



**RESPONSE BY THE NATIONAL FEDERATION PARTY WHIP
TO THE MOTION TO THANK HIS EXCELLENCY THE
PRESIDENT FOR HIS MOST GRACIOUS SPEECH
PARLIAMENT OF FIJI
THURSDAY, 14 SEPTEMBER 2017
BY HON PREM SINGH**

Madam Speaker before I start speak on the Motion to thank His Excellency the President for his most gracious address, allow me to thank the honourable Attorney General for acknowledging that one of our former Leaders Siddiq Moidin Koya achieved a political compromise with the then Prime Minister Ratu Sir Kamisese Mara that resulted in the 1970 Constitution.

Madam Speaker, that political compromise was the beginning of many compromises that resolved political conflicts in the national interest and resulted in monumental achievements through negotiated settlements.

Indeed the 1997 Constitution that he is now critical of and supported its abrogation was a product of such political compromise.

If I remember correctly Madam Speaker, the Honourable Attorney General was highlighting its salient provisions on Fiji Broadcasting Commission in a weekly program in the years before the 2006 coup.

And Madam Speaker I wonder who was the legal advisor of the Alliance Party or the National Alliance Party of Fiji that the honourable Attorney General referred to while talking about the 2006 elections?

One should not criticise political compromises achieved through legal and legislative framework. The 2013 Constitution, like the 1990 Constitution are not products of political compromises but were born out of a coup and imposed documents.

Madam Speaker, I also join other honourable Members in thanking the President for his most gracious speech. However, I am disappointed but not surprised that the message of unity, togetherness and inclusivity has been ignored by the ruling party.

The message I get from them is loud and clear – it is “My Way or the Highway” – they are the patriots and only they have the ability and right to govern after the 2018 general elections and that the Opposition is incapable of governing our nation.

Most importantly I feel that the other side is not a team but a collection of individuals who are vociferously campaigning for votes individually because they know that their Leader will be promoted as the single candidate during the elections.

I don't blame them because the electoral system is such. If the system was to elect the top 50 vote getters in Parliament, then Fiji First would not have been in government. So the tone of their speeches is unsurprising.

And no prizes for guessing their praise of the Constitution and their Leader – they are trying to make an impression in order to be once again endorsed as candidates. Essentially, their political future hangs in the balance because for many of them life after politics will be extremely difficult.

Also, Madam Speaker, Government thinks it has a monopoly on ideas that it thinks are best for Fiji. No one political party, Leader, person or organisation has a monopoly on policies. In a democracy, no one single point of view must prevail.

Madam Speaker, for this week we have heard time and time again from Government Members that the Opposition which is critical of the Constitution are hypocrites and should not contest the elections under this Constitution.

Madam Speaker, it will be interesting if the same analogy is applied to the Prime Minister's right-hand man who will be by his side for the elections. The honourable Attorney General himself clarified in Parliament yesterday in response to my colleague Hon Chand that he protested against the 1987 coup and the then interim government.

We know that he was one of a group of 18 activists who was arrested and charged by Police for holding a meeting without a permit. We know that this charge was wrong. Together with the 18 activists, he was exercising his right to protest.

But to my wonderment, the Attorney General having protested against a coup and an interim government, became an integral member of the regime after the 2006 coup and was re-appointed to the regime's Cabinet that governed after abrogation of the 1997 Constitution.

And yes, Madam Speaker, as the Attorney General he was the chief legal officer under whose watch the Public Emergency Regulations were imposed making it illegal for more than three people to gather in a public place, thereby effectively prohibiting political parties and NGOs from protesting.

As for opposing a constitution and fighting elections under its provisions, this is not a crime Madam Speaker.

Madam Speaker, much has been said about the Constitution and how it has supposedly ended all evil that had beset our nation since Independence. Nothing can be further from the truth.

The Bill of Rights in the Constitution have severe limitations not seen in the 1997 Constitution or even the Ghai draft Constitution that was confined to the dustbin.

The independence of the Constitutional Offices Commission is highly questionable as its membership is political.

It is chaired by the Prime Minister and its membership also includes the Attorney General, Leader of the Opposition and nominees of the office holders. Out of a total of 6 Members including the Chair, 4 are from Government.

This Constitution also empowers a Permanent Secretary and a Minister to recruit and terminate staff in their respective Ministries. Ideally this should be the job of the Public Service Commission.

Madam Speaker, two years ago during my address on the motion to thank His Excellency the President Ratu Epeli Nailatikau, which was the last time he addressed Parliament, I said and I quote;

“Economic growth to generate employment; Meritocracy in the civil service and appointments being made at least in proportionate to the population of our ethnic groups; As a start having a quota for recruitment of personnel from other ethnic groups in the military, again on meritocracy to give it a semblance of multiracialism; Having bipartisan committees to collectively look at serious challenges facing sectors like the sugar industry, health and medical services”

“My point here is that it is all very well to finger-wag on what should be acceptable parliamentary conduct and what it is not, but reciprocity, humanity and national interest should be our guiding values if are to succeed at bipartisanship, and not arrogance and condescension. We on this side of Parliament continue to offer our hands for bipartisanship. it is now up to the other side to reciprocate with sincerity and respect in the national interest”.- Unquote

Madam Speaker, unfortunately my hope has been in vain.

The Open Merit Recruitment System, as alluded to by our Party Leader, is a farce. This has been proven recently during the Attorney General's roadshows and our own citation of contracts of civil servants and teachers.

Madam Speaker, just last week, we were informed of a case where the Open Merit Recruitment System was abused.

An acting Principal in a prominent Lautoka school was told that she would be shifted elsewhere because another principal was coming to replace her.

The person replacing her wasn't a principal but an officer from the Curriculum Development Unit or an Education Officer.

And the directive came from a Cabinet Minister that the person be posted as principal to the school because it is obvious that the person went directly to the Minister to intervene and get him the position in order to enjoy increased salaries of principals.

Again, this is a case of the Minister flouting authority and taking advantage of the Constitution that gives ministers and permanent secretaries powers to hire, terminate and replace staff in the civil service.

The Minister for Civil Service who vociferously promotes and defends the Open Merit Recruitment System should immediately look into this issue. I can provide him the details of this case or put him into touch with the aggrieved qualified acting principal.

Madam Speaker, the contracts render meaningless the teachers' employment security and make them totally subservient to Government.

Some of its regressive provisions are: -

- (a) Renewal of the contract is at the absolute discretion of Government
- (b) The Civil Servant irrevocably agrees that non-renewal of the Contract will not give rise to any course of action whatsoever against the Government
- (c) The duration of the Contract expires immediately upon a civil servant reaching the retirement age of 55
- (d) Renewal of the Contract is subject to Government requiring the services of the civil servant and that too if he or she agrees to enter into another contract on mutually agreed terms

(e) The decision of Government to transfer a civil servant on the existing terms of the Contract to anywhere in Fiji is final

(f) Government has the right to change or vary the Contract anytime

This discriminatory and exploitative contractual employment that is being forced upon our teachers will not result in a harmonious, unified and productive civil service.

Such draconian contracts are subjugating our teachers and have no place in a genuine democracy.

Madam Speaker, during the roadshow, we were surprised that the Director of the Reform Unit made a racist comment against the staff of Ministry of Education, obviously blaming them for her own failures.

Fiji One News of 23rd August carried this comment from the Reform Director and I quote, "It was a bit of I thought I was speaking English but I wasn't evidently. When I asked the question and on their defence, they thought they were answering my question..."

This comment basically meant that the Ministry of Education Staff were inferior in intellect.

What an insult and what nonsense Madam Speaker? And why was this condoned?

Furthermore Madam Speaker we seek clarification from Government as to the role the Current Civil Service Reform Director played in the Fijian Elections Office before her present role. According to the Joint Electoral Commission/Fijian Elections Office Report of 2014, she was a technical advisor. The question that arises is, did her previous role have any influence in her most recent appointment?

Madam Speaker, the 2013 Constitution and its provisions like common and equal citizenry and policies formulated by Government are supposed to have eradicated or reduced racism, removed discrimination and upheld meritocracy.

Here we point out that in December last year a UN Special Rapporteur came to Fiji on a fact-finding mission on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. His Report to the 35th session of the Human Rights Council in June this year has received little or no publicity at all. Again, no prizes for guessing why this discriminatory treatment to the Report by the local media that operate under restrictive measures contained in the Media Industry Development Authority Decree.

Madam Speaker, the UN Special Rapporteur's Report pointed out **the lack of Desegregated Data**. I repeat the Rapporteur pointed out the lack of Desegregated Data. This is something we have been asking for and you will recall Madam Speaker that in early 2015 my question seeking similar data on recruitments and appointments in the civil service was disallowed on the grounds it would create racial ill-will and hostility. But the Report quite clearly states that this Data is necessary to determine whether or not Government's so-called non-discriminatory policies are working.

This is very important and Report on this issue is self-explanatory. The Report states and I quote; -

"In order to measure progress made on the elimination of racism and racial discrimination, and to evaluate the effectiveness of the policies of inclusiveness set up by the current Government, there needs to be an objective evaluation which can only be undertaken if statistics and in particular desegregated data are collected and made available".

"This does not mean only data on race and ethnicity, but a whole range of different factors such as gender, age, sexual orientation, geography, income, access to social and economic services and rights.

Without desegregated data, it will be difficult to assess the effectiveness of the merit-based measures that the Government has adopted in recruitment and in awarding scholarships as well as in the other areas”.

“Such data is also valuable as it provides the baselines upon which new policies and programmes can be designed”.-Unquote

Madam Speaker, The Special Rapporteur recalled that the Committee for the Elimination of All Forms of Racial Discrimination or the CERD Committee highlighted in its recommendations to Fiji in 2012, that if progress is to be monitored, **such desegregated data is needed to measure whether the policies are effective and are reaching those most in need.**

Madam Speaker, both CERD and the Special Rapporteur noted Government’s directive that collection of data that typifies ethnicity is no longer to be conducted.

But CERD noted that while this directive was aimed at eliminating racial profiling, the CERD Committee regretted “the lack of desegregated data on the socioeconomic situation of members of ethnic groups as well as the lack of gender analysis of data provided.”

“This concern was based on the premise that “if progress in eliminating discrimination based on race, colour, descent, or national or ethnic origin is to be monitored, some indication of the number of persons who might be treated less favourably on the basis of these characteristics”

Madam Speaker, in the absence of this critically important information, Government’s claim that this Constitution has ended racism and discrimination is hollow. So is the claim that every single appointment to our civil service and other Government controlled organisations is done on meritocracy.

The UN Rapporteur has also recommended that Government should promptly sign and ratify key international instruments including the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights.

Madam Speaker, these are important International Instruments.

How Government is going to get itself to signing for example the Covenant on Civil and Political Rights is another matter given that the Political Parties (Registration, Conduct, Funding and Disclosures) Decree disallows trade unionists and trade union staff from becoming members of political parties, compelling them to resign their positions if they do join the political party or contest the general elections.

Madam Speaker, as we enter the final phase of the first term of parliament since resumption of parliamentary democracy after seven and half years of military rule, it is time to seriously consider the establishment of a Truth and Reconciliation Commission to permanently seal the chapter of our past 30 years since 1987.

Such a Commission Madam Speaker, will allow perpetrators and victims of the four coups that have plagued our nation for the last 30 years since May 14, 1987, to openly and freely engage in truth telling and confront their fears in view of conflicting statements and utterances regarding motives behind coups, so that closure and healing for Fiji is achieved and permanently put to rest this unfortunate and turbulent chapter of our independent history.

Madam Speaker the blame game, name calling and accusations have become the hallmark of our nation in the last 30 years. This parliament has been no exception.

Truth telling and openly confronting one's fears has worked elsewhere Madam Speaker, most notably in South Africa under the leadership of Archbishop Desmond Tutu.

We should not be fearful and hesitant to embrace this noble objective as we are all honourable men and women of integrity. No general election, no government and no constitution will cure our nation from this traumatic past.

This is the only way forward Madam Speaker. We in the NFP who have never supported and participated in a coup, having been toppled after only five weeks in a coalition government of the late Dr Timoci Bavadra, stand ready to work with all honourable Members to facilitate this Commission.

Finally Madam Speaker, We have nothing to fear. We only fear the Lord Almighty. The NFP has survived four military coups without succumbing to the trappings of power obtained illegally.

And we will march forward in unison, guided by our unshakable principles and our fearless and selfless service to the nation for the last 54 years.

God bless Fiji