

International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations



*Rampe du Pont-Rouge, 8
CH-1213 Petit-Lancy (Switzerland)*

*TEL: + 41 22 793 22 33
FAX + 41 22 793 22 38*

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OPEN LETTER TO ALL MEMBER STATES OF THE INTERNATIONAL SUGAR ORGANIZATION

CONCERNS: call to ISO member states to withhold the chair of the ISO from Commodore Bainimarama, Prime Minister, Fiji

On the occasion of the 21st seminar of the International Sugar Organization (London, November 27-28, 2012), the IUF, the global trade union representing workers across the food chain including throughout the sugar sector, wishes to call to the attention of ISO member states press reports stating that the Prime Minister of Fiji, Commodore Bainimarama, will be confirmed as chair of ISO during this seminar.

The IUF believes that giving the chair of an international organisation like the ISO to a military dictator like Commodore Bainimarama will bestow legitimacy on a deeply anti-democratic and authoritarian regime and bring ISO into disrepute. We also believe that recent decrees in Fiji undermining labour fights are in breach of ISO statute Article 29 which obliges member states to maintain fair labour standards in their sugar industry.

In 2011, the IUF approached the ISO to raise concerns about the on-going attack on labour rights in Fiji, in particular in the sugar sector. We received a reply from the Executive Director of ISO informing us that that, "members of the International Sugar Agreement of 1992 are subject to Article 29 of the above mentioned agreement regarding labour standards. As far as Fiji is concerned a process leading to democratic elections is in motion"

However, to-date the Fijian military's moves with regard to constitutional reform and elections are deeply flawed. Indeed, the head of the Constitutional Reform Commission stated that there was 'massive interference' from the Prime Minister's office in the work of his Commission, and that it had been subject to a 'kind of harassment' by the regime. The Prime Minister also recently issued Decree 64 of 2012, amending the Terms of Reference of the Commission, and shortening the period provided for the Commission to hold public consultations on the draft Constitution. It also is no longer empowered to review all existing laws that violate

fundamental provisions of the Draft Constitution. The regime has also put forward 'non-negotiable matters', including immunity for all actions by members of the military regime from the 2006 coup to the first sitting day of the new parliament.

The regime continues to issue decrees that seriously violate international standards on labour rights and are in direct contradiction to the commitment required of ISO members under Article 29 of the International Sugar Agreement (ISA) to ensure fair labour standards. Some of the decrees also eliminate all access to judicial review and redress for past, present and future violations of those rights or to question the legality of the decrees themselves. These sweeping reforms were made without any prior consultation with the relevant trade unions.

These decrees include the Employment Relations Amendment Decree of 2011 (Decree No. 21) and the Essential National Industries Decree of 2011. The first amended the Employment Relations Promulgation (ERP) of 2007 to exclude all public service workers from its coverage. Roughly 15,000 workers in Fiji's public service lost the fundamental labour as a result. It also prohibited public service workers and their unions from taking any claim under the ERP before any tribunal. The latter decree provided that all companies in the finance, telecoms, civil aviation and public utilities sectors were "essential". Under the decree, collective bargaining agreements were torn up and some local unions were completely eliminated. These measures, as well as the elimination of dues deductions in the public sector and in essential industries, have struck a severe blow to workers' rights and their institutions.

In September 2012, an ILO delegation, in Fiji at the invitation of the government to investigate complaints about labour rights abuses, was expelled by the government when it refused to accept government proposals to change the object and purpose of the mission.¹ The on-going violations, combined with the expulsion of the mission, resulted in sharp rebuke by the ILO Governing Body through a tripartite resolution in November 2012.² Days later, the Committee on Freedom of Association designated Fiji as a "serious and urgent case".³

The IUF believes that the Fijian Government is in breach of its obligations under Article 29 of the International Sugar Agreement. We are therefore calling on you as members states of ISO to:

- withhold the chair of the ISO from Commodore Bainimarama, and
- refuse to hold any meetings in Fiji until labour rights are respected and democracy is restored.

Yours sincerely,



Ron Oswald
General secretary

¹ http://www.ilo.org/global/standards/information-resources-and-publications/news/WCMS_189933/lang--en/index.htm

² http://www.ilo.org/gb/decisions/GB316-decision/WCMS_193325/lang--en/index.htm

³ http://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_193200/lang--en/index.htm