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HTUR/JSV

23 October 2012

### Fiji As Chair of ACP Ministerial Trade Committee

Dear Dr Chambas

This March, the International Trade Union Confederation (ITUC) had the opportunity to meet with you at your office to discuss concerns we had regarding serious and well-documented workers' rights violations in Fiji. Indeed, we presented your office with a lengthy report that explained in detail how the government, by force and by executive decrees, had severely curtailed freedom of association and collective bargaining in much of the economy. Thus, we were shocked to learn recently that Fiji will be *chairing* tomorrow's meeting of the ACP Ministerial Trade Committee. This decision sends absolutely the wrong message and likely serves to lend unwarranted legitimacy to a military regime that is under increasing scrutiny for its reprehensible behaviour.

As you may know, Attorney General Aiyaz Sayed-Khaiyum, who will chair this meeting, is responsible for having drafted and promulgated several repressive new executive decrees related to labour. These decrees have been sharply criticized by the supervisory bodies of the International Labour Organization (ILO), including the Committee of Experts<sup>1</sup> and the Committee on Freedom of Association.<sup>2</sup> The ILO last year also submitted comments to the 42nd Pacific Islands Forum, expressing its alarm on the deterioration of labour rights in Fiji.<sup>3</sup> And, at the 15th Asia and the Pacific and Arab Regional meeting of the International Labour Organization (ILO), held in Kyoto on 4-7 December 2011, a tripartite resolution was passed "strongly condemn[ing] the action of the Fiji government" as regards the trade union situation in Fiji.<sup>4</sup>

On the basis of these observations and the tripartite resolution, the ILO sent a direct contacts mission to Fiji to verify the complaints. However, once the mission arrived, the government presented the mission with new and unacceptable terms of reference that differed from those agreed prior to the mission. When the ILO objected, the mission was

<sup>1</sup> Report of the Committee of Experts on the Application of Conventions and Recommendations, Report III (Part 1A), 2012, Observations on Freedom of Association and Protection of the Right to Organize Convention and the Right to Organize and Collective Bargaining Convention, pp. 145-52.

<sup>2</sup> ILO committee on Freedom of Association, Interim Report – Report No. 362, Nov 2011, Case No. 2723 (Fiji), online at [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---relconf/documents/meetingdocument/wcms\\_168206.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_168206.pdf) at ¶¶ 809-847.

<sup>3</sup> ILO Submission to Pacific Islands Forum Ministerial Contact Group, available online at [http://www.ilo.org/public/english/bureau/dgo/selecdoc/2011/ilo\\_submission\\_to\\_mcg.pdf](http://www.ilo.org/public/english/bureau/dgo/selecdoc/2011/ilo_submission_to_mcg.pdf)

<sup>4</sup> The resolution is available online at: [http://www.ilo.org/wcmsp5/groups/public/---ed\\_dialogue/---actrav/documents/meetingdocument/wcms\\_170338.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---actrav/documents/meetingdocument/wcms_170338.pdf).

instructed to leave Fiji immediately.<sup>5</sup> The decision by Fiji's Prime Minister to expel the ILO mission is disgraceful and shows complete contempt for the international institutions to which it belongs.

It is also remarkable that the government of Fiji is chairing a trade meeting, when its own trade relations with the United States and the European Union are questioned. Indeed, the United States decided this year to accept a petition to suspend Fiji's trade preference under the Generalized System of Preferences based on government's failure to afford internationally recognized workers' rights. A hearing on this matter took place in Washington DC earlier this month. Further, the Council of the European Union in September 2012 extended measures taken against Fiji under the ACP-EU Partnership Agreement, finding that there had been a "series of regressive developments" including continuing restrictions on human rights.<sup>6</sup>

Simply put, the ACP cannot remain a credible institution if it is to allow members that come to power through a military coup and which flout the international system chair its meetings. No doubt, the regime is already using this meeting as evidence that the international community supports the direction it is taking in Fiji. At the very least, the ACP Secretariat should issue an unequivocal statement rejecting Fiji's crackdown on workers' rights and deeply regretting the recent expulsion of the ILO contacts mission.

Please do not hesitate to contact me. I look forward to our next opportunity to discuss this important matter.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'A. B...', written in a cursive style.

General Secretary

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<sup>5</sup> See ILO, ILO Mission to Fiji Aborted, at [http://www.ilo.org/global/standards/information-resources-and-publications/news/WCMS\\_189933/lang--en/index.htm](http://www.ilo.org/global/standards/information-resources-and-publications/news/WCMS_189933/lang--en/index.htm)

<sup>6</sup> See <http://register.consilium.europa.eu/pdf/en/12/st13/st13567.en12.pdf>