



Statement on the Legal Practitioners Decree 2009 Fiji

The Commonwealth Lawyers Association (CLA) is a pan – Commonwealth professional association of lawyers and exists to maintain and promote the rule of law throughout the Commonwealth.

The CLA condemns the Legal Practitioners Decree 2009 issued by the military government in Fiji on 22 May 2009 removing the licensing and disciplinary functions of the Fiji Law Society (FLS). These changes strike at the heart of the independence of the legal profession and raise serious concerns about the ability of the legal profession in Fiji to remain independent and to and perform their duties without fear or favour.

The CLA is alarmed that, in accordance with the provisions of the Decree, the Chief Registrar, a government employee, has been appointed to take over the issuing of practising certificates. This is an important function of any law society which should remain independent and free from any potential interference by the executive or parliament.

The CLA is concerned that the Decree has also established an ‘Independent Legal Services Commission’ to hear complaints against lawyers in Fiji. The Legal Practitioners Act (1997) provided adequate disciplinary procedures for which the FLS had primary responsibility. Establishing a new Commission whose decisions might be perceived to be biased and unfair given the control of the same by the military government is objectionable. The CLA is also disturbed by reports of a raid of the FLS premises by representatives of the military government and the subsequent removal of confidential files relating to disciplinary proceedings.

Together with steps already taken by the military government in excluding the FLS from the Judicial Services Commission (JSC), the latest changes are yet more evidence of a serious and sustained attack on the independence of the legal profession in Fiji. They also represent a further demise of respect for the Commonwealth’s fundamental values of democracy, good governance, human rights and the rule of law.

The CLA reiterates previous calls for the military government to immediately abide by the unanimous ruling of the Fiji Court of Appeal on 9 April 2009, to dissolve the military-backed civilian regime and return the country to democracy in accordance with the Court’s judgment by which it is bound.

The CLA pledges to continue to support of efforts by the FLS to maintain the independence of the judiciary and to promote democracy and the rule of law in Fiji.

Commonwealth Lawyers Association
28 May 2009