Fiji Lifts Martial Law, but Introduces New Restrictions

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Fiji prime minister Frank Bainimarama’s New Year’s Day announcement that the government will lift emergency powers has been met with considerable skepticism, but it might be considered a first positive step forward. The announcement included promises to hold democratic elections by September 2014, draft a new constitution by September 2012, and reduce military and police powers. Bainimarama’s second announcement on January 6 about new regulations, however, raises questions about whether the government will continue to silence its opponents. While the initial decree ostensibly removed martial law, it appears that the Public Order Act (Amendment Act, 2012) may have reinstated the draconian Public Emergency Regulations (PERs) in all but name.

The political history of Fiji, a former British colony made up of more than 300 islands in the central Pacific Ocean, has been turbulent over the past 25 years. The nation has experienced four military coups and had three different constitutions since gaining independence from Britain in 1970. Commander Bainimarama led the most recent coup in 2006 to install an “interim” government that has remained in power since that time.

Bainimarama in 2009 abrogated Fiji’s constitution, a move that prompted the Court of Appeal to label his government unconstitutional. In response, Bainimarama sacked the judiciary and instituted the PERs, which increased police and military powers, imposed strict press censorship, and...
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tightly controlled public gatherings. Fiji has lost its membership in the British Commonwealth and been suspended from the Pacific Island Forum (PIF) as a result of continuing martial law rule and human rights violations.

Leaders of neighboring countries, the Commonwealth secretary-general, and the European Union’s ambassador to Fiji have all greeted the removal of the PERs as a positive sign, but have repeated calls for substantial progress toward the restoration of democracy. Australia and New Zealand have imposed heavy sanctions on Fiji since 2009 and have stood by their decision to largely sever relations until democracy is restored.

Bainimarama’s promise to hold elections in 2014 remains plausible, but the key question is whether other candidates will be allowed on the ballot. Because recent developments appear unlikely to meaningfully increase political freedom, it remains to be seen whether Bainimarama will permit any legitimate opposition. The exodus of political opponents from Fiji resulting from three years of martial rule, the sacking of the judiciary, and the long-time suppression of the opposition further complicates the prospects for democratic elections. Life may become easier for groups previously targeted by the PERs (particularly the press and the Methodist Church), but they will need to continue to act cautiously because they can still be punished for remarks the government considers inflammatory under the Public Order Amendment Act, says Jenny Hayward-Jones of the Lowy Institute for International Studies (Australia).

Fiji’s return to democracy will have important implications for the region, particularly for the PIF. Fiji’s position as a natural regional leader has led to concerns that the PIF remains a weakened institution as long as Fiji’s suspension continues. Australia, New Zealand, and other members of the PIF have reiterated their willingness to reinstate Fiji’s membership to the PIF, but they insist on clear improvements in the protection of human rights and civil liberties before this can occur.

When Fiji’s neighbors welcome the nation back to regional and multilateral negotiations, it is likely to lead to important economic growth for both Fiji and the PIF as a whole. Hayward-Jones argues that the current developments could provide an opportunity for regional involvement in Fiji’s constitutional consultation process, potentially allowing Fiji’s more stable neighbors to peacefully expedite the return of democracy.
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If Fiji remains excluded from regional partnership and dialogue, it is conceivable the nation could drift toward an alliance with China. That shift would be at the expense of involvement in the PIF and a strong relationship with Australia. This is a real possibility because while China has played an increasing financial role in Fiji—funding infrastructure projects through soft loans, for example—Australia and New Zealand have continued their tough policies against the nation. Alarmed about losing its regional influence, Australia is starting to relax its sanctions and recently announced that it would double its bilateral aid to Fiji to $36.8 million in 2013–2014.

The most important process to watch in Fiji in the days ahead is the development of the constitutional consultation. It is not unprecedented in Fiji for a new constitution to prove generally acceptable and capable of resolving grievances. It is also possible that the momentum generated by Bainimarama’s New Year’s Day message will usher in a movement of reform and political freedom. Although there has been no significant progress in Fiji yet, the prime minister’s announcement has provided a spark that could generate much-needed political change—particularly if regional powers such as Australia take this opportunity to engage Fiji and encourage moves toward democracy.
South Korea and Australia to strengthen military ties through joint exercises. Australian defense minister Stephen Smith and his South Korean counterpart, Gen. Kim Kwan-Jin, announced December 15 that the two countries will step up joint military exercises. They said the exercises were a first step toward greater military cooperation in the future and noted that the two countries share strategic interests as “like-minded middle powers.” Cooperation is expected to continue, as South Korean president Lee Myung-bak pledged in April 2011 to conduct an annual dialogue on the Australia-South Korea military relationship.

Australia cuts Myanmar sanctions target list. Australia’s foreign minister Kevin Rudd announced January 9 that the government had made cuts to its Myanmar sanctions target list due to recent progress toward democracy in the country. Australia applies financial sanctions and travel restrictions to a long list of individuals in Myanmar, but the latest move removes tourism officials, former government ministers, and deputy ministers who have left politics from the target list.

Australian government talks stall as asylum seekers continue to arrive. Australia’s parliament remains deadlocked since December 23 over how to handle asylum seekers in the midst of opposition leader Tony Abbott’s continued resistance to the government’s plan to swap asylum seekers for refugees already processed in Malaysia. Prime Minister Julia Gillard has offered to resume offshore processing of asylum seekers at Nauru in return for opposition support of the Malaysia plan, but to no avail. Sixty-nine boats carrying 4,565 asylum seekers arrived in Australia in 2011 and two boats have been intercepted in 2012.

Australia-bound boat carrying asylum seekers sinks off Indonesia. A boat carrying an estimated 250 primarily Afghan and Iranian asylum seekers sank 40 nautical miles off Indonesia’s coast on December 17. Only 47 passengers were rescued after the boat sank, and 90 are confirmed dead. Accidents are not uncommon for boats seeking asylum in Australia, but the latest sinking is the largest loss of life from such an incident. Indonesian police have arrested eight people in connection with the accident.
**Australian MPs to receive pay rise.** Australia’s independent Remuneration Tribunal recommended December 15 that pay be increased across Parliament. Prime Minister Julia Gillard and opposition leader Tony Abbott are both set to receive increases of 31 percent, while opposition backbenchers are likely to receive increases closer to 67 percent. MPs will also lose some privileges, including overseas study trips and lifetime gold travel for retired MPs. Tribunal president John Conde said that the increases are justified although they will likely attract public criticism.

**NEW ZEALAND**

**John Key sworn in as prime minister of New Zealand.** John Key was sworn in December 14 for a second term as New Zealand’s prime minister. One of the main items on Key’s agenda for his new term is a divisive proposal to sell off New Zealand’s state-owned enterprises. The government is expected to gain $5.5 billion from proposed asset sales, which would also give investment banks an estimated $99 million in fees. Under the proposed program, the New Zealand government will be the only investor allowed to hold more than 10 percent of the shares in any of the companies.

**New Zealand hit by further earthquakes.** A series of 5.8–5.9 magnitude earthquakes struck Christchurch on December 22, followed by a 5.5 magnitude tremor on January 2. The earthquakes are part of continuing aftershocks that have struck the city since the devastating 6.3 magnitude earthquake that killed 181 people and caused serious damage to the city center in February 2011. No major property damage or injuries were reported from the latest quakes, but thousands of Christchurch residents lost power. Donations to support ongoing relief efforts for the city can be made to American Friends of Christ Church.

**Shipping containers from wrecked vessel wash up on New Zealand beach.** Four shipping containers from the distressed cargo vessel MV Rena washed ashore January 8 near Waihi Beach after the ship broke in two during heavy weather. Observation flights have spotted 40 more containers floating in nearby waters. The stern section sank on January 10, releasing oil that reached shore that evening. The MV Rena ran aground on the Astrolabe Reef October 5, leaking oil into the sea and causing a months-long operation to siphon oil and off-load cargo from the ship to avoid a larger environmental disaster. The ship’s captain and second officer are currently facing charges related to the incident.
PACIFIC ISLANDS

Fiji’s military relaxes emergency rule but maintains strict controls. Fiji disappointed international observers by replacing its state of emergency laws, the Public Emergency Regulations, with a less draconian but still exceptionally strict set of new regulations on January 6. The new laws maintain extensive powers for the military and police, impose censorship on the nation’s press, and limit public assembly. Fiji’s prime minister, Commodore Frank Bainimarama, had announced during his New Year’s message that the state of emergency would be lifted on January 7, raising hopes for a more liberal set of laws.

Papua New Guinea constitutional crisis ends with Peter O’Neill named prime minister. Papua New Guinea governor general Michael Ogio recognized Peter O’Neill as the country’s prime minister on December 17, ending the constitutional crisis that erupted on December 11 and left the country with two prime ministers, governors general, police chiefs, and cabinets. Ogio initially supported former prime minister Michael Somare’s claim to resume the post, saying the Supreme Court’s ruling on the matter legitimized Somare’s position. However, Ogio reconsidered, blaming his initial decision on bad legal advice.

Samoa moves across International Date Line. Samoans skipped straight from Thursday, December 29, to Saturday, December 31, when the country moved west of the International Date Line (IDL) at midnight. The country’s legislature decreed the change in order to align Samoa’s calendar date with that of its key trading partners in the Asia-Pacific region. Samoa had shifted east of the IDL in 1892 to facilitate trade with California, leaving the country nearly 24 hours behind nearby Australia and New Zealand. High rates of migration and close trade relations with Australia and New Zealand prompted the decision to shift back.

Vanuatu and Samoa join WTO. Vanuatu and Samoa have been officially welcomed into the World Trade Organization after 16 and 13 years of negotiations respectively. Samoa’s membership was approved during the eighth WTO Ministerial Conference in Geneva December 15-17, and Vanuatu’s was approved two weeks earlier. The two countries join Fiji, Papua New Guinea, Tonga, and the Solomon Islands as the only Pacific Island states in the WTO. Officials hope their inclusion will further integrate the nations of the Pacific region into the international trading system.
G’Day USA 2012 kicks off in seven cities. The eighth annual G’Day USA event series, sponsored by the Australian government and various corporate donors, will take place in San Francisco, Dallas, Los Angeles, San Diego, New York, Houston, and Chicago from January 11 to 29. The three-week program brings together leaders in government, business, tourism, academia, and the arts for more than 25 events aimed at highlighting Australian business capabilities and enhancing the U.S.-Australia relationship. Visit www.australia-week.com for further information and the calendar of events.

Remarks by Kevin Rudd at the Asia Society. The Asia Society, New York, will host Australian minister for foreign affairs and former prime minister Kevin Rudd for a luncheon program entitled “Kevin Rudd: The Asia-Pacific Century—Shaping the Future.” The event will take place at the Asia Society, 725 Park Avenue (at East 70th Street), New York, NY, on January 13 from 12:00 to 2:00 p.m. Visit www.asiasociety.org for more information. The event will also be webcast live here.
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