



## **FIJI TRADES UNION CONGRESS**

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**YOUR REF:** .....

**NATIONAL SECRETARY:** Felix Anthony

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### **FTUC MEDIA RELEASE NO: 19-06/12 CONSTITUTIONAL REVIEW PROCESS**

The Fiji Trades Union Congress is somewhat concerned at the announcement made by the Prime Minister on the "new constitution" for Fiji. It appears from the announcement that the process is going to be an elaborate one which would be time consuming and costly. We remind ourselves that this is the fourth occasion that this country is going down this path to write up a new constitution which we have shown little respect for in the past let alone uphold it. We admit that no constitution was perfect but we are aware of dealing with the imperfections in a lawful manner to bring about change and not in the manner that we embark on now after five years of military rule.

We believe that there is no need to reinvent the wheel by writing up a new constitution. The 1997 current Constitution which was adopted by an elected Parliament need amendments that could include the values and principles outlined by the Prime Minister, none of which is objectionable. Some of these values are ingrained in the current Constitution like a secular state (Chapter 1)

Social Justice (Chapter 5), Elimination of Discrimination (Bill of Rights Chapter 4), Independent Judiciary (Chapter 9), Transparent and Accountable Governance (Chapter 10 and 11), while others need inclusion. This process need not take one year.

We believe that the phrase "non-negotiable" is inappropriate in the circumstances as there really should not be any negotiations, the values and principles stated need to be put in practice by the regime and now is the time to do it. We have seen no social justice with the PER, the Public Order (Amendment) Decree, The Essential National Industries Decree and all anti Trade Union decrees that have been imposed. We have seen no effort by the regime to ensure good and transparent governance. We have seen no effort to remove discrimination nor have we seen an independent judiciary, due to lack of transparency in appointments and terminations. Freedom of the media and speech is vital and all restrictions must be removed immediately. It is not too late for the regime to put into practice these principles and values it insists are "non-negotiable". Then only will it show the world that it is indeed serious about such values.

Public education, as the Prime Minister states, is important. But we believe this education must start with the military and the "disciplined forces" who are charged to uphold the Constitution and protect all citizens of Fiji. After all, their oath when taking up office is to uphold the Constitution and not thrash it when it does not suit them. The common people of Fiji have had enough education on Constitutions and are probably most educated in the region in that area. We note

that the Prime Minister has omitted the most crucial issue that should be on his "non negotiable" list and that is the role of the military and it should have no powers to usurp the powers of an elected Government. This is also a "universally recognised and aspired to" principle.

The FTUC is concerned that all aspects of the review is not fully covered by the announcement. We believe that the Prime Minister needs to spell out clearly the make up of the "Constituent Assembly" the process and procedure to be adopted by such an Assembly. This is critical to ensure that the process is going to be credible. The PM has also omitted his commitment to the people that no current member of Government will be eligible to stand for elections unless they resign a year prior to elections.

The FTUC calls upon the Regime to expedite the review process and call for elections without delay and well before 2014. There is no justification to prolong this process and have people of Fiji suffer for another 2 years. The Government must be returned to the people without undue delay.

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**National Secretary**

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