

# Has Fiji's democracy decayed into a police state ?

Sunday 25 August 2019, by [TUDOR Owen](#) (Date first published: 10 June 2019).

**Fiji's restored democratic government has relapsed into a police state. A month ago, [global union solidarity](#) once again had to be deployed to get Fijian union leader Felix Anthony (president of the ITUC Asia-Pacific region) out of jail. And unions are now gearing up to raise the issue at this month's ILO conference and the annual [Commonwealth Trade Union Group meeting](#).**

Conflict between the Fiji Trades Union Council (FTUC) and the government of [former dictator Frank Bainimarama](#) has been building for months. A series of grievances – the inadequate minimum wage, incomplete labour law reform, and disputes in the mining and air traffic industries – are unresolved.

And the government has still failed to comply with the three-year old Joint Implementation Report signed by tripartite partners to avert an ILO Commission of Inquiry into Fiji.

So Fijian unions agreed a day of protest for 3 May, during the annual meeting in Fiji of the Asian Development Bank (ADB). Workers were advised to stay at home or gather privately, but a permit was also requested for a public march the next day, 5 kilometres from the ADB meeting venue.

Weeks before the planned action, the top education department official instructed teachers not to take part. Even though the day of action was due during school holidays, she claimed that any involvement would be unlawful, and that participating teachers might be subject to disciplinary or other action : a clear breach of freedom of association.

Meanwhile, the FTUC was informed that the application for a permit to march had been refused by the Fiji Roads Authority, citing interference with traffic at the ADB meeting and public safety. The police confirmed the ban : a breach of freedom of assembly.

## **Day of action plans met with arrests and detention**

On Monday 29 April, police ordered 13 national officials of the Fijian Teachers Association to report to the nearest police station for questioning relating to the protest. They were each questioned for four hours and released.

The next day, the general secretaries of the Fiji Nurses Association, Salanieta Matiavi, and of the Fijian Teachers Association, Paula Manumanuitoga, were taken in by police for questioning and detained for 48 hours. On the same day, Shiu Lingam, industrial officer of the National Union of Workers (NUW) was detained for about 35 hours.

And then on Wednesday 1 May, International Workers' Day, the [national secretary of FTUC, Felix Anthony](#), was arrested in the presence of the director of the ILO Pacific Island Countries ; the CEO of the Fiji Commerce and Employers Federation ; FTUC assistant national secretaries ; and Minister

of Employment, Productivity and Industrial Relations. Furious protests resulted from unions all over the world and he was released 48 hours later.

All the officials detained were locked up in cells at different police stations, some in deplorable conditions.

### **Riot police and military intervene after water workers sacked**

In the build up to these attacks on freedom of association and assembly, on 25 April, the Water Authority of Fiji (WAF) handed out letters of termination to over 2,000 workers - members of the NUW - claiming that the workers were project workers and that the projects had suddenly ended.

The NUW disputed the terminations and on 30 April attempted to file a motion in the Employment Tribunal to stop the terminations, but the tribunal refused to consider the motion until a week later. By the time the case was heard, the chair said that it was too late to prevent the dismissals as "the horse has bolted".

The workers, based in different parts of the country, all turned up for work on May Day only to find armed police in riot gear at the gates threatening them with arrest and insisting that they could not enter or assemble at the gate.

In Fiji's second city of Lautoka, when workers were chased from their workplace, they attempted to gather at a piece of land owned by the NUW. Despite being told that the land was private property, the police tried to disperse the workers by force.

When 29 workers refused, they were arrested and detained in prison for 48 hours, charged with unlawful assembly under the Public Order (Amendment) Act 2012, which dates back to the military dictatorship. Bail was eventually agreed, in addition to a curfew and severe travel restrictions.

In the capital city of Suva, police in riot gear entered the FTUC compound and demanded workers leave the premises. Police stood in the compound in numbers the whole day waiting for the members to disperse. Members were told that they could not assemble, even inside the office, and that they could not be seen to be enjoying the gathering.

On Thursday 2 May, at 8.30am in the morning, police ordered that all banners, placards and tents be removed from FTUC premises. At midday, police officers told staff that food would not be allowed in for the 300-plus workers gathered at the premises after the 1pm to 2pm lunch hour. And the following day, orders were given not to drink the national drink kava, or even juice, inside the building or compound.

Union members were also told not to do "live broadcasts" or post on social media. Many of the police present were identified as military officers in police uniform.

### **Police harassment escalates**

This intimidation by police has been the worst experienced in recent times, according to Fiji's trade unionists. But more was to come. With the widespread intimidation and warnings from the government and the detention of some leaders, the FTUC executive board decided to defer the protests.

Nevertheless, on 30 April, police searched the NUW office in Lautoka, taking away a laptop and computer, and on 2 May, police searched the FTUC head office in Suva and took away personal

devices (USBs and file storage devices), the office computer, hard copy files that contained FTUC press statements, collective agreements between the NUW and WAF, the Joint Implementation Report and finance records. Three staff were separately interrogated about the work of the FTUC and their role in organising the protest, march and the gathering of WAF workers at FTUC offices.

On the next day, Anthony was asked to hand in his phone and laptop. Then on Saturday 5 May he was stopped by police on the four-hour drive home with his family. The police demanded to inspect his vehicle, checked his driving license and only allowed him to continue his journey after speaking to someone on the phone.

The FTUC has concluded that the government is attempting to stifle the trade unions and deny workers their fundamental rights to peacefully assemble and protest and to collective bargaining.

Like WAF, other government-owned entities insist on imposing individual fixed-term contracts on teachers, nurses and civil servants. This is just another way to achieve the goals of the military dictatorship's '[Essential National Industries Decree](#)' although that Decree was repealed after the tripartite agreement that deferred an ILO Commission of Inquiry.

Sadly, that tripartite machinery has collapsed because the government has chosen to act unilaterally on labour-related issues despite laws that require tripartite consultation. Can it be long before the ILO and the Commonwealth are once again required to sanction the pariah police state of "Uncle Frank" ?

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## **Owen Tudor**

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