Fiji government withdraws police powers bill, amid widespread opposition

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Fiji Prime Minister Frank Bainimarama made the surprise announcement on March 16 that he would stop all public consultations on a Police Bill, which would replace the 1965 Police Act and vastly increase police powers. According to the *Fiji Sun*, he said the bill "does not represent government policy and will not be presented to parliament."

Bainimarama said the bill had been "drafted and released unilaterally by the Fijian Police Force" without being cleared by Cabinet, and called it a "backwards step" that would "erode public trust in the Fijian Police Force."

The backdown followed an outpouring of criticism. Civil liberties groups, NGOs, opposition parties, sections of the media and the Fiji Law Society condemned the bill, describing it as another step towards the transformation of Fiji into a police state. At a recent public consultation forum in Levuka, ordinary people also expressed opposition, with one villager asking: "Who will police the police?"

According to the *Fiji Times*, a forum participant asked whether the government would "send the police to arrest people who spoke against [the] government." Defence Ministry manager for national security and policing, Joji Washington, replied, "every person has the right to say what they want to say about the government. But… if you abuse, annoy or assault a police officer then it's an offence."

The bill was designed to provide legal justification for the repressive actions of the regime, which, despite its veneer of "democracy," rests directly on the military. Bainimarama was initially installed in a coup in 2006. The proposed law gave police sweeping new powers to secretly or forcefully enter any premises, seize personal property and place tracking devices. They would be able to secretly monitor and record the communications of people whom they suspect are about to commit a crime or have committed one.

Police would have been able to enter any designated "crime scene" and seize electronic devices and other evidence without a warrant. A crime scene is loosely defined as "any place where any offence is alleged or suspected to have been committed and where evidence may be found."

Police, or "any other person authorised by any Police officer" could search any person or vehicle at, or in the "immediate vicinity" of, a crime scene. Police could use "reasonable force" on anyone who fails to comply, and anyone who resists can be jailed for up to five years.

The bill also contained regulations to protect the identities of informers and undercover police, including in court proceedings. Anyone who revealed the identity of protected informers or officers would face up to 20 years in prison.

Fiji Law Society President William Clark said the Police Bill "potentially affects fundamental human rights set out in the Constitution and international conventions, which Fiji has signed." The wide scope of the proposed police powers, Clark added, is inconsistent with "values of respect for human rights, freedom and the rule of law."

Withdrawal of the bill points to significant nervousness about rising anger among workers and rural villagers. It also suggests possible divisions in the government, about how best to deal with the escalating class tensions. The Australian Broadcasting Corporation reported, on March 18, that "Bainimarama did not explain how the government could be unaware of the draft bill, when Defence Minister Inia Seruiratu was at the launch of the public consultation process for the legislation."

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Bainimarama's move is purely tactical and does not signal any let-up in the attacks on democratic rights and police brutality in Fiji. It is likely that the Police Bill will be reintroduced following some cosmetic changes. Bainimarama's regime, like governments elsewhere, is using the coronavirus pandemic and threat of terrorism to ramp up existing authoritarian powers.

Provisions in the Crimes Act and the Public Order Act have previously been used to target journalists, activists and government critics. The Media Act has been used to attack press freedom and prosecute journalists.

Fiji's police are infamous for their lawlessness and brutality. Last November, a public uproar over the violent death in custody of 46-year-old Mesake Sinu, in the course of an alleged beating, forced the acting police commissioner to condemn indiscipline among his own officers and order an investigation into Sinu's death.

Figures from Fiji's director of public prosecutions, obtained last year by the *Guardian*, revealed that 400 charges of serious violence were laid against police officers between 2015 and 2020. This included 16 charges of rape, two charges of murder and nine of manslaughter. More than 110 charges of assault were brought against officers.

Significantly, a former Fiji government advisor, Shailendra Raju, criticised the involvement of New Zealand's Labour Party-led government in the Police Bill. Officials from the New Zealand High Commission attended its launch in Suva earlier this month and the NZ government funded the "consultation" process.

The NZ High Commissioner to Fiji, Jonathan Curr, defended Wellington's involvement, writing on Twitter: "NZ is engaged in a 4-year strengthening programme with @fijipoliceforce, partnering with @UNDP_Pacific & @nzpolice to improve policing, and support Fiji to meet international human rights obligations."

New Zealand, a minor imperialist power in the Pacific, is heavily involved with the Fiji police, spending $US5.4 million over four years on its operations. NZ Prime Minister Jacinda Ardern signed off on the Bill's funding deal during her visit to Fiji in February, 2020, which was designed to strengthen relations with the Bainimarama regime and push back against China's growing influence in the Pacific region.

The prime role of Fiji's police force, which is under the direct control of the military, is to suppress social opposition to intensifying poverty and inequality. Harsh austerity measures are being accompanied by the intimidation of opposition parties and the working class, while assemblies, protests and strikes are routinely banned.

The working class, meanwhile, is bearing the brunt of the worsening economic crisis. The tourism industry has collapsed, due to the COVID-19 pandemic, resulting in the loss of 100,000 jobs. Half of the country's 880,000 population is experiencing extreme financial hardship. Even before the pandemic, the minimum wage was just $FJ2.32 ($US1.12) per hour. An estimated 60,000 people suffer from diabetes, a poverty-related disease, and diabetes-related limb amputations account for 40 percent of all hospital operations.

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