

TRADE UNION RIGHTS, LEGITIMACY, AND POLITICS  
UNDER FIJI'S POSTCOUP INTERIM ADMINISTRATION

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Mention Fiji and the words **coups** and **race** are usually raised, reflecting a unique present and past. Fiji was a British colony from 1871 to 1970, and at least sixty thousand Indian indentured workers emigrated to build up sugar as the islands' main industry. Their descendants would eventually comprise more than 50 percent of the population, leading many observers to suggest that the main tensions in Fiji are ethnic divisions. Although ethnicity did become highly politicized, this explanation glosses over other political and economic issues that cut through ethnic categories. The formation in 1985 of one of the first labor parties in the Pacific Islands was an attempt to challenge not only ethnically based politics but also the entrenched power of the Alliance Party,<sup>1</sup> which had governed Fiji since independence. This challenge was mounted by organized labor, which had a long history of multiethnic organization and opposition to the state.

When the first coups in the Pacific Islands erupted in Fiji in 1987, race was commonly given as an explanation. This article does not aim to retrace this contentious debate but concentrates on the impact of the coups on trade union activities and rights.<sup>2</sup> The 1987 coups served to exacerbate well-ingrained tensions between labor and the state that have led to considerable trade union activity, particularly under Fiji's interim administration (1989-1992). A journalist described 1990 as "a year of strident unionism with a number of unions taking successful strike actions to fight for what they wanted" (*Fiji Times*, 1 Jan. 1991).

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Within Fiji's main industrial sectors, unrest continued during 1991. I argue that this unrest reflected genuine grievances that workers, including cane farmers, faced in the workplace. These workplace conditions cannot be separated from broader economic processes through which the interim administration and many employers aimed for Fiji to become part of a more competitive international market. Partly because of the unrest, temporarily repressive labor decrees and then reforms to labor legislation were introduced during 1991.

Nevertheless, political considerations were integral to industrial disputes, both as a catalyst and as a hindrance to reaching acceptable solutions to much of the trouble. The administration, employers, and labor representatives have each accused the others of politicizing industrial matters. The fingerpointing raised the issue of the right of trade unions within and outside Fiji to challenge the political affairs of a government that maintained it represented a sovereign state.<sup>3</sup> Industrial unrest, which trade unions argue has been necessary to protect their legitimate rights, has been seen by some as a challenge to Fiji's sovereignty. At the bottom line, unions have continually questioned the basis of the government's legitimacy not only to hold political power but also to dictate industrial relations practice and policy. While Fiji's interim administration argued that it was protecting national interests and sovereignty, critics suggested that the economic interests of elite groups within and outside Fiji were what was really being protected.

### **Trade Unions and Politics in Precoup Fiji**

Criticism by unions of the state's legitimacy in 1991 was directed at both the promulgation of a new constitution and the interim administration's handling of industrial relations--particularly the implementation of restrictive labor decrees in mid-1991 and reforms to labor legislation in November 1991. These decrees and laws stemmed from the demands of a restructured economy and from calls to restrict the industrial and political role of trade unions. Economic restructuring had been geared toward development of the export manufacturing sector, particularly in the garment industry, as part of a strategy to reduce dependence on the country's main export earners, sugar and tourism. Hence estimated that 43 percent of the work force in 1988 was unionized (1991:57). Most nonunion workers were engaged in subsistence activities or were self-employed.

Attempts by the state to control the industrial and political role of trade unions are neither unique to Fiji nor new in its labor history. In

the absence of any means of formal political expression, covert and overt forms of labor unrest are significant means for workers to express both job-related and broader grievances. Much of the unrest centered in Fiji's major industry, sugar, and was reflected through militant activity such as a major strike among public sector workers in 1920 and the formation of growers' and workers' associations such as the Kisan Sangh and the Mazdur Sangh during the late 1930s (see Leckie 1990b:50-51). Other early attempts at forming unions, as in 1916 when indigenous Fijians and Solomon Islanders at the Lautoka wharf tried to form the Fijian Wharf Labourers' Union, were repressed by employers and the colonial state (Hince 1985). Throughout much of the colonial period concern was expressed that the establishment of trade unions would provide potential for both the individual and collective political ambitions of Indians to be unleashed. During Fiji's colonial period two myths grew that, subsequently, came to color official perceptions of trade union involvement in politics. Regardless of whether workers' collective organizations articulated idealistic goals, they were perceived as a forum for individual politicians' ambitions or as part of the agenda by the "race" of Indo-Fijians to dominate Fiji's political economy.

In 1942 the colonial state, largely under British government pressure, was forced to introduce the Industrial Associations Ordinance. Militant trade unionism, which might have provided a strong, politically based challenge to the state, was partially averted through trade union legislation, which provided for the formation and operation of relatively compliant trade unions, preferably under the ambit of a national center, the Fiji Industrial Workers' Congress, founded in 1951 and renamed the Fiji Trades Union Congress (FTUC) in 1967 (FTUC 1976:5). By the late 1950s and early 1960s, industrial unrest in the key sectors of the sugar, oil, gold, and tourism industries threatened to spill over into widespread instability. The period 1964 to 1966 saw a flurry of legislation passed to regulate trade disputes, worker's compensation, employment conditions, and industrial training. Following the disruptive 1959 oil workers' strike, the Trade Unions Act 1964 introduced compulsory registration for trade unions (see Hempenstall and Rutherford 1984:73-86; Leckie 1990b:58-59). Like early British trade union legislation, it contained provisions inhibiting the formation of stronger and potentially more-political general unions. Militant industrial unrest also was averted through some employers' reluctant acceptance of collective bargaining, which brought wage increases and improved employment conditions and living standards for organized workers.

At the time of independence in 1970, trade unions were not directly

tied to either of Fiji's major political parties, the Alliance Party and the rival National Federation Party (NFP). The latter had its roots in the cane farmers' strike of 1960 with farmers' unions providing the framework for early local organization. The predominantly Indo-Fijian membership of the Fiji Teachers' Union was also openly supportive of the NFP (Norton 1990:77-79; see also Alley 1986:40-45).

In the early seventies industrial confrontation resurged during a period of economic stagnation (Leckie 1988). Restrictive trade union legislation was introduced in 1973. The Trade Disputes Act made it more difficult for workers to take industrial action, especially in essential services. Solidarity strikes were declared illegal and a wage freeze was introduced, which subsequently gave way to wage guidelines. With the establishment of the Tripartite Forum, the second half of the 1970s saw reasonably amicable relations among the FTUC, employers, and the government. The forum provided for negotiated-wage guidelines and dispute resolution, among other industrial relations matters. Such a cozy relationship proved to be short-lived.

Until the 1980s trade unionists, such as James Raman (FTUC general secretary from 1973 to 1988) and Mahendra Chaudhry (then FTUC assistant secretary and general secretary of the Fiji Public Service Association [FPSA] since 1970), were concerned with building a broadly based, multiethnic workers' movement rather than having direct links with a political party. Partly owing to disillusionment with the politicization and factionalism within the Kisan Sangh, the National Farmers' Union was formed by the FTUC in 1978, and Chaudhry became its general secretary. Although the FTUC sought to remain relatively neutral politically, support was given to the Alliance Party by individual unionists such as Raman and Joveci Gavoka (past FTUC president and past president of the large Public Employees' Union). A number of unionists also became Alliance government ministers.<sup>4</sup>

Details concerning the build-up to the FTUC's decision to sponsor a new political party have been well documented elsewhere (e.g., Howard 1991a: 146-192; Leckie 1990a:92-95). As Michael Howard notes, by the late 1970s a new generation of trade unionists had emerged who were less willing than their predecessors to compromise on labor issues and had less sympathy for an apolitical ideology. The leadership and organization style of what was becoming Fiji's most powerful trade union, the FPSA, reflected both a growing professionalism and concern with more than narrow workplace issues (Leckie 1990a:90-92). Timoci Bavadra, FPSA president from 1977 to 1985 and

briefly prime minister in 1987, notes his involvement in trade unionism arose from his experience as a community medical officer in the Solomon Islands and subsequent work in primary health care in Fiji. He became increasingly frustrated with the management of Fiji's health services and believed that social and economic development was not possible without political support (FPSA 1979a:12). Chaudhry, employed as a civil servant before becoming a unionist and originally from the cane-growing area in western Viti Levu, also advocated that unions have a wider socioeconomic role and strongly believed that organized workers have a "duty" to speak for unorganized workers (FPSA 1981a:18). He played a pivotal role in the growing assertion of white-collar unions and the National Farmers' Union.

The initiative taken by the FTUC in promoting a political party cannot be simply attributed to individuals. The intensification of Fiji's economic problems (see Knapman 1988:167-170) during the early 1980s compounded a growing tension between government and trade unions, particularly in the public sector, which underwent prolonged and strained negotiations over salary increases (Howard 1985; Leckie 1990a). By November 1984 tripartism was put to rest when the minister of finance announced a unilateral wage and salary freeze. Because the FTUC had not been consulted about this they withdrew from the Tripartite Forum. Strains in Fiji's industrial relations became acute with Ratu Sir Kamisese Mara, the prime minister, threatening to declare a state of emergency and use force by calling on the army if the FTUC proceeded with a general strike (*Fiji Times*, 10 Jan. 1985). This did not eventuate but members of the two teachers' unions embarked on a two-week strike in early 1985. In June 1986 the government withdrew recognition of the FTUC as the national union body on the grounds that the council had left the Tripartite Forum. Union sources, though, suggested that government's underlying reason was the FTUC's 1985 decision to sponsor the formation of an opposition political party, the Fiji Labour Party (FLP) (*Fiji Times*, 6 July 1986). By 1986 the new party had formed a coalition with the National Federation Party, which in the April 1987 general elections toppled Alliance Party rule. The coalition's victory was cut short in May 1987 by a military coup led by Lieutenant Colonel Sitiveni Rabuka. Following a second coup on 25 September a military cabinet governed until 5 December 1989, when Ratu Mara was installed as head of an unelected "civilian" interim administration. One of the main sources of opposition to the administration came from organized labor, not only because of political differences but also arising

from industrial disputes. The legitimacy of trade unions to take effective action over political and industrial matters was frequently questioned both before and after the coups.

### **Industrial Action: A Threat to National Sovereignty?**

Trade union leaders argue that if they are to fulfill their role of protecting and improving working and living conditions, they have to insure that workers' rights are protected. Labor and political demands are therefore closely entwined. Clearly this was not an agenda government and many employers in Fiji were prepared to accept. Particularly since the mid-1980s, opponents have repeatedly criticized trade union involvement in politics. Trade union leaders--such as Chaudhry, Bavandra, Krishna Datt, Joeli Kalou (the latter two general secretaries of the Fiji Teachers' Union and Fijian Teachers' Association, respectively)--could hardly deny the political basis of their actions, particularly once they assumed official positions within the Fiji Labour Party. Critics of this failed to address their own political agendas and the way these were part of the discourse on indigenous rights or national sovereignty.

Accusations of "illicit" trade union political involvement were at the forefront of moves to weaken the Labour Party's trade union support. In 1986 a "Concerned Group" within the FPSA sought to form a separate Suva branch, remove Chaudhry as FPSA secretary, and withdraw the FPSA from the FTUC with the slogan, "No Politics Please, We Are Fiji Civil Servants." An "Information Paper" that was circulated stated: "There is no doubt in Fiji today that the **political neutrality** of the civil servants has been compromised through the involvement of the FPSA in the politics of the nation. It can be stated that the civil servants of this country, through the FPSA, were responsible for the fall of the Alliance Government and the birth of the Labour Party" (copy in FPSA files). Expelled from the FPSA, this group went on after the first coup to form the ethnically based Viti Civil Servants' Association (VCSA). While continuing to advocate the political neutrality of trade unions, the VCSA was linked with the Taukei Movement and enjoyed the support of the Public Service Commission.<sup>5</sup> In an address to the VCSA's 1991 conference, Rabuka commended the group for following "responsible trade unionism" and warned that trade unionists should not use unions to further their own political ends. Again, collective issues were reduced to a personal level (*Fiji Times*, 6 May 1991).

On several occasions, union calls for industrial action were dismissed by the interim government as politically motivated. This rationale was

frequently given to declare intended strike action illegal. In mid-1991 Sailosi Kepa, the attorney general and minister for justice, declared a planned strike by the FTUC illegal on the basis that it was about political issues and not a trade dispute (ibid., 11 July 1991). The threatened strike was a reaction to the promulgation of severe decrees aimed at restricting the industrial activities of trade unions and cane farmers, and to the government's intention to introduce a 10-percent value-added tax in July 1992. In the absence of any political or industrial relations forum to debate such regulations, and failing to receive a response to requests for dialogue with the prime minister, the unions considered they had no option but to threaten a strike. Widespread support for the FTUC's call for a general strike included almost all unions with the exception of some pro-Taukei ones. Adi Litia Cakabou, a Taukei leader, claimed that the FTUC was bent on destroying the economy by staging the strike but suggested that the Taukei's opposition to the strike was not political: "It is quite clear that the decisions and activities of the FTUC and the NFU [National Farmers' Union] are politically inspired and motivated" (ibid., 1 July 1991).

Since the coups, claims by government and employers that unions were aiming to destabilize the economy and threatening national sovereignty have been a frequent response to industrial action. Trade unions did pose some threat to the military regime when they called for international trade bans after the coup (Leckie 1991). Although subsequent calls for such action were made, international trade union bodies and governments have been generally reluctant to take such measures, particularly during a time of international recession. International sanctions from the International Confederation of Free Trade Unions were a strong possibility when the Fiji government announced plans to further restrict the trade union rights of public sector employees. Taniela Veitata, the minister of employment and industrial relations, hit out at this as "tantamount to a declaration of war" and warned the Public Services International and the New Zealand Public Service Association "that any further international trade union action would be construed as interfering in Fiji's sovereignty" (*Fiji Times*, 2 May 1989).

Claims that Fiji's political sovereignty was threatened have not only had a political basis but were tied in with the government's economic agenda. Strikes during 1990 and 1991 in the garment industry, in particular, were labeled by the interim government's spokespersons as being politically motivated. Permanent Secretary for Trade and Commerce Navi Naisoro stated that his ministry believes "the strikes in the garment industry are being carefully orchestrated to undermine the govern-

ment." To justify this statement he cited how a strike in September 1990 at Mark One Apparel coincided with the opening of the Australian-Fiji Business Council meeting in Nadi and suggested a strike the following month at Just Cham was aimed at undermining the government's position in negotiations then underway in the United States (ibid., 11 Oct. 1990). Government was also sensitive about the international trade union links garment workers were developing, such as when Chaudhry threatened to call for overseas supporters to lobby the governments of Fiji's garment export markets (ibid., 12 Oct. 1990). Ema Druavesi, then general secretary of the Fiji Association of Garment Workers, later warned of an international boycott over the dismissal of three union activists from Lotus Garments when the Ministry of Employment and Industrial Relations refused to register the dismissal as an industrial dispute and initiate conciliation (ibid., 2 Nov. 1990). Around one hundred workers went on a twenty-eight-day strike over this and what they described as "appalling working conditions and extremely long hours" of sometimes up to twenty-four hours, although Padam Lala, the manager, denied this.

Official views also dismissed a prolonged strike in 1991 by goldminers at Vatukoula as being politically motivated. Employment Minister Veitata suggested that the strike was prolonged intentionally by Kavekini Navuso, general secretary of the Fiji Mine Workers' Union, and supporters in the FLP/NFP coalition to coincide with a boycott of the sugar harvest "as part of their concerted efforts to destabilise the country" (ibid., 4 June 1991).

Trade unionists who advocated industrial action and were dismissed as politically inspired have been accused of personal motives. Such a target was Chaudhry, largely because of his powerful role as general secretary of the FPSA, the National Farmers' Union, and, since 1988, the FTUC. His election to the FTUC position marked a more assertive stand being taken by the council's affiliates. Rather than addressing the reasons why farmers refused to cut cane in 1991, Josevata Kamikamica, the minister of finance and planning, questioned Chaudhry's loyalty to Fiji after he stated that the farmers' union would defy newly enacted and highly restrictive sugar and national economy decrees (see below): "It appeared Mr Chaudhry was bent in bringing down the government" (*Daily Post*, 31 May 1991).

### **The Legitimate Protection of Workers' Interests?**

Accusations of politicization have therefore been a common tool used by opponents of the FTUC and Chaudhry to denounce attempts at indus-



trial action. The FTUC does not deny its role in founding the Labour Party or that the organizations have some leaders in common, but it has stressed its autonomy from the political party (FTUC 1990b:59). Unionists did not overlook the political basis to many industrial disputes but did emphasize the genuine workplace and related grievances expressed by members. In all of the major industrial disputes, long-term industrywide problems can be identified, as well as the "ordinary daily crises" peculiar to the nature of each industry. Resolution of major and minor industrial problems was frustrated when the industrial-relations machinery was inoperative or when government or employers showed no readiness to reach a solution.

Unions have been frustrated in their efforts to resolve trade disputes through established industrial-relations machinery. Frequently, conciliation and negotiation did not eventuate because grievances were unilaterally rejected by the Labour Ministry. Sometimes no reason was given, suggesting that political considerations have been paramount. The FTUC claimed that arbitration awards made by the ministry were biased toward employers. As a result many trade unionists in Fiji have argued that they have been pushed into taking industrial action or seeking support from outside the country when established avenues for resolving industrial disputes have not been followed. Alternatively, unions have taken legal action but this is costly and has resulted in greater delays in resolving industrial disputes (FTUC 1990b:56-57; FTUC 1988b).

The unwillingness of government and an employer to resolve a dispute was demonstrated, for example, in a strike that was begun 23 February 1991 at Vatukoula by approximately 700 members of the Fiji Mine Workers' Union (FMWU). Although the union claimed the support of well over 50 percent of the work force, the Emperor Goldmining Company (managed by a former Australian shareholder, Western Mining Company) refused to grant voluntary recognition. As in many industrial disputes, this refusal was merely the tip of a whole range of grievances, many of which were long-standing and reflected not just problems with immediate working conditions but also unsatisfactory living conditions in the mining town of Vatukoula (FTUC 1990c; interviews). Wages had been depressed by the company's practice of deducting various expenses, such as gelignite, overalls, boots, housing, and electricity. Miners also complained about not receiving overtime rates. A major source of discontent was the practice of segregated grades of accommodation, with several indigenous Fijian families assigned to substandard, overcrowded, poorly ventilated one-bedroom houses.

Confrontation at Vatukoula was accelerated when the FMWU

claimed that the dismissal of two union officials was victimization (*Fiji Times*, 9 Nov. 1990). Their dismissal followed their criticism of the company's tardiness in paying death compensation to the family of a miner who was crushed to death by a boulder (interviews; *Fiji Times* 5, 9 Nov. 1990; FTUC 1990b:96). Attention was also drawn to poor safety and health conditions both underground and in Vatukoula. In complaints about inadequate sick leave the FMWU claimed that the company insisted workers return to "light duties" on half-pay to cut costs and to bolster an image of a glowing health and safety record.

Actions taken by management during the strike clearly demonstrated an unwillingness to work toward resolving long-standing industrial-relations problems at Vatukoula. Emperor's chairman, Jeffrey Reid, adamantly refused to enter into any conciliation and instead fired 440 strikers on 3 April 1991. The strikers claimed that the company hired local villagers not only to provide scab labor but also to attack picketing miners. It was also alleged that a local chief received considerable "rewards" to provide this muscle for the company--a tactic apparently not new in breaking workers' solidarity at the mines.

The Vatukoula dispute highlighted an enclave in which a predominantly ethnic Fijian work force was subjected to workplace and living conditions widely regarded as exploitative. Co-deputy prime minister Rabuka acknowledged this and several church groups also supported the miners.

The sugar industry, another major sector of industrial unrest, attracted a predominantly Indo-Fijian work force but in recent years has included an increasing number of ethnic Fijian farmers and workers. There have been conflicting views about the legitimacy of cane farmers' refusing to cut cane, but generally, with the exception of government and the Fiji Sugar Corporation, there was widespread sympathy for the immediate causes of a boycott in 1991. Led by the National Farmers' Union (NFU), the majority of Fiji's cane farmers supported a boycott after the Fiji Sugar Commission refused to make a promised third cane payment for the 1990 harvest. NFU discontent stemmed not only from the position taken by the commission but also from government policies (or lack of them) in the sugar sector. Tension had also been strong between the farmers and the Sugar Cane Growers' Council. The NFU had strongly objected to the government's decision to delay council elections, already suspended in 1988, until April 1992.

These grievances may have directly precipitated the boycott but there were far deeper ones within the sugar industry, before and during 1991. Cane farmers had delayed the 1990 harvest until mid-July in protest at

provisions of a new Sugar Award (the Kermode Master Award), which Chaudhry argued was biased towards the Fiji Sugar Commission and reduced the farmers' share of the sugar proceeds from 70-75 to 60 per cent by passing on extra harvesting and transport costs to the farmers (*Fiji Times*, 11 June 1990). During this dispute the NFU, rather than the growers' council, commanded the support of most of Fiji's 22,000 cane farmers (actual NFU membership for 1991 was around 11,000). Although a compromise was reached, tensions continued within the sugar industry. Indo-Fijian cane farming communities also faced considerable insecurity with land leases due to expire in 1997.

Decrees introduced in May 1991 clearly sought to control industrial unrest in the sugar and goldmining industries, two enclaves of export production established during the colonial era. Although these decrees were lifted in July, labor legislation introduced the following November aimed to restrict labor organizations in these established industries and also within the tax-free factories, the new growth area of Fiji's economy (see Chandra 1988).

The factories employ a multiethnic, predominantly female work force. Initially unions were prohibited from tax-free areas but since late 1989 the government has accepted the registration of the Fiji Association of Garment Workers (FAGW). Manufacturers generally refused recognition until industrial action was taken by the union. Esiteri Tuilovoni, FAGW's secretary, stressed that the union took such a path in response to members' complaints about working conditions and wages and only after attempts at negotiation with employers had failed (Leckie 1992a:9-12). Even after a Wages Council order set minimum hourly wage rates at 65 cents for apprentices and 85 cents for other workers in 1991, weekly wages of around F\$25 (*Fiji Times*, 3 Mar. 1990) remained well below the basic poverty level for Fiji of F\$72 a week set by Barr (1990), or the estimated average national wage of F\$50 a week for an unskilled worker. A report by the Ministry of Employment and Industrial Relations found that almost two-thirds of surveyed factories paid less than 51 cents an hour and four-fifths avoided paying overtime (Cole 1991).

A fifteen-day strike at Just Cham Garment Factory (a joint venture with a New Zealand company, Alex Young) provides an example where workplace grievances were dismissed by employers as "illegitimate" and political. Workers listed twenty-four complaints including wages averaging F\$20 a week, inadequate toilet facilities, excessive overtime without extra payment or transport being provided, no annual leave, no tea breaks, excessively heavy work, no employer responsibility for acci-

dents or sick leave, and the practice of strip searching for missing items (*Fiji Times*, 10 Oct. 1990). The FTUC claimed that any worker who complained about conditions to the Employment Ministry was sacked. This dispute escalated, with FAGW general secretary Druavesi threatening a national strike by garment workers, the FTUC threatening a boycott of the factory, and the company warning that it would dismiss the strikers (*Fiji Times*, 20, 22 Oct. 1990).

Unions have argued that they were addressing the basic economic and social rights of workers in criticizing the lack of free collective bargaining in Fiji between 1984 and 1991, when wage and salary guidelines were unilaterally imposed by government legislation. In presenting the case for negotiations, unions cited Fiji's ratification of International Labor Organisation Convention 98 on the rights of workers and organizations to free collective bargaining. The FTUC questioned the validity of official economic indices, such as inflation rates and the consumer-price index, and suggested that real wages declined by 27.2 percent between 1984 and 1989 (FTUC 1990:46). During 1988, a year of a wage freeze, the Reserve Bank of Fiji put inflation at almost 12 percent.

This section has discussed examples of concrete grievances that organized labor claimed to have a legitimate right to address, if necessary by taking industrial action locally and internationally. Within these major industries conflicts between labor and employers and the state cut across ethnic divisions. The postcoup regime's rationale of the protection of indigenous interests has been questioned when workers' conditions and rights were considered. The lack of protection for indigenous and other workers was reflected in various restrictive decrees affecting organized labor.

### **Trade Unions and the Postcoup Decrees**

Attempts by the postcoup regime to control trade unions through various means suggested that political conflict has also been at the front of Fiji's industrial scene. When decrees restricting individual and collective rights were introduced, unions attempted to enter into dialogue. These attempts had usually been rejected and invariably unions then threatened industrial action and called for international trade union support. International support consisted of monitoring union rights in Fiji or threatening international trade and transport sanctions (see Leckie 1991).

The Fundamental Freedoms Decree (*Fiji Republic Gazette* 1, no. 7 [13 Oct. 1987]) gave the military arbitrary powers to deprive people of

basic human rights, such as freedom of movement and expression, and protection from arbitrary arrest and detention. Strikes and all other forms of industrial action were forbidden until this provision was lifted following the threat of international trade union action. Unions found it difficult to conduct routine business as they, like every other group in Fiji, required a police permit to hold public meetings. Written permission was required for civil servants to travel overseas, while at least 120 trade union activists were placed on a military blacklist prohibiting overseas travel (FPSA 1987a: 11-13).

The discovery in May-June 1988 of illegal arms caches in Fiji was used as a pretext to harass and detain trade unionists and political activists under the Internal Security Decree imposed in June 1988 (FPSA 1988b). This decree permitted the minister of home affairs to detain for up to two years any person suspected of acting against the national interest. Other powers given to the minister included media censorship, control over the freedom of speech and association, and total control of individual liberty including the right to exclude persons from Fiji.

After the interim regime was faced with internal and international pressure, the Internal Security Decree was suspended in November 1988. But in early 1989 Rabuka threatened to reactivate it if workers supported FPSA and FTUC calls for a general strike (*Fiji Times*, 8 Apr. 1989). A year later a civilian government ostensibly governed Fiji when military leader Major-General Rabuka returned to the barracks, but he soon warned that the military would intervene if trade unionists attempted to destabilize the country by going on strike or if farmers refused to harvest cane (ibid., 23 Jan., 30 May 1990).

Public sector workers, particularly, had seen tighter control over their conditions of employment since the coup, when the Fiji Service Commissions and Public Service (Amendment) Decree (1987, No. 10) removed their appeal rights regarding appointments, promotions, transfers, and gradings; imposed wide-ranging disciplinary offenses specified by the Public Service Commission; required public service officers to seek government approval for travel out of Fiji; reduced the compulsory retiring age to fifty-five from sixty; and introduced a requirement that at least 50 percent of all positions at all levels should be filled by indigenous Fijians or Rotumans. The commission was empowered with "absolute and sole discretion" to terminate appointments to any office in the "national interest"; to change definitions of promotions, transfers, and appointments so that promotions could be conferred without a post's being advertised; and to change annual increments to merit clauses, which it did (FTUC 1990-1991a:30). FPSA

claimed that these amendments laid an institutional basis to politicize the public service along patronage lines.

Restrictive decrees against trade unions came into force on 29 May 1991 when the interim administration announced the promulgation of the Sugar Industry (Special Protection) (Amendment) (No. 3) Decree 1991 and the Protection of the National Economy Decree 1991 (*Fiji Republic Gazette* 5, no. 37 [29 May 1991], Decrees Nos. 18 and 19). The severity of the sugar and economy decrees drew widespread condemnation and introduced the possibility of an explosive confrontation. FTUC President Michael Columbus described the decrees as "prescriptions for industrial disharmony, civil strife and economic instability" and said they would effectively abolish the exercise of trade union rights in most industries (*Fiji Times*, 7 June 1991). While Decree No. 18 applied to the protection of all aspects of sugar production, No. 19 applied to the protection of the whole economy of Fiji with special reference to the protection of the tourism, copra, sugar, mining, oil, transport, telecommunications, and electricity industries. Both decrees applied not only to those directly involved in hindering the operation of these industries but also to anyone "who counsels, incites or encourages a person to commit any act or omission that harms the operation of a major industry which threatens or is likely to threaten the economic life of Fiji" (Decree No. 19: section 3, paragraph 2). The decrees were deemed to apply to citizens within Fiji and abroad and to noncitizens resident within Fiji. The penalties? Trade union members engaging in industrial action that prevented, for example, a gold mine, a sugar mill, or even a hotel from operating could expect a fine of F\$10,000 or imprisonment of fourteen years or both, while those taking solidarity action could anticipate a fine of F\$5,000 or seven years' imprisonment or both. The latter charge ostensibly could have been applied to a vast range of activities, from imposing trade and communication bans to supplying food or distributing leaflets for striking mine workers. These decrees also aimed to prevent militant international solidarity action.

The decrees could be interpreted as a heavy-handed attempt to curtail union and public support for the 1991 sugar boycott and strike by goldminers at Vatukoula. They also followed in the wake of trade union condemnation of government plans to deregulate the labor market and further restrict the activities of trade unions. The FTUC responded by initially seeking dialogue with the prime minister but this course became unlikely when the FTUC called for the immediate resignation of the unelected interim administration. On the basis of protecting national interests, the government declared a general strike threatened

for 16 July 1991 illegal (*Fiji Times*, 10 July 1991). Conflict was averted through an agreement reached on 12 July between Rabuka (who had resigned as Fiji's military commander to become co-deputy prime minister), the FTUC's general secretary Chaudhry and president Columbus, and Fiji's president, Ratu Sir Penaia Ganilau. Ganilau gave assurances that a conference would be held to settle the sugar dispute, the decrees would be suspended, and an attempt would be made to resolve the Vatukoula dispute (*ibid.*, 12 July 1991).

However, promises to refer details of labor reforms and the proposed value-added tax (VAT) to a tripartite meeting of the Labour Advisory Board were not met when labor reforms were introduced in November 1991 and the VAT in July 1992. It was not until 11 September 1992 that a new minister of labor, Militoni Leweniqila, issued an order granting compulsory recognition to the striking miners at Vatukoula. In the meanwhile, failure to resolve disputes in the sugar industry precipitated an NFU strike between 5 and 7 November 1991, soon after the interim government promulgated the new labor decrees (*Fiji Republic Gazette* 5, no. 77 [1 Nov. 1991]).

The November decrees aimed to weaken the strength and restrain the functioning of industrial trade unions, encourage enterprise-based unions, and tighten definitions of industrial action to virtually prohibit all forms. Workers registered in industrial associations were deprived of the right to collectively pursue industrial grievances and those in middle management were denied the right to form or join trade unions. The financial bases of unions were undermined by the repeal of legal requirements that employers deduct union dues. New expenses and interference in the administrative independence of unions were entailed by the imposition of state-supervised strike ballot procedures. The reforms also aimed to weaken Chaudhry's powerful role by prohibiting an officeholder from serving in more than one union or industrial association. Following unsuccessful attempts by the FTUC to secure dialogue with the prime minister, international solidarity was pursued and a general strike notice issued for February 1992.

### **Political and Economic Interests behind Trade Union Control**

Although workplace matters can be identified as precipitating much of Fiji's recent industrial unrest, political tensions, alliances, and agendas compounded the original issues. A key question concerned what was at stake when the interim government claimed that the various labor decrees were to protect Fiji's national interests. Trade unions, on the

other hand, advocated that they were protecting trade union and human rights, in the interests of Fiji's people. Government and trade unions have accused each other of being political and trying to protect and increase their own power base. Trade unionists suggested that the freedom to engage in political expression and in other forms of association had been heavily biased towards those wielding military, administrative, and fiscal power, particularly since the coups.

Trade union criticism of infringements upon democratic voting rights and freedom of expression were diffused to some extent by raising the need to protect the right of indigenous citizens or the "national interest." Although portrayed as being in the national interest, the sugar and national economy protection decrees did not have popular support. Fiji's president initially raised the possibility of bringing in the army to cut cane, but Rabuka made it clear that no such move would be taken (*Fiji Times*, 8 June 1991). He also supported the striking miners, expressed sympathy with the garment workers, and in 1990 had supported nurses engaged in a six-day strike. Several other sections of Fiji's population endorsed trade union criticism of the government's economic policies.

Since 1989 the interim administration had stressed an economic policy geared to internationally competitive export production, particularly under the tax-free-factory and proposed tax-free-zone schemes. Plans for tax-free factories had been under way before the coups but were given a boost when an answer to the postcoup economic decline was needed. This recovery strategy of economic deregulation was accompanied, ironically, by increasing regulation of industrial relations: ready supplies of cheap, compliant labor have been essential to Fiji's economic success. Fiji's government and garment manufacturers became especially sensitive to the ramifications of industrial stoppages within the garment industry, for example, when New Zealand garment importer Gary Sutton warned that if industrial unrest at Lotus Garments in 1990 spread to other garment factories, overseas importers and manufacturers would "merely go elsewhere" (*Fiji Times*, 16 Nov. 1990). Competitiveness within the garment industry had also been enhanced with changes in Australian import policy, which reduced tariffs on imports from non-Forum Pacific Island countries (*ibid.*, 15 Mar. 1991).

Labor reforms that imposed further restrictions on the operation of trade unions were geared to ensure that the interim administration's economic strategies were not disrupted. Plans to deregulate the labor market quickly followed the increasing success of Fiji's garment union in organizing and improving workers conditions, and the promulgation



of a wages council in that industry. Finance Minister Josevata Kamikamica and Berenado Vunibobo, the minister of trade and commerce, emphasized that the deregulation of the labor market necessitated greater control over trade unions. This was seen as particularly urgent with the lifting of wage guidelines at the end of July 1991: "deregulating wages, without also ensuring mechanisms in place to ensure that the resulting freedoms are not abused, could be a formula for chaos" (ibid., 4 July 1991). The November labor reforms were part of the process of moving away from government guidelines or industrywide bargaining, the feature of Fiji's bargaining structure, to enterprise- or establishment-level bargaining.

Fiji's interim administration prided itself on its postcoup economic program. The program may be projected as serving Fiji's national interests but also raised questions about who such benefits accrue to (see Chaudhry 1990; Prasad 1989) and the acceptability of the exploitation of the female work force within the garment industry. These issues, which have repercussions for Fiji's future labor relations and trade union rights, also became tied in with the issue of poverty in Fiji. In 1990 Kevin Barr, a Catholic priest, drew public attention to this politically contentious issue. Estimates suggest that approximately 15 to 20 percent of Fiji's population was in absolute poverty with a higher proportion in relative poverty. To justify proposals to abolish minimum wages and wages councils, Trade Minister Vunibobo argued that employment opportunities would be generated that would help alleviate poverty. Fiji's work force had increased from 79,854 in 1986 to 89,135 in March 1991. The biggest rise had been in the manufacturing sector, from 13,973 (or 17.5 percent of the work force) in 1986 to 22,089 (or 24.8 percent) in early 1991 (Bureau of Statistics 1991). The Reserve Bank of Fiji reported that by mid-1991 garment workers comprised 83.3 percent of the 10,917 people employed in 113 tax-free factories (Reserve Bank of Fiji 8, no. 34 [21 Aug. 1991]).

Prasad, however, stressed caution in accepting statistics as evidence that tax-free factories had rectified unemployment and would do so in the future (1989:5-11), as much of this labor is provided by women who were not classified as unemployed or as part of the official labor force. Critics of deregulation also argued that the lack of protection for local industry would generate unemployment.

### **Collusion?**

Unions have long pointed to the way in which labor-state relations have been tied to the interests of those with political and economic power. On

several occasions the Ministry of Employment and Industrial Relations, for no apparent reason, refused to register reported trade disputes and initiate conciliation talks or arbitration. Unions have claimed that political considerations frequently overrode any attempt to resolve the original issue. For example, during the 1991 sugar harvesting crisis, Chaudhry suggested that the interim government's refusal to enter into dialogue with the NFU and insistence that growers' grievances be channeled through the Sugar Cane Growers' Council made it clear that the government was "not interested in resolving the dispute. They are merely playing politics" (*Fiji Times*, 9 Nov. 1991).

At Vatukoula the interim administration refused to take direct action to resolve the mining dispute until the imposition of the decrees. Official actions and statements indicated where its support lay. Employment and Industrial Relations Minister Taniela Veitata insisted that there was no dispute (*ibid.*, 5 Nov. 1990, 4 June 1991) and that the union should first seek compulsory recognition under the Trade Disputes Act. Kavekini Navuso, general secretary of the Fiji Mine Workers' Union (FMWU), claimed that this denied the "union the right to seek mediation under the *Trade Disputes Act* on our real industrial grievances relating to employment and living conditions" (*ibid.*, 16 July 1991). However, the FMWU later agreed to seek compulsory recognition and by August 1991 the Ministry of Employment and Industrial Relations finally recognized that an industrial dispute existed but still denied that the FMWU was the strikers' legitimate representative. It was not until after the 1992 general elections that the FMWU was recognized by government (but still not by Emperor Goldmining).

The slowness in resolving industrial disputes under the interim administration led to allegations of collusion between government officials and management in several industries troubled by industrial unrest. Union officials did not deny a deep-seated political basis to the dispute at Vatukoula but they threw the ball to the other court, pointing to long-standing political links between Emperor Goldmining and certain members of the interim administration, including the prime minister (see Howard 1991b:30-38). FTUC's president charged, "This regime is completely manipulated by Emperor" (*Fiji Labour Sentinel* 14 [93], Mar. 1991). He suggested that Emperor's chairman had played a key role in provoking riots after Fiji's first coup by busing pro-Taukei miners to Suva, prompted partly by Bavadra's criticisms of Emperor's record and promises to have his new government investigate allegations of large-scale tax evasion and the transfer of funds from Emperor to politicians during the Alliance rule.

The FTUC has also suggested that government was hiding behind “political smokescreens” regarding the conditions of garment workers. Official reluctance to intervene was tied in with “many top government officials including some ministers” who had “pecuniary interests in garment factories either directly or through indirect shareholding. This is why government has sat back and watched exploitation of its people by unscrupulous industrialists” (*Fiji Times*, 17 Nov. 1990). Media attention also pressured the Ministry of Employment and Industrial Relations to investigate violations of the Fiji Employment Act and the Factories Act, particularly of health and safety regulations and the illegal employment of women in factories after 8 P.M. Official willingness to take action was slow. For example, although the Employment Ministry confirmed complaints that female workers from South Island Apparel were forced to work until 12:30 A.M. each night, officials did not prosecute, arguing that it was wrong to move against one employer when others might be breaching the act. The FTUC claimed prosecuting this case would be a deterrent: “It clearly shows the anti-worker attitude of the Labour ministry and the fact that it is protecting the employers” (*Fiji Labour Sentinel* 14 [93], Mar. 1991). Instead the ministry planned a nationwide investigation into garment workers’ hours.

The Fiji Public Service Association also pointed to the way in which collusion, based on political linkages, reinforced a unilateral style of industrial relations in certain government departments and statutory bodies. Allegations were made, for example, of collusion between government and the Civil Aviation Authority of Fiji management, when conciliation talks were suspended in December 1987 on “orders from the top” (*Fiji Times*, 31 Dec. 1987). Such political backing, FPSA suggested, made it impossible for the collective agreements in statutory bodies to be enforced (FPSA 1987a:3). Other complaints by the union implied that political considerations had led to prolonged delays in resolving grievances with the Public Service Commission and the Employment Ministry.

Government support of employers has been perceived as part of a strategy to break the power and influence of unions in Fiji. I have documented this more extensively elsewhere (Leckie 1991), but a brief reference can be made to attempts to fragment unions. Kevin Hince (1991) has also discussed the decline in union membership since the coups, although it should be noted that accurate trade union and labor statistics are difficult to ascertain. Membership and union strength were affected by fragmentation into new, usually but not always, ethnically based unions in which membership is restricted to indigenous Fijians

and Rotumans, such as the Fijian Sugar Workers' Union and the Air Pacific Viti Employees' Union. Reference has been made to the links among the Viti Civil Servants' Association (VCSA), senior management, and the Taukei Movement and the opposition most ethnically based unions had to strike action. The FPSA believed that the cessation of access to a roster of government employees was "because of Cabinet direction to protect the Viti Civil Servants union and not cooperate with the FPSA" (Chaudhry to Permanent Secretary, Finance, S12/2339, 17 Aug. 1989). Correspondence from FPSA members suggested to Chaudhry that it "is very clear that PSC staff have been asked from the top to divide the Association" through promoting the VCSA (FPSA files, 17 Aug. 1987).

The Registrar of Trade Unions has been significant in accepting or rejecting the registration of new unions and amendments to existing constitutions. The FPSA accused the judiciary of being in collaboration with the regime when the High Court ruled that the Trade Unions Act did not prohibit the formation of unions that cater to the interests of an ethnic group. This act, however, requires a rival union to command at least 50 percent of the potential membership if a union for the same group of workers is already functioning (FPSA 1990b:23); and the FPSA still had considerably more ethnic Fijian members than the total membership of the VCSA.<sup>6</sup> On the other hand, the FMWU and the FAGW experienced considerable delay in having their registrations approved. The FPSA resorted to threatening legal action when faced by delays of more than a year in registering amendments to its constitution to allow continued representation of workers in the new corporations of Fiji Post and Telecommunications Limited and the Ika Corporation. Chaudhry accused the registrar of "acting in concert" with the corporations to ensure company-sponsored unions would be registered (Chaudhry to Registrar of Trade Unions S10/625, 15 Mar. 1991).

### **Conclusion: National Sovereignty and Trade Union Rights**

The promulgation of the sugar and national economy decrees, amendments to trade union and taxation laws, and the industrial unrest in the sugar, gold-mining, and garment industries highlighted recent conflict between labor and the state in Fiji, and the political as well as economic bases to this conflict. Trade union rights, along with other political and material rights, have been central issues.

Both the interim government and unions derived many of their arguments from the economic strategies they advocated. The interim gov-

ernment pushed for economic restructuring with government “fiscal responsibility,” deregulation, and export-oriented growth, maintaining these were in Fiji’s national interests. Finance Minister Kamikamica justified these policies as part of the interim government’s charge to revive the economy (*Fiji Times*, 4 July 1991). Critics, however, suggested that the strategies he advocated and the predicted growth rates of 6 percent in the GNP over the next five years would mainly benefit only certain elite groups within Fiji and overseas investors. They argued that many of Fiji’s economic and social problems, intensified by the coups, were an inheritance from the practices of the former Alliance government. A lag of wages behind the cost of living, continued unemployment, exploitation of workers, and high levels of poverty have been emphasized. As noted by Rhoda Howard (1988:230-231), trade union rights are linked with material rights to subsistence and work, which means that union activities often become political. Chaudhry acknowledged the politicalization in response to allegations that FPSA officials were engaging in political activities.

As a trade union, the FPSA will continue to speak out against all forms of oppression--whether it be racial discrimination, denial of basic human and trade union rights or the imposition of political and social inequalities on any section of our community. If such expressions are construed as political interference in some quarters, then so be it. But trade unions have a duty to uphold human rights and the values associated with a free, democratic society, irrespective of the odds against them. (Letter to the *Fiji Times*, 13 Sept. 1988)

Unionists such as Chaudhry have emphasized that civil/political rights and economic/social/cultural rights are inseparable (cf. Howard 1983:488) but that neither were being adequately protected by Fiji’s interim administration. Many of Chaudhry’s critics asserted that he was motivated by purely selfish political ends and that indigenous rights have been strengthened since the coups. The protection of trade union rights, however, raised the issue of individuals’ having several identities, including those of ethnicity and class. “The preservation of social/cultural rights of community, therefore, is not enough. Individual civil and political rights are also necessary” (ibid.:482). The maintenance of civil and political rights is pressing in a society such as Fiji where the tensions between the state and organized labor cut across ethnic divisions.

Union criticism of the interim government’s handling of economic

and labor policy was not based only on performance and results but has repeatedly questioned the basis of the state's legitimacy. The FTUC maintained that all revisions to labor laws should be left to a parliament of elected representatives (*Fiji Times*, 1 May 1991). The council also suggested that annual national economic summits have served as public-relations exercises to legitimize proposals to amend Fiji's labor market and labor relations that have been unilaterally formulated, rather than going through consultative and negotiated procedures with the bulk of Fiji's unions. The FTUC, along with the coalition and other groups, has rejected Fiji's new constitution (ibid., 30 Nov. 1988). Although it guarantees the rights of trade unions to act together to protect their own interests, these rights can be suspended if a small majority of Parliament votes to give special powers to the president to declare a state of emergency if Fiji's security or the economic life of the country is threatened. Under the new constitution the military has responsibility for the "security, defence and well being of Fiji and its peoples." Consequently the FTUC maintained that it had a legitimate right to assess constitutional matters, as the trade union movement's "existence and effectiveness will depend very much on the freedoms which the society is permitted under a constitutional framework" (FPSA 1989a). Trade unions have therefore argued that any further curtailment of the collective rights of workers would be a serious threat to individual and human rights.

Much of the tension between Fiji's interim regime and local and international labor organizations was generated by the issue of who may determine rights for trade unions and the legitimacy of the state in this role. Although Fiji has been a signatory to several international labor conventions, many have been breached. Fiji has had no official government representative at the ILO since 1985. Trade unions within and outside Fiji have made several representations to Fiji's government and the international community over the detention and harassment of trade unionists and concerning other measures to erode trade union rights under the military regime (Leckie 1991). Interim Labor Minister Veitata dismissed the unions' actions as "a direct interference in the sovereignty of this nation" (*Fiji Times*, 25 June 1991). His claim that government should be free to administer its affairs "without interference from inside or outside" clearly conflicted with the rights--both trade union and political--that the unions claimed they were legitimately entitled to. Hans Engelbert, general secretary of the Public Services International, reminded Veitata that Fiji's "membership of the ILO and our recognition under the ILO Constitution allow us to take such initia-

tive to protect the rights of our affiliates and this we shall certainly continue to do in any part of the world where the trade union rights of our members are threatened" (Engelbert to Veitata, 3 Aug. 1989).

International condemnation of breaches of trade union and human rights was particularly forthcoming while organized labor questioned the legitimacy of the interim administration to uphold the interests of workers in Fiji. Labor's rationale came under criticism once trade unions decided to lift a boycott and contest the 1992 general elections. Although the Fijian Political Party, successor to the Alliance Party, won most seats, the FLP led by Chaudhry secured thirteen seats. This gave the FLP some power in negotiations over whether Kamikamica or Rabuka would gain labor's support. Largely as a rejection of Kamikamica's economic policies and with an apparent readiness by Rabuka to address the concerns of exploited workers, the FLP supported Rabuka. This was conditional upon an immediate review of the new constitution, steps being taken to revoke the labor reforms and value-added tax, and the start of negotiations on land tenure. To date, these promises have not been met.

By 1992 organized labor had a voice in Parliament, but the economic restructuration set in motion by the interim administration was firmly in place. The growing integration of Fiji's economy with the international market could be perceived as a threat not only to trade union rights but also to national sovereignty: "the process of structural change to National economies is exposing workers, unions, and whole communities to the impact of an increasingly hostile free market ideology that threatens not only the traditional values of the Labour Market, the rights of workers but the sovereignty of Countries themselves" (*Pacific Unionist*, Apr. 1991).

The interplay of local and international economic changes, the various "rights" and class interests, and the uncertainty of the political structure in Fiji will undoubtedly unleash further struggles between labor and the state, both in the workplace and in the political arena.

## NOTES

This is a revised version of a paper presented to the Pacific Islands Political Studies Conference, Melbourne, December 1991.

1. The Alliance Party was dominated by Ratu Sir Kamisese Mara and high chiefs. Most of its support was from indigenous Fijians although it did secure support from "General Electors" (local Europeans) and some of the Indo-Fijian elite.

2. There is now a vast literature on the coups. For two contrasting views see Howard 1991a and Scarr 1988.

3. Fiji's links with international trade unions are discussed in detail in Leckie 1992b. See also Leckie 1991.

4. For example, Sakeasi Waqanivalagi, general secretary of the Fiji Mine Workers' Union from 1962 to 1972 and president of the FTUC until 1972; Mohammed Ramzan, secretary of the FTUC from 1960 to 1972; and Jonati Mavoia and Charles Walker, ex-presidents of the Fiji Public Service Association.

5. *Taukei* refers to the indigenous people of Fiji, and also refers to the Taukei Movement, a group that took an extreme stand on the primacy of indigenous political domination. This belief led to efforts to destabilize the coalition government before the 1987 coup.

6. In 1990 the VCSA claimed to have 1,110 members, although other union sources suggest that this might be an exaggeration. The FPSA had 4,384 members in 1990.

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