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Fiji Constitution Commission publishes draft constitution

Six years after military coup, island nation takes an important step on its path back to a constitutional democracy

This Friday, with the publication of a new draft constitution, Fiji embarks on the next phase in its journey from military rule to an elected government. Arriving nearly a year after leader Frank Bainimarama announced his roadmap constitutional development process, and six years since his government seized power in a coup, this is a significant moment for the South Pacific island nation. Following years of behind the scenes advocacy by civil society and dialogue between the divided communities, the momentum towards democracy is gathering pace.

The constitution-making process has been an important opportunity for the population to share their views on the country's future direction. More than 7,000 written submissions have been submitted and 152 public hearings held across the island nation.

Chaired by the eminent Kenyan lawyer Professor Yash Ghai, the consultative process has demonstrated a welcome example to the world of how public participation can help shape a shared future free from the threat of violence. At the request of their Chair, independent peacebuilding NGO Conciliation Resources worked closely to establish the Commission and their Secretariat, which organised the national process of public consultations.

"This is a really significant moment. Every step towards a return to the rule of law has been the result of lots of hard work on the part of the people of Fiji. Tactics of engagement have prevailed over the politics of isolation, as internal processes of dialogue and confidence-building are at the heart of this change."

Andy Carl, Executive Director of peacebuilding NGO Conciliation Resources

During public meetings the five-person Constitution Commission has listened to a diverse interests and opinions on the nature of the state, the role of traditional chiefs, the structure of government, and what role marginalised sectors should play in decision-making. The draft constitution, reflecting many of these concerns and hopes, is due to be presented to the president this Friday.

By demonstrating a considered, consultative approach towards returning to an elected constitutional democracy, Fiji's people are investing heavily in finding peaceful alternatives to the cycle of military coups. The international community will also be watching closely, with Australia, the European Union, New Zealand and the US among the donors who are supporting this ongoing process.

On 1 January nominations close for the next phase of the process – a Constituent Assembly that is due to report back on the draft after six to eight weeks' consideration. As has been the case with Egypt's recent draft constitution, in Fiji there are contentious issues still to resolve. Concerns remain, particularly over the legitimacy of the Assembly that will be entirely selected by Commodore Bainimarama. It is also not clear whether restrictions on media freedom and rights to assembly will come back into force on Friday, when a temporary cessation of Public Emergency Regulations expires.

Notes to editors

The Constitution Commission, who conclude their work this Friday, comprises Yash Pal Ghai (Chairperson), Christina Murray (South Africa), Penelope Moore, Satendra Nandan and Taufa Vakatale. www.constitution.org.fj

In the past quarter of a century Fiji has suffered four coups. There are multiple reasons for this history of instability, but at its core lie long-standing and deep-rooted ethnic and political divisions, and communal politics combined with an absence of inclusive mechanisms for engendering consensus decision-making. Conciliation Resources supports local partners in Fiji in their efforts to contribute to the development of more inclusive and participatory political processes, and ultimately the creation of a sustainable constitutional democracy: www.c-r.org/fiji

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