

In a joint statement issued today (31 December), the main political parties in Fiji, the SDL, FLP and UPP have unanimously endorsed the Draft 2012 Constitution. The statement said that the Parties having perused a copy of the draft constitution and supporting documents presented to the President by the Chair of the Constitution Commission Prof Yash Ghai, were satisfied that the **people's views and submissions** had been **fairly reflected** in the document. While there may be some areas of concern on a small number of issues, on balance the party leaders felt it was a constitution they could work with. The draft constitution provides a sound basis for the **governance of the nation** based on the **universal principles** of respect for and the **protection and promotion of human rights**.

Particularly commendable is an extensive and comprehensive **Bill of Rights** section which protects the individual freedoms and rights of all citizens including a special focus on the **rights of children** and the **elderly**, the Party Leaders said. The draft constitution has a number of other innovative features which address issues of significant concern to the people of Fiji. Checks and balances have been put in place to curb **abuse of office** and to ensure **good governance** through measures which require full **accountability** and **transparency** in the formulation of government policies and administrative practices. It also spells out a **Code of Conduct** for the holders of high public office.

The recommendation for the establishment of various independent Commissions such as the **Ethics and Integrity Commission**, the **Constitutional Offices Commission** and the **Police and Corrections Commission**, are designed to stamp out corruption and abuse of office. While **media freedom and freedom of expression** is guaranteed and protected, the draft constitution emphasizes the need for a responsible and accountable media and requires Parliament to establish an independent regulatory body to oversee standards and monitor compliance. The Leaders said the document recognized and guaranteed the **trade union rights** of workers and places strong emphasis on the **welfare of the deprived in society**.

The **Great Council of Chiefs** has been recognised as an advisory body on **i-Taukei affairs** and a custodian of **i-Taukei culture and traditions**. The creation of a **National Consultative Land Forum** is welcomed as it will focus primarily on reconciling the divergent interests of the landowners and tenants for their social and economic advancement as well as that of the nation as a whole. The peoples' right to education, economic participation and an adequate standard of living is emphasised in the draft constitution requiring the State to take reasonable measures for the progressive realization of these goals

The chapter on **Justice and the Rule of Law** is comprehensive with due emphasis placed on the **absolute independence, impartiality and competence of the judiciary**. Access to the Courts is unrestricted giving people freedom to initiate court proceedings if they feel any law, act or omission is contrary to the Constitution. A welcome feature on the preservation of laws is one that **voids the provision in any decree promulgated by the regime that ousts the jurisdiction of the courts or tribunal**, as of the date that decree was made. The regime has issued a number of decrees that either restrict or totally remove the peoples' right of access to the courts. **These decrees are made null and void under the draft constitution**.

The Leaders express their **thanks and gratitude** to **Professor Yash Ghai and his commissioners and**

staff for a commendable job done under extremely difficult circumstances. They **apologise** to Professor Yash Ghai for the **personal abuse and degrading treatment** he was subjected to over the confiscation of 600 printed copies of the draft constitution and the burning of various copies in front of him. The Leaders **denounce such barbaric and shameful behavior by the security forces, typical of the misguided few who cling to power without the legitimate consent or mandate of the people of Fiji.** Such acts do not reflect the normal behavior of the good people of Fiji. Leaders **deplore the secrecy** that surrounds the draft constitution. They call on the regime to immediately **release it for public discussion and debate** within their own organisations and communities as it is a **peoples' document.**

It is to be noted that the public consultation process on the draft constitution provided for under Decree 57 was rescinded by Decree 64 issued on 31 October 2012.

The people of Fiji have every right to know what is in the draft constitution before it goes to the Constituent Assembly for debate. Meanwhile, the Leaders call on the **security forces** to desist from ***issuing intimidatory statements on the draft constitution.***

Ratu Jone Kubuabola, Member Executive Committee, Soqosoqo Duavata ni Lewenivanua Party,
Mahendra Chaudhry
Leader, Fiji Labour Party,, **Mick Beddoes** President, United Peoples Party

Editor: Hedging their Bets: The **NFP**, we are reliably informed, has opted not to sign the Joint Statement which condems Professor Ghai's ill-treatment in Fiji - the difference, we understand, was on timing and a campaign strategy for greater impact.