

# **H.E. RATU EPELI NAILATIKAU - ADDRESS TO THE NATION ON FIJI'S CONSTITUTION**

Ministry of Information  
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The Honourable Prime Minister,

My fellow Fijians

Bula Vinaka and Good Evening to you all.

As you are all aware, the Constitution Commission chaired by Professor Yash Ghai presented the Draft Constitution to me on Friday 21st December 2012. This Draft Constitution is what I shall refer to as the Ghai Draft in my address to you tonight.

You are also aware that the Ghai Draft was handed to me immediately after the onslaught of Cyclone Evan in Fiji.

After the Cyclone, it was evident that all Fijians from all walks of life, irrespective of their geographical location or religious or cultural background, were affected by this natural disaster. It was also evident that all Fijians rallied together to help each other and with the assistance of Government are rebuilding their lives and rebuilding our beautiful country.

In my travels throughout Fiji both before and after the Cyclone, it is apparent that ordinary Fijians simply want to get on with their lives. They want to see improved standards of living. They want jobs. They want development. They need access to good infrastructure. They want prosperity and they want a bright future both for themselves and their children.

Whilst the Prime Minister's Government is addressing these issues and with success, this development agenda needs to continue and be given primacy under the new parliamentary system of Government. We cannot lose the momentum.

Therefore under the new Constitution, we need structures of governance and institutions that will address these needs and desires of our people. The overwhelming submissions on everyday issues made to the Ghai Commission are a testimony of this concern.

My fellow Fijians, we need a constitution that is not only drafted for tomorrow, or next year or even 10 years. We need a constitution that is enduring and that will sustain the tide of time.

The Australian constitution which was drafted over 110 years ago has only had 8 amendments to it since its inception. It has endured the test of time.

It is also critical that the constitution that we adopt must have the fundamental principles of democracy, good governance, accountability, human rights and transparency enshrined in it.

We need a small non-corrupt but efficient and responsive Government that is accountable.

Our Constitution must focus on the development of the individual. It must recognise our rights as individuals, and preserve our individual identity regardless of our ethnic, linguistic, religious and geographical makeup. By giving civil and political and also socio-economic rights, we will not only protect individuals but nurture them.

Therefore, we cannot allow elitism to take place. We cannot as in the past allow unelected people to make decisions for the rest of the general public in the new parliamentary system. As we have seen in other countries, we need common and equal citizenry. We need a merit based society. We need to remove discrimination. We need to remove extremist politics.

We can no longer pander to the old school of thought that one ethnic group is always under threat from another. Let us call a spade a spade. Politicians of old perpetuated the myth that the iTaukei were under threat from Fijians of Indian descent. This created a confrontational approach to our political and social landscape and had a disastrous impact on developing nationhood and growing our economy.

Even the Ghai Commission in its explanatory report recognises this. It also notes that the so called protective mechanisms through the creation of what were called native institutions in fact extenuated differences and prevented the growth of our people and our country to cope with the rapidly changing world.

Accordingly, in order for us to forge ahead, we as a people, we as a country must break away from the shackles of the past or any remnants of them.

Unfortunately many of the provisions of the Ghai Draft positions us in the past. It has unfortunately perhaps succumbed to the whims of the few who have an interest in perpetuating divisions within our society.

A Constitution cannot be drafted simply with the view to negotiate between different political interests. It would appear that the Ghai Draft is such. It would appear that it was prepared to be seen as an appeasement. Rather, it should be positive, future-based and enduring.

It also neglected many of the fundamental principles of true democratic representation as presented through the Peoples Charter which I have endorsed. The Peoples Charter, as you will recall, was endorsed by over 60% of the Fijian population.

It is therefore very disheartening and indeed it is an anathema to democratic representation that the Ghai Draft allows for, at the very least, a 144 member body of unelected people deciding on key issues pertaining to the people of Fiji. These 144 unelected people would be on top of the proposed 71 seat Parliament. A total of 215. By way of comparison, New Zealand with a population base of 4.5 million people has only one house of 121 members.

The Ghai Draft also purports to undo many of the changes brought about by the current Government. For example, it includes the undoing of the Natadola projects and the Momi projects which have in fact protected the investment of all FNPf members of Fiji. The Ghai Draft can lead to financial and economic catastrophe and ruin.

The Ghai Draft also proposes a transitional cabinet following the issuance of a writ for elections which will allow former senior civil servants to become ministers of Cabinet. How is this possible when some of these former senior civil servants were corrupt and possible

criminal charges are pending against them? Indeed some of them have been convicted or are being investigated. Many of them were simply incompetent.

The Ghai Draft is also very bureaucratic and creates many institutions that would create inefficiency and require an oversized bureaucratic structure.

There are however a number of positive aspects to the Ghai Draft. For example, the provisions on fundamental rights including socio-economic rights, good governance and accountability, independence of the judiciary are most appropriate. There are also many positive aspects of the Ghai Draft that should be incorporated into specific law, rather than in a Constitution itself.

Taking into consideration the key observations of the Ghai Draft and the need to ensure that our transition to parliamentary democracy is smooth, focussed on development and enshrines actual representation and is not marred by extremism or disruptions, I have had discussions with the Honourable Prime Minister on the way forward.

I have asked the Honourable Prime Minister to extract the positive elements of the Ghai Draft that will create true democracy, accountability and transparency and infuse into it, the key elements of the Peoples Charter and internationally accepted practices and standards and formulate a new Draft Constitution for me to present to the Constituent Assembly.

Today I have assented to the amendment of the Decree on the Constituent Assembly to allow for this process to take place.

My fellow Fijians, the new Draft Constitution must be based on the principles and values that I have highlighted.

I will now ask the Honourable Prime Minister to outline the process that is to be followed.