaiyum was reported to have said that ‘during his more than 60 minutes of discussions with the leaders behind closed doors, Australia’s Kevin Rudd was more interested in the regime’s treatment of the Fiji Times newspaper publisher Rex Gardiner, who was deported to Australia on January 26’. On the other hand, New Zealand Prime Minister John Key’s attitude was described by Sayyed-Khaiyum as ‘patronising when he told the Fijian lawyer that he ought to be tried in court for his involvement in Bainimarama’s regime’. Sayyed-Khaiyum explained that

the New Zealand Prime Minister put to me the proposition which was quite speculative. He said to me ‘what if you have these electoral reforms, then have
elections under the new electoral reforms and then you have a government that is in place, then the military doesn’t like the government and overthrows the government? I said ‘the military won’t do that because the military is also for electoral reform and should you have a government that is elected under a system that offers equal suffrage and is truly democratic, then nobody in Fiji will have a problem with that. He then said to me, ‘no I want to know whether you will be part of that government.’ “And I said to him ‘I didn’t know that I was under trial,’ he then said ‘you should be’. That’s when I said to the Forum chair, ‘this is obviously very personal or are we going to discuss matters pertaining to Fiji’. However, the Economist argued that ‘other Pacific leaders, including the host, Papua New Guinea’s prime minister, Sir Michael Somare, urged a milder approach, more in tune with what they like to call the "Pacific way". Furthermore, it asserted that while ‘Mr. Rudd said that there was unanimity after the final communiqué, and that Fiji will be automatically suspended from the Forum if no road-map towards an election is agreed by May 1st, not everyone shares Mr. Rudd's confidence’. While this latter claim by Rudd on the leaders’ unanimity is yet to be substantiated, it was clear that PNG Prime Minister Somare played a prominent role not only in hosting the event but in trying to get the meeting deferred to enable Bainimarama to attend. Somare, who had received verbal confirmation from Bainimarama that the latter would attend the meeting if it was deferred, felt that the meeting would be more productive if Bainimarama was present. For his part, Bainimarama had also sought the meeting’s deferment through formal means, however, as most of the Forum leaders were either already in PNG or on their way there when the deferment was being requested, it was decided that the meeting would go ahead as scheduled.

The Response of the interim government to the decisions made at the Port Moresby Retreat.

The interim government’s response was expressed by its envoy, Sayed-Khaiyum who ‘questioned the legality of using the Biketawa Declaration as the basis for

---

636 Pareti. ‘Elections or suspension Bainimarama told: Forum leaders issue Fiji an ultimatum’.
He told reporters at Port Moresby that “if anybody has a close read of the Biketawa Declaration in paragraph 2(iv), it talks about when there is a crisis,” however he claimed that there is no crisis in Fiji at the moment, you have a government that’s in place, you have a government in place that’s been held to be legally and validly appointed by his Excellency our President, it’s a three-member panel of the high court and there is an appeal process in place, so we do not understand what the crisis is.

When asked by Islands Business whether Fiji’s “crisis” was the absence of democracy, Sayed-Khaiyum retorted that you need to read the wording of it as opposed to conjecture to what people mean by it. And when you look at it, it talks about ‘the Forum must constructively address difficult and sensitive issue including underlying tensions and conflicts (ethnic tensions), socio economic disparities, lack of good governance, land disputes and erosion of cultural values, none of those address specifically what you are talking about.

With regards to the demand for an election timetable by the Forum leaders’, Sayyed-Khaiyum stated that “setting of timetables seemed to be the obsession of some leaders”.

Implications

In Fiji’s case, the interim government was informed by leaders at the Special Retreat that failure to abide by their requirements would mean the government’s suspension from Forum membership and the ‘ineligibility of the Fiji interim government to benefit from Forum regional cooperation initiatives and new financial and technical assistance’. While these ‘threats’ finally eventuated on May 2, 2009, the implications of Fiji’s defiance in the face of Forum threats may actually have more

640 Pareti. ‘Elections or suspension Bainimarama told: Forum leaders issue Fiji an ultimatum’.
641 Pareti. ‘Elections or suspension Bainimarama told: Forum leaders issue Fiji an ultimatum’.
642 Pareti. ‘Elections or suspension Bainimarama told: Forum leaders issue Fiji an ultimatum’.
643 Pareti. ‘Elections or suspension Bainimarama told: Forum leaders issue Fiji an ultimatum’.
644 Pareti. ‘Elections or suspension Bainimarama told: Forum leaders issue Fiji an ultimatum’.
far-reaching effects for regional relationships in the future. It could be interpreted as undermining the Forum’s authority and relevance in the region, given that the Forum had put itself in a corner by laying down an ultimatum that was not heeded by its member country in crisis, Fiji.

**Fiji Court of Appeal decision and the response of Fiji’s interim government**

With the Court of Appeal ruling in favour of Qarase on April 9, 2009 and the subsequent actions taken by the President to abrogate the 1997 constitution and create a new legal order in Fiji, it seemed that the Forum was getting the message very clearly that there was little, if any, hope of having an election later in the year, much less the fulfillment by the Fiji government of the steps outlined for it to follow at the Port Moresby Retreat. The Forum’s views were communicated through statements made by two prominent Forum officials after April 9.

On April 13, the Secretary General of the Forum Secretariat, Tuiloma Neroni Slade, ‘expressed his deep concern and disappointment at recent developments in Fiji since the Fiji Court of Appeal ruling on April 9’. He stated that with the abrogation of the constitution, ‘there is now no assurance of commitment to an early return, through elections, to democratic constitutional governance for Fiji’. Furthermore, on 15 April, the Chair of the Forum and Premier of Niue, the Hon. Toke Talagi, ‘condemned recent developments in Fiji’ stating that ‘the events of the past few days amount to wanton disregard for constitutionalism and the rule of law in Fiji and confirm my fears that there is no commitment on the part of this military regime to return Fiji to democracy through free and fair elections in any acceptable timeframe

---

645 On 9th April, 2009, the Court of Appeal overturned an earlier High Court decision made in October 9, 2008 which had ruled in favour of the Bainimarama government. The Court of Appeal decision ruled in favour of Qarase and his ousted government. However, on 10th April, the President of Fiji, Ratu Josefa Iloilo, abrogated the 1997 constitution and created a New Legal order, which meant that from then on, Fiji will be ruled by decrees. He then reappointed the Bainimarama government to power to power thus nullifying the Court of Appeal’s decision.


647 ‘Forum Secretary General Deeply Concerned and Disappointed Over Fiji’. 
as urged by Forum leaders’. He reiterated the Forum’s readiness ‘to support any legitimate and balanced efforts to return Fiji to freedom and democracy’.  

On May 2, the Chair of the Forum ‘announced…with considerable sorrow and disappointment’ the immediate suspension of the military regime of Fiji from the Forum. This decision was attributed to Commodore Bainimarama’s failure to address the issues discussed at the Port Moresby Leaders’ Retreat. The second targeted measure, which was the ‘ineligibility of the Fiji interim government to benefit from Forum regional cooperation initiatives and new financial and technical assistance’ was similarly activated, however, the clarification was made that ‘this decision does not amount to the expulsion of Fiji, as a nation, from its membership of the Forum’. The Forum’s decision on Fiji was a historic one in the sense that this was the first time for a Forum government to be suspended from the Forum since the Forum’s inception in 1971.

The response of Fiji’s interim government to its suspension from the Forum

The Fiji government’s response to its suspension from the Forum was expressed by the Attorney General, Aiyaz Sayed-Khaiyum who described it as ‘regrettable for a number of reasons’. The media was informed that this decision was announced through a press statement ‘without any formal notification by the Forum’. Sayed-Khaiyum asserted that ‘the statement falsely referred to so-called breaches of basic human rights, democracy and freedom under a military regime’ and claimed that “such inaccuracies and holding on to dogma begs the question whether the Forum is holding on to particular ideas, ideas that are factually incorrect”. Furthermore, he contended that these ideas “appear to be based on representations made by only a

648 ‘Statement by Forum Chair on situation in Fiji’.
649 ‘Statement by Forum Chair on situation in Fiji’.
651 ‘Statement by Forum Chair on suspension of the Fiji military regime from the Pacific Islands Forum’.
653 ‘Statement by Forum Chair on suspension of the Fiji military regime from the Pacific Islands Forum’.
few with political agendas (which) reflect the positions taken by the metropolitan powers in Wellington and Canberra.\textsuperscript{657} He pointed out that the claim by the Forum that the Fiji government’s suspension was only meant to target Fiji officials and ministers was a “fallacy”, when in effect, it was really Fiji and her people that were being targeted. He labeled the suspension as “short-sighted”.\textsuperscript{658}

\textbf{5.6 Factors influencing the Forum’s response to the 2006 coup}

In comparison to the Forum’s engagement after the 1987 and 2000 coups, it is obvious that the Forum engaged very extensively with Fiji after the 2006 coup. One of the major reasons for its new approach to Fiji’s coup is undoubtedly the use of the Biketawa Declaration as the basis of the Forum’s intervention in Fiji after the December 2006 coup. While there was no such mechanism available to guide the Forum on what to do after Fiji’s 1987 and 2000 coups (as the Declaration was formulated partly as a response to Fiji’s 2000 coup), this time round it was different. The Forum was better armed to deal with its members’ internal crises, thus its extensive engagement with Fiji after December 5, 2006. Furthermore, unlike after the 1987 coup whereby the Forum’s offer of assistance was firmly turned down by Fiji’s Governor-General Ratu Penaia, Fiji’s interim government after the 2006 coup accepted the Forum’s involvement as part of its obligations under the Biketawa Declaration as stated in its submission to the FFAMM in Port Vila on 16 March, 2007.\textsuperscript{659} The interim Fiji government’s willingness to return to democracy was even acknowledged by the Forum as evidenced by the statement made by the FFAMM Chair, Paul Tiensten in Port Vila after the FFAMM’s consultations with Fiji’s interim government.\textsuperscript{660}

Qarase’s attitude in siding with the two former metropoles (especially Australia) at the Nadi Forum in November 2006 rather than with the MSG (of which Fiji is a member) is significant given that Australia and New Zealand were the very ones that were vehemently against his interim government at the Tarawa Forum in 2000 and

\textsuperscript{659} Fiji Government Submission To The Forum Foreign Affairs Meeting On The EPG Report On Fiji, Port Vila, Vanuatu.
\textsuperscript{660} Tiensten confident that Fiji will return to democracy soon.”

133
also pushing for the formulation of the Biketawa Declaration. One possibility for Qarase’s stance could be that he knew he would need their support in the upcoming days due to the impasse between him and army commander, Bainimarama. According to Fraenkel, Qarase thrice asked Australia for military intervention at the height of the crisis on December 5, 2006; a request which was declined by Australia.  

Internally, one major factor that facilitated the Forum’s extensive engagement with Fiji after the 2006 coup was that there was a general consensus, as stated in the 2007 EPG Report, amongst all sections of the community in Fiji consulted by the EPG that the Forum should continue engagement with Fiji. While this view was expressed to the Forum after the 1987 coups by Fiji’s ousted Prime Minister, Bavadra in one of his submissions to the Forum, at that time the Forum did not share this perspective. However, as can be seen by its involvement after the 2006 coup, the Forum’s perspective of its role had evolved from one of non-interference in its members’ crises to one of extensive engagement in the case of its members’ internal crises.

The Forum’s failure, however, to influence Bainimarama to live up to his undertaking to hold elections by March 2009 raises the important question of how relevant and influential the Forum really is in maintaining and restoring democracy and therefore internal security in the region. As can be seen in the statements made after the Nuku’alofa Forum, Bainimarama’s undertaking was viewed positively in the sense that the Forum was seen as having become more relevant. With this in mind then, should Bainimarama’s failure to live up to his commitment at Nuku’alofa be seen as a failure on the part of the Forum? Herr explained that the Forum’s post 2006 engagement with Fiji has revealed weaknesses in the Biketwawa Declaration in that it only works as a cooperative tool but not when it is used coercively. Furthermore, while the Fiji government’s suspension is the first for the Forum it, however, sets a dangerous precedent for the other countries in the region in the sense that if another Forum member experiences a coup, it may follow Fiji down the same

661 Fraenkl. ‘Fiji’s December 2006 coup: Who, what, where and why?:44
663 Herr, ‘Biketawa, Democratic Intervention and the 2006 Fiji military coup’.
path seeing that Fiji has defied the Forum despite threats of suspension. This may pose serious challenges for the Forum in future.

The Fiji interim government’s accusations that it is Australia and New Zealand’s influence in the Forum that led to the Forum taking punitive actions against it merits some attention because this is the same argument that the other interim governments (Rabuka and Qarase’s governments) after the 1987 and 2000 coups have made as mentioned in Chapters 3 and 4 respectively. The fact that the two former metropolitan countries have been very outspoken in their condemnation of Fiji’s interim government from the outset has not helped their bilateral relationships with Fiji at all. While the Fiji government’s accusations against Australia and New Zealand may not be wholly accurate, however, there may be some substance to these claims as it is only these two metropolitan countries that have imposed bilateral travel bans and other sanctions against Fiji’s interim regime. However, this is not to deny the fact that over time since December 5, 2006, the attitudes of the other Forum countries have also changed towards Fiji, from one of empathy perhaps to one of frustration and probably bewilderment. This was especially evident during and after the Niue Forum as expressed by the various statements made by Forum leaders. Significantly, though, this stance has not been sustained over time since then particularly since the Fiji government’s suspension on May 2, 2009. Later events such as the MSG submission to the Cairns Forum in August 2009 that the suspension against Fiji be lifted suggest a split in the Forum regarding Fiji’s continued suspension.

The scenario described above raises some very important questions regarding the Forum’s engagement with Fiji and in the future internal crises’ of its member countries. Firstly, to what extent is Fiji’s interim government’s defiance of the Forum really a reflection of its defiance of Australia and New Zealand seeing that it seems to hold the two former metropolitan countries responsible for the major Forum decisions made against it? Secondly, would it have made a difference from the part of Fiji’s interim government if the two metropolitan countries had taken a less harsh stance against it? Perhaps, Fiji’s interim government would have been more willing to compromise with what the Forum wanted in the absence of such strong stances as shown by Australia and New Zealand. Finally, in light of the experience with Fiji, to
what extent will the future role of the Forum be influenced and even dominated by
the two metropolitan powers’ agenda and what type of impact will this have on the
Forum’s role in maintaining internal security in its member countries in the region?

5.7 Conclusion

Overall, while the Forum has engaged extensively with Fiji in trying to solve its
political crisis, the end result of this engagement has not been fruitful at all. It has
resulted in the suspension of Fiji’s interim government from the Forum which in turn
has not seen a change in the stance taken by the Fiji government who is still
committed to carrying out their policies. The fact that Fiji has defied the Forum’s
directive despite the threat of suspension hanging over its head raises a number of
challenges for the future role of the Forum. This may be interpreted as a sign of the
Forum’s loss of influence and standing over its members.

The Forum’s post 2006 engagement with Fiji has also illustrated, as mentioned
earlier by Herr, that the Biketawa declaration works when applied with the consent
of governments but fails when applied as a coercive tool. It also raises the
question of whether the Forum will be able to maintain and restore democracy and
therefore internal security in the region in the future. Furthermore, the accusations
levelled against the two former metropolitan countries by the Fiji government also
indicate that their (Australia and New Zealand’s) attempts to dominate the Forum
may actually work against what the Forum is trying to achieve in solving its
members’ internal crises. This suggests that the Forum may no longer be seen as an
“honest broker” but an instrument of Australia and New Zealand poling in the
region. In order to correct this perception, the two former metropoles need to review
their roles in the Forum and try to compromise on issues so that they are helping and
not driving a further wedge amongst the relationship of Forum members.

---

664 Herr, ‘Biketawa, Democratic Intervention and the 2006 Fiji military coup’.
Chapter 6: Conclusion

The Forum had used different approaches in its response to the coups in Fiji since 1987. While its response was mainly one of non–interference in 1987, it played a more reactive role in 2000 with the creation of the Biketawa Declaration and a pro-active role before and after the 2006 coups with the Biketawa Declaration being used as the basis for its engagement. There were many important factors underlying the Forum’s response to Fiji after all three crises. These were a combination of local, regional and global factors.

The Forum’s response to Fiji after the 1987 coups was largely determined by the issue of sovereignty being of primary importance to the island countries in the region. While Australia and New Zealand had initially pushed for more Forum involvement, they had to moderate their stance due to the island leaders’ attitude of non-interference into Fiji’s domestic crisis, which they (island leaders) felt was Fiji’s business to resolve on its own with their sympathetic support. This was despite the calls for assistance and engagement by the ousted Prime Minister, Bavadra. Secondly, from within Fiji itself, the response of Fiji’s Governor-General, Ratu Penaia Ganilau, who turned down an offer for a Forum delegation indicated Fiji’s desire for non-interference. Thus, it was left to Australia and New Zealand who imposed their own trade bans and sanctions in their attempts to steer Fiji back to parliamentary democracy. However, by early 1988, most of these bans and sanctions had been lifted due to a large part to the influence of the other Forum island countries on these two metropolitan countries but also to the two countries own foreign policies.

While the Forum did not play a direct role in Fiji after the 1987 coups, the Fiji coup led to the creation of the Committee on Regional Security Information Exchange (CRSIE) at the Apia Forum in 1987 and its name was changed to FRSC in 1990. While initially formed to look into the hijacking issue which had taken place at Nadi Airport five days after the coup, the role of the FRSC has broadened to become an

---

666 Boxall. ‘Pacific Islands Forum: Facilitating Regional Security Cooperation’:143
annual meeting which discusses many issues such as ‘reports compiled by the Forum Secretariat and Regional Law Enforcement Secretariats on regional security issues such as civil unrest, transnational crimes and terrorist related activities; ‘internal and external security threats that affect either the security or sustainable economic development of the region; cooperation between Members and the Regional Law Enforcement Secretariats to encourage coordinated responses to the identified threats, key priority areas to enhance the capacity of Members and their National Law Enforcement Agencies to respond to National security threats; and regional responses to the identified threats and concerns’.667

The Forum’s response after the 2000 coup was a more reactive one in that it led to the creation of the Biketawa Declaration, a document which was to change the future role of the Forum in its member’s internal crisis. The creation of this document was largely spearheaded by Australia and New Zealand, particularly New Zealand prime minister, Helen Clark. The Forum was also assisted by the Commonwealth and the EU – ACP group of countries who engaged actively with Fiji after the coup to help steer Fiji back to parliamentary democracy. By the time the Tarawa Forum took place in October, 2000 there was an interim government already governing Fiji and they had laid out the plans for Fiji to hold elections in August the following year. Thus, the Forum was assured of a clear roadmap to democracy by Fiji’s interim government. The Biketawa Declaration was the document used as the basis of the Regional Assistance Mission to the Solomon Islands (RAMSI) in 2003, the Pacific Regional Assistance to Nauru (PRAN) in 2004 and the post 2006 coup engagement with Fiji.

The engagement of the Forum with Fiji after the 2006 coup was a more pro-active one which saw the Forum adopt a more “hands on” approach. The Forum’s engagement was a long, drawn out affair which culminated in the Fiji government’s suspension from the Forum on 2 May, 2009. A significant characteristic of the Forum’s engagement with Fiji has been the deteriorating relationship between Fiji and Australia and New Zealand. Throughout the approximately two and a half years of the Forum’s active engagement with Fiji, from the 5 December 2006 coup until

the May 2, 2009 suspension, this deteriorating state of affairs was reflected in the expulsion of Australian and New Zealand diplomats and newspaper publishers who were Australian citizens from Fiji and Fijian diplomats were likewise expelled by the two powers. This is apart from the non-issuance of Australian and New Zealand visas to ‘targeted groups’ within the Fiji government which included senior civil servants, military personnel and their family members which extended even to future – in - laws as was the case with a particular young man who applied for a visa to play soccer in Australia but was denied a visa because he was engaged to a military officer’s daughter. Common amongst the Fiji government’s complaints has been its intense dislike of the tough stance that the two metropoles has adopted against it, particularly with regards to the travel bans on military personnel and their families and those in senior positions in the Fiji government and their families.

Fiji’s interim government initially cooperated wholeheartedly and fully with the Forum after the 2006 coup, which made the initial engagement of the Forum with Fiji a ‘cooperative intervention’. However, it became clear that the one issue that neither the Forum nor the Fiji government could agree on was the timing of the elections, although significantly, the Forum provided Fiji with the financial and technical assistance to carry out the national census in 2008. The census was supposed to be used as the basis for the redrawing of the electoral boundaries which in turn would lead up to the elections. While the Forum was insisting on a shorter time span, the Fiji government was pushing for its electoral reforms to be carried out first, particularly the implementation of a new non-race based voting system before Fiji can hold elections.

Despite the Forum’s ultimatum to Fiji which was communicated to Fiji’s Attorney-General, Aiyaz Sayed-Khaiyum at the Leaders’ Special Retreat in Port Moresby in January, 2009, the Fiji government did not budge from its stand. Thus, it was suspended from the Forum on May 2, 2009 for failing to meet the requirements made to it by Forum leaders earlier in the year. It can be seen then, that while the initial Forum intervention was a cooperative one in that the interim government had agreed to it and fully cooperated with it, it seems that beginning from the Niue Forum, the nature of the Forum’s engagement with Fiji became a more coercive one. This is due to the fact that by then, Bainimarama had changed his election timeline to 2011 and
chose not to attend the Niue Forum in August 2008; a decision which was severely criticised by many Forum leaders who had wanted him to come and explain why he was going back on his earlier commitment at the Nuku’alofa Forum in 2007 to hold elections by March, 2009. Bainimarama’s decision to defer the elections was a severe blow to Forum leaders, a decision which, as mentioned above changed the nature of the Forum’s engagement with Fiji from cooperative to coercive.

The Forum’s proactive and close engagement with Fiji before and after the 2006 coup had its basis on the Biketawa Declaration. As explained earlier, the approximately two and a half years engagement that the Forum had with Fiji after the December 5, 2006 coup culminated with Fiji’s suspension on May 2, 2009. Fiji became the first government to be suspended from the Forum. Fiji’s suspension was based on its non-adherence to the conditions laid down for Fiji to follow at the Special Leaders’ Retreat in Port Moresby in January, 2009.

Fiji’s defiance in the face of the Forum’s threats of suspension which eventuated on May 2, 2009 raises a number of important issues for the future security role of the Forum in the region. It may be interpreted as undermining the authority of the Forum and a loss of standing over its members. Secondly, it seemed that Fiji’s problem was not with the Forum as a whole but Australia and New Zealand in particular as evidenced by the statements made by Bainimarama and others in his government while Fiji was engaging with the Forum, thus it is important that the role of these two metropoles within the Forum be addressed. This is not to suggest that their roles are not constructive as New Zealand, for instance, was mediating between Bainimarama and Qarase prior to the 2006 coup in an attempt to avert a coup and Australia has played a very significant role in RAMSI to restore law and order in the Solomon Islands and in the rebuilding of the state machinery there. While New Zealand’s mediating attempt between Qarase and Bainimarama was unsuccessful, it demonstrated, to New Zealand’s credit, its commitment towards maintaining internal security in the region. The question that needs to be asked though is, to what extent do Australia and New Zealand’s own bilateral responses to Fiji undermine the effort of the Forum in attempting to resolve a member country’s internal problems. Finally, now that Fiji has been suspended, the major question to be asked is how the
Forum is going to be able to influence events in Fiji, with Fiji out of the fold. Overall, it seems that the Forum has closed the door that would have enabled it to continue active engagement with Fiji and along the way, both parties coming to compromises which would eventually see Fiji back on the road to democracy.

The engagement of the Forum is characterized as a democratic intervention type because of the major emphasis by the Forum for Fiji to return to parliamentary democracy as soon as possible. It does not fit the characteristics of a ‘state building intervention’ because the government machinery remained intact during and after the coup thus there was no need to rebuild it. In fact, this was characteristic of Fiji after all the four coups since 1987; while the government machinery was affected to a certain extent, it did not collapse as it did in the Solomon Islands or became bankrupt as in Nauru.

In view of the role of regionalism in world politics and the different forms of intervention and its accompanying debates, it can be seen from the Forum’s engagement with Fiji since 1987 that the Forum as a regional organization has gained prominence in terms of its security role in the region. Thus the perspectives presented by Fry regarding the important role of regionalism in world politics holds true for the Forum particularly with the creation of the Biketawa Declaration which saw the Forum committing itself for the first time since its inception to take more responsibility for its members’ internal crisis in the future. This declaration reflected a realization by the Forum that it needed to take action in maintaining internal security in the region, rather than just being a passive observer of events taking place in the region. It also reflects the increasingly important role that regional organisations have come to play in world politics. Fry’s explanation of the role of regional institutions in that they sit ‘between states and global forces and agencies’ and ‘an arena in which the tension between the global and the local is mediated’ holds true for the Forum particularly in the way the Bainimarama government viewed its engagement with the Forum as critical for its relationship with global organisations like the UN, Commonwealth and the European Union.

669Fry ’A “Coming Age of Regionalism”? :124
The increasingly important roles that are now being carried out by regional organisations makes the form of intervention the Forum is going to take even more critical. As Herr had pointed out, the Forum’s intervention was a ‘cooperative’ one with regards to RAMSI in 2003 and PRAN in 2004 because they took place at the request of the concerned governments and with their full cooperation. However, Herr argued that this was not the case with Fiji, particularly in the imposition of sanctions and travel bans against ‘targeted groups’ in Fiji. While the Bainimarama government had initially welcomed and fully cooperated with the Forum’s engagement, it became clear over time that the Forum and the interim government could not compromise on the issue of the timing of elections. This changed the nature of their engagement from a cooperative to a coercive one.

Further complicating the difference in the timing of elections between the Forum and Fiji were the bilateral sanctions and travel bans imposed by Australia and New Zealand on Fiji resulting in deteriorating relations between the two countries and Fiji. Since Australian and New Zealand officials were part of the Forum mechanisms engaging with Fiji, this may have been a contributing factor to the lack of compromise by Fiji in that it would perceive those Australian and New Zealand officials as representing their countries and not necessarily that of the Forum as a whole. For instance, a retired Chief of the Australian Defence Forces was a member of the EPG to Fiji in early 2007, the Australian and New Zealand Foreign Affairs Ministers were both members of the PIF Ministerial Contact Group to Fiji in 2008, the New Zealand ambassador to Fiji, Caroline McDonald was a member of the JWG engaging with Fiji in 2008 until her expulsion later in the year.

On a broader level, the Forum’s engagement with Fiji contains many valuable lessons for regional organisations elsewhere in the world. It can be seen that the presence of dominant powers, what Fry calls hegemonic powers (in this case, Australia and to a certain extent, New Zealand) while beneficial in the sense that they can play constructive mediating roles, may also be counter-productive when they attempt to use regional organisations as a vehicle for promoting their own foreign policies. As has happened in the Forum’s engagement particularly after the 2006 coup, the actions of these hegemonic powers towards the country facing the crisis
may undermine the very thing that the regional organization is trying to achieve; in this case, the restoration of parliamentary democracy. It also undermines regional security and weakens the Forum mechanisms. Secondly, if ‘democratic intervention’ is to work, then it must be cooperative rather than coercive. This means that punitive actions such as sanctions, travel bans, suspension of membership, must be applied very tentatively, if at all. Such ‘unfriendly’ actions discourage ‘cooperative intervention’ especially from the country that is undergoing the crisis. As can be seen in Fiji’s case, travel bans, sanctions and now the Fiji government’s suspension from the Forum has not brought about the desired result intended by those imposing them. If anything, it has probably led to a more ‘hardened’ attitude from those being targeted; the Fiji government. Furthermore, the Fiji government’s suspension has closed the door to further active engagement by the Forum with Fiji which would have been beneficial for both sides in the long run. Thus, it can be seen that punitive actions actually prove unproductive in the end and prevent further constructive dialogue.

Finally, it remains to be seen how the Forum is going to address future internal crises in the region seeing that its active engagement with Fiji has culminated in Fiji’s suspension and has not brought about the change it desired from Fiji. Fiji’s suspension has resulted in a strengthening of sub-regionalism within the Forum. This can be seen in the very active role currently played by Fiji (whose Prime Minister, Bainimarama, is currently holding the position of MSG chairman) in the MSG as it has sought out ‘sympathetic’ friends within the Melanesian bloc after its suspension from the Forum. During the recent 18th MSG Leaders’ Summit which was held in late March (2011) in Suva, the Fiji government donated land to Vanuatu, PNG and the Solomon Islands for them to use as they wish and in turn, these countries have pledged to continue to lobby for the Fiji government’s re-admittance to the Forum at the next Forum Leaders’ meeting in Auckland in early September this year, 2011. This strengthening of sub-regionalism as a result of Fiji’s suspension will most likely cause further problems for the Forum in the future as it may result in Forum countries being divided on security issues in the future therefore threatening the Forum’s cohesion. This is a very likely scenario given the strong sentiments expressed by countries like Australia, New Zealand and Samoa that Fiji returns to parliamentary democracy first before it can be readmitted and the decision given by
these three MSG members to lobby for Fiji’s readmittance to the Forum. This is a pivotal moment for the Forum as it seeks ways to work through these thorny issues amongst its members in such a way so as to ensure that it maintains its critical role in maintaining security in the region while at the same time preventing it security role from being further undermined.
Bibliography


http://proquest.umi.com/pqdweb?did=1298643451&sid=2&Fmt=7&clientId=34259&RQT=309&VName=PQD


Boladuadua, E. Personal Interview. 9th October, 2009


Commonwealth Statement on Fiji, Vancouver, October 16, 1987


Dean, E and Ritova, S. ‘Rabuka: No Other Way’. Doubleday, New South Wales, 1988


Fiji Times, 22 February, 2007. ‘Aussies, Kiwis are bullies’.

Fiji Times, 24 January 2009. ‘Forum meeting postponed’
"Fiji Times", 25 August, 2008. ‘Interim PM makes fresh unity call’

"Fiji Times", 30 January, 2007. ‘Bainimarama ready to engage partners’

"Fiji Times", 7 August 2007. ‘Interim PM attacks Forum’

"Fiji Times", June, July, August, September, November, December 1987


Forum’s Increasing Relevance: is it becoming more of a regional cop? http://www.islandsbusiness.com/archives/islands_business/index_dynamic/containerNameToReplace=MiddleMiddle/focusModuleID=17705/overrideSkinName=issueArticle-full.tpl.


Kabutaulaka, T.T. “Australian Foreign Policy and the RAMSI Intervention in Solomon Islands’. *The Contemporary Pacific Vol 17, No 2*


Pareti, S. ‘Elections or suspension Bainimarama told: Forum leaders issue Fiji an ultimatum’. IslandsBusiness, February 2009. http://www.islandsbusiness.com/archives/islands_business/index_dynamic/containerNameToReplace=MiddleMiddle/focusModuleID=18534/overrideSkinName=issueArticle-full.tpl

Paul De Deckker et Jean-Yves Faberon (ed). La Nouvelle Caledonie pour L’integration Melanesienne, , actualite Sociale Et politique Ocean pacifique melanesie Nouvelle Caledonie, L’Harmattan, (Janvier 2009)


Qarase, L. Address to the 55th Session of the United Nations General Assembly in New York, 16 September, 2000

Raicola, V. ‘Ban threat’. Fiji Times, 22 August 2008


Regional Spokesperson. Personal Interview. 9th October, 2009

Robertson, R.T. and Tamanisau, A. Fiji Shattered Coups. Pluto Press Aust Ltd, NSW. 1988


Studies Centre, Research School of Pacific Studies, The Australian National University, Canberra. 1993


Sunday Times, 3 May 2009. ‘Forum suspends Fiji’

Sunday Times, 8 April, 2007. ‘State happy with group’


http://www.forumsec.org/_resources/article/files/SG%20Peace%20Challenges%2031Mar05.doc


APPENDIX A

“BIKETAWA” DECLARATION

Forum Leaders recalled their 1995 Vision Statement, the Forum Economic Action Plan Eight Principles of Good Governance and the 1997 Aitutaki Declaration. With the aim of elaborating upon these earlier statements and in the interests of regional cooperation, Forum Leaders while respecting the principle of non-interference in the domestic affairs of another member state committed themselves and their countries to a number of guiding principles and courses of actions:

(i) Commitment to good governance which is the exercise of authority (leadership) and interactions in a manner that is open, transparent, accountable, participatory, consultative and decisive but fair and equitable.

(ii) Belief in the liberty of the individual under the law, in equal rights for all citizens regardless of gender, race, colour, creed or political belief and in the individual’s inalienable right to participate by means of free and democratic political process in framing the society in which he or she lives.

(iii) 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 the judiciary, just and honest government.

(iv) Recognising the importance and urgency of equitable economic, social and cultural development to satisfy the basic needs and aspirations of the peoples of the Forum.

(v) Recognising the importance of respecting and protecting indigenous rights and cultural values, traditions and customs.

(vi) Recognising the vulnerability of member countries to threats to their security, broadly defined, and the importance of cooperation among members in dealing with such threats when they arise.

(vii) Recognising the importance of averting the causes of conflict and of reducing, containing and resolving all conflicts by peaceful means including by customary practices.

2. Forum Leaders recognised the need in time of crisis or in response to members’
request for assistance, for action to be taken on the basis of all members of the Forum being part of the Pacific Islands extended family. The Forum must constructively address difficult and sensitive issues including underlying causes of tensions and conflict (ethnic tension, socio-economic disparities, and lack of good governance, land disputes and erosion of cultural values). To this end, the Secretary General in the future after consulting the Forum Chairman should urgently initiate the following process:
(i) Assess the situation, make a judgment as to the significance of the developments and consult the Forum Chair and such other Forum Leaders as may be feasible to secure approval to initiate further action;
(ii) Consult the national authorities concerned regarding assistance available from the Forum; and
(iii) Advise and consult with the Forum Foreign Ministers, and based on these consultations, undertake one or a combination of the following actions to assist in the resolution of the crisis:
(a) A statement representing the view of members on the situation;
(b) Creation of a Ministerial Action Group;
(c) A fact finding or similar mission;
(d) Convening an eminent persons group;
(e) Third party mediation;
(f) Support for appropriate institutions or mechanisms that would assist a resolution; and
(g) The convening of a special high level meeting of the Forum Regional Security Committee or an ad hoc meeting of Forum Ministers.
(iv) If after actions taken under (iii) the crisis persists, convene a special meeting of Forum Leaders to consider other options including if necessary targeted measures.

3. Any regional response to a crisis should take account of the guidelines set out in Annex A.

Biketawa, Kiribati
28 October 2000

Annex A
(i) Actions are discussed with the authorities in the country concerned;
(ii) The Forum and persons involved on behalf of the Forum should have credibility i.e. must be seen as honest and impartial brokers who are genuinely interested in
bringing about a fair resolution;
(iii) There must be coherence and consistency in the strategy followed;
(iv) There must be continuity and conclusion of the process i.e. staying the course;
(v) There must be cooperation with other key international and regional organisations and national actors and coordination of all these efforts;
(vi) There must be a sufficient degree of consensus on the resolutions by those who have to implement them i.e. local players and supporters and those that support them (i.e. outside organisations and governments); and
(vii) The intervention must be cost-effective.
ACKNOWLEDGEMENTS
We wish to thank the Forum Foreign Affairs Ministers for the opportunity to participate in this historic and important work for the Forum. We also thank the interim government of Fiji for its assistance in facilitating the arrangements for our visit and the people of Fiji for receiving the Group so warmly and for all the courtesies and hospitalities offered to us during our one week stay in Fiji.

2. Our appreciation also goes to all that we met, for giving their time to meet with and talk to the Group. We take this opportunity to wish the people of Fiji well for the future.

3. Finally, the Forum Eminent Persons Group wishes to record its gratitude to the Secretary General, Mr Greg Urwin, and his staff, for their support during the visit.

CONTENTS
Para Nos

Introduction: Background to the Current Situation in Fiji 1-11
Establishment and Work of the EPG 12-13

Section One: Assessment of the underlying causes and the nature 14-24
of the overthrow of the Government

Section Two: Assessment of the prospects for appropriate resolution 25-33
of the present situation in Fiji and obstacles to such a resolution

Section Three: Steps that the parties in Fiji may take to move 34-40
toward the restoration of democratic government

Section Four: The role of the Forum and its members in assisting 41-44
Fiji achieve the restoration of democratic government

Conclusions and Recommendations 45-50
Terms of Reference Annex A
BACKGROUND TO THE CURRENT SITUATION IN FIJI

Relations between the Soqosoqo Duavata ni Lewenivanua (SDL) Government and the Commander of the Republic of Fiji Military Forces (RFMF), Commodore Bainimarama, have been characterised by differing interpretations of the role of the RFMF in the affairs of state. In 2000, the RFMF played a critical role in the response to the Speight-led coup, Commodore Bainimarama being directly involved in the appointment of Mr Laisenia Qarase as interim Prime Minister, and in returning Fiji to a constitutional path. While they cooperated closely initially, relations began to deteriorate following the 2001 election, as those alleged to have been involved in the coup assumed positions in Government, a development to which Commodore Bainimarama took particular exception.

2. The year 2006 was dominated, politically speaking, by the SDL Government's attempt to introduce three pieces of controversial legislation: the Indigenous Claims Tribunal Bill, the Qoliqoli [Customary Fisheries] Bill and, most contentiously, The Promotion of Reconciliation, Tolerance and Unity Bill (the RTU Bill). The RTU Bill generated considerable criticism and opposition from many sections of society, and led to further friction between the Government and the RFMF. The RFMF saw these pieces of legislation as potentially destabilising for Fiji, and further evidence that the SDL Government was implementing a racially divisive agenda while tacitly condoning the events of 2000.

3. The RFMF’s interpretation of its role in affairs of state hinges on its belief that its role as defined by section 94(3) of the repealed 1990 Constitution is retained under the 1997 Constitution. The relevant section of the 1990 Constitution states 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.” The RFMF believes the Constitution provides it with a political mandate to influence government policy in the interests of Fiji, however they may be defined. The correct interpretation of the military’s role under the 1997 Constitution remains contentious, and has not been determined by the courts, although there was discussion during 2006 of a possible Presidential reference to the Supreme Court on this issue. During the first quarter of 2006, this debate over the military’s role was played out in the media, and the RFMF threatened to overthrow the Government if it did not meet its key demands, namely the removal of the controversial Bills from the Parliamentary
agenda. This tension was not resolved when now ousted Prime Minister Qarase announced that the October 2006 general election would be brought forward to May.

4. International observers found the 2006 election to be conducted in a credible manner, but made a number of recommendations to improve the electoral process. The SDL won 36 parliamentary seats in the election, 2 pro-SDL independents were elected, the Fiji Labour Party (FLP) won 31 seats and the United People’s Party (UPP) won the remaining two seats. Mr Qarase formed a government and, as required by the Constitution, offered a proportion of Cabinet positions to the FLP. The UPP formed the Opposition. The President, Ratu Josefa Iloilo opened Parliament on 6 June 2006, urging Fiji’s first multi-party Cabinet to co-operate for the benefit of the nation.

5. Attempts were made by both the Government and RFMF to improve relations between them following the 2006 election. Meetings between the Minister for Home Affairs and the Commander of the RFMF were held in the first half of the year with a view to resolving outstanding differences, particularly with regard to the controversial pieces of legislation. The Government refused to meet all the demands of the RFMF and the impasse continued throughout 2006 although it went largely unreported in the media until the RFMF began making renewed public statements on the proposed Qoliqoli legislation.

6. Relations between the RFMF and the Government continued to deteriorate as Commodore Bainimarama refused to meet with Government Ministers unless they met all key demands. The crisis escalated when RFMF soldiers removed an arms shipment from the Suva Wharves in November 2006, placing Police Commissioner Hughes and Commodore Bainimarama at loggerheads. Prime Minister Qarase addressed the nation in mid-November and categorically stated his determination to remain Prime Minister.

During the ensuing month, the RFMF took a number of staged steps with a view to pressuring Prime Minister Qarase to resign or bringing about his government’s collapse.

New Zealand Foreign Minister Winston Peters mediated at a meeting on 29 November between Commodore Bainimarama and Prime Minister Qarase in an eleventh-hour attempt to resolve the situation.

7. By this point, Commodore Bainimarama’s demands (reflecting political
developments of the previous month) had expanded, and included: a public declaration by the Government that the coup events of 2000 were illegal and that all those associated with them must be removed from office; withdrawal of the three contentious Bills; suspension of investigations into the Commander and the RFMF; termination of Police Commissioner Hughes’ contract; no foreign military/police intervention; a review of the role of the Police Tactical Response Unit; a review of the commercial arm and role of the Native Lands Trust Board; the Ministry of Home Affairs to respond to RFMF concerns about Force Structure, allowances and promotions; and the Government to address good governance concerns. Immediately after his return from New Zealand, Mr Qarase issued a press statement outlining what he claimed had been agreed on these points. This was immediately repudiated by Commodore Bainimarama.

8. On 5 December 2006, Commodore Bainimarama announced that he had assumed executive power, that he had dismissed the elected government of Fiji and declared a State of Emergency, justifying his actions principally by reference to the Doctrine of Necessity. Mr Qarase was obliged to withdraw to his home island of Vanuabalavu. Following three days of meetings, on 22 December, the Great Council of Chiefs (GCC) issued a statement which reaffirmed its view that President Ratu Josefa Iloilo and Vice President Ratu Joni Madraiwiwi were illegally removed by the military and therefore still held their positions under the 1997 Constitution. The GCC also reaffirmed its support for the rule of law and parliamentary democracy. Commodore Bainimarama rejected its statement, saying that the GCC had failed to see and understand the reality of the situation on the ground. Commodore Bainimarama subsequently announced that under the State of Emergency provisions, he would not allow any further meetings of the GCC to proceed unless expressly authorised by the RFMF. Ratu Joni has since announced his resignation from the position of Vice-President, and the GCC Chair announced in mid-January 2007 that it would appoint a new Vice-President at an upcoming meeting, while not confirming any date for that meeting.

9. Statements condemning the seizure of power in Fiji by the military were issued by the UN Security Council, the UN Secretary-General, the Presidency of the EU, the Commonwealth, Norway, Japan, Singapore, Australia, New Zealand, Papua New Guinea,
Samoa and Vanuatu and the Pacific Islands Forum; and Fiji has been suspended from
the Councils of the Commonwealth. Various additional measures have been adopted
by Australia, New Zealand, the United Kingdom, and the United States. The EU is
considering its position in light of the provisions of the Cotonou Agreement.

10. On 4 January 2007, Commodore Bainimarama returned executive authority to
President Iloilo, who then appointed Bainimarama as interim Prime Minister. Other
members of an interim government have subsequently been sworn in, including
former Labour Prime Minister Mahendra Chaudhry. The interim government has
entrenched itself gradually, and it would appear that many citizens have accepted,
with varying degrees of enthusiasm or reluctance, the reality of what has happened. It
has been widely reported however that human rights abuses have been perpetrated by
the military against critics of the Commander and the RFMF.

11. Commodore Bainimarama set out a broad agenda, although lacking significantly
in detail, for his interim government following his appointment by President Iloilo on
4 January. The key issues outlined by the Commander include commitment to
upholding the Constitution, validating the legality of the military’s actions (i.e.
granting immunity to the perpetrators of the events), an enquiry into the Judiciary,
investigations into alleged corruption by the ousted government (including plans to
establish an anti-corruption commission), and the conduct of a census and the
undertaking of electoral reforms, to precede the holding of a democratic election in
an as yet unspecified timeframe.

**Establishment and Work of the EPG**

12. In the context of the escalating tension in Fiji, a meeting of Pacific Islands Forum
Foreign Affairs Ministers (FFAMM) was held in Sydney, Australia on 1 December
2006 which agreed to convene urgently an Eminent Persons Group (EPG) to visit Fiji
to meet all the relevant parties to the impasse, and to make recommendations for a
way forward.

On 15 December, following consultations with the Chair, the Secretary General of
the Pacific Islands Forum wrote to Heads of Government seeking their agreement to
suspend the Prime Minister of Fiji’s position as Forum Chair given his practical
inability to fulfil his duties. Leaders agreed to this. As events had overtaken the
agreed decisions of the FFAMM, new EPG Terms of Reference (See Annex A) were
drafted and circulated to Forum Foreign Ministers.
13. On the basis of these revised TORs, the EPG visited Fiji from 29 January to 1 February 2007. It comprised Hon. Sato Kilman, Deputy Prime Minister and Foreign Affairs Minister of Vanuatu as Chair, Hon. Faumuina Liuga, Samoa’s Minister for Natural Resources and Environment, Sir Arnold Amet, retired Chief Justice of Papua New Guinea and General Peter Cosgrove, retired Chief of the Australian Defence Force.

The EPG met with a wide range of stakeholders including the President, the former Vice President (by teleconference), the interim Prime Minister, members of the interim government, the Great Council of Chiefs, the ousted Prime Minister, members from the ousted government and other Members of Parliament, the suspended Chief Justice and other members of the Judiciary, the Fiji Human Rights Commission (FHRC), the business community, representatives from NGO’s, Churches, the Media, Trade Unions, Suva based Forum representatives and Post Forum Dialogue partners. Wide ranging discussions were held around the four terms of reference and are reflected in the report.

8

Section One: Assessment of the underlying causes and the nature of the overthrow of the Government of Fiji by the RFMF

14. The EPG recognises that political issues in Fiji are complex and have a long history. It has restricted its report to the key events immediately leading up, or directly relevant to, the events of 5 December 2006 and since.

SDL attempts to pardon Coup Perpetrators of 2000

15. The EPG understands from its discussions with all interlocutors that the causes of the impasse between the RFMF and the Qarase government date back to the events of 2000 when a civilian-led coup was attempted by George Speight. After the RFMF had negotiated the release of hostages held by Speight in July 2000, the head of the RFMF, Commodore Bainimarama installed an interim civilian Government with Mr Qarase as Interim Prime Minister. Relations between the interim civilian government and the RFMF began to deteriorate when, following the 2001 election, the SDL formed the Government with the Conservative Alliance Matanitu Vanua (CAMV) whose members were strong advocates for pardoning the 2000 coup perpetrators. The EPG was informed that some of the SDL’s support base included traditional chiefs, parliamentarians and other high office holders who were complicit in the events of 2000. At least one member of the Cabinet had been sentenced and served
an eight month term for his actions during the 2000 coup. Several other individuals involved in the events of 2000 were released from prison early under compulsory supervision orders. This caused a deep rift between the new Government and Commodore Bainimarama who was personally determined to see those responsible for the coup face the legal consequences of their actions.

16. In 2005, the Government introduced into Parliament the RTU Bill. The Bill proposed the establishment of a Reconciliation and Unity Commission to investigate the 2000 coup, award compensation to victims, and grant amnesty to perpetrators. The amnesty provision in particular provoked widespread criticism within the community.

The EPG understands that the RFMF, although opposed to a blanket amnesty, requested immunity for its actions in 2000 when the Commander abrogated the Constitution and removed the President from office. The Government adopted the position that if one section of the community (ie the RFMF) was pardoned for illegal political acts, then as a rule this should be extended to the wider community. This proposal for blanket amnesty coverage in the RTU Bill was widely regarded as being a principal factor in the RFMF’s decision to overthrow the Government. The EPG noted that in response to demands from the RFMF, the Qarase government had made significant amendments to the Bill and was planning to review it prior to the takeover of 5 December.

Attempts to remove Commodore Bainimarama from Office and Review of the RFMF

17. The EPG was advised that since 2001, Mr Qarase and his Ministers made several attempts to have the Commander removed from office, and to reduce the role of the RFMF in political affairs. The most recent attempt to do so occurred on 31 October 2006. The President signed the order, but Commodore Bainimarama’s intended replacement declined to accept the appointment on the grounds that he did not command the support of other senior military officers. The EPG heard that the last attempt to remove Commodore Bainimarama signaled the complete breakdown in relations between the two sides, and hardened the resolve of the RFMF to take over government.

18. The EPG heard that the Qarase government also commissioned a Review of the RFMF in 2005 which recommended the downsizing of the force, and its restructure, to more appropriately meet the needs of Fiji. The EPG was informed that this review was received poorly by the RFMF leadership which already regarded itself as being
cut out of the national security decision making process by its exclusion from National Security Council meetings. The EPG understands that another factor influencing the military’s decision to take over the Government was that in late 2006, the Police, under the direction of Commissioner Hughes, had been conducting investigations of Commodore Bainimarama relating to sedition and his alleged role in the deaths of four Counter Revolutionary Warfare soldiers in 2000.

Introduction of alleged Racially Divisive Legislation and the RFMF’s role in Politics

19. The re-elected Qarase Government of 2006 announced that a revised version of the RTU Bill would be introduced in the new Parliament along with the Qoliqoli Bill and the Indigenous Claims Tribunal Bill, consistent with its election promises. The EPG was informed that the SDL policy specifically targeted the support of ethnic Fijians, before, during and after the 2006 election. Commordore Bainimarama cited the divisive character of this legislation, and the dire consequences it would have for social stability in Fiji as one of the reasons for his actions on 5 December. The EPG understands that in the view of the RFMF, passage of these Bills would have strengthened Fijian nationalism, led to disputes between provinces and among ethnic Fijians, created ethnic and undermined the rule of law in the country. The EPG heard that in response to the Commander’s demands of early November 2006, in a meeting in late November in New Zealand brokered by Foreign Minister Peters, Mr Qarase agreed to suspend action on these Bills pending legal review, and made substantial concessions on the remainder of the RFMF’s points. By this stage however, the RFMF appeared to have already decided on its course of action. Others noted that the inability of Commodore Bainimarama and the Government to resolve their differing interpretations of the correct role of the RFMF as defined by the Constitution, heightened tensions throughout 2006.

Issues relating to the Conduct of the 2006 Election and alleged widespread corruption

20. A national election was held in May 2006. The SDL received over 80 percent of the votes of indigenous Fijians, and the FLP over 80 percent of the votes of ethnic Indians. The EPG heard that controversy was renewed when Commodore Bainimarama publicly denounced the SDL’s election policies as racially divisive, conducted an RFMF voter awareness campaign, and instructed his soldiers not to vote for the SDL. The EPG was also advised that several parties were sceptical about the integrity of the election claiming widespread electoral irregularities and vote
rigging. The EPG was however advised that of the 71 seats contested, the outcomes of only two seats were taken up with the Court of Disputed Returns. Indeed, international election observers found the election to be credible. The SDL formed a multi party government comprising those parties that had secured more than 10 percent of the vote, as required by the Constitution.

21. The EPG heard that the RFMF has received the support of the Labour Party and the National Alliance Party (NAP) for its actions on 5 December (and that representatives from these parties are now members of the interim government). The Labour Party failed to secure a majority at the 2006 election, although it did participate in the multi-party Cabinet. The NAP failed to win a seat. The EPG understands that a significant justification offered by the military for its actions of 5 December stems from its belief that the Qarase Government was engaged in widespread corruption. While the EPG did not discount this possibility it noted that only anecdotal evidence of this was provided during the visit, and also noted the view expressed by some groups that allegations of corruption were not of themselves sufficient ground to move against a democratically elected government.

The Nature of the Overthrow: Legal Issues

22. Upon seizing executive authority on 5 December, Commodore Bainimarama asserted the legality of his actions, referring principally to the legal doctrine of necessity, and citing one particular judicial decision (of several) arising from Fiji’s 2000 coup. The legality of the 2006 takeover and subsequent events has been the topic of much discussion and analysis, and while the legal issues are complex, it is agreed that the question rests principally on the applicability of the doctrine of necessity. The legality issue was raised with the EPG by several interlocutors, both legal experts and lay persons. While some agreed with the Commander’s claim that his actions were justified under the doctrine of necessity, the majority of those with whom the EPG spoke were not convinced that the extra-Constitutional actions of the Commander (and subsequently the President) could be upheld on this ground. The legal difficulty arises in particular because the actions taken were in fulfillment of threats to the public order made by the RFMF itself, a situation which excludes the applicability of the necessity doctrine. The EPG understands that the prevailing legal view is therefore that the Commander’s action in seizing power on 5 December was illegal.
24. The EPG recognises that the legality of the recent events must ultimately be determined by properly constituted Fiji courts of law, and does not presume to pre-empt such decisions. The ultimate outcome of any court proceedings may be influenced by a number of factors including events occurring between now and then. The EPG is aware that ousted Prime Minister Qarase has announced his intention to challenge the takeover in the courts, and other court cases may also be filed in due course.

Section Two: Assessment of the prospects for appropriate resolution of the present situation in Fiji in the short and medium term, and obstacles to such a resolution

25. The EPG understands that the prospect of an appropriate resolution of the present situation in Fiji in the short term is unlikely owing in large part to the diversity of positions held within the community, the firm stand adopted by the RFMF and the interim government, and the fact that key institutions central to an appropriate resolution may already have been compromised. In the medium term, a political solution which commits the interim government to a road map leading to an election may be possible.

26. The EPG noted that the interim government has progressively entrenched itself (with the full support of the RFMF). A Cabinet has been appointed which includes members of the National Alliance Party and the Fiji Labour Party. That body has taken the view that parliamentary democracy cannot be restored before an election is held. The EPG was told that the interim government’s position is informed by the view that national security is the paramount issue of the day, and takes precedence over a return to civilian led parliamentary democracy. The interim Prime Minister and the Cabinet are reluctant to commit to a timeframe for an election, stating only that these would be held once the interim government has completed the implementation of the mandate provided by President Iloilo. The EPG understands that the interim government is looking at a timeframe of at least three years and possibly up to five years.

27. The EPG was informed that before an election is held, the interim government plans to embark on an anti-corruption exercise which has been termed a clean up campaign, to conduct a census with a view to revising electoral boundaries, and to
undertake voter education programmes. The EPG was also advised by interim Ministers that an election could not be held until the socio-economic conditions in Fiji were conducive to a credible election, which the EPG took to mean when the clean up campaign was completed. The EPG understands that the purpose of the interim government’s agenda is to promote a multicultural polity which does not elevate indigenous rights above those of other citizens. The EPG noted that Commodore Bainimarama is unwilling to de-link the election timetable from the clean up campaign. The implication of this is that an election may not be held for another five years.

28. In contrast to the interim government’s position, the EPG heard that there are many in the community who have condemned the events of 5 December. Some have demanded an immediate return to parliamentary democracy, stated that the office of Prime Minister should be held by a civilian, and called for the military to return to barracks and for a new election. The EPG noted that many groups felt that even if all of the electoral reforms proposed by the interim government were carried out, an election could still be held within a period ranging from fifteen months to two years.

29. The EPG also noted that ousted Prime Minister Qarase proposes to challenge the legality of the military’s actions in court. If the courts find in favour of Mr Qarase, the interim government will be faced with the choice of either following the courts’ directions, thereby upholding the rule of law, or proceeding with its own agenda. The latter course of action is likely to further divide public opinion and undermine prospects for a political solution underpinned by a national consensus.

30. The EPG heard the view that the Judiciary, the Police, Government Departments and the Human Rights Commission have been compromised since the events of 5 December. The circumstances surrounding the standing aside of Chief Justice Fatiaki, the appointment of Justice Gates as acting Chief Justice, and the suspension of the Chief Magistrate have all been questioned. The EPG understands that while the interim government believes that due process was followed in the appointment of Justice Gates and the suspension of Chief Justice Fatiaki, it is not a view shared by many in the Fiji legal community. The EPG was told that the Judiciary has become politicised and divided. Justice Fatiaki plans to appeal his suspension through the courts. The EPG was also advised that the Court of Appeal and the Supreme Court may confront an operational crisis by mid year as offshore judges may not seek re-appointment or refuse to sit in protest against the events of 5 December and since.
The EPG was advised that due process was not followed in the termination of contracts for most government CEOs. It was also suggested that new appointments to the interim administration have been characterised by nepotism. The Police are yet to resume their proper role as the only law enforcement institution of Fiji.

31. The EPG also heard that the Human Rights Commission’s ability to fulfill its mandate had been undermined by internal disputes and politicisation. Citizens subjected to human rights abuses were reluctant to report their experiences to the Human Rights Commission. The EPG also understands that New Zealand has suspended its funding for the Human Rights Commission. As a result the FHRC will be entirely dependent on the state to sustain its operational commitments, a situation which opens up the possibility of political interference.

32. The EPG heard that a wide cross section of the community feel that the continuing State of Emergency in Fiji is unwarranted, and is a major obstacle to a return to normality and the resumption of the rule of law. The EPG heard that a Presidential decree was issued purporting to grant immunity to soldiers for their actions up until 5 January 2007. The EPG noted during its visit that armed soldiers remained in place at checkpoints throughout Suva, and understood that there were numerous cases of citizens being denied their Constitutional rights including through subjection to intimidation, harassment and physical abuse at the Queen Elizabeth Barracks. The EPG was told that the interim government has also placed overseas travel bans on some citizens from the NGO and business community. The EPG heard that many people were unclear about what the State of Emergency permitted and prohibited them from saying and doing. The EPG understands that this has created an atmosphere in which people feel unable to express their views, and members of the media have been subjected to threats and intimidation in situations where stories unsympathetic to the interim government’s position have been run. Additionally, citizens were now reluctant to speak with the media for fear of retributive acts against them and their families. The EPG noted that this has led to some self-censorship by the media.

33. The EPG heard conflicting opinions on the level of support for the interim government and the ousted government. While many in the community are reticent about expressing their opinions publicly, support for the ousted government among indigenous Fijians reportedly remains strong while the interim government seems to
have gained support among other communities. Polarisation of support for the interim government and the ousted Government will further complicate the situation.

**Section Three: Steps that the parties in Fiji may take to move swiftly and peacefully toward the restoration of democratic government, within the boundaries of Fiji’s Constitution and the rule of law**

34. The EPG understands that while there is a diversity of opinion on the appropriate next steps to restore Fiji to democratic government, they can be grouped into three broad categories.

35. The EPG heard that the interim government and the RFMF intend to restore parliamentary democracy at an as yet undisclosed time, but plan to carry out a number of steps beforehand. The first of these include a national census. The EPG understands that the interim government believes this is important because the last election was conducted before the scheduled census and this caused many to question the validity of the rolls of voters and the integrity of constituency boundaries. Following a census the interim government intends to revise the boundaries for each constituency based on the data provided by the census. When the new constituencies are determined, voter registration will be undertaken nationwide and electronic registration introduced. The EPG was advised that election observer groups of 2006 noted that this was an area that required significant improvement. Finally, the interim government intends to conduct nationwide voter education programmes with a view to ensuring that voters are not disenfranchised by their inability to understand the electoral system. The EPG understands that the interim government believes it will take between three and five years to complete all these steps.

36. The EPG heard that during this period, the interim government also intends to carry out what it terms a clean up campaign to eradicate alleged corruption within the public service, Judiciary, and political parties. As an initial step, the interim government has called for an anti-corruption commission to be established to investigate what it claims is widespread corruption at all levels of government, and has already commenced establishing an anti-corruption taskforce. The EPG understands that the interim government’s reluctance to de-link the electoral process from the clean up campaign stems from its view that for a free and fair election to be conducted, the correct socioeconomic conditions must exist. Furthermore,
Commodore Bainimarama has said the RFMF holds the view that it does not have confidence in any civilian authority to conduct this exercise unsupervised, and as a result, Commodore Bainimarama will retain his position as interim Prime Minister.

37. Many stakeholders in the community hold a quite different perspective on how a return to democracy should be achieved. The EPG understands from several non-interim government interlocutors that an alternative model presented by some groups would be for the key stakeholders including the President, the Vice President, the ousted Prime Minister, the RFMF, political parties and Great Council of Chiefs to enter into discussions to work constructively toward finding a legal solution to the resumption of democracy. The mandate of this group would be to negotiate and reach agreement on the terms and conditions to facilitate the resignation of the Qarase government (ousted Prime Minister Qarase has not submitted his resignation). The EPG noted that following these steps, it was proposed that the President would appoint a new interim government to return Fiji to an early election within a stipulated timeframe. An advisory council would be established by the President to assist him in the appointment of this interim government. The advisory council would include representatives from all political parties and the RFMF. The composition of the interim government would be chosen from the current members of Parliament following the resignation of the military-backed interim government. The EPG heard that in this scenario, the new interim government would have a mandate to hold a general election within two years. The EPG was advised that the ousted government would welcome the establishment of a Commission of Enquiry into allegations of corruption but sees no need to link this to an election timetable.

38. The EPG also noted that in contrast to these first two roadmaps, some groups felt there should be an immediate and unqualified return to parliamentary democracy. The EPG understands that this formulation would involve full restoration of parliament and an full resumption of power by the duly elected Qarase government, which would act as a caretaker government to prepare Fiji for a national election in a period of no more than six months. This view does not accommodate anti-corruption exercises, nor does it incorporate a census and revision of electoral boundaries. The EPG noted that those who put forward this position also acknowledged that the interim government was unlikely to acquiesce.

39. The EPG recognises that any legal and constitutional resolution of the current
political situation will require an independent and untainted Judiciary. The EPG noted the view within the community that the Judiciary, government departments and other institutions of government had been compromised. Specifically, there is serious concern that due constitutional process was not followed in the suspension of Chief Justice Fatiaki and the appointment of Justice Gates as Acting Chief Justice. The EPG noted that there is a considerable danger that the Judiciary will not be able to carry out its Constitutional role. The EPG was advised that at some point, Fiji might need to seek international assistance to restore confidence to the judicial system.

40. The EPG noted that most stakeholders believe that in the interim period before an election is held, a number of other steps can be taken to place Fiji back on the path toward the restoration of democratic government. First, the EPG heard that many stakeholders felt that the military should remove its armed presence throughout Fiji and return to barracks. Accompanying this step, the State of Emergency should be lifted.

Furthermore, there should be an immediate cessation of human rights abuses, and confidence should be restored to the human rights machinery, and a civilian Prime Minister should be appointed.

16

Section Four: The role of the Forum and its members in assisting Fiji achieve the restoration of democratic government

41. The EPG noted significant differences of opinion between the interim government and its supporters, and the remainder of the community, on the role of the Forum and its members in achieving the restoration of democracy in Fiji. There was however a consensus that the EPG, or some variant, should remain constituted to monitor developments in Fiji and make recommendations to Forum Leaders.

42. The EPG noted the interim government’s call for Forum members to engage with the interim government to acquire a better understanding of the particular circumstances in Fiji. The interim government has also called for the removal of all sanctions commencing with the travel bans imposed on military personnel, interim Ministers, civil servants and their families. The interim government registered its concern that the travel bans were making it difficult to recruit members of the public to serve in the interim administration, undermining its attempts to govern effectively.
The interim government has linked this matter to a timetable for an election on the basis that preparations could not occur without suitably qualified people. On this note, the interim government called on Australia and New Zealand to consider a package of assistance to facilitate the implementation of the steps leading to a democratic election. The interim government noted that if assistance was provided, especially in the establishment of an anti-corruption commission, the remainder of the electoral timetable could be accelerated.

43. A range of other interlocutors also called for an active and unified Forum role in the resolution of the current situation, although their emphases varied. Many stakeholders supported the Forum’s stand condemning the military takeover. Forum members were urged by various stakeholders to use sanctions and other measures to pressure the interim government to commit to a clearly defined roadmap to parliamentary democracy, with clear timeframes and verifiable milestones, and that this roadmap should be set out within three months of the EPG visit. Groups with whom the EPG spoke suggested a number of key milestones relating to the electoral timetable, role of the RFMF, return to civilian control and respect for the rule of law.

44. Many groups suggested that if the interim government begins taking some of these steps, the Forum should consider a phased process of increasing engagement with the new administration and that Forum Members consider gradually reducing punitive measures against the interim government, as these milestones are achieved. For example, the EPG noted that some groups with which they spoke argued that Forum financial and technical assistance for a credible and independent anti-corruption commission may expedite the timeframe before an election and should therefore be considered as a matter of urgency. However, this assistance should be conditional on the interim government de-linking its clean up campaign from the election timetable so as to ensure the minimum necessary delay in the return to democracy. The EPG noted that the steps outlined by the interim government to date do not constitute a time bound roadmap, but rather a set of objectives.

Conclusions

45. Despite the views expressed by the RFMF, the interim government and some organisations, and notwithstanding the absence of any court ruling, it seems that the events of 5 December and what followed are widely viewed as having no justification in
law. Following our discussions and analysis of the legal precedents in relation to the
doctrine of necessity, the EPG is persuaded by the majority view that the RFMF's
takeover of government was unlawful. Based on this view, the immediate next step
would be to reconvene Parliament and restore Constitutional government drawn from
the elected Parliament. The EPG believes that, regrettably, this is unlikely to occur.

46. The new regime has established day to day control, but its statement that it enjoys
widespread support is not supported by the views of the majority of individuals and
organisations we consulted. The interim government appears firm in its intention to
rule without reconvening Parliament, and not to hold an election for a protracted
period (up to five years). Some members of the interim government expressed the
view that election preparations would take at least three years. The EPG thought that
this timeframe was excessive. The majority of people with whom the EPG spoke
preferred an earlier return to parliamentary democracy and indicated election time
frames ranging from eighteen months to two years.

47. Many interlocutors expressed the view that Commodore Bainimarama should
relinquish his role as interim Prime Minister in order to separate the role of the
RFMF from that of Head of Government. Commodore Bainimarama indicated that
he would retain both positions to ensure that the interim government’s mandate was
properly implemented. Leaving aside the question of its legal validity, the
requirement for an ongoing State of Emergency seems to be questionable, and has
provided the pretext for a disturbing number of human rights abuses. The State of
Emergency has also had an impact on the flow of information to the public, and this
has reduced the scope for the public debate that needs to occur.

48. The continuing independent functioning of the Judiciary has been compromised
by the process and manner in which the Chief Justice was requested to take leave and
then suspended and an acting Chief Justice appointed. The Court of Appeal and
Supreme Court may not be able to function beyond September with the prospect of
non-resident Judges refusing to sit. Ample comment was made that due process
under the Constitution had not been applied in the termination of contracts of public
office holders.

The integrity of the Fiji Human Rights Commission is in question as a result of
internal disputes and some politicisation.

49. All interlocutors encouraged close engagement by the Pacific Islands Forum.
They encouraged the Forum to remain unified in its approach to encouraging Fiji to
overcome its current difficulties. Some Post Forum Dialogue partners urged the Forum to quickly decide on what measures were to be taken to assist other members of the international community calibrate their positions. Most stakeholders – even those that felt there was no significant degree of corruption – felt that a credible and independent anti-corruption commission, and assistance for the electoral process, should be supported if this hastens the return to democracy and an election. Some stakeholders expressed the view that this should be dependent on Fiji committing to a firm election timetable.

19

Recommendations

50. From the discussions in the foregoing chapters the EPG makes the following recommendations to Forum Foreign Ministers:

i. A firm restatement be made that, in the Forum’s view, the takeover of Government by the RFMF on 5 December was unconstitutional and unacceptable;

ii. The RFMF should be called on to take immediate steps to withdraw from its involvement in the interim government with a view to restoring civilian rule as soon as possible, these steps to include the following:
   - the RFMF should return to barracks;
   - the Commander of the RFMF should vacate the position of interim Prime Minister and a civilian should be appointed to the post;
   - the State of Emergency should be lifted.

iii. The interim government should be called on to restrict its activities as follows:
   - the interim government should uphold the 1997 Constitution and interim decrees should be restricted in purpose and scope to matters necessary to meet the basic requirements of the community;
   - the interim government should respect and uphold Fiji’s domestic and international obligations and, bearing in mind the regional implications of recent events, take full account of the views of Fiji’s regional neighbours and the wider international community on the importance of Parliamentary Democracy and Constitutionality;
   - the interim government (and the RFMF) should immediately cease all interference with the Judiciary and accountable institutions, the Chief Justice should be reinstated to office;
- the interim government (and the RFMF) should ensure citizens are free to seek legal redress in the courts in relation to the events on and following 5 December, and should be prepared to comply with any decisions of the courts in this regard.

20

iv. The interim government should be called on to commit without delay to a roadmap with measurable milestones which includes the following:
- the interim government should commit to a firm timeframe for a national election (in the EPG’s view this should be between eighteen months and two years, if not sooner);
- the interim government should de-link the election timetable from its clean up campaign except in those areas directly related to the electoral process;

v. The Forum should call on the interim government and the RFMF to immediately cease human rights abuses.

vi. On the basis of commitments made by the interim government in regard to a roadmap and cessation of human rights abuses, the Forum should consider a phased package of assistance including:
- financial and technical support for the electoral process;
- financial and technical assistance for the establishment of a credible and independent anti-corruption commission;
- assistance to restore the independence of the Judiciary.

vii. If the interim government chooses not to commit to a roadmap along these lines, and take the suggested steps, the Forum should consider further options.

viii. Judging from the reception given the EPG, and the overtures made for the Forum to engage in substantive dialogue to assist in the return to democracy, the EPG or a variant thereof, should remain in being and continue further dialogue in a closely engaged and phased manner.

ix. The next democratically elected government of Fiji should be encouraged to examine the roots of Fiji’s ‘coup culture’ and the steps that need to be taken to eradicate it.
Annex A

FORUM EMINENT PERSONS’ GROUP TO FIJI

TERMS OF REFERENCE

On 1 December 2006, at the Forum Foreign Ministers’ Meeting held in Sydney, Ministers asked the Secretary General, in consultation with the Government of Fiji, “to convene urgently an Eminent Persons’ Group to visit Fiji to meet all the relevant parties to the impasse, and to make recommendations for a way forward”. Events in Fiji have now partially overtaken that mandate. In order to ensure the relevance of the Eminent Persons’ Group (EPG) in current circumstances, it is suggested that the mandate be understood as referring to all the relevant parties to the current crisis.

The Terms of Reference for the EPG are as follows:

• To assess the underlying causes and the nature of the overthrow of the Government of Fiji by the RFMF;

• To assess the prospects for appropriate resolution of the present situation in Fiji in the short and medium term, and obstacles to such a resolution;

• To identify steps that the parties in Fiji may take to move swiftly and peacefully toward the restoration of democratic government, within the boundaries of Fiji’s Constitution and the rule of law;

• To consider the role the Forum and its members might most usefully play in assisting Fiji achieve this outcome.

In carrying out its mission the Group is asked to:

• Meet with persons or organisations the Group considers relevant or potentially useful in understanding and resolving the situation, including but not limited to:
  - the Commander of the Republic of Fiji Military Forces (RFMF);
  - The RFMF-installed interim Prime Minister and/or other representatives of the RFMF’s Military Council and interim administration;
  - representatives of the ousted Government and Parliament;
  - ousted President Ratu Josefa Iloilo;
  - ousted Vice President Ratu Joni Madraiwiwi;
  - the Chairman of the Bose Levu Vakaturaga (Great Council of Chiefs);
  - the Fiji Human Rights Commission;
  - representatives of the business community;
- representatives of civil society including unions, NGOs and churches;
- representatives of Forum member countries in Fiji.

• Prepare a report addressing the Terms of Reference above, which will be presented to Forum Foreign Ministers.

15 December 2006
FIJI GOVERNMENT SUBMISSION TO THE
FORUM FOREIGN AFFAIRS MEETING
ON THE EPG REPORT ON FIJI

Port Vila, Vanuatu

Friday, 16 March 2007

MINISTRY OF FOREIGN AFFAIRS AND EXTERNAL TRADE
LEVELS 8 & 9, SUVAHOU HOUSE
VICTORIA PARADE, SUVA
REPUBLIC OF THE FIJI ISLANDS
1.0 INTRODUCTION

The Interim Civilian Government (ICG) of Fiji recognizes that whilst the EFG report shows that the eminent team had some difficulty in understanding the particular circumstances that gave rise to the 5 December 2006 event, it should be emphasized that for Fiji to return to parliamentary democracy, the support and understanding of Fiji’s regional and international development partners is of vital importance.

At the outset the ICG wishes to categorically state that it is fully committed to restoring parliamentary democracy in Fiji, and that we earnestly desire to achieve this objective as soon as practically possible. Our international development partners need to recognize that what Fiji must have is sustainable parliamentary democracy.

Fiji’s commitment to regional cooperation and solidarity remains firm and intact despite our most recent political challenges. This includes our proactive engagement with the Pacific Plan, participation in regional security cooperation [RAMSI], the Pacific Island Countries Trade Agreement [PICTA] and other regional initiatives.

Fiji fully understands her obligations under the Biketawa Declaration, the Honiara Declaration and the various United Nations conventions on human rights, rule of law and democratic governance. Fiji is not seeking to be exempted from these obligations.

There has been a tendency on the part of many, particularly those in the international community, to stop short of and react only and specifically to the developments of 5 December, 2006. Whilst cognizant of the basis of this concern, we submit it is not sufficient, when looking back, to understand the situation of Fiji and the problems that our country has been facing.

We urge our brother nations in the Pacific and our close neighbours New Zealand and Australia, to recognize and understand the historic context and related contemporary basis and the particular circumstances which have led to the deep-rooted and worsening problems besetting Fiji.
2.0 **FIJI'S REGIONAL ROLE**

The ICG wishes to highlight that Fiji plays a pivotal role in the promotion of regionalism and was a founding member of the Forum and SPC. Fiji's contribution to the continuing operation of the two leading Pacific regional organizations is testimony to our commitment to the region. Even in the face of our political and financial challenge the ICG has given priority to the undertaking made in 1998 to realize the Pacific Village. A project that will further enhance regional organizations improve its service delivery to citizens of this region.

Fiji has always championed the rights of states and peoples of the Pacific to realize their political aspiration and self determination. This we have consistently maintained in the UN fora, particularly in the Decolonisation Committee and in our enunciated position in the Declaration of the Rights of Indigenous Peoples. What we are now experiencing in Fiji is part of the same process and will require your reciprocal understanding and patience.

3.0 **LOCAL CONTEXT FOR THE FIJI SITUATION**

What Fiji is seeking from the Forum Group and the international community is understanding, and mutually beneficial assistance, to address the underlying causes that led to the events of 5 December 2006. Without addressing these concerns, in the interim period of political transition, democratic values and good governance will not be achieved and sustained in the long term. Indeed rushing to democratic elections without addressing the underlying causes of 5 December 2006, may achieve form but not substance and we submit would be counter productive.

4.0 **FIJI'S SITUATION**

Fiji's political governance, particularly in recent years, has been characterized by a deepening racial schism, a pervasive increase in corruption, serious economic decline, and a significant deterioration in the law and order situation.

The two military take-overs of governments in 1987, and the civilian-led coup in 2000, both heightened and magnified the
dominance of race-based politics and divisive governance resulting in a severe erosion of confidence and a massive exodus abroad of the skilled and the educated. The post-1987 coup-related developments caused severe and debilitating ruptures in the very fabric of Fiji society.

Fiji has been riddled with deep-rooted structural problems, a governance environment severely warped by the dominance of parochial ethnic politics, and increasing corruption and disorder.

At the time of the military intervention in December 2006, Fiji’s economy was severely challenged: with increased unemployment and underemployment, decline in productive investment, continued emigration particularly of the skilled and the educated, stagnant manufacturing and declining export sectors, a sharp deterioration in the fiscal and external balances, and growing poverty and inequality.

In seeking to gain wider understanding of this particular local context of the Fiji situation as at 5 December, Fiji has adopted a strategic approach that has, at its core, the promotion of dialogue and engagement with all our major bilateral partners. Fiji’s Prime Minister has recently written to the Prime Ministers of Australia and New Zealand seeking their positive engagement in assisting Fiji’s move towards democratic governance. All we desire and earnestly request is that please, give us a fair go.

We have come to this meeting with a frame of mind that is positive, constructive and forward looking. We are willing to consider and discuss with you, your views on the Fiji situation but equally important, in a constructive, forward-looking manner.

5.0 GOING FORWARD

Fiji’s Interim Government recognises and acknowledges the democratic issue-based concerns as raised by the international community, particularly by our Pacific family of nations including our close neighbours, New Zealand and Australia.

In this context, we greatly appreciate the well-meaning and timely initiative of the Forum Leaders, in appointing an Eminent Persons Group led by Vanuatu’s Deputy Prime Minister.
The release of the Report of the Eminent Persons Group coincided with the release of a Road Map by Fiji’s Interim Government, with both focussing on the return to parliamentary democracy in Fiji.

The EPG has called for the return to parliamentary democracy in Fiji within a 18-24 months timeframe. The Interim Government’s road map announced a 36 months timeframe. Like the international community, the Interim Government desires that Fiji is able to return to parliamentary democracy sooner rather than later. The Interim Government therefore is willing to give due consideration to a new time line, one that is pragmatic and which enables us to lay the solid foundations for sustainable democracy, governance, and accountability.

The Interim Government has just introduced an emergency Budget which seeks to arrest further decline of Fiji’s overall economic and fiscal situation. The measures contained in the Budget are painful rather than populist.

In moving forward and beyond such immediate, curative measures, Fiji must now evolve a political and governance framework that is truly democratic, accountable and equitable; one which unifies Fiji’s diverse communities as a nation.

The Interim Government recognizes that all of these cannot be achieved overnight. They certainly cannot be achieved through the mere issuing of edicts or decrees. The harsh reality is that there are no quick fixes.

The Interim Government recognizes that to rebuild Fiji into a united, well-governed, truly democratic and a progressive nation, a much more comprehensive way forward reform agenda is needed i.e. an agenda of political, social and economic reforms that seeks to address the following:

i) to restore stability, law and order, and confidence,

ii) to strengthen institutions relating to good governance, particularly reform of the public sector including the public service as well as ensuring an independent and effectively functioning judiciary;
iii) to carry out major reforms in the economy aimed at addressing all of the structural problems that have been hindering the attainment of sustainable private sector-led growth and development; and

iv) to convene free and fair general elections within a constitutional and governance framework that will ensure that parliamentary democracy is not only restored but can be sustained in Fiji.

To achieve all this, the Interim Government proposes to take concrete steps, within the next few weeks, to launch a major national initiative that will fully engage and involve the broad cross section of Fiji’s populace, through processes that will be meaningfully consultative and truly participatory, to develop a much more comprehensive Road Map for the Way Forward than was announced by the Interim Government in February 2007.

The end product or outcome of the proposed broad-based, inclusive, participatory approach, it is anticipated, would be a Peoples’ Charter that will set out what needs to be done including realistic and achievable timelines for implementation.

We submit that such an approach would be Fiji’s own way of achieving all of the laudable goals and outcomes that we all now aspire for, particularly as such an approach that will lay solid foundations for not only democracy, good governance and accountability but also for growth, unity and prosperity in Fiji.

6.0 INTERIM ADMINISTRATION’S COMMITMENTS TO THE FORUM AND INTERNATIONAL COMMUNITY

Fiji is at a very critical crossroad: the country’s situation could rapidly escalate into a serious deterioration of law and order and political instability.

Fiji seeks constructive, forward-looking developmental support and engagement from its international partners including in particular the Forum member nations.

The Interim Government is committed to fully supporting and facilitating the proposed broad-based national level consultative and
participatory process, as outlined above, for the formulation of a comprehensive Way Forward Reform Agenda (WFRA) for Fiji. We seek the support of our international (bilateral and multilateral) development partners including the Forum, for this initiative.

In particular, to enable us to both formulate and implement the more comprehensive Way Forward Agenda for Fiji, assistance from the international community is needed in the form of:

i) technical and financial support for an independent, objective, facts-based forward-looking stock-take or diagnosis of Fiji’s current situation. (Note: the details of the WFRA should come out of such an analytical and informed basis);

ii) support, both advisory and financial, for representative civil society stakeholder groups and associations, (such as the Citizens Constitutional Forum and other NGOs) to actively and fully participate in the WFRA work; and

iii) technical and financial support for the effective implementation of the comprehensive WFRA.

In the context of the foregoing, and in recognizing that that Forum initiative to set up an Eminent Persons Group (EPG) has served a very useful and important purpose, Fiji would welcome, under the auspices of the PIF and Commonwealth Secretariat, the setting up of an International Eminent Persons Advisory Group (IEPAG). The role an IEPAG would play is to help monitor, support and facilitate progress of the WFRA initiative including in particular the setting of a realistic and achievable timetable for the restoration of parliamentary democracy in Fiji.

For its part, the Interim Government pledges its commitment to ensure the effective implementation of the WFRA for Fiji and in particular, to adhering to the timetable that will be contained in the WFRA for the return to parliamentary democracy.

You must have heard that the Government in Fiji has a Roadmap to return Fiji to democratic elections in 3 years. We have objective reasons for seeking this time line and it is our hope when you engage further with us you will fully appreciate and understand the position we take on this matter. We have come to this Forum Foreign Ministerial Meeting with an open mind and in the spirit of regional
cooperation and mutual respect for each others sovereign status. We are confident that together we can over the coming weeks agree on an Action Plan that meets all our core concerns.

7.0 CONCLUDING REMARKS

Fiji welcomes the availing of this opportunity to share with the Forum Foreign Ministers the positive political developments attained after 5 December and highlight the home grown solutions that we feel will best address our political and economic challenges.

Fiji also acknowledges the concerns of fellow Forum Members with regards to the future peace and stability of Fiji; given Fiji’s role as a regional “hub” for commerce, travel and services throughout the region and the large number of Forum member citizens living, working and studying in Fiji. For this reason the ICG is committed to ensure that political and economic stability is returned within a reasonable timeframe that will allow the ICG and the people of Fiji to address the core issues giving rise to the events of 5 December.

The Forum’s commitment to continue this engagement is most reassuring and we look forward to your renewed interest and understanding in this regard.
The ICG’s response to the recommendations of the EFG Report is appended as Annex 1 for your information.

1.0 RESPONSE [ Recommendation i ]

In his statement on 5 December, 2006 the Commander RFMF Commodore Voreqe Bainimarama said that the actions of the RFMF was *inter alia* precipitated by the following:

1.1 Involvement of 2000 Coup Perpetrators in the SDL Led Government

   i. The persistent and deliberate involvement of persons supporting the unlawful takeover of Government in 2000 in the Qarase led SDL Government. This includes the Governments after the 2001 and 2006 Elections;

   ii. The continued appointment of those tainted by the events of 2000 to diplomatic and senior government positions;

1.2 Politicization of Prison Services

   i. The adoption of contradictory standards of the SDL Government. On the one hand, saying that they supported law and order and the independency of the judiciary, but on the other freeing or facilitating the freeing of coup convicts on extra-mural and/or compulsory supervision orders with unsubstantiated reasoning. These actions compromised the integrity of the judicial system;

   ii. The regular visits by Government Ministers to Korovou Prison to meet and solicit advice from those convicted in the illegal activities of 2000.

1.3 Corrupt Practices

   i. The inertia of the SDL Government to address corrupt practices, repeated acts and incidents of Government and civil service corruption including SDL politicians. Those involved continued to be members of the cabinet, holding senior Government positions and civil servants;
ii. The growing cycle of corruption, clientalism and cronyism also involved the extremely unhealthy influence and involvement of certain businessmen and women in the governmental decision making processes;

iii. The failure of the Qarase Government to pass any anti-corruption legislation in the past 5 years despite the growing and repeated acts of corruption which has undermined the very foundations of our civil service and institutions and the economy;

1.4 Economic Mismanagement

Most seriously, the large Government deficit, the failure of the SDL Government to cut spending, the failure to revive the sugar industry, the failure to solve the land problem, the racist and selective education policies, the rapidly deteriorating public health services, the escalating poverty, the hike in interest rates, the lack of employment opportunities given the growing number of school leavers, the almost inevitable devaluation of the Fiji dollar, the neglect to increase our exports vis a vis our growing reliance on imports creating a critical balance of payments situation and the overall serious economic situation created by bad governance, mismanagement, corruption, disrespect for the rule of law and the undermining of democratic values since 2000.

1.5 Discrepancies in 2006 Elections

The manner in which the 2006 elections were conducted was characterized with discrepancies. The fact that no census was conducted before the elections meant that serious breaches of the Constitution occurred, the fact that there were so many additional ballot papers printed for no good reason and the fact that unexplained procedures were adopted;

1.6 Result of Racist Policies

i. The determination by the Qarase led Governments to pass Acts of Parliament which would have inevitably increased indigenous Fijian nationalism, led to dispute between the provinces and amongst indigenous Fijians themselves, created ethnic tension, undermined the rule of law and the independence of constitutional offices including the Judiciary and compromised the right to fair hearing and representation.
This refers in particular to the Reconciliation, Qoliqoli and Land Claims Tribunal Bills;

ii. The racist and inciteful speeches made by SDL parliamentarians, which were never checked by Qarase. These speeches caused fear and tension in minority communities and our society as a whole. We also noted with concern the increased incidents of sacrilege aimed at minorities;

1.7 Politicization of Criminal Justice System

i. The failure of the Police Force to investigate all the ‘shadowy figures’ behind the 2000 coup including Qarase who had requested the removal of the President. Despite this request the Police Force were determined to instead investigate the Commander of the RFMF, senior officers and the RFMF as a whole;

ii. The manipulation of the criminal justice system for political reasons. The investigations against the RFMF arose from a National Security Council decision and not from the independent decision of the Commissioner of Police himself;

iii. The untimely absence of leave of the Commissioner of Police at a crucial juncture in our country and his seemingly political bias was of grave concern;

1.8 Attempts to Undermine the Command Structure of RFMF

i. The repeated and persistent attempts to change the command structure at the RFMF since 2000 and the rewarding of those who have made those attempts;

ii. Qarase and certain members of his Cabinet sought to incite certain members of our community to rebel against the RFMF and thereby did not have regard for the welfare and security of all our citizens and compromised national security;

iii. The deliberate exclusion of the RFMF from the National Security Council but repeated inclusion of the Police Force which indicated a refusal to hear the Military point of view on security and governance issues;
1.9 Regional Intervention

i. The threat of and references to the use of regional forces and intervention by the Qarase Government to try and influence the resolution of our own internal problems;

ii. The threat of an Australian invasion as shown by the inciteful and hostile remarks made by the Australian Foreign Minister, the unexplained presence of an Australian Defense Force Helicopter within Fiji’s EEZ and the frequent references to the Biketawa declaration made this threat a real one. Commentaries by the Australian Prime Minister confirm this position;

iii. On the Biketawa declaration itself, the declaration states that the Government:

- Needs to be committed to good governance exercising authority in a manner that is open, transparent, accountable, participatory, consultative and decisive but fair and equitable;
- Ensure equal rights for all citizens regardless of gender, race, colour, creed or political belief;
- Must uphold the democratic processes and institutions, which reflect national and local circumstances, including the rule of law and the independence of the judiciary, just and honest government.

iv. The Qarase Government had failed to adhere too many of these agreed principles of governance.

1.10 Vacation of Office by the Cabinet Ministers

Prior to 5 December 2006, the act of fleeing from the seat of Government in Suva by the Prime Minister and his Cabinet and although it was only for a couple of days, the act instilled a lack of confidence in the Government and negated claims that the Government was in fact in charge;

1.11 Impeding the Constitutional Powers of the President

The President was prevented by some from exercising his constitutional powers. We were as a nation in a state of limbo.
2.0 RESPONSE [Recommendation ii]

2.1 The RFMF assesses on a weekly basis the security situation in the country and is phasing out its public presence engagement as evidenced by the withdrawal of armed soldiers manning strategic check points during certain times of the day. The increased involvement of the police in maintaining public order is now more evident.

2.2 Given the circumstances that prompted the necessary intervention on 5 December 2006, the appointment of a civilian PM at this juncture may not be in the best interest of Fiji as the core issues remain unresolved. The Commander has publicly stated that he has no political ambition; therefore this concern is temporary until the election of the next Government.

2.3 The Public Safety Regulations are currently in place in his letter dated 12 March to the Commonwealth SG the Interim Prime Minister undertook to review the Public Safety Regulations by the end of March 2007.

3.0 RESPONSE [Recommendation iii]

3.1 The ICG is committed to upholding the 1997 Constitution and the key promulgations are as follows:

<table>
<thead>
<tr>
<th>No.</th>
<th>Decrees</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Ratification and Validation of the Declaration and Decrees of the Fiji Military Government Decree 2007</td>
</tr>
<tr>
<td>2.</td>
<td>Proclamation of appointment of Acting Chief Justice</td>
</tr>
<tr>
<td>4.</td>
<td>Legislative Nomenclature Promulgation</td>
</tr>
<tr>
<td>5.</td>
<td>Immunity [RFMF Government Intervention]</td>
</tr>
<tr>
<td>6.</td>
<td>Termination of contracts of employment (Public Service Senior Executive Service)</td>
</tr>
<tr>
<td>7.</td>
<td>Presidential Instrument of Notice of suspension of Chief Justice</td>
</tr>
</tbody>
</table>
3.2 Fiji’s commitment to its regional and international obligations remains unchanged;

3.3 The Judiciary is functioning normally and the decisions of the court are being enforced. The Chief Justice and the Chief Magistrate were asked to go on leave. The Chief Justice was subsequently suspended by the President as he is empowered to do so under Section 138(3). An independent three (3) member tribunal shall hear the allegations against the suspended Chief Justice. The Chief Magistrate was asked to come back from leave last week by the Judicial Service Commission. The Judicial Service Commission is an independent consisting of the Acting Chief Justice/Chief Justice, President of the Law Society and the Chairman of the Public Service Commission. The Chief Magistrate commenced work on 12 March 2007.

3.4 ICG is not interfering with due process and allegations of human rights infringements are being reported to the Fiji Human Rights Commission. Certain matters have also been reported to the Fiji Police Force and it is carrying out its work unimpeded. There are known 19 cases of alleged human rights infringements currently being investigated by the Fiji Human Rights Commission. The RFMF is also conducting its own investigations against military personnel cited for abuses.

4.0 **RESPONSE [Recommendation iv]**

4.1 **Roadmap for the Restoration of Democracy**

<table>
<thead>
<tr>
<th>Milestones</th>
<th>Indicative Time Frame</th>
<th>Donor Contribution Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Convict a Population Census</td>
<td>12 months (March 2007 - June 2008)</td>
<td>$6.5 million</td>
</tr>
<tr>
<td>Collation and calling of Data (including compiling 24 July 2007)</td>
<td></td>
<td>$1 million</td>
</tr>
<tr>
<td>2. Electoral Boundaries Commission to convene to determine New Boundary configurations</td>
<td>6 months (June-December 2008)</td>
<td>$1 million</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$1 million</td>
</tr>
<tr>
<td>3. Set Up Electronic Voter Registration System</td>
<td>9 months (Jan-Sept 2009)</td>
<td>$10 million</td>
</tr>
<tr>
<td>Registration of voters</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Compilation of electoral roll, and</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public scrutiny of roll</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Conduct Comprehensive Voter Education and Awareness Programme</td>
<td>6 months (Sept 2009-Mar 2010)</td>
<td>$5 million</td>
</tr>
<tr>
<td>and finalization of rolls</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Convene Elections</td>
<td>June 2010</td>
<td>$30 million</td>
</tr>
<tr>
<td></td>
<td>Total Costs</td>
<td>$55.5 million</td>
</tr>
</tbody>
</table>

13
4.2 Guiding Principles

i. Indicative timetable of 36 months was set to undertake all necessary preparatory work to convene a free, fair and fully democratic election.

ii. This timeframe currently adopted will also enable the Interim Government to achieve the President’s mandate. [Annex 2]

iii. Achievement of the various milestones in the “Road Map” is dependent on the availability of donor funding and related bilateral and multilateral support.

iv. The ‘Road Map’ adopted in February 2007 takes into account the need to move Fiji forward through rapid economic recovery, stabilization of government finances and meeting the aspirations of ICG vis-à-vis and *inter alia* of accountability and good governance.

v. The Interim Government will introduce measures to kick start the national economy on a path to sustained growth and prosperity through the restructure in the sugar industry, proper land use planning, and the revival of the tourism sector.

vi. The March 2007 Budget was aimed at stabilizing the nation’s finances and ensuring that the national deficit stays within 2% GDP, in order for the national debt to remain sustainable.

vii. The Constituency Boundaries Commission created under the Constitution must in the year following each official census review the boundaries of constituencies and will be tasked to draw up new open seat constituency boundaries and to ensure that the number of voters is, as far as reasonably practicable, the same. This will entail the holding of a population census in 2007 to ensure that the Boundaries Commission works with the most updated figures. The preparation of the new Boundaries is likely to be completed in 2009.

viii. The Elections Office indicates it will need 12 months to prepare for a general election and the preparatory work will be done between 2008-2009.
ix. There will be a new system of polling, voting, vote counting and registration, and declaration of results, which would take 9-12 months to complete.

4.3 Rationale for 3 years Road Map

i. Within the currently adopted 3 years timeframe all the required tasks to be performed by the Interim Government is expected to be successfully completed, as part of the requirements of the President’s mandate.

ii. After three years, Fiji’s economy and government finance would have recovered fully, to be able to fund and sustain an elected government.

iii. The ‘Road Map’ will be subject to a mid-term review in late 2009.

iv. The review of the 1997 constitution and the fight against corruption will be carried out in tandem with the ‘Road Map’ for the return to parliamentary democracy.

v. Interim Government to facilitate discussion to eradicate the politics of race.

vi. In that regard a three-member constitution review team will be appointed to undertake the review.

vii. The team will review the current electoral system in the constitution and recommend ways in which the electoral process can be altered to remove communal-based elections to the House of Representatives.

viii. The Interim Government is in the process of setting the Independent Commission Against Corruption (ICAC). Preparatory work for this has commenced with the setting up of an investigation unit. In tandem, prevention of Bribery Statutory provisions will also be introduced.

ix. The Interim Government has pursued a clean-up campaign aimed at ridding Fiji of corruption. Chief amongst these is the reconstitution of the Board members in statutory bodies and government owned companies.
x. The 'Clean up' campaign will be carried out in government departments and quasi-government entities.

5.0 RESPONSE [Recommendation v ]

5.1 Fundamental human rights guaranteed in international law and Fiji’s Constitution remains intact and continues to be observed and respected. The issue of contention here is due process. Through the Attorney General’s Office a mechanism has been agreed for dealing with any allegations of human rights violations.

5.2 Allegations of infringements of human rights against members of the public, in particular senior officers of certain NGOs have been made. Government has put in place a mechanism to deal with any complaints. This mechanism would require the complainant to lodge their complaint either with the police or the Fiji Human Rights Commission for initial investigation. When it is lodged as a criminal complaint with the Police and evidence is available, criminal prosecution will take place.

5.3 Allegations of Human Rights infringements lodged with the Fiji Human Rights Commission are also investigated and where further action is required, it will be channeled through the Attorney General’s chambers. This mechanism has the support of the RFMF, the Police, the Fiji Human Rights Commission and the Attorney General’s Chambers.

5.4 In addition to the above, each complainant is free to seek legal redress in the courts.

5.5 The Fiji Military Force is also using its existing mechanism to investigate allegations of human rights infringements committed by soldiers and are dealing with the offenders accordingly.

5.6 Fiji Human Rights Commission has also distributed a revised version of the National Security and Human Rights Handbook to the Interim Prime Minister and the Commander of the RFMF which has now been distributed to all troops in Fiji. The Handbook sets out provisions of international humanitarian law as well as relevant chapters of the Constitutions of Fiji and other laws. It is anticipated that all RFMF personnel will make themselves familiar with these
laws to reduce the number of complaints of human rights violations by the military.

5.7 Human rights abuses in Fiji from 5 December can be categorized into two areas:

- Assault in the process of interrogation; and
- Amendments to the right to freedom of expression and freedom of movement.

5.8 The military has expressed and made public their intention to investigate all infringements committed by its members.

5.9 The RFMF's current phased withdrawal from the public domain demonstrates its intention to return the enforcement of law and order to the police.

5.10 Fiji does not condone human rights violation/infringements. It is fully cognizant of its obligations under the various UN Conventions concerning the protection and promotion of human rights in Fiji. Government does note that there is in place a Public Safety Regulations.
ANNEX 2

PRESIDENT’S MANDATE TO THE INTERIM CIVILIAN GOVERNMENT

On 5 January 2007 HE. The President in swearing in the Interim Civil Government outlined the following as the mandate to govern the operation of the ICG.

1. To continue to uphold the Constitution;

2. Where necessary facilitate all legal protection and immunity, both criminal and civil, to the Commander, Officers and all members of the RFMF;

3. Give effect to the actions of the RFMF including the respective suspensions, dismissals and temporary removal from office of civil servants, CEO’s, those appointed by the Judicial Services and Constitutional Services Commissions, the Judiciary and Government appointed Board members;

4. Steady our economy through sustained economic growth and correct the economic mismanagement of the past 6 years;

5. Lift up the living standards of the growing poor and underprivileged of our country; Restructure the NLTB to ensure more benefits flow to the ordinary indigenous Fijians; Eradicate systematic corruption by including the setting up of an anti-corruption unit through the Attorney General’s Office and set new standards of Governmental and institutional transparency;

6. Improve our relations with our neighbors and the international community,
   Take our country to democratic elections after an advanced electoral office and systems are in place and the political and economic conditions are conducive to the holding of such elections;

7. Immediately as practicable introduce a Code of Conduct and Freedom of Information provisions and

8. Give paramountcy to national security and territorial integrity of Fiji.
APPENDIX D

PACIFIC ISLANDS FORUM SPECIAL LEADERS’ RETREAT
Port Moresby, Papua New Guinea 27 January 2009

LEADERS’ DECISIONS

Heads of State and Government of Australia, the Cook Islands, Kiribati, Nauru, New Zealand, Niue, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu; and representatives of Federated States of Micronesia, Fiji and Palau; met in Port Moresby, Papua New Guinea on 27 January 2009 to discuss the situation in Fiji. Leaders noted the apologies received from the Republic of the Marshall Islands for its inability to attend due to circumstances beyond its control.

2. Leaders expressed their thanks to the Government and people of Papua New Guinea for their warm hospitality and generous hosting of the meeting, and the excellent arrangements made for the Retreat.

3. Leaders:
   (a) Reiterated the condemnation expressed by them in the Niue Communiqué of the failure of the Fiji Interim Government to demonstrate the necessary political will to fulfil the undertaking made to Forum Leaders in 2007 that it would hold parliamentary elections by March 2009;

   (b) Noted and acknowledged the steps taken by the Fiji Interim Government towards re-engagement with the Forum since the Leaders’ Meeting in Niue, including the reconvening of the Forum-Fiji Joint Working Group, and the second visit of the Ministerial Contact Group; but expressed serious concern at the continuing lack of practical preparations for holding elections;

   (c) Stated that more than two years of rule by an unelected military government, with no clear timetable for the return of constitutional government to the people, is not acceptable by international standards including those embraced by all Forum members and enshrined in the Biketawa Declaration, and emphasised the need to restore democracy without further delay;
(d) Reaffirmed that there are long-term issues that need to be addressed in Fiji, including through independent and inclusive political dialogue; but that such dialogue must be primarily focused on the holding of elections. The dialogue process should not be the cause for further delay in holding elections;

(e) Called on the Interim Government to take the following actions to demonstrate its commitment to the restoration of parliamentary democracy in Fiji:

(i) provide to Forum Leaders a new timetable agreed with all key political stakeholders, specifying in detail the agreed steps to elections and a return to democracy, and the timing for completing them, reflecting a consensus reached through a genuine, open, inclusive dialogue without threats, preconditions, ultimatums or predetermined outcomes;

(ii) make a clear commitment that any reforms agreed through political dialogue will be implemented in accordance with the Constitution and laws of Fiji;

(iii) undertake and sustain serious and credible election preparations, including allocation of necessary resources to the Office of the Supervisor of Elections, and the prompt preparation of the electoral roll; and

(iv) make a renewed commitment that the military will withdraw from civilian politics following such an election, return to barracks, and submit to the authority of the elected civilian government in accordance with the Constitution;

(f) Agreed, subject to progressing the actions specified at sub-paragraph (e) above, to positively consider providing prompt financial and technical assistance to the President’s Political Dialogue Forum; in recognition of the value of independent and inclusive dialogue as a long-term process to assist in resolving broader issues in Fiji. The specifics of such assistance would be determined in close consultation with the Commonwealth Secretariat and the United Nations;

(g) Reaffirmed the ongoing readiness of Forum members to continue to assist Fiji with preparations for an election, and called on the relevant authorities in Fiji to cooperate fully with Forum members and other donors to expedite such assistance;
(h) Agreed, in furtherance of Forum members’ collective commitment to the fundamental principles enshrined in the Biketawa Declaration, to the imposition of “targeted measures” under paragraph 2(iv) of the Biketawa Declaration in relation to Fiji to take effect unless:

(i) the Fiji Interim Government nominates an election date by 1 May 2009;
(ii) that election is held by the end of December 2009; and
(iii) the actions in paragraph (e) above are taken and publicly declared by 1 May 2009.

(i) Agreed that such targeted measures will comprise the following:

(i) suspension of participation by the Leader, Ministers and officials of the Fiji Interim Government in all Forum meetings and events; and
(ii) ineligibility of the Fiji Interim Government to benefit from Forum regional cooperation initiatives, and new financial and technical assistance, other than assistance toward the restoration of democracy under the framework of the Biketawa Declaration;

(j) Agreed that the targeted measures, if imposed, will remain in place until such time as a democratically elected, civilian parliamentary government is restored in Fiji;

(k) Tasked the Ministerial Contact Group with continued monitoring of the Fiji situation, within the framework of Leaders’ decisions, including in relation to the assessment of the Fiji Interim Government’s compliance with sub-paragraph (e) above, and directed it to report further to Leaders as required and in any case before their 2009 annual meeting in Australia. Such reporting could, if necessary, recommend the partial relaxation of existing measures, or, alternatively, the adoption of further measures, which might include full suspension of Fiji’s membership in the Forum; and

(l) Called on the international community to support the measures outlined above by taking complementary actions to encourage the prompt restoration of elected constitutional government in Fiji.
4. Leaders considered that the timelines specified in these decisions are consistent with the position stated to Forum Leaders by the representative of the Fiji Interim Government on a timetable for the return to democracy.

Port Moresby, Papua New Guinea
27 January 2009