APPENDIX I

The Constitution of the Republic of the Fiji Islands

The Constitution was promulgated on the 25th of July, 1997. At a solemn ceremony at Government House, His Excellency the President of Fiji Ratu Sir Kamisese Mara, signed the bill into law. The Constitution formally came into effect on the 27th of July, 1998.

The Constitution grew out of a requirement of the 1990 constitution that it be reviewed after a period of time but before the end of seven years after its promulgation. An independent Commission was appointed to undertake the review. It travelled extensively throughout Fiji to hear and receive submissions from individuals and groups.

The Reeves Report which received wide acceptance from the different communities and groups that make up the nation was the result of wide consultations the Commission had with the people of Fiji.

The Joint Parliamentary Select Committee on the Constitution also played a significant role in its valuable deliberations on the findings of the Reeves Report.

In essence the Constitution (Amendment ) Act , 1997 is built on the fulfillment of the unanimous wish of all leaders in Fiji, that progress should continue in creating for the citizens a society where people can live in peace and security. It is also an affirmation of the strive for and promotion of a harmonious coexistence in a multiethnic society like Fiji.

The Constitution consists of a preamble which places it, in its historical context and outlines significant events in Fiji's constitutional history.

A framework for the conduct of government in Fiji is provided in a social compact amongst various communities and groups in the nation.

The Constitution significantly guarantees the basic rights and freedoms of the people. Among the rights and freedoms guaranteed, are the freedom of expression, freedom from unreasonable searches and seizure, the right to a fair trial and equality before a court of law, freedom of religion and belief, privacy and assembly. These are clearly expressed in the new Bill of Rights which takes into consideration an understanding and expression of fundamental rights under international law.

The Constitution further provides that in this regard the Office of the Ombudsman is to be responsible for addressing human rights issues.

Provision is made in the Constitution for an elected House of Representatives and an appointed Senate.

A significant change from the 1990 Constitution, is the inclusion of a number of open seats, in addition to communally elected seats. In the allocation of communal seats, indigenous Fijians will have 23 seats, Indians 19, Rotumans 1 and General Electors 3. Open seats will make up the balance of the 71 members of the House of Representatives.
The Constitution also sets out that the Senate is to consist of 32 members of which 14 are appointed by the President on the advice of the Bose Levu Vakaturaga, (Great council of Chiefs) 9 appointed on the advice of the Prime Minister, 8 appointed on the advice of the Leader of the Opposition and 1 appointed on the advice of the Council of Rotuma.

The maximum term of the House of Representatives is 5 years and likewise the term of the Senate expires on the expiry of the House of Representatives.

The executive authority of the State is vested in the President who is appointed by the Bose Levu Vakaturaga.

The President, based on his own judgment, appoints the Prime Minister, who, in his opinion can form a government that has the confidence of the House of Representatives.

The Constitution therefore provides that anyone of any racial group can become Prime Minister of Fiji.

Another significant and new development in the Constitution is the establishment of a multiparty Cabinet which should reflect a fair representation of the parties represented in the House of Representatives.

Issues of accountability in government are also addressed with the establishment of a code of conduct for Ministers, Members of Parliament and senior public officials.

The adoption by the Constitution for the enactment of a law relating to freedom of information will allow members of the public rights of access to official documents of the government and its agencies.

The Constitution recognises the protection of Fijian rights and interests and the Agricultural Landlord and Tenant Act.

It further respects and recognises the Bose Levu Vakaturaga as the highest institution for the protection of Fijian interests.

Legislations relating to these cannot be amended unless there is approval from the nominees of the Bose Levu Vakaturaga in the Senate or with special majorities in the Parliament.

Amendments of the Constitution however, would require two-thirds majority support by both Houses.

Mr Chairman

Honourable Colleagues:

I should like to begin by adding my own sincere thanks to the distinguished Prime Minister of Japan, Hon Ryutaro Hashimoto, and his Government, for their very positive and constructive initiative in convening this meeting. When I received the invitation to the Summit, I had no hesitation in deciding to come, not only because we in Fiji have always greatly valued our relationships with Japan, but also because we welcome Japan's increasing involvement and participation in assisting and supporting development, both in individual Pacific Island Countries, and in regional organisations and programmes. I should also add that we in Fiji look to Japan, and we welcome its role, in speaking for our region, and in promoting and safeguarding our collective interests, in important international forums like the Security Council of the United Nations, the World Trade Organisation, and regional associations like APEC.

Mr Chairman, in explaining the economic situation in Fiji, I could encapsulate this in one sentence. We are doing reasonably well in our economic and social development; but we could do better; and we could do better in realising Fiji's full development potential if we learnt from the development policies and approaches of the dynamic economies of East Asia and South-East Asia, in which Japan is, without question, the leading performer.

To elaborate on this, the relevant question to ask is; what exactly are we trying to do in Fiji?

As the Head of Government in Fiji, I am committed to two fundamental objectives. First, from our diversity as a country with many ethnic and cultural communities, and many sectional interests, I am committed to creating in Fiji an environment that brings everyone together in a spirit of mutual trust, mutual love and mutual care. For I believe it is only in this way, that we can succeed in promoting lasting peace, unity and harmony. I believe we cannot achieve sustained economic and social progress if people feel uncertain about their future as individuals or members of a particular community, or if they do not feel secure about the safety of their families or their investment. People know their rights and responsibilities. They want to be recognised and appreciated for their human worth. Constitutionally guaranteed equal rights and fundamental freedoms, and equality before the law, are not enough. People want to live in a society that treats them fairly, where they feel there is justice, and where they and their families can live a secure life in freedom and dignity, and, if I may add, in a clean physical
environment, and a friendly and safe environment. It is with this commitment, Mr Chairman, that my Government took the lead in the review of Fiji's Constitution, and I am pleased to say that the review has been successfully accomplished, with the unanimous support of our Parliament and the endorsement of our traditional leaders, in the Great Council of Chiefs. With the same degree of commitment and leadership, we are now focussing our attention on the resolution of land issues in Fiji. As on our Constitution, what I and my Government are committed to, is to develop a solution that fairly accommodates the interest of everyone, and that is the proprietary interests of the land owners, the interests of the tenants for more secure leases and the resettlement of those who have no land. The satisfactory resolution of all land-related issues is crucially important to the future of our sugar, tourism, mining and forestry industries, which are the mainstays of Fiji's developing economy.

Another important component of our resolve to create a positive national environment for steady and sustained economic and social progress is our commitment to tackle the problem of increasing crime. We are doing this by reinforcing the strength and capability of our various law and order enforcement authorities.

Government is also promoting more consultations with employers' and workers' representatives, and the increased involvement of women in national decision making. All these are part of our efforts to create in everyone in Fiji, and by this, I mean, the ordinary citizens and entrepreneurs alike, greater positive feelings of certainty and security about their future. Without these, there can be no sustained economic growth and progress in Fiji.

Mr Chairman, I said earlier that I have two fundamental objectives in my national leadership responsibilities in Fiji. The second core objective I am committed to as Prime Minister, is to promote increased economic and social development opportunities for our people. In other words, jobs for the close to 13,000 young people who leave our school system each year, and better working or business conditions, including higher wages and earning, for those already in employment, or who are engaged in an established business. In essence, our approach is to maximise the growth in peoples' income throughout Fiji, by giving everyone who is willing to work, and to work hard, either in working for others, or in starting and running a business, the opportunity to earn more. They would then have the necessary purchasing power to provide, as best they can, a reasonable standard of living for their family. We want each family to have a home of their own, better education for their children, access to the best in health care, and other necessities of life. At the national level, my Government has set specific targets in its commitment to create opportunities for the people of Fiji.

For example, we are targeting a sustained real economic growth rate of 3% of GDP per annum. In promoting growth in employment
opportunities, in both the formal and informal sectors, our target is to provide gainful employment for at least 95% of our total labour force. Our social objectives include continued improvement in the health and education standards of our people. We want to further increase life expectancy at birth to at least 75 years by the year 2000. On education, we want to ensure a minimum primary and secondary school enrolment of not less than 88%. For the most vulnerable in our society, that is, those with the lowest level of personal income, who are to be found in our rural areas and other islands, our goal is to take development to where they are, and create increased income earning and generating opportunities for them. For those in these rural communities, we want to help them increase their household by the beginning of the new millennium.

Mr Chairman, our various strategies to achieve these policy goals and targets are set out in a National Policy Action Plan. Because of time limitations, I shall leave details of this Action Plan to my contribution under our next agenda item.

However, in concluding, let me again say that our success in Fiji in promoting sustained growth and development directly depends on the foundation we are laying today - for harmonious co-existence and for mutual prosperity for all communities and citizens in Fiji. There is, of course, an external factor, as we are all part of the global community, but that I will cover in the agenda item to follow.

SOURCE: Economic Situation in Pacific Island Countries Speech by the Prime Minister, Hon. Major-General Sitiveni L. Rabuka, OBE(Mil), OStJ,MSD, on the Situation in Fiji at the Japan-South Pacific Forum Summit, Tokyo, 1997.