



20 August 2009, 2009–10

## A timeline of the 2009 political crisis in Fiji and key regional reactions

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## Map of Oceania



Source: Perry-Castaneda Library map collection (2007)

## Introduction

The Republic of Fiji Islands (Fiji) held its last legislative elections in May 2006. Commodore Voreque (Frank) Bainimarama came to power in a military coup on 5 December 2006 by deposing the elected government of Prime Minister Laisenia Qarase. This was Fiji's fourth coup since it gained independence from Britain in 1970.<sup>1</sup> On 4 January 2007, Commodore Bainimarama reinstated Ratu Josefa Iloilovatu Uluivuda (Josefa Iloilo) as President of Fiji. President Iloilo endorsed the military regime and appointed Bainimarama as interim Prime Minister on 5 January 2007.<sup>2</sup>

In April 2009, the interim regime (with President Iloilo's support) abrogated the Fijian Constitution of 1997 and postponed democratic elections until September 2014. *Jane's Foreign Report* characterised this latest crisis in Fiji as the second phase of Bainimarama's December 2006 coup.<sup>3</sup> This background note provides a timeline of some significant political events in Fiji between April and July 2009, and lists some of the reactions to the crisis by key regional and international actors.

## A timeline of key developments in Fiji: April to July 2009

In April 2009, a political and constitutional crisis arose in Fiji. It followed a ruling by the judges from Fiji's Court of Appeal which stated that, according to the Fijian Constitution, the

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1. Fiji became a British Crown colony in 1874 and gained independence on 10 October 1970. Post-independence politics in Fiji has been dominated by racial and ethnic issues, including intra- and inter-ethnic rivalries for political power and influence. In particular, a failure to resolve tensions between the native Melanesian Fijians and the Indian Fijians has dominated the country's political landscape, resulting in four destabilising military coups since 1970. Central Intelligence Agency, *The World Factbook*, 'Fiji', viewed 1 August 2009, <https://cia.gov/library/publications/the-world-factbook/geos/fj.html>
  2. For background, see Dr S Sherlock, 'Constitutional and Political Change in Fiji', *Research paper, no. 7, 1997–98*, Parliamentary Library, Canberra, 1997, viewed 1 August 2009, <http://www.aph.gov.au/library/pubs/rp/1997-98/98rp07.htm>; Department of Foreign Affairs and Trade, 'Republic of the Fiji Islands Country Brief', viewed 1 August 2009, [http://www.dfat.gov.au/geo/fiji/fiji\\_brief.html](http://www.dfat.gov.au/geo/fiji/fiji_brief.html); J Hayward-Jones, 'Fiji: the flailing state', *Lowy Institute for International Policy*, April 2009, viewed 1 August 2009, <http://www.lowyinstitute.org/Publication.asp?pid=1014>; J Fraenkel, S Firth and BV Lal (eds), *The 2006 Military Takeover in Fiji: Coup to End All Coups?*, State, Society and Governance in Melanesia Program, Studies in State and Society in the Pacific, No. 4, ANU E-Press, 2009, viewed 1 August 2009, [http://epress.anu.edu.au/coup\\_coup/pdf/whole\\_book.pdf](http://epress.anu.edu.au/coup_coup/pdf/whole_book.pdf); British Broadcasting Corporation, 'Timeline: Fiji', 11 April 2009, viewed 1 August 2009, [http://news.bbc.co.uk/2/hi/asia-pacific/country\\_profiles/1300499.stm](http://news.bbc.co.uk/2/hi/asia-pacific/country_profiles/1300499.stm)
  3. 'Fiji's military chief monopolises power', *Jane's Foreign Report*, 23 April 2009, p. 1.

interim Government came to power unlawfully.<sup>4</sup> President Iloilo then announced a series of measures, which effectively led to the tightening of the military regime's grip over many aspects of Fiji's political and socio-economic life.<sup>5</sup>

President Iloilo annulled the Fijian Constitution, dismissed judges of the Court of Appeal, abolished all constitutional positions in the country, and severely restricted media freedoms in Fiji.<sup>6</sup> He also reappointed Commodore Bainimarama as interim Prime Minister for another five years, thereby delaying elections to 2014.

The latest crisis in Fiji demonstrated the fragility of the political state of affairs in Fiji. Commodore Bainimarama's regime views the Fijian Constitution of 1997 as inherently problematic, and is keen to reform it.<sup>7</sup> President Iloilo has used a similar argument as a pretext for extending the military's rule in their efforts to reform Fijian politics in a top-down approach.<sup>8</sup> Faced with indirect impacts of the global financial crisis, a reduction in international financial assistance and the ongoing political insecurity, the Fijian economy is now likely to shrink further and poverty is likely to increase in Fiji.<sup>9</sup> The series of events that followed President Iloilo's decisions are listed in the timeline below.

## **9 April**

Fiji's Court of Appeal passes a [judgement](#) that the country's military regime was unlawfully appointed following the 2006 coup led by Commodore Bainimarama.<sup>10</sup>

The *Weekend Australian* reports that three Australian judges from the Court of Appeal—Randall Powell, Ian Lloyd and Francis Douglas—ruled that President Iloilo appoint a distinguished person ('independent of the parties') to act as a caretaker prime minister, and

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4. 'Qarase vs. Bainimarama: Court of appeal judgement', *Fiji times*, 9 April 2009, viewed 1 August 2009, <http://www.fijitimes.com/extras/Qarase-vs-Bainimarama-Court-of-appeal-judgement.pdf>
  5. J Hayward-Jones, 'Fiji: the flailing state'.
  6. UN News Centre, 'Fiji: UNESCO chief voices concern over restrictions on press freedom', 17 April 2009, viewed 1 August 2009, <http://www.un.org/apps/news/story.asp?NewsID=30504&Cr=fiji&Cr1=>
  7. 'The Constitution (Fiji)', *Europa World online*, London, Routledge, viewed 1 August 2009, <http://www.europaworld.com/entry/fj.dir.2>
  8. Australian Strategic Policy Institute (ASPI), *Australia and the South Pacific: rising to the challenge*, special report, issue 12, March 2008, p. 15.
  9. R Mahadevan, 'Economic Survey: the rough global tide and political storm in Fiji call for swimming hard and fast but with a different stroke', *Pacific economic bulletin*, vol. 24, no. 2, 2009, Crawford School, Australian National University, pp. 1–23.
  10. 'Qarase vs. Bainimarama: Court of appeal judgement', *Fiji times*. See, in particular, paragraphs 144–66 on pp. 46–52 of the judgement.

assist in holding the country's parliamentary elections.<sup>11</sup> The Court stated that this person should not be Commodore Bainimarama nor deposed Prime Minister Laisenia Qarase.

The *Sydney Morning Herald* reports:

Fiji is sliding into a desperate state as its military leadership continues to thumb its nose at a looming deadline for elections. In January, via the Pacific Islands Forum, Australia, New Zealand and smaller Pacific nations handed Fiji a May 1 deadline to announce an election date.<sup>12</sup>

Commodore Bainimarama also convenes a meeting, which excluded a number of key political parties. At this meeting it was decided that the President's Political Dialogue Forum needs to be jointly mediated by the United Nations (UN) and the Commonwealth.<sup>13</sup>

### **10 April (Good Friday)**

President Iloilo abrogates the Constitution to reportedly evade the Court of Appeal's ruling.<sup>14</sup> He also sacks all judges and judiciary officials, declares a 30-day state of emergency and states that Fiji would be ruled under a New Legal Order.<sup>15</sup> In a nationally televised [\*Address to the Nation\*](#), he says:

I hereby confirm I have abrogated the 1997 Constitution and appointed myself as head of state in the new order.<sup>16</sup>

The timing of the President's decision was significant as Good Friday is a public holiday in Fiji and a day which most Fijians tend to spend with their families. It is also a day when many foreign workers fly home for Easter, and a public holiday in many regional states in which Christianity is the dominant religion.

The 30-day state of emergency is directed at the local and foreign media in Fiji, which is subject to a new line of regulations. These prohibit the media from reporting stories critical of

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11. M Dodd, 'Fiji president sacks judiciary', *The weekend Australian*, 11 April 2009, p. 11.
  12. AAP, 'Fiji in dire straits as poll deadline nears', *Sydney morning herald*, 9 April 2009, p. 11.
  13. Secretary-General, 'Secretary-General appeals for calm, urges full respect for human rights after Fiji court rules 2006 removal of elected government 'unlawful'', 9 April 2009, viewed 1 August 2009, <http://www.un.org/News/Press/docs/2009/sgsm12179.doc.htm>
  14. President Iloilo, aged 88, is widely seen in the region as a supporter of Bainimarama's military regime. J Kerin and AFP, 'Military seizes Fiji's central bank', *Australian financial review*, 15 April 2009, p. 7.
  15. Department of Foreign Affairs and Trade, 'Republic of the Fiji Islands Country Brief'.
  16. 'President of the Republic of Fiji Islands H.E. Ratu Joesfa Iloilovatu Uluivuda: Address to the Nation', *Fiji times*, 10 April 2009, viewed 1 August 2009, <http://www.fijitimes.com/extras/Fiji-president-speech-annulling-constitution-judiciary.pdf>

the Fijian interim Government. Representatives from the Information Ministry are placed in newsrooms to oversee the stories being published.<sup>17</sup>

The Australian judges from Fiji's Court of Appeal leave for Australia.

### **11 April**

President Iloilo reappoints Commodore Frank Bainimarama as the Prime Minister of Fiji, extending Bainimarama's term until 2014, and appoints himself as the head of state.

The President also postpones the democratic elections until 2014—a move that was in direct contravention of a demand by the Pacific Islands Forum (PIF) leaders in January 2009 that Fiji set a deadline for elections by 1 May.

### **12 April (Easter Sunday)**

There is strong protest against the government restrictions on the local and international media. The Sunday edition of the *Fiji Times* publishes blank pages except for this note: 'The stories on this page could not be published due to government restrictions'.<sup>18</sup>

### **14 April**

The military regime of Frank Bainimarama officially removes all constitutional office holders, including the Supervisor of Elections, the Ombudsman, the Auditor-General, the Director of Public Prosecutions, the Commissioner of Police, and the Human Rights Commissioner.

The military takes over the Reserve Bank of Fiji, dismissing Central Bank Governor Savenaca Narube. Major Neumi Leweni, the permanent secretary for the Information Department, confirms that Mr Narube had been dismissed because this position was constitutional and Fiji no longer had a Constitution.<sup>19</sup>

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17. A similar situation occurred in the United Arab Emirates, where a draft law on media freedoms would prevent any media stories reporting on the negative effects of the global financial crisis in that country. Human Rights Watch, 'New UAE media law continues to stifle press', 6 April 2009, viewed 1 August 2009, <http://www.hrw.org/en/news/2009/04/06/just-good-news-please>
  18. Reporters Without Borders, 'Prior censorship and expulsion of foreign journalists deal 'mortal blow' to press freedom', 14 April 2009, viewed 1 August 2009, [http://www.rsf.org/article.php3?id\\_article=30819](http://www.rsf.org/article.php3?id_article=30819). See also JF Julliard, 'Open letter from Reporters Without Borders to Prime Minister Frank Bainimarama', 20 May 2009, viewed 1 August 2009, <http://www.rsf.org/Open-letter-from-Reporters-Without.33066.html>
  19. *Agence France Presse*, 'Fiji military tightens grip in face of sanctions threats', 14 April 2009.

Fiji Law Society President, Dorsami Naidu is arrested after staging a peaceful protest outside a court house. The arrest followed Mr Naidu's letter to all Fiji judges reportedly advising them that their dismissal had no effect. Law Society councillor Samuel K. Ram said Mr Naidu was questioned by police throughout the day.<sup>20</sup>

Reporter Sia Aston and cameraman Matt Smith of New Zealand's TV3 and Australian Broadcasting Corporation reporter Sean Dorney are sent home to New Zealand and Australia respectively by the Fijian Government. Upon his arrival in Australia, veteran journalist Sean Dorney reports:

[In Fiji] it is total military control at the moment. There are no disturbances in the street, there's no carry on, the military really has the country under the thumb.<sup>21</sup>

Dorney also says he did not accept the offer to leave voluntarily and that he had his phone confiscated and was detained in a room for five hours at police headquarters before he was deported. He also confirms that he did not receive 'rough treatment', but that police—acting under the state of emergency measures—had reviewed all material found on his cameras.<sup>22</sup>

The international association of journalists, *Reporters Without Borders*, strongly condemns what it sees as a dangerous media crackdown in Fiji. The group expresses concern that if this trend is to continue, it could potentially lead to a Burmese-style permanent media censorship.<sup>23</sup> It appeals to the international community, the European Union (EU) and the UN to firmly condemn media censorship in Fiji.<sup>24</sup> *Reporters Without Borders* previously strongly criticised the arrest of the Australian editor of the *Fiji Daily Post*, Robert Wolfgramm, after the coup in December 2006.<sup>25</sup>

## **15 April**

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20. C Merritt, 'Junta's law chief defiant over Fiji's sacked judges', *The Australian*, 15 April 2009, p. 1.
  21. *Agence France Presse*, 'Fiji military tightens grip in face of sanctions threats'.
  22. J Pearlman and J Tovey, 'Fiji says call for elections obsessive', *Sydney morning herald*, 15 April 2009, p. 7.
  23. ASPI report said that Fiji is never going to resemble Burma but, perhaps, Thailand. ASPI, *Australia and the South Pacific: rising to the challenge*.
  24. Their statement read as: 'We appeal to the international community, especially the European Union and United Nations, to respond to this manifest desire to restrict the free flow of news and information by speaking out and firmly condemning media censorship'. Reporters Without Borders, 'Prior censorship and expulsion of foreign journalists deal 'mortal blow' to press freedom'.
  25. Reporters Without Borders, 'Editor of Fiji Daily Post arrested', 14 December 2006, viewed 1 August 2009, [http://www.rsf.org/article.php3?id\\_article=20021](http://www.rsf.org/article.php3?id_article=20021)

A new Reserve Bank Governor, Sada Reddy, is appointed by the military. In his first official act, he announces a cut of 20 per cent in the value of the Fijian dollar—from US57.32 cents on 14 April to US45.58 cents. The Reserve Bank of Fiji said this would help the declining economy by benefiting local exporters, creating more jobs, attracting foreign investment and helping to ameliorate the effects of the global financial crisis. The Bank also announces cuts in interest rates, and urges banks to set up ‘specialised micro-finance service centres’ by January 2010.<sup>26</sup>

Commodore Bainimarama announces that free speech ‘causes trouble’ and media freedoms need to be curbed for the country to undergo the necessary reforms.<sup>27</sup>

The relay transmitters of the Australian Broadcasting Corporation (ABC)—the premier news reporting agency in the South Pacific—are switched off in Suva and Nadi, taking Radio Australia off air.<sup>28</sup> Director-General of the ABC’s international division, Murray Green, says that this is ‘a sad day in the history of the ABC’.<sup>29</sup>

Commodore Bainimarama’s former aide, Jono Baledrokadroka, says Australia needs to convince China—which like India and Malaysia has a close defence relationship with Fiji—to retract support for the Fijian military.<sup>30</sup>

## **25 April**

The *Fiji Times Online* reports that further measures are announced by the Reserve Bank of Fiji to safeguard the country’s balance of payments system.<sup>31</sup>

The Reserve Bank also announces the opening of a special unit—the Financial Systems and Compliance Office—to be headed by Filimone Waqabaca, currently on secondment to the International Monetary Fund. *Fiji Times Online* reports that this office will monitor areas such as financial institution complaints, fees, charges and remittances, local advisory boards

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26. AAP, ‘Devaluation to help ‘revive’ Fiji’, *Australian financial review*, 16 April 2009, p. 11.
  27. *Wires*, ‘Frank Bainimarama shuts ABC’s FM radio stations in Fiji’, *The Australian*, 15 April 2009, viewed 1 August 2009, <http://www.theaustralian.news.com.au/story/0,25197,25337381-2703,00.html>. Australian Permanent Mission to the United Nations later called these comments ‘ludicrous’. Australian Embassy and Permanent Mission to the United Nations, ‘News stories: political developments in Fiji’, 24 April 2009, viewed 1 August 2009, <http://www.austria.embassy.gov.au/vien/April09KMB.html>
  28. D Flitton, ‘Fiji regime stamps out ‘troublesome’ free speech’, *The Age*, 16 April 2009, p. 9.
  29. P Dorling, ‘Military switches off media as tide of freedom turns’, *Canberra times*, 16 April 2009, p. 2.
  30. AAP, ‘Devaluation to help ‘revive’ Fiji’.
  31. ‘Meltdown spurs new policies’, *Fiji times online*, 25 April 2009, viewed 1 August 2009, <http://www.fijitimes.com/story.aspx?id=120047>



to the banks, microfinance, small medium enterprises, financial literacy and the de-monopolisation of the Fiji National Provident Fund.<sup>32</sup>

## **28 April**

Fiji's former Prime Minister, Mahendra Chaudhry, breaks his silence and makes a public call on Commodore Frank Bainimarama to hold democratic elections.<sup>33</sup>

## **30 April**

The Fijian interim Government reduces the compulsory retirement age from 60 to 55, forcing some 940 teachers and about 100 nurses to retire across the country.<sup>34</sup>

## **2 May**

Fiji is suspended from the PIF for the first time in the Forum's history.<sup>35</sup> The suspension was announced by the Chair of the PIF and Premier of Niue, Toke Talagi, who said:

It is with considerable sorrow and disappointment that I confirm the suspension of the current military regime in the Republic of the Fiji Islands, from full participation in the Pacific Islands Forum, with immediate effect from 2 May 2009.

[This decision] is also particularly timely given the recent disturbing deterioration of the political, legal and human rights situation in Fiji since 10 April 2009.<sup>36</sup>

The non-governmental organisation, Young People's Concerned Network FIJI, reports that this decision implements two targeted measures that were outlined in the 2000 [Biketawa](#)

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32. 'RBF special unit to open', *Fiji times online*, 25 April 2009, viewed 1 August 2009, <http://www.fijitimes.com/story.aspx?id=120043>

33. ABC Radio Australia, 'Former Fiji Prime Minister breaks silence, calls for elections', 28 April 2009, viewed 1 August 2009, <http://www.radioaustralia.net.au/pacbeat/stories/200904/s2555040.htm>

34. ABC Radio Australia, 'Teacher shortage hits Fiji', 23 June 2009, viewed 1 August 2009, <http://www.radioaustralianews.net.au/story.htm?id=18972>; NSW Nurses' Association, '100 Fijian nurses forced to retire', 29 May 2009, viewed 1 August 2009, <http://www.nswnurses.asn.au/news/19621.html>

35. J Hayward-Jones, 'A failure to deal with Fiji blots regional forum's copybook', *The Age*, 7 August 2009, p. 13.

36. Pacific Islands Forum Secretariat, 'Statement by Forum Chair on suspension of the Fiji military regime from the Pacific Islands Forum', 2 May 2009, viewed 1 August 2009, <http://www.forumsec.org.fj/pages.cfm/newsroom/press-statements/2009/forum-chair-on-suspension-of-fiji-military-regime-from-pif.html?printerfriendly=true>

**Declaration.**<sup>37</sup> The first measure involves the suspension, until further notice, of participation by Fijian interim Government officials in all PIF meetings and events organised by the PIF Secretariat, including the annual PIF Leaders Meeting. The second measure precludes the Fijian military regime from benefiting from the PIF's regional cooperation initiatives (such as PACER Plus), although this does not include assistance provided for the restoration of democracy.<sup>38</sup>

## **22 May**

The Legal Practitioners Decree 2009 comes into force and replaces the Legal Practitioners Act 1997.<sup>39</sup> This has implications for the Fiji Law Society, admission of legal practitioners, and other matters.

## **25 May**

The higher courts in Fiji resume after President Iloilo swears in Justice Anthony Gates as Chief Justice, and three other Justices (Sosefo Inoke, Daniel Gounder and Davendra Pathik) are appointed as High Court judges.

## **9 June**

Fiji's interim government extends the Public Emergency Regulations for a further 30-day period. *Jane's Intelligence Weekly* observes that Fijian leaders are currently facing international isolation from traditional aid donors. Under the current circumstances, they are likely to continue to increase Fiji's economic ties with China.<sup>40</sup>

Neumi Leweni, the spokesman for the Fijian Ministry of Defence, states that Public Emergency Regulations are to be extended for another month for national security reasons, including media restrictions. Media outlets cannot publish or broadcast anything critical of the Commodore Bainimarama regime.<sup>41</sup>

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37. Pacific Islands Forum Secretariat, 'Biketawa Declaration', press statement 5200, 28 October 2000. For commentary, see Editorial, '[Biketawa declaration a winner](#)', *Canberra times*, 31 October 2000. Both the Australian Coalition Government and the Labor Opposition backed the Biketawa Declaration at the time.

38. Young People's Concerned Network FIJI, 'PIF suspension: press statement', 7 May 2009, viewed 1 August 2009, [http://www.ypcnfiji.com/topical\\_issues/pif\\_suspension\\_press\\_statem.html](http://www.ypcnfiji.com/topical_issues/pif_suspension_press_statem.html)

39. Republic of Fiji Islands Government Gazette, 'Legal practitioners decree (decree no. 26)', vol. 10, no. 29, viewed 1 August 2009, <http://www.fiji.gov.fj/uploads/Decree16.pdf>

40. 'Week of 17–23 June 2009', *Jane's intelligence weekly*, vol. 1, no. 3, 17 June 2009, p. 4.

41. 'Fiji tightens clamp', *Herald sun*, 10 June 2009, p. 34.

## **11 June**

The official status of the Fiji Law Society is downgraded. The Fijian Government states:

The Fiji Law Society is now a voluntary entity and all annual practising certificates of legal practitioners will now be issued by the Chief Registrar and not the Fiji Law Society.<sup>42</sup>

## **21 June**

Fiji's interim Attorney-General Aiyaz Sayed-Khaiyum says that trade negotiations between the PIF countries and Australia and New Zealand would be meaningless without Fiji.<sup>43</sup>

## **1 July**

Commodore Bainimarama unveils another so-called 'road map' for a return to democracy in Fiji, stating that Fiji would have a new Constitution in 2013.<sup>44</sup>

Australia's Minister for Foreign Affairs Stephen Smith rejects Bainimarama's decision, deeming it 'totally unacceptable' for Australia.<sup>45</sup> The United States also criticises the road map on the grounds that it delays the process of free elections and that it has been 'imposed without the consent of the Fijian people'.<sup>46</sup>

Any new Constitution would reportedly bring changes to the Fijian ethnically-based voting system, ahead of the country's elections planned by the regime for September 2014. If the plan goes ahead, the Constitution would be Fiji's fourth since 1970, and it would be in part

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42. Fiji Government online portal, 'Cabinet approves Legal Aid Act (Amendment) Decree 2009', 11 June 2009, viewed 1 August 2009, [http://www.fiji.gov.fj/publish/page\\_15243.shtml](http://www.fiji.gov.fj/publish/page_15243.shtml)

43. 'Pacific trade talks 'meaningless' without Fiji', *Xinhua*, 21 June 2009, viewed 1 August 2009, [http://www.indymedia-letzebuerg.net/index.php?option=com\\_content&task=view&id=28125&Itemid=28](http://www.indymedia-letzebuerg.net/index.php?option=com_content&task=view&id=28125&Itemid=28). However, at the PIF meeting in Cairns in August, trade negotiations for the Pacific have taken place in the absence of Fijian officials.

44. The interim Government's recent statement on the 2009 roadmap to democracy is available at: Fijian Government online portal, 'Government is an agent of change', 6 August 2009, viewed 9 August 2009, [http://www.fiji.gov.fj/publish/page\\_15618.shtml](http://www.fiji.gov.fj/publish/page_15618.shtml). For a previous 'roadmap to democracy' document, see Fijian Government online portal, 'Media Statement by PM Bainimarama - "Road Map" for the Return to Parliamentary Democracy', 20 February 2007, viewed 1 August 2009, [http://www.fiji.gov.fj/publish/printer\\_8402.shtml](http://www.fiji.gov.fj/publish/printer_8402.shtml)

45. NA, 'Bainimarama sets timeline for new Fiji constitution', *West Australian*, 2 July 2009, p. 30.

46. ABC Radio Australia, 'US weighs-in on Fiji's return to democracy', 8 July 2009, viewed 1 August 2009, <http://www.radioaustralia.net.au/pacbeat/stories/200907/s2619815.htm>

based on the '[People's Charter](#)' document.<sup>47</sup> Other proposed changes include reducing the voting age from 21 to 18, reviewing the parliamentary system, and bringing about change to Fiji's land-tenure system.<sup>48</sup>

## **22 July**

The Fijian military arrests eight prominent Methodist Church leaders overnight, accusing them of being 'in breach' of the Public Emergency Regulations.<sup>49</sup> They are later released after being interrogated, but the arrests result in the Methodist Church's annual conference being cancelled.<sup>50</sup>

## **25 July**

Commodore Bainimarama states in an interview with SBS TV that in Fiji, there is a 'rot that we need to get rid of [and] radical change cannot be brought in by some weak organisation. It has to be a strong entity and there's no other strong entity than the military'.<sup>51</sup>

## **30 July**

The 88-year old President Josefa Iloilo retires after nine years in power. He is replaced by acting President Ratu Epeli Nailatikau, who was appointed as Vice-President by Commodore Bainimarama in April 2009.<sup>52</sup>

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47. National Council for Building a Better Fiji, 'People's Charter for change, peace and progress', 15 December 2008, viewed 1 August 2009, <http://www.fijipeople charter.com.fj/finalcharter.pdf>
  48. NA, 'Bainimarama sets timeline for new Fiji constitution'.
  49. AP, 'Fiji arrests eight Methodist leaders', *Sydney morning herald*, 22 July 2009, viewed 1 August 2009, <http://news.smh.com.au/breaking-news-world/fiji-arrests-eight-methodist-leaders-20090722-dtha.html>
  50. D Ho, 'Annual conference of Fijian Methodist Church cancelled', *Christian today*, 5 August 2009, viewed 6 August 2009, <http://au.christiantoday.com/article/annual-conference-of-fijian-methodist-church-cancelled/6802.htm>
  51. J Gibson, 'Five years until Fiji elections', *Sydney morning herald*, 25 July 2009, p. 14. The TV program was broadcast on 26 July.
  52. Radio New Zealand, 'Fiji president to step down', 29 July 2009, viewed 1 August 2009, <http://www.radionz.co.nz/news/stories/2009/07/28/1245bcb757b9>

## Key regional reactions and international responses

### Australia and New Zealand

#### Australia-Fiji relations: a brief overview

Fiji is important for Australia both strategically and politically. It is the most populous nation in the South Pacific with 944 720 residents, and a hub for many of the business activities and maritime transit routes in the South Pacific.<sup>53</sup> Australia's relationship with Fiji is based on trade, aid, tourism, and people-to-people links.<sup>54</sup> The relationship between Australia and Fiji has been acrimonious since Commodore Bainimarama's ascent to power. The April 2009 political crisis is likely to upset the bilateral political relations for the foreseeable future.<sup>55</sup>

On 16 January 2009, prior to the recent political crisis, Foreign Minister Stephen Smith announced a contribution of F\$3.75 million [A\$2.04 million] for immediate relief and longer-term recovery and reconstruction in response to severe flooding in Fiji.<sup>56</sup> In February 2009, the Australian High Commissioner to Fiji, Mr James Batley, signed a Memorandum of Understanding with the Pacific Conference of Churches in Fiji, enabling a donation from Australia of F\$177 290 (A\$112 830) to the PCC to hold human rights training workshops in countries across the region. In May 2009, Stephen Smith announced the continuation of Australia's commitment to enhance cooperation with Pacific Islands states.<sup>57</sup>

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53. Central Intelligence Agency, *The World Factbook*, 'Fiji'.

54. The Australia-Fiji Business Council was, for instance, established in 1986. Furthermore, following the political instability in Fiji in 1987, thousands of Fijian Indians sought asylum in Australia. According to the 2006 Census, there were 48 150 Fiji-born people in Australia, with the majority residing in New South Wales (59 per cent). In the Census, 19 173 people also reported Fijian ancestry, with the majority being of Indo-Fijian origin. Department of Immigration and Citizenship. 'Fiji-born', *Community Information Summary*, viewed 1 August 2009, <http://www.immi.gov.au/media/publications/statistics/comm-summ/summary.htm>; C Hawksley, 'Australia's aid diplomacy and the Pacific Islands: change and continuity in middle power foreign policy', *Global Change, Peace & Security*, vol. 21, no. 1, February 2009, p. 115.

55. J Hayward-Jones, 'Fiji: the flailing state'.

56. Australian High Commission to Fiji. 'Flood affected schools receive Australian assistance', 27 February 2009, viewed 1 August 2009, <http://www.fiji.embassy.gov.au/suva/270209schols.html>

57. S Smith (Minister for Foreign Affairs), 'Enhanced Pacific Engagement', joint media release, 2 May 2009, viewed 1 August 2009, [http://www.foreignminister.gov.au/releases/2009/fa-s090512\\_budget3.html](http://www.foreignminister.gov.au/releases/2009/fa-s090512_budget3.html)

## Reactions to the 2009 constitutional crisis

Australia and New Zealand pushed for a wider international condemnation of Fiji's military rule following the abrogation of the Fijian Constitution in April 2009. Both countries have indicated that economic sanctions remain a possibility, in addition to those still in force following the 2006 coup.<sup>58</sup>

Australia's Minister for Foreign Affairs, Stephen Smith, initially said that Fiji might be suspended from the PIF and possibly the Commonwealth in light of recent developments.<sup>59</sup> In late April, a special meeting of the Forum in Port Moresby agreed to suspend Fiji's membership of the PIF, as announced on 2 May.<sup>60</sup> Accordingly, Fiji was not invited to the 40<sup>th</sup> PIF meeting, which Australia hosted after in Cairns from 4 to 7 August.

Australia and New Zealand also called on the UN to refuse any new Fijian participation in peacekeeping missions.<sup>61</sup> Peacekeeping is one of the main sources of revenue for the Fijian military. However, as the Director of research programs at the Australian Strategic Policy Institute, Anthony Bergin, observed, unemployed soldiers with guns in Fiji would not be conducive to a secure country.<sup>62</sup> Fijians currently serve on military contracts in the Middle East, including Iraq and Afghanistan, and some 2000 Fijians are recruited directly into the British Army.<sup>63</sup>

Anthony Bergin also said that since 2006 Australia's policy towards Fiji has been guided by a 'sticks and no carrots approach'.<sup>64</sup> In his view, expelling Fiji from the PIF would increase China's influence in the region through the Melanesian Spearhead Group (MSG) which is supported by China. The MSG has been in existence for over twenty years. The organisation's first Director-General, former Papua New Guinea trade advisor Rima

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58. Australia and New Zealand imposed targeted financial and travel restrictions on members of the interim Government in Fiji after the 2006 coup. Department of Foreign Affairs and Trade, 'Republic of the Fiji Islands Country Brief'.
  59. S Smith (Minister for Foreign Affairs), 'Joint press conference with Minister for Immigration, Chris Evans; Minister for Home Affairs, Bob Debus', 14 April 2009, viewed 1 August 2009, [http://www.foreignminister.gov.au/transcripts/2009/090414\\_jpc.html](http://www.foreignminister.gov.au/transcripts/2009/090414_jpc.html)
  60. Pacific Islands Forum Secretariat, 'Statement by Forum Chair on suspension of the Fiji military regime from the Pacific Islands Forum'.
  61. Radio Australia, 'Australia says UN will not deploy Fiji soldiers on future missions', 28 April 2009, viewed 1 August 2009, <http://www.radioaustralia.net.au/pacbeat/stories/200904/s2555043.htm>
  62. A Bergin, 'Fiji won't change outside the tent', *The Australian*, 8 May 2009, viewed 1 August 2009, <http://www.theaustralian.news.com.au/story/0,25197,25444635-7583,00.html>
  63. Dr J Tonkin-Covell, 'Fiji: dealing with a broken state', *New Zealand international review*, vol. 34, no. 1, May/June 2009, pp. 23–4.
  64. A Bergin, 'Fiji won't change outside the tent'.

Ravusiro, was appointed in 2008, with three-year funding for this position provided by China.<sup>65</sup>

On 14 April 2009 the *Australia-Fiji Business Council* issued a statement, which condemned the abrogation of the Fijian Constitution. It also said that the actions undertaken by Commodore Bainimarama may inflict further damage to Fiji's 'ailing economy' and the Fijian people.<sup>66</sup> The statement also warned against imposing economic sanctions on Fiji as this could further damage Australian commercial and other interests in Fiji.

In May 2009, Australia withdrew funding for a key electoral post in Fiji.<sup>67</sup>

The Australian Government has repeatedly stated that regional responses should be carefully crafted not to inflict damage to the Fijian people.<sup>68</sup> The Government said it is committed, through its development programs in particular, to meet the development needs of Fiji, such as helping Fiji achieve the Millennium Development Goals (MDGs). However, the paths to accomplishing these goals seem to remain quite different for the Fijian interim Government on the one hand, and regional governments and institutions, including the PIF, on the other.

New Zealand Foreign Minister Murray McCully stated in April 2009 that the situation in Fiji has 'reached an unpredictable stage, some sort of crackdown is underway. We have a volatile situation on our hands'.<sup>69</sup> He said that the President's move represented a serious step

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65. The Chinese Government also provided funds to build the MSG Secretariat in Vanuatu's capital city, Port Vila. Australian Broadcasting Corporation, 'New chief of Melanesian Spearhead Group appointed', *Radio Australia*, 2 June 2008, viewed 1 August 2009, <http://www.radioaustralia.net.au/news/stories/200806/s2262618.htm>. For further reading on China's aid to Fiji, see F Hanson, 'Don't ignore the big new player in Fiji', *Sydney morning herald*, 9 May 2008, p. 13, viewed 1 August 2009, <http://www.lowyinstitute.org/Publication.asp?pid=799>; RA Herr, 'External Influences and the 2006 Fiji Military Coup', *Harvard Asia pacific review*, vol. 9, no. 1, 2007.
66. 'Fiji: Rights must be respected', *Australia-Fiji business council*, media statement, 14 April 2009, viewed 7 July 2009, [http://www.afbc.org.au/20090414\\_release.pdf](http://www.afbc.org.au/20090414_release.pdf)
67. 'Fiji loses Australian funding for electoral post', ABC Radio Australia, 29 May 2009.
68. For example, see S Crean (Minister for Trade), 'Pacific Agreement on Closer Economic Relations', speech, House of Representatives, Parliament of Australia, 18 August 2009, p. 4; S Smith (Minister for Foreign Affairs), 'Interview with TVNZ Wellington, Guyon Espiner', 21 June 2009, viewed 1 August 2009, [http://www.foreignminister.gov.au/transcripts/2009/090621\\_tvnz.html](http://www.foreignminister.gov.au/transcripts/2009/090621_tvnz.html); S Smith (Minister for Foreign Affairs), 'Joint press conference with New Zealand Minister for Foreign Affairs, Murray McCully', 18 January 2009, viewed 1 August 2009, [http://www.foreignminister.gov.au/transcripts/2009/090118\\_pressconf.html](http://www.foreignminister.gov.au/transcripts/2009/090118_pressconf.html)
69. 'Fiji military tightens grip in face of sanctions threats'.

backwards for the Fijian democracy, and that it will only compound problems faced by the Fijian people.<sup>70</sup>

The New Zealand High Commissioner to Fiji was previously (in June 2007) declared as *persona non grata* by the Fijian regime. During the same month, a New Zealand journalist who was working for *Fairfax* news and flew to Fiji to cover the diplomatic crisis between Fiji and New Zealand, was arrested and deported from the country. *Reporters Without Borders* commented that this incident indicated the existence in Fiji of a black list of journalists banned from entering the country.<sup>71</sup> Savenaia Bainimarama, Commodore Bainimarama's brother who lives near Auckland, said in April 2009 that his brother is not a politician and is doing his best under the circumstances.<sup>72</sup>

During the current political crisis in Fiji, Dr John Tonkin-Covell from the Centre for Defence Studies at New Zealand's Massey University described Fiji as a 'broken state'.<sup>73</sup>

### United States of America

On 10 April 2009, Richard Aker from the US State Department said:

The United States is deeply disappointed by the collapse of Fiji's political dialogue process and the abrogation of Fiji's constitution, which we see as movement away from the goal of returning Fiji to democratic governance and its formerly leading role in the Pacific. We are concerned by the implications this abrogation holds for the future of judicial independence, media freedom, and democracy itself in Fiji.<sup>74</sup>

The US continues to oppose Commodore Bainimarama's actions and proposals, and has called for the reinstatement of constitutional processes and democracy in Fiji.<sup>75</sup>

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70. NZPA, 'McCully: Fiji takes serious step back', *Herald on sunday online*, 11 April 2009, viewed 1 August 2009, [http://www.nzherald.co.nz/nz/news/article.cfm?c\\_id=1&objectid=10566162](http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=10566162)
  71. 'Fiji: Annual report 2008', *Reporters without borders*, 8 February 2008, viewed 1 August 2009, [http://www.rsf.org/article.php3?id\\_article=25636](http://www.rsf.org/article.php3?id_article=25636)
  72. 'Fiji does not require NZ help: McCully', *Radio New Zealand*, 20 April 2009, viewed 1 August 2009, <http://www.radionz.co.nz/news/stories/2009/04/20/1245aa59bf16>
  73. Dr J Tonkin-Covell, 'Fiji: dealing with a broken state'.
  74. R Aker (Acting Deputy Spokesman), 'Fiji: abrogation of Constitution', US Embassy in Suva, 10 April 2009, viewed 1 August 2009, <http://suva.usembassy.gov/04-10-09.html>
  75. State Department, 'United States Views on Democracy and Fiji', press release, 11 June 2009, viewed 1 August 2009, <http://suva.usembassy.gov/06-11-09.html>



## The Pacific Islands Forum

The PIF was founded in 1971 as the South Pacific Forum, which changed its name in October 2000. It is a political and economic regional organisation, based in the Fijian capital of Suva. The PIF brings together the following member states: Australia, Cook Islands, Federated States of Micronesia, Fiji, Kiribati, Nauru, New Zealand, Niue, Palau, Papua New Guinea, Republic of Marshall Islands, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu.<sup>76</sup>

The PIF's *Fiji Working Group* is engaging in political dialogue with senior officials from the interim government on a range of issues, with a view to restoring democracy as soon as possible. The outcomes of the Pacific Islands Forum-Fiji Joint Working Group on the Situation in Fiji (January 2009) expressed the Chair's regret at the expulsion of a Working Group member and Acting New Zealand High Commissioner, Ms Caroline McDonald, by the Fiji Interim Government.<sup>77</sup>

At the annual summit in August 2008, the PIF leaders expressed serious concerns about Fiji's non-attendance at the summit, and urged the Fijian interim Government to respect its commitment from the 2007 PIF summit to hold elections by March 2009.<sup>78</sup> At a special leaders' retreat in Port Moresby in January 2009, the PIF leaders called for the restoration of democracy in Fiji 'without further delay'.<sup>79</sup>

At the time of writing (August 2009), the website of the Fiji Embassy in Washington still displays information that 'Fiji is committed to hold a free, fair and transparent democratic election in March 2009'.<sup>80</sup> It also outlines a number of steps towards this goal, many of which have not been realised within the timeframe set by the Fijian interim Government.

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76. Entities with observer status include Tokelau (since 2005), Wallis and Futuna (since 2006), the Commonwealth (since 2006) and the Asia Development Bank (since 2006), with Timor Leste as Special Observer (since 2002). Pacific Islands Forum Secretariat, viewed 1 August 2009, <http://www.forumsec.org.fj/pages.cfm/about-us/>

77. Pacific Islands Forum Secretariat, 'Outcomes, Forum: Fiji Joint Working Group', January 2009, viewed 1 August 2009, <http://www.forumsec.org.fj/pages.cfm/newsroom/press-statements/2009/outcomes-forum-fiji-joint-working-group.html>

78. Pacific Islands Forum Secretariat, 'Forum Communiqué', 39<sup>th</sup> Pacific Islands Forum, 19–20 August 2008, Alofi, Niue, PIF (08)6, pp. 3–5, viewed 1 August 2009, <http://www.forumsec.org.fj/resources/article/files/FINAL%202008%20Communique.pdf>

79. 'Leaders' Decisions', Pacific Islands Forum Special Leaders' Retreat Port Moresby, Papua New Guinea, 27 January 2009, viewed 1 August 2009, <http://www.forumsec.org.fj/pages.cfm/newsroom/press-statements/2009/forum-leaders-special-retreat-communique-on-fiji.html>

80. Fiji Embassy Washington D.C., 'News: Development In Fiji and The Elections Process', viewed 7 August 2009, <http://www.fijiembassydc.com/default.asp?contentID=806>. This citation was taken from a speech by Ratu E. Nailatikauthen, then Fiji's Minister for Foreign

In response to April's political crisis in Fiji, the Secretary-General of the PIF Secretariat, Tuiloma Neroni Slade, expressed his deep disappointment with the abrogation of the Fijian constitution and developments since 9 April. He also said that the Constitution represents the expression of the collective will of the Fijian people, and that it exists for their benefit and protection. Mr Slade added that there is now 'no assurance of commitment to an early return, through elections, to democratic constitutional governance for Fiji, as Forum Leaders have long been urging on the Interim Administration'.<sup>81</sup>

On 2 May 2009, Fiji was suspended from the PIF.<sup>82</sup> However, on 8 May *Xinhua* news agency reported that Fiji's interim Attorney-General Aiyaz Sayed-Khaiyum said that Fiji would be willing to engage in 'fresh talks' with the PIF.<sup>83</sup>

In July 2009, Emanuel Mori, the President of the Federated States of Micronesia, supported Fiji's return to the PIF to retain avenues of dialogue with the Fijian leadership.

A report by the Australian Strategic Policy Institute recommended in March 2008 that '... regional institutions, or parts of them', could be moved from Fiji to another PIF country.<sup>84</sup> In May 2009, the Australian Shadow Minister for Foreign Affairs, Julie Bishop, said that the PIF Secretariat should not remain in Fiji's capital Suva.<sup>85</sup>

The 40<sup>th</sup> communiqué of the PIF Leaders Forum of 5–6 August 2009 stated that 'Leaders agreed that consistent with the Forum's decisions, the Fiji military regime would not participate in the PACER Plus negotiations', but that Fiji would be 'kept informed' of the negotiations.<sup>86</sup>

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Affairs, International Cooperation and Civil Aviation to the 17<sup>th</sup> MSG Foreign Ministers meeting of 28 May 2008.

81. Pacific Islands Forum Secretariat, 'Forum Secretary General deeply concerned and disappointed over Fiji', press statement 15/09, 13 April 2009, viewed 1 August 2009, <http://www.forumsec.org.fj/pages.cfm/newsroom/press-statements/2009/forum-sg-deeply-concerned-disappointed-over-fiji.html>
82. Pacific Islands Forum Secretariat, 'Statement by Forum Chair on suspension of the Fiji military regime from the Pacific Islands Forum', press statement 21/09, viewed 1 August 2009, <http://www.forumsec.org.fj/pages.cfm/newsroom/press-statements/2009/forum-chair-on-suspension-of-fiji-military-regime-from-pif.html>
83. 'Fiji government willing to talk with Pacific Islands Forum', *Xinhua*, 8 May 2009, viewed 1 August 2009, [http://www.indymedia-letzebuerg.net/index.php?option=com\\_content&task=view&id=24628&Itemid=28](http://www.indymedia-letzebuerg.net/index.php?option=com_content&task=view&id=24628&Itemid=28)
84. Australian Strategic Policy Institute, *Australia and the South Pacific. Rising to the challenge*.
85. AAP, 'Fiji should not be home to Forum: Bishop', 3 May 2009.
86. Pacific Islands Forum Secretariat, 'Final Communiqué of 40th Pacific Islands Forum, Cairns', 5–6 August 2009, viewed 7 August 2009, <http://www.forumsec.org.fj/pages.cfm/newsroom/press-statements/2009/final-communique->

The outgoing Chairman of the PIF, Niuean Premier Toke Talagi, said in Cairns on 5 August 2009 that the Fijian people should ‘rise up to challenge’ the regime of Commodore Bainimarama.<sup>87</sup>

### The Melanesian Spearhead Group

The Melanesian Spearhead Group is a sub-regional organisation, composed of Papua New Guinea (PNG), Solomon Islands, Vanuatu and Fiji.<sup>88</sup> In 1993, PNG, Solomon Islands and Vanuatu signed a preferential trade agreement—the [MSG Trade Agreement](#)—which Fiji joined in April 1998.<sup>89</sup> The agreement covers over two hundred articles free of fiscal duty.<sup>90</sup>

In May 2008, Vanuatu’s Foreign Minister George Wells said that the MSG encourages Fiji to comply with the timetable for elections for March 2009.<sup>91</sup>

Following the April 2009 crisis in Fiji, leaders of the [Melanesian Spearhead Group](#) held a special meeting on 10 July in Vanuatu’s capital Port Vila to discuss, amongst other things, Fiji’s suspension from the PIF.<sup>92</sup> It was reported then that members of the MSG would take Fiji’s case to the PIF August meeting in Australia.<sup>93</sup> However, the Forum’s communiqué

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[of-40th-pacific-islands-forum-cairns.html](#). See also ‘Forum communiqué’, Pacific Islands Forum 2009 website, viewed 7 August 2009, <http://www.pif2009.org.au/>; S Smith (Minister for Foreign Affairs), ‘Doorstop Press Conference, Cairns Convention Centre’, 5 August 2009, viewed 7 August 2009, [http://www.foreignminister.gov.au/transcripts/2009/090805\\_ds.html](http://www.foreignminister.gov.au/transcripts/2009/090805_ds.html)

87. C Trevett, ‘Niue head urges Fijians to ‘rise up’’, *The New Zealand herald*, 6 August 2009, viewed 8 August 2009, [http://www.nzherald.co.nz/politics/news/article.cfm?c\\_id=280&objectid=10588931](http://www.nzherald.co.nz/politics/news/article.cfm?c_id=280&objectid=10588931)
88. UN Economic and Social Commission for Asia and the Pacific (UNESCAP), ‘MSG’, viewed 1 August 2009, <http://www.unescap.org/tid/aptiad/viewagreement.aspx?id=MSG>
89. *worldtradelaw.net*, ‘MSG trade agreement’, viewed 1 August 2009, <http://www.worldtradelaw.net/fta/agreements/msgfta.pdf>
90. Economic Affairs (Vanuatu), in *Europa World online*, London, Routledge, viewed 1 August 2009, <http://www.europaworld.com/entry/vu.is.44>
91. Radio New Zealand International, ‘Melanesian Spearhead Group to help Fiji hold elections next year’, 28 May 2008, viewed 1 August 2009, <http://www.rnzi.com/pages/news.php?id=40046&op=read>
92. Radio Australia, ‘Melanesian Spearhead Group to hold special meeting’, 3 July 2009, viewed 1 August 2009, <http://www.radioaustralianews.net.au/story.htm?id=19337>; Agreement establishing the Melanesian Spearhead Group, 1 August 2009, <http://www.vanuatu.usp.ac.fj/library/Paclaw/Agreement%20Establishing%20the%20Melanesian%20Spearhead%20Group.pdf>
93. ‘Melanesian Spearhead Group to take Fiji's case to Pacific Islands Forum leaders' meeting’, *Xinhua*, 30 June 2009, 1 August 2009, [http://www.indymedia-letzebuerg.net/index.php?option=com\\_content&task=view&id=28460&Itemid=28](http://www.indymedia-letzebuerg.net/index.php?option=com_content&task=view&id=28460&Itemid=28); ABC

expressed a strong condemnation by the leaders of ‘the actions of the Fiji military regime’, who ‘reaffirmed the importance of continued strong solidarity for the region’s position on Fiji from the United Nations, the EU and across the international community’ and ‘their unanimous and resolute support for the January 2009 Port Moresby decisions’.<sup>94</sup>

The MSG Chairman and Vanuatu’s Prime Minister also said that while the MSG forum does not support Commodore Bainimarama’s roadmap to democracy, it is urging other leaders in Fiji to be involved in the process.<sup>95</sup>

### The United Nations and the Commonwealth

The United Nations (UN) and the Commonwealth were urged in February 2009 to broker an ‘inclusive, independent and time-bound’ political dialogue, following a postponement of the parliamentary elections in January 2009.<sup>96</sup> On 10 April, the UN Secretary General Ban Ki-moon strongly deplored the President’s actions, calling for their reversal and the restoration of constitutional order in Fiji.<sup>97</sup>

On 15 April, the High Commissioner for Human Rights, Navi Pillay, called for a reversal of the President’s Public Emergency Regulations. According to a UN media release, this 30-day decree seriously restricts ‘the right to public assembly and freedom of expression and also gives the military and law enforcement broad powers of arrest and detention’. It also applies to journalists, ‘with the media facing heavy censorship’.<sup>98</sup>

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Radio Australia, ‘Melanesian Spearhead Group stands by Fiji’, 16 July 2009, viewed 1 August 2009, <http://www.radioaustralia.net.au/pacbeat/stories/200907/s2623752.htm>

94. Pacific Islands Forum Secretariat, ‘Final Communiqué of 40th Pacific Islands Forum, Cairns’.
95. Radio New Zealand International, ‘MSG pushes for other Fijians to be consulted in Bainimarama roadmap’, 13 July 2009, viewed 1 August 2009, <http://www.rnzi.com/pages/news.php?op=read&id=47685>
96. UN News Centre, ‘UN Chief deplores ditching of Fiji’s Constitution, calls for legitimate government’, 10 April 2009, viewed 1 August 2009, <http://www.un.org/apps/news/story.asp?NewsID=30450&Cr=Pacific&Cr1=>
97. UN Secretary-General, ‘Dismayed by abrogation of Constitution, Declaration of Public Emergency in Fiji Secretary-General calls for ‘urgent action’ to restore legitimate government’, SG/SM/12180, 13 April 2009, viewed 1 August 2009, <http://www.un.org/News/Press/docs/2009/sgsm12180.doc.htm>
98. UN Secretary-General, ‘Dismayed by abrogation of Constitution, Declaration of Public Emergency in Fiji Secretary-General calls for ‘urgent action’ to restore legitimate government’.

Ms Pillay said:

A state of emergency should only be used to deal with a dire threat to the security of the nation, not to undermine the fundamental checks and balances of good government.<sup>99</sup>

On 17 April, the UN Educational, Scientific and Cultural Organization (UNESCO) expressed deep concern about the reported crackdown on press freedoms in Fiji. UNESCO's Director General, Koïchiro Matsuura, said that the measures deployed by the interim government will not promote a solution to the nation's social and political problems.<sup>100</sup>

A UNESCO-sponsored workshop on media freedoms was moved from Fiji to Samoa, partially as a result of Fiji's Public Emergency Regulations.<sup>101</sup>

On 20 April, the UN Security Council (UN SC) expressed concerns about the political situation in Fiji. The President of the UN SC and Mexico's UN Ambassador, Claude Heller, said that an abrogation of the Fijian constitution was a step backwards for democracy. The UN Special Rapporteur on the independence of judges and lawyers, Leandro Despouy, and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue, urged Fijian authorities to restore the rule of law by reinstating the judiciary, and to end the restrictions imposed on the media.<sup>102</sup>

Following the December 2006 coup, Fiji was suspended from the Councils of the Commonwealth.<sup>103</sup> On 4 March 2009, the Commonwealth gave Fiji a six-month deadline to return to democracy, which Commodore Bainimarama rejected.<sup>104</sup> The Commonwealth

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99. UN News Centre, 'Fiji: top UN official calls for restoration of rule of law', 15 April 2009, viewed 1 August 2009,

<http://www.un.org/apps/news/story.asp?NewsID=30478&Cr=fiji&Cr1=>

100. UN Educational, Scientific and Cultural Organization (UNESCO), 'Director-General concerned about media crackdown in Fiji', 17 April 2009, viewed 1 August 2009,

[http://portal.unesco.org/ci/en/ev.php-URL\\_ID=28534&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/ci/en/ev.php-URL_ID=28534&URL_DO=DO_TOPIC&URL_SECTION=201.html)

101. Radio Australia, 'UNESCO Media Freedom workshop moved from Fiji to Samoa', 28 April 2009, viewed 1 August 2009,

<http://www.radioaustralia.net.au/pacbeat/stories/200904/s2556138.htm>; Pacific Media Centre, 'Courage under fire' workshop moves to Samoa', 28 April 2009, viewed 1 August 2009, [http://pacificmediacentre.blogspot.com/2009\\_04\\_01\\_archive.html](http://pacificmediacentre.blogspot.com/2009_04_01_archive.html)

102. UN News Centre, 'Security Council, UN rights experts urge restoration of constitutional law in Fiji', 20 April 2009, viewed 1 August 2009,

<http://www.un.org/apps/news/story.asp?NewsID=30534&Cr=fiji&Cr1=>

103. The Commonwealth, 'Fiji Islands', viewed 1 August 2009,

<http://www.thecommonwealth.org/YearbookHomeInternal/138476/>

104. M Field, 'Fiji rejects Commonwealth', *stuff.nz.com*, 5 March 2009, viewed 1 August 2009,

<http://www.stuff.co.nz/world/south-pacific/2000434/Fiji-rejects-Commonwealth>

Ministerial Action Group (CMAG) on the Harare Declaration also said that Fiji was in contravention of the Commonwealth values and principles. The CMAG stated that should satisfactory progress not be made by Fiji towards a restoration of democracy:

Fiji Islands will be fully suspended from the Commonwealth at the Group's next meeting [on 26] September 2009.<sup>105</sup>

In April 2009, the Commonwealth said it 'deplored' Fiji's abrogation of the Constitution and called for a return of democracy.<sup>106</sup> On 31 July 2009, the CMAG held an extraordinary meeting in London, during which Fiji was threatened with suspension from the forum on 1 September if it did not announce that it will hold elections no later than October 2010.<sup>107</sup>

## The European Union

The EU's relations with Fiji are based on the EU's agreements with the African, Caribbean and Pacific (ACP) countries and the [revised Cotonou Agreement](#), which entered into force on 1 July 2008.<sup>108</sup> The EU is also the second largest aid provider to the Pacific Island nations, and the EU's key diplomatic mission in the South Pacific is based in Suva.<sup>109</sup>

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105. The Commonwealth, 'CMAG issues strongly-worded statement after meeting on Fiji', 4 March 2009, viewed 1 August 2009, <http://www.thecommonwealth.org/news/188105/040309cmagstatement.htm>
106. The Commonwealth, 'Commonwealth Secretary-General Deplores Abrogation of Fiji's Constitution', 9 April 2009, viewed 1 August 2009, [http://www.thecommonwealth.org/press/31555/34582/190966/statement\\_on\\_fiji\\_9\\_april\\_2009.htm](http://www.thecommonwealth.org/press/31555/34582/190966/statement_on_fiji_9_april_2009.htm)
107. The Commonwealth Secretariat, 'Commonwealth Ministerial Action Group—Concluding Statement', 31 July 2009, viewed 7 August 2009, [http://www.thecommonwealth.org/press/31555/34582/211789/cmag\\_concluding\\_statement.htm](http://www.thecommonwealth.org/press/31555/34582/211789/cmag_concluding_statement.htm)
108. European Commission, 'Treaties office database: Summary of treaty agreement amending the Partnership Agreement between the members of the African, Caribbean and Pacific Group of states, of the one part, and the European Community and its member states, of the other part, signed in Cotonou on 23 June 2000', 22 December 2005, viewed 1 August 2009, <http://ec.europa.eu/world/agreements/prepareCreateTreatiesWorkspace/treatiesGeneralData.do?step=0&redirect=true&treatyId=2161>
109. Delegation of the European Commission to Australia and New Zealand, 'The EU at the Pacific Island Forum, Cairns', 7 August 2009, viewed 8 August 2009, <https://promo-manager.server-secure.com/em/message/email/view.php?id=115711&u=1002559>. The EU also supports the reform of Fiji's education sector by 'currently funding F\$44 million to the education sector in Fiji via the Ministry of Education's Fiji Education Sector Programme Project'. Delegation of the European Commission for the Pacific, 'EU opens an 'info point' at Suva City Carnegie library', 17 June 2009, viewed 1 August 2009,

Following the military coup in Fiji on 5 December 2006, the EU considered Fiji to be ‘in breach of certain essential elements of political clauses contained in the Cotonou agreement’.<sup>110</sup> The military takeover was also condemned by the EU in the [Council conclusions](#) issued on 11 December.<sup>111</sup>

On 15 April 2009, the European Commissioner for Development Cooperation and Humanitarian Aid, Louis Michel, expressed deep disappointment with the developments in Fiji following the interim government’s abrogation of the Constitution, dismissal of judges, postponement of elections until 2014, and the curbing of media freedoms. Louis Michel stated, on behalf of the EU, that:

These developments are unacceptable for the international community. Commitments must be respected. An early and inclusive domestic political process leading to a return to constitutional order and democracy in Fiji will allow us to provide assistance to Fiji, at a time when global economic prospects are becoming increasingly difficult.<sup>112</sup>

On 29 April 2009 the Presidency (then held by the Czech Republic) issued a statement in which the EU ‘calls on the political leaders, and all other actors, to act with respect for democratic principles and the independence of the judiciary and freedom of the media’.<sup>113</sup>

The EU continues to demand strongly a restoration of democratic processes in Fiji both through diplomatic channels and punitive economic measures. On 18 May the European Commissioner for Development and Humanitarian Aid Louis Michel announced the EU’s decision to cancel the 2009 sugar allocation for Fiji ‘in the absence of any indications that a legitimate government will take place in 2009’.<sup>114</sup> The allocation for the reform of Fiji’s

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[http://www.delfji.ec.europa.eu/en/press\\_release/EU%20Opening%20of%20Info%20Point%20170609\\_1.pdf](http://www.delfji.ec.europa.eu/en/press_release/EU%20Opening%20of%20Info%20Point%20170609_1.pdf)

110. For further information, see ‘EU and ACP countries sign revised Cotonou Agreement’, 24 June 2005, EU @ UN website, viewed 5 August 2009, [http://www.europa-eu-un.org/articles/en/article\\_4828\\_en.htm](http://www.europa-eu-un.org/articles/en/article_4828_en.htm)
111. EU Council, ‘EU Council Conclusions on Fiji’, CL06-242EN, 11 December 2009, EU @ UN website, viewed 4 August 2009, [http://www.europa-eu-un.org/articles/en/article\\_6583\\_en.htm](http://www.europa-eu-un.org/articles/en/article_6583_en.htm)
112. L Michel (EU Commissioner for Development Cooperation and Humanitarian Aid), ‘Statement by Commissioner Louis Michel on situation in Fiji’, 15 April 2009, viewed 1 August 2009, <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/09/587&format=HTML&aged=0&language=EN&guiLanguage=en>
113. Delegation of the European Commission for the Pacific, ‘Czech Presidency of the EU: Declaration by the Presidency on behalf of the EU on recent developments in Fiji’, press release, 22 April 2009, viewed 1 August 2009, [http://www.delfji.ec.europa.eu/en/press\\_release/PR%20Presidency%20Council.pdf](http://www.delfji.ec.europa.eu/en/press_release/PR%20Presidency%20Council.pdf)
114. Delegation of the European Commission for the Pacific, ‘Statement by European Commissioner Louis Michel on Fiji’, press release, 18 May 2009, viewed 5 August 2009,

sugar sector and accompanying measures for 2009 totalled 24 million Euros [A\$40.9 million].<sup>115</sup>

## What does the future hold for Fiji?

It is likely that the current actions of the Fijian interim Government will alienate Fiji from a number of significant international and regional donors, investors and inter-governmental institutions, including the PIF.<sup>116</sup> April's political crisis, the curbing of media freedoms and the extension of police powers have undermined efforts towards the restoration of democratic processes in Fiji. Bainimarama's regime needs to engage with all donors, including Australia and New Zealand, as any further alienation risks resulting in harsher economic and social conditions for the Fijian people.<sup>117</sup>

The Australian and New Zealand Governments could also encourage socio-political second-track dialogue with respect to Fiji, alongside ones which already exist on the economic front. Aid harmonisation between various donors in Fiji would also encourage a more concerted response to Fiji's developmental needs, and potentially increase aid effectiveness in the medium term.<sup>118</sup> Moreover, avenues of dialogue ought to remain open between Fiji and other nations so that Fiji may be in a better position to achieve a sustainable future.<sup>119</sup> A fragile, divided and unstable Fiji may present security risks to Australia and other regional countries, and risks becoming a haven for a variety of illicit activities.

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[http://www.delfji.ec.europa.eu/en/press\\_release/18%20MAY\\_STATEMENT%20BY%20EUROPEAN%20COMMISSIONER%20LOUIS%20MICHEL%20ON%20FIJI.pdf](http://www.delfji.ec.europa.eu/en/press_release/18%20MAY_STATEMENT%20BY%20EUROPEAN%20COMMISSIONER%20LOUIS%20MICHEL%20ON%20FIJI.pdf)

115. Sugar is a significant export industry in Fiji, and it generates income for many Fijian families.

116. R Mahadevan, 'Economic Survey: the rough global tide and political storm in Fiji call for swimming hard and fast but with a different stroke', p. 18.

117. A Bergin, 'Fiji won't change outside the tent'.

118. See, for example, Radio Australia, 'Australia and Europe launch new Pacific aid partnership', 30 October 2008, viewed 1 August 2009, <http://www.radioaustralia.net.au/programguide/stories/200810/s2405505.htm>

119. K Teaiwa, 'Fiji future requires diversity of views: Expert', media release, Australian National University, 11 August 2009, viewed 12 August 2009, <http://news.anu.edu.au/?p=1525>



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