



## **Governing Body**

319th Session, Geneva, 16–31 October 2013

**GB.319/INS/8(Add.)**

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**Institutional Section**

**INS**

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**Date:** 16 October 2013

**Original:** English

### **EIGHTH ITEM ON THE AGENDA**

## **Follow-up to the resolution on the trade union situation in Fiji, adopted by the Governing Body at its 316th Session (November 2012)**

### ***Addendum***

## **Response of the Government of Fiji to the ILO Director-General's letter dated 3 July 2013 concerning the Governing Body's request for a direct contacts mission**



PRIME MINISTER  
SUVA, FIJI



15 October 2013

Mr. Guy Ryder  
Director-General  
International Labour Organisation  
Geneva  
**SWITZERLAND**

(Fax No: 41 22799 8533)

Dear Director-General

**Direct Contacts Mission**

1. I refer to your 3 July, 2013 letter requesting a response to the decision of the 318<sup>th</sup> Session of the ILO Governing Body (**"ILOGB"**) to conduct a direct contacts mission prior to the October Session of the ILOGB.
2. I also refer to my 26 May 2013 letter encouraging the return of the direct contacts mission on a date to be advised, and confirmation of the same by the Fijian Government delegates at the June International Labour Conference in Geneva, Switzerland.
3. Following these events, I am pleased to inform that the Constitution of the Republic of Fiji (**"Constitution"**) was promulgated on 7 September, 2013 after two publications of the document in draft form with adequate opportunity for all Fijians to make submissions in writing, email and through public consultations. For the first time in our history the Constitution has been comprehensively translated in the two main vernacular languages - iTaukei and Hindi languages and widely distributed.
4. With the promulgation of the Constitution, we are currently in the process of harmonizing our laws and government policies and processes to conform to the provisions of the Constitution.

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5. The preparations to hold democratic parliamentary elections, which under the Constitution must be held before 30 September 2014, requires the formulation of electoral laws, establishment of the Electoral Commission, and appointment of the Supervisor of Elections. The Fijian Government is currently working towards the fulfillment of these requirements.
6. The other laws that need immediate attention are the formulation of the Code of Conduct for public office holders and Freedom of Information laws. Furthermore, certain Constitutional offices have to undergo reorganization whilst others have to be established to conform to the provisions of the Constitution.
7. The parliamentary elections next year will be contested under a new system of voting known as the open-list system of proportional representation. With less than a year to prepare, important administrative issues that the Fijian Government will need to address are public education and awareness, continuous registration of voters and political parties, and preparation of the parliamentary machinery. Additionally, Government has convened a Co-ordinating Committee (**\*Committee\***) with key development partners to identify areas of technical and financial assistance for the elections. The Committee meets regularly and comprises ambassadors and representatives of overseas missions.
8. These processes will occupy Government's calendar for the following months in the lead-up to parliamentary elections next year. For these reasons the Fijian Government considers it necessary that the visit of the ILO direct contacts mission be deferred to a date after parliamentary elections.
9. The Constitution and the electoral process and preparations have been supported by Australia, New Zealand, Japan, the European Union, the Commonwealth and many other countries who have supported Fiji's constitutional progress and the reforms and improvements of our laws and policies.
10. Given this progress by Fiji, I seek confirmation from the ILOGB as to whether it maintains its request for a direct contacts mission to visit Fiji. If so, then for the afore-mentioned reasons and considering the large amount of work involved in the preparation of Fiji's first truly democratic elections, I reiterate the importance of deferring the visit of the direct contacts mission to a date after elections. This will also

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avoid ILO and the proposed direct contacts mission from being politicized in the lead-up to the 2014 elections given in particular the fact that one of the registered political parties has trade unionists in the leadership roles. This would remove the objectivity and defeat the purpose of having an independent contacts mission and indeed any outcome of that mission will be used as a political tool. It would therefore be wise to have the contacts mission immediately after the elections.

11. I am sure that the ILOGB is appreciative of the socio-political and constitutional transition in Fiji and I am certain that the ILO will work with the Fijian Government to ensure that free, fair and transparent parliamentary elections are held next year under the new constitutional framework.

Thank you.

Yours sincerely



Josaia Voreqe Bainimarama  
**Prime Minister**

- cc: 1. *Mr. Jone Usamate, Minister for Labour, Industrial Relations and Employment, Fiji*
2. *Mr. Aiyaz Sayed-Khaiyum, Attorney-General and Minister for Justice*
3. *Mr. David Lamotte, Director, ILO South Pacific*