



FIJI TRADES UNION CONGRESS

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Constitution Report Secret

The FTUC has consistently raised its doubts and fears about the legitimacy of the Constitution Review Process and that whether the will of the people will be correctly reflected in the final Constitution. Clearly while the Review Commission has received overwhelming number of submissions, there has been no public debate on crucial issues such as the electoral system, immunity, role of the military, GCC etc. The media has failed to play its part in this important process, partly because of the threats from the regime and fear of losing its license to operate. There has not been sufficient debate on any of these issues and this is unacceptable.

We are mindful that Decrees 57 and 58 clearly state that the report must reflect the will of the people but then also imposes a condition that certain issues are "non-negotiable" irrespective of what the people think; a contradiction that undermines our road back to democracy that was overwhelmingly condemned by many in their submissions to the Commission including the FTUC. Unfortunately, the international community on our behalf saw Decrees 57 and 58 as "progress". We are now in a position to see our fears being realised with the recent actions of the regime.

The imposition of Decree 64 clipped the wings of the Review Commission taking away its powers to review all laws that conflict with any provisions of the report or international standards and to disallow any public consultations on the report. Once again we have witnessed the same trend as we witnessed before. The PER was revoked much to the acclaim of the international community and some within Fiji only to be replaced by a more draconian Decree called the Public Order Amendment Decree (POAD) a few days later. Here we have many claiming that Decrees 57 and 58 meant real progress towards democracy only to be again slapped with Decree 64 clipping the wings of the Review Process seriously raising questions on the legitimacy and transparency of the process.

The recent cancellation of consultations by the Review Commission with stakeholders and the directive to stop the printing of the Commission's Report must be condemned by all who believe in transparency and accountability to take Fiji back to real democracy where the will of the people remain supreme. The FTUC condemns such actions and calls on the Regime to make public the report for public debate so that any persons appointed to the Constituent Assembly will be aware of the people's position on important

matters. In this regard we call on the regime to revoke provisions of the POAD requiring permits for meetings so that the people can freely debate issues.

We remind the people that the Constituent Assembly will not be an elected body that will have the mandate of the people but rather the mandate of the military-led Government.

The FTUC also is concerned that the expressions of interest called by the Regime from people to serve on the Assembly has a pre-condition. The regime requires all who wish to serve agree with the "non negotiable" issues stated in Decrees 57 and 58. This means that there must be no alternative view on these matters in the Assembly and that the matter cannot be debated. The FTUC therefore questions the entire process and its legitimacy citing lack of transparency and democracy. If such preconditions are accepted, the Assembly will be reduced to a talk shop and rubber stamping of the military's agenda.

The FTUC calls upon the regime to reconsider the process put in place and ensure that the process remains credible and that the will of the people is truly enshrined in the new Constitution. The Military and those that support the regime have nothing to fear if they know and are convinced they have done no wrong. They will have no difficulty defending any claims if they have done no wrong. The recent maneuvers by the Regime tells us all that they are not at all confident that they have done no wrong and their only insurance is to remain in power. The military submissions on the Constitution confirm this.

The FTUC reiterates that the military has no business in politics and must refrain from making any pronouncements in this arena. It must remain subservient to an elected Government as in all real democracies. This is the only way we can ensure no more coups.

A handwritten signature in blue ink, appearing to read 'Felix Anthony', written over a light blue grid background.

Felix Anthony
National Secretary