

Fijian military government announces end to emergency laws

Will Morrow
6 January 2012

Frank Bainimarama, Fiji's military chief and self-appointed prime minister, announced in a New Year's Day address that he was lifting emergency laws in order to prepare for the drafting of a new constitution this year. The lifting of the Public Emergency Regulations (PER) was cautiously welcomed by both the US and Australia, signalling a possible rapprochement between the dominant powers in the South Pacific and the military junta.

The emergency laws have been in place since April 2009, when Bainimarama moved to bolster his power after he scrapped the old constitution and deported three Australian judges working in the Fiji judiciary who had pronounced the military regime illegal. The PER made gatherings of more than three people without a permit illegal, and forbade media reports that could "cause disorder, promote disaffection or public alarm or undermine the government or state of Fiji."

Bainimarama seized power in December 2006. His regime rests on sections of the Fijian chiefly caste and the Indo-Fijian elite, which had been alienated by the previous government's chauvinist policies favouring ethnic Fijians. The military junta has attempted to boost foreign investment by cutting taxes and offering other incentives, while systematically undermining the living standards of the working class, especially public sector workers. However, international sanctions, combined with the impact of the global economic crisis, have seriously affected the country's economy.

In his televised address last Sunday, Bainimarama asserted that the emergency laws were being lifted to allow for "public consultations" beginning next month for the drafting of a new constitution. This is supposedly to prepare for elections and a transition to civilian rule in 2014. Bainimarama declared that certain features of the constitution would be "non-negotiable,"

with an electoral system "based on the principle of one person, one vote, one value" rather than the old ethnic-based electoral rolls.

Despite the apparent end of the emergency regulations, the regime will continue to wield sweeping powers under other decrees. Anti-democratic media laws remain in place. Information Minister Sharon Smith-Johns told the *Fiji Times* on Monday: "The media will play an important part in shaping the thoughts of people, and I certainly hope they continue to support the government in moving Fiji forward."

The US administration issued a qualified endorsement of the regime's planned constitutional consultations. The American embassy in Suva stated: "In concert with our regional partners, we have consistently called for the lifting of the PER [Public Emergency Regulations] as a critical step towards the holding of free, fair, and fully transparent elections. We look forward to an open and inclusive consultative dialogue leading to the creation of constitutional processes guaranteeing the rights and institutional framework required for truly democratic elections."

Australian Prime Minister Julia Gillard welcomed Bainimarama's announcement, but described it as a "first step" that needed to be followed by other measures aimed at restoring civilian rule. The Labor government is yet to signal that it will work to normalise relations with Fiji and remove the sanctions imposed after the 2006 coup, including travel bans on Fijian government and military personnel.

For this, Gillard's government has come under criticisms within the Australian foreign policy establishment. The Lowy Institute's Jenny Hayward-Jones urged the government to offer unconditional funding for the junta's constitutional consultations, restore full diplomatic ties, and end the travel sanctions.

She warned: “If the Fiji government follows through on its intentions to commence early consultations on a new constitution, a ‘wait and see’ approach from Australia now could see Canberra’s influence further marginalised.”

In its response to the 2006 coup, Canberra was never interested in the democratic rights of the Fijian people. Rather, it was concerned that the military takeover could trigger wider regional instability and open the door for rival powers to increase their standing, above all China. The Australian government, however, has been unable to dictate terms to the military regime, which defiantly announced a “Look North” policy. Bainimarama sought, and received, significant Chinese aid and investment.

The failure of Australia’s “hard-line” stance prompted the US to intervene. In 2009 and 2010, the Obama administration took a series of diplomatic initiatives, independently of Canberra, seeking a rapprochement with Bainimarama. Invitations were issued to Fijian government personnel to meet with US officials in New York, and the State Department issued a statement in 2010 supporting Bainimarama’s promise of elections by 2014. The Australian government has never endorsed this election timetable. The result was a tactical divergence between Canberra and Washington on a key foreign policy issue in the South Pacific. Last year, however, after making no progress in its overtures toward Fiji, the US appeared to shift back behind Canberra’s sanctions regime.

The Obama administration’s response to the junta’s latest announcement could signal another diplomatic shift. Washington is now engaged in aggressive efforts to develop its diplomatic, economic and military relations with countries throughout the Asia-Pacific in a bid to counter China’s perceived threat to its geostrategic dominance in the region. The current US overtures toward the Burmese military dictatorship, which has long been aligned with Beijing, are no doubt being closely followed in Suva.

The Fijian regime has expressed frustration that Canberra has maintained its sanctions despite the announcement on the emergency laws. The *Australian* reported yesterday that Foreign Minister Inoke Kubuabola regretted the “note of caution” from Australia and New Zealand and “stressed the Fiji government’s ‘Look North’ policy focussing on

relations with Asia.” The comments add to the pressure on Australia to join the US in adopting a more conciliatory approach to the junta.



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