



## **Governing Body**

316th Session, Geneva, 1–16 November 2012

**GB.316/INS/8(Add.)**

---

**Institutional Section**

**INS**

---

**Date:** 13 November 2012

**Original:** English

EIGHTH ITEM ON THE AGENDA

### **Latest developments in Fiji in light of the resolution of the 15th Asia–Pacific Regional Meeting**

*Addendum*





PRIME MINISTER  
SUVA, FIJI

9<sup>th</sup> November 2012

**THE CHAIRPERSON**  
**ILO Governing Body of the International Labour Organization**  
**4, Route des Morillons**  
**CH-1211 Geneva 22**  
**SWITZERLAND**

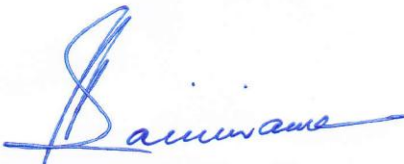
**Dear Chairperson,**

**re: FIJIAN GOVERNMENT RESPONSE AT THE 316<sup>TH</sup> SESSION OF THE ILO**  
**GOVERNING BODY, GENEVA, WEDNESDAY 14<sup>TH</sup> NOVEMBER 2012**

1. I wish to kindly acknowledge your correspondence of 2<sup>nd</sup> November 2012 referenced RL 208-1-2 addressed to our Minister for Labour, Industrial Relations and Employment.
2. I note that the latest developments in Fiji in light of the resolution of the 15<sup>th</sup> Asia-Pacific Regional Meeting are to be discussed under the item eight agenda of the 316<sup>th</sup> Session of the ILO Governing Body, scheduled for discussion on Wednesday, 14<sup>th</sup> November 2012.
3. I wish to thank the ILO Governing Body for providing an opportunity for the Fijian Government to respond to issues relating to Fiji in its current Session. My Government will be represented by the Minister for Labour, Industrial Relations and Employment, Hon. Jone Usamate, as a representative of the State, who will be accompanied by his advisor, the Permanent Secretary for Labour, Industrial Relations and Employment, Mr. Taito Roba Waqa.
4. I also note that the three issues to be reviewed by the Governing Body are on the mandate given to the ILO Director General relating to –
  - (i) Close oversight monitoring of Fiji's situation and intervene to safeguard human and labour rights;
  - (ii) Ensure that the recommendations of ILO Committee of Freedom of Association (CFA) on Case 2723 are fully implemented, in particular by urging Government to accept an ILO Direct Contacts Mission to ascertain facts on the ground and assist find solutions; and
  - (iii) Lifting of travel restrictions on Mr. Felix Anthony.

5. Whilst the Fijian Government has made significant progress on the first and the third items as reflected in the Governing Body records, I am happy to advise that I have reviewed our stand on the modalities of the ILO Direct Contacts Mission and my Government has accepted the re-engagement of the Mission in the new year, preferably early April 2013, by which time we will have completed our intensive labour law review exercise and the formulation of our new Constitution.
6. I must admit that the timeframe committed in my initial letter of 23<sup>rd</sup> May 2012 to the ILO Director General (copy attached) to complete the review in July 2012 before Cabinet is advised in August 2012 is too ambitious, considering the intensive and extensive nature of the labour law exercise against the very limited resources we have. Despite these shortcomings, my Government has made very significant progress to date and has completed about 80% of the labour law review exercise.
7. Whilst we fully appreciate the very important role played by the various oversight mechanisms of the ILO, including the ILO Direct Contacts Mission, to help member states to honour their obligations, the Fijian Government is only requesting for the Mission to conduct its affairs in an objective, fair, transparent and all-inclusive manner to ensure credibility of the outcomes that all constituents in Fiji can amicably live with.
8. In view of the above, I am proposing for another ILO Direct Contacts Mission to come to Fiji in early April 2013 with its Terms of Reference to be finalized between my Government and the ILO through the ILO Office in Suva by mid February 2013.
9. Our Labour Minister, Mr. Jone Usamate, will expand on Fiji's significant progress during the current Governing Body session. He will be in contact with your ILO Director in Suva to facilitate the engagement of the proposed ILO Direct Contacts Mission, should our proposal be accepted.
10. I am looking forward to your understanding and fair consideration to our request.
11. I wish you and your Deputy Chairpersons, including the tripartite members of the Governing Body the best compliments of the Seasons.

Yours Sincerely,



[Josaia V. Bainimarama]  
**Prime Minister of the Republic of Fiji**

- cc:
1. Mr. Guy Ryder, the Director-General of the International Labour Organization
  2. Director ILO for the South Pacific, Mr. David Lamotte