



SECURITY COUNCIL REPORT

UPDATE REPORT



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FIJI

Expected Council Action

On April 20 the Council is expected to be briefed on the situation in Fiji by B.Lynn Pascoe, Under Secretary-General for Political Affairs. The briefing is likely to focus on the 10 April decision by Fiji's interim government to scrap its constitution. This was a response to the 9 April ruling by Fiji's Court of Appeal that the removal of the elected government in 2006 was unlawful and that the appointment of the interim government unconstitutional. Council members are also likely to discuss the future of the UN's role in brokering political dialogue in Fiji.

The briefing will take place under "Other Matters" following Pascoe's briefing to the Council on the Middle East during consultations in the afternoon of 20 April.

Historical Background

There have been four coups d'état in Fiji since 1987. Two coups were in 1987, one in 2000 and the most recent on 5 December 2006. The December 2006 coup saw the commander of Fiji military forces, Josia Voreqe Bainimarama, stage a military takeover against Prime Minister Laisenia Qarase, who had been installed by the military after a civilian coup d'état was squashed in 2000. Qarase eventually won two parliamentary elections giving legitimacy to his government. Following the 2006 coup, on 4 January 2007 the military announced that it was restoring executive power to former President Josefa Iloilo, who had endorsed the actions of the military. The next day, Iloilo named Bainimarama interim prime minister.

The Council issued two press statements on the situation in Fiji in 2006. About a week before the coup, on 29 November, the Council issued a statement indicating that the Council was concerned about the challenges posed by the Fiji military commander to the government of Prime Minister Qarase. It also stated that the Council welcomed and supported the regional efforts to encourage restraint and avoid taking action that would undermine rule of law. It also encouraged the Secretary-General to use his good offices to help resolve the dispute. (SC/8881)

The second press statement was issued two days after the coup and said that the Council was "gravely concerned" about the situation in Fiji and hoped that restraint would be exercised and peaceful solution achieved in accordance with Fiji's constitution and that a democratically elected government would be reinstated. The Council also encouraged the Secretary-General to work with Fiji's regional and international partners to restore the legitimate government. (SC/8894).

Recent Developments

On 9 April the Fiji Court of Appeal declared the interim government illegal. As a response Iloilo suspended Fiji's constitution on 10 April, dismissed the Court of Appeal, appointed himself head of state and declared a state of emergency. He also issued the Public Emergency Regulation which severely curtails the right to public assembly and freedom of expression. Bainimarama, who had stepped down following the Court's decision, was reappointed as interim prime minister. Elections were postponed till 2014. (Early last year the interim government promised elections in the first quarter of 2009. However, at the General Assembly in September 2008, Bainimarama said that Fiji would not be able to hold elections by March 2009 as it must first reform its electoral system.)

The Secretary-General on 10 April expressed dismay at the decision to scrap Fiji's constitution and the new timeframe that was set for parliamentary elections, prolonging by five years the rule of the country's unelected executive. He said he "strongly deplores these steps and calls for urgent action towards their reversal". Earlier on 9 April he had called for calm in Fiji following the ruling by the Court of Appeal.

Following the declaration of the state of emergency, on 15 April UN High Commissioner for Human Rights Navi Pillay expressed deep concern over resulting media censorship and the sacking of judges and called for the return of the rule of law, the reinstatement of judges and the lifting of restrictions on the media.

International condemnation has been led by regional countries such as Australia, New Zealand and Papua New Guinea. Australia in its 10 April statement strongly condemned the "abrogation of the constitution of Fiji" and said that delaying the elections to 2014 was unacceptable. New Zealand on 10 April called the abrogation of the constitution a "serious step backwards". The US expressed deep disappointment over the collapse of Fiji's political dialogue process and the abrogation of Fiji's constitution and expressed concern over the implications this has for the future of judicial independence, media freedom and democracy in Fiji.

A number of organisations have also spoken out against recent events. The PIF on 15 April condemned the recent developments, the Commonwealth deplored the abrogation of Fiji's constitution and described it as a retrograde step, and the Council of the EU on 17 April noted with great concern the developments in Fiji and called on the relevant parties to comply with commitments previously made to the EU.

Following the postponement of the elections and at the request of the interim government, the UN in December 2008 agreed to broker, together with the Commonwealth, a political dialogue in Fiji. The key criteria was that the political dialogue be "inclusive, independent and time-bound". A joint US-Commonwealth technical team was sent to help the interim government and other political forces agree on terms and conditions for the talks. With recent developments the talks have been put on hold.

Options

An option is for the Council to receive a briefing from the Secretariat and exchange views in statements but take no action.

A possible option is a statement condemning the actions of the interim government, calling for the restoration of a legitimate government through democratic elections and the reinstatement of the constitution. Other elements that could be included are:

- encouraging the Secretary-General to work closely with organisations such as the PIF and the Commonwealth;
- highlighting the possible threat to peace and security as a result of actions that undermine the rule of law; and
- requesting the Secretary-General to suggest ways in which he could use his good offices to help resolve the situation.

Key Issues

A key issue for the Council is whether it should get more involved in this issue given the recent developments and their potential for creating instability and possibly violence. A closely related question is whether this presents an opportunity for the Council to add leverage to a further UN role in brokering political mediation, in line with the observation by the Secretary-General in his 8 April report on the importance of the support of the Council in mediation activities. (For more details please see our 13 April 2009 *Update Report on Mediation and the Settlement of Disputes*)

Another key issue is whether the Council should see this as an opportunity to work with international organisations such as the PIF and the Commonwealth, in line with Chapter VIII of the UN Charter and to support decisions of these organisations. The Commonwealth suspended Fiji from the Councils of the Commonwealth following the December 2006 coup (such suspension excludes government representatives from attending Commonwealth meetings and activities and prohibits any new technical assistance being provided, but allows a country to receive support related to the restoration of democracy). It may now consider full suspension of Fiji from the Commonwealth. The PIF has also threatened Fiji with suspension. The question of Council support for decisions made by international organisations in cases of unconstitutional changes of government was recently raised in the Council's ongoing discussions on coups d'état. (Please see our 15 April 2009 *Update Report on Resurgence of Coups d'état in Africa*.)

A related issue is how these developments could damage Fiji's international standing. Suva is the headquarters of the PIF Secretariat, and Fiji has been a key player in the PIF over the years. Its future contribution to UN peacekeeping could also be affected. Australia has asked the UN to cease hiring Fiji peacekeepers. (There are 282 Fijians currently serving in peacekeeping missions, including 51 police, eight military observers and 223 soldiers.)

A related issue is the effect of possible further sanctions on Fiji's population. (Australia and New Zealand have had travel sanctions for ministers and military from the interim government in effect since the last coup in 2006.) Although both countries have said that they are looking for ways of targeting the interim government without hurting the people, there are concerns about how this could affect trade and tourism.

A serious issue is the deterioration of the human rights situation following last week's court ruling. There has been a crackdown on personal freedoms and media freedoms, and institutions and individuals who might oppose the government.

Council Dynamics

Unlike some recent attempts to brief on issues that are not on the Council's formal agenda, there appears to have been easy agreement to the Secretariat's request to brief on Fiji. This may be because the Council has been briefed and issued statements on Fiji in recent past. However, Council members appear to be waiting for the Secretariat's briefing before deciding on the next steps.

UN Documents

Selected Secretary-General's Report
<ul style="list-style-type: none">• S/2009/189 (8 April 2009) was the Secretary-General's report on enhancing mediation and its support activity.
Press Statements
<ul style="list-style-type: none">• SC/8894 (7 December 2006) expressed grave concern at the situation in Fiji and hoped that the democratically elected government would be reinstated as early as possible.• SC/8881 (29 November 2006) expressed concern about the challenges posed by the Fiji Military Commander to the Government of the Prime Minister Qarase, called upon the Fiji military to exercise restraint and encouraged the Secretary-General to continue to use his good offices to help resolve the dispute.