

BUILDING THE PARLIAMENTARY PROCESS:

Legislative Needs Assessment,
Republic of the Fiji Islands

United Nations Development Programme

January-February 2002, Mission Report.

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Abbreviations

AG	Auditor General
AV	Alternative Vote electoral system
CAMV	Conservative Alliance Matanitu Vanua
ECREA	Ecumenical Centre for Research, Education and Advocacy
FWRM	Fiji Women's Rights Movement
FLP	Fiji Labour Party
The House	The House of Representatives
JPSC	Joint Parliamentary Select Committee on the CRC Report
MOF	Ministry of Finance
MP	Member of Parliament
NLUP	New Labour Unity Party
OAG	Office of the Auditor General
RRRT	Pacific Regional Human Rights Education Resource Team.
SDL	Soqosoqo ni Duavata ni Lewenivanua (Fiji Unity Party)
SVT	Soqosoqo ni Vakavulewa ni Taukei
UKDfID	UK Department for International Development

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Executive Summary

Despite twice being dissolved because of armed interventions, the Parliament of Fiji remains the central institution of governance. It has the support of the overwhelming majority of citizens as the focus of political representation and lawmaking. No other institution represents such a diverse cross-section of Fiji's society, nor is able to act as an arena for the discussion of key issues facing the country. Yet several factors have weakened the National Parliament.

The Legislature can often appear little more than a "rubber-stamp" to the imperatives of the Executive. Political scientist John Uhr observed of legislatures in general:

Without special effort to protect the independence of the law-making function, parliamentary systems can degenerate into the subservience of the legislature to a dominating political executive which expects little more of the political assembly than that it 'rubber stamp' government initiatives. Taking democracy seriously means protecting the independent value of representative assemblies; making democracy effective means promoting the independence of the legislature as the central forum for community deliberation over law and policy. Accountability is best served where parliamentary systems are able to mobilise public *scrutiny* of the executive branch and to subject government operations to sustained *oversight* by parliamentary and other specialist authorities (Uhr 2001, 14).

In Fiji, the simple numerical superiority of the Government within the House of Representatives has allowed it to manipulate the legislature in several ways. Over the past few years, governments have been able to direct House Resolutions to their advantage. Thus, they have strategically suspended Standing Orders and expedited the process of lawmaking, which has allowed potentially flawed Bills to pass through the House with minimal debate and without proper sector or community consultation. Only rarely have governments responded to reports made by parliamentary committees on their performance. Constitutional oversight agencies, such as the Office of the Ombudsman, have complained that the Executive does not respond to their reports (Fiji 2000).

The need to strengthen the parliament has been commented on the House, and more widely in Fijian society. Fijian MPs have begun a dialogue regarding the effective operation of their Parliament and appropriate institutions and procedures for it to function effectively as the maker of laws and as the primary oversight institution for the Executive. The Chair of the Standing Select Committee on Administrative Services, the Hon. Ted Young, MP, recently articulated the importance of 'institutional strengthening of Parliament and the Legislature Department ... to enable Parliament to fulfil its constitutional roles' (Young 2002). While other stakeholders have recognized the need to strengthen the Parliament's capacity in these key areas, civil society organisations recently admonished Members of Parliament for wasting taxpayer's money, and acting contrary to the Standing Orders by which the Parliament regulates itself (e.g. Yabaki 2002).

Damage caused to the Parliamentary Secretariat during the May 2000 coup has weakened the infrastructure of the parliament. This included damage to buildings and key infrastructure, the devastation of the parliamentary library's collection, the destruction of several internet-capable personal computers in the Information and Research Unit and the loss of key personnel through resignation. The Secretariat has not yet been able to compensate for these losses.

Good governance is founded on the acknowledgment of several conditions: it relies on effective and appropriate institutions, and competent individuals to staff them; it entails balancing accountability with effective and affordable institutions; and, it requires the political will of stakeholders and consensus between them to engineer effective institutions. For the Parliament of the Fiji Islands to operate effectively these issues must be addressed. The major issues undermining the effectiveness of the National Parliament of the Fiji Islands in its core functions are:

- ☛ The dominance of the Executive over the Legislature;
 - Governments have suspended Standing Orders to expedite the legislative process.
 - Legislation is often not subject to appropriate sector or community consultation, and has contained internal conflicts and unconstitutional provisions;

- ☒ Members of Parliament and Senators appear not to understand the contents and implications of Bills under their consideration.
- ☒ The Parliamentary Secretariat is undermined by resource shortages:
 - No independent Counsel is available to backbenchers and Opposition Members;
 - The Secretariat has suffered damage to infrastructure, caused during the occupation of the Parliamentary complex after May 2000;
 - Staff shortages have hindered the core functions of the Parliamentary Secretariat.
- ☒ The legislative cycle is weakened by:
 - A shortage of trained drafters in the Solicitor General's Office; and,
 - Little follow-up or monitoring of government performance by sector committees (although this weakness might ameliorate during the life of the Parliament).
- ☒ The cycle of accountability is weakened by:
 - Unclear or weak legal provisions for Select Committees, such as the Public Accounts Committee;
 - A Lack of Ministerial response to the recommendations of committees, and other oversight institutions;
 - Committees with limited powers of referral to criminal investigation, little consequential action arising from their recommendations and reports.
- ☒ Grassroots stakeholders who are subject to unresponsive state institutions, and absent Representatives;
- ☒ Structural impediments and disparities existing in Fijian society, which constrain women's empowerment.

Recommendations

The following recommendations are based on an appraisal of the existing legislative framework, the existing resource constraints of the parliament, the individual capacity of parliamentarians, the legislative process, the oversight role of parliament, parliament-constituency relations and the status of women and their role in public decision-making. In the process of formulating these recommendations, the consultants have taken into account the testimony of key stakeholders, parliamentary, government, NGO and donor reports and training programmes and other initiatives aimed at strengthening the role of Parliament in the Republic of the Fiji Islands.

These recommendations are founded on the notion that reform should focus on strengthening existing dialogue amongst the stakeholders, to ensure maximum support for reform. To strengthen the Parliament of the Republic of Fiji we make the following recommendations.

To Strengthen the Office of the Speaker of the House of Representatives, the Office of the President of the Senate, and the Parliamentary Secretariat:

- ☒ A Presiding Officers' counsel be recruited.
- ☒ Vacant positions within the Parliamentary Secretariat be filled to service the Parliament effectively.
- ☒ Recruitment for these positions be conducted in close consultation with the Secretary General of Parliament.
- ☒ To streamline these processes, Members and Senators consider the appropriateness of an independent parliamentary service commission.
- ☒ An upgrade of the Information and Research Unit with appropriate technology to acquit its responsibilities effectively be undertaken.
- ☒ Assessment be made of the structure of the Secretariat to effectively service the functions of parliamentarians.

- ❑ Provision of additional office accommodations for parliamentarians be considered.
- ❑ Provision of a separate Chamber for the Senate be considered.
- ❑ Provision for facilities to accommodate visitors to Parliament be considered.

To Strengthen the Parliamentary Library:

- ❑ Adequate resources be provided for the library and for the acquisition of necessary reference materials.
- ❑ Internet be reconnected to the library.
- ❑ Training of Members of both Houses on the use of the library and in accessing the Internet be undertaken.

To Strengthen the Information and Research Unit:

- ❑ Vacancies in the Information and Research Unit are filled immediately to strengthen the Secretariat.
- ❑ The Information and Research Unit be strengthened to enable more effective secretarial support to parliamentarians.

To Strengthen the Existing Legislative Framework:

- ❑ That the gradual process of amending and synchronising the Constitution be undertaken.
- ❑ Consolidation of Fiji's Laws be undertaken as soon as possible by a skilled legal drafter.
- ❑ Consequential legislation arising from the Constitution be formulated into Bills for consideration by the House; in particular,
 - A Code of Conduct Bill be formulated to implement the provisions of the Constitution; and,

- A Register of Interests to be established to strengthen the provisions of the Constitution Section 156, Code of Conduct.
- ☒ To facilitate this process, the Legal and Consequential Legislation Committee be reinvigorated.

To Strengthen the Legislative Process:

- ☒ Standing Orders be reviewed to encourage Ministerial timely response to queries arising from Standing Sector Committees' work regarding Bills, subordinate legislation and government policies.
- ☒ The Government provide legislative programmes prior to the commencement of Parliamentary Session to allow for adequate notification and dissemination to Members.
- ☒ Greater care and consideration be given to the long term effects on the legislative process before the suspension of Standing Orders.
- ☒ Greater time be given to the consideration of legislation in sector standing committees to ensure the good governance of the Fiji Islands.
- ☒ Drafting weaknesses of the Solicitor General's office be strengthened by improved training, seminars, interdepartmental consultations and professional exchange programmes with regional State Law Offices.
- ☒ Simplified explanatory notes be provided as part of the notification process.

To Strengthen the Oversight Role of Parliament:

- ☒ Consider amending Standing Orders to require ministerial response to questions raised in the course of reports by oversight committees and external oversight agencies within 2 months.
- ☒ Chairpersons of Standing Committee make regular reports to Parliament on issues arising from Standing Order 90 (d); and to ensure that this is effective,

- Committee chairs should report fully to Parliament on all aspects of their investigations and deliberations, not simply on their recommendations for Bills before the House.
- ☒ Rationalise membership of committees to avoid problems arising from multiple memberships.
- ☒ That the Public Accounts Committee be reviewed in order to clearly establish and strengthen its powers and functions; and that,
 - Consideration be given to preparing a Public Accounts Committee Act which establishes clearly the committee's powers, functions and membership.
- ☒ The Public Accounts Committee, when relevant, to co-opt outside expert or seek relevant outside advice during their investigations.
- ☒ That the Public Accounts Committee prioritize those issues under investigation to give appropriate time to issues (technical irregularities versus mal-appropriation).
- ☒ The systems of information exchange between the Ministry of Finance, the Office of the Auditor General and the Public Accounts Committee be improved; to this end,
- ☒ The advisory role in support to the Public Accounts Committee from the Ministry of Finance and the Office of the Auditor General must provide qualified advisers.
- ☒ The operation of the joint audit committee be supported.

To Strengthen Parliament-Constituency Relations:

- ☒ The systems for disseminating information relating to the Parliament be strengthened to facilitate greater understanding amongst grassroots stakeholders.
- ☒ Community outreach programmes in existence be reactivated; e.g.

- Civic education components to be included in curriculum development for Primary and Secondary Schools.
 - Outreach programmes to be formulated using civil society organisations network throughout the country.
 - Special programme for school children to visit Parliament with sufficient space and refreshment provided for them.
- ☛ Assess the establishment of constituency offices where people and their Members can meet and work.
- ☛ Sustained civic education on the electoral system be undertaken to educate stakeholders on their rights vis-à-vis the electoral system.
- ☛ A review of the electoral system be undertaken to streamline and simplify it.

To Strengthen Women Participation in Public Decision-Making:

- ☛ Key legislation relating to the position of women be considered by Parliament.
- ☛ Civic education components on women's rights should be included in curriculum development for Primary and Secondary Schools.
- ☛ Rights awareness campaigns and durable training programmes for grassroots people be designed and implemented.
- ☛ The Standing Committee on Social Services be the committee to oversight and promote the welfare of women in the country.
- ☛ Political parties investigate the viability of establishing women's caucuses.

1.0 Introduction

This report provides background information and a comprehensive needs assessment of the National Parliament of the Republic of the Fiji Islands in order to provide the basis for future support programmes. In addition the report will assist in the generation of key principles of best practice for Pacific legislatures based on

notions of Parliamentary democracy, participation, equity, accountability, transparency, efficiency, representation and fair elections.

The Consultants would like to extend their thanks to Mr Mosese Dakunivosa, the Governance Specialist of the UNDP-GOLD Project, who coordinated consultations with civil society stakeholders, and Mary Chapman, the Secretary General of Parliament, and her staff for their help in facilitating and coordinating meetings with Members of Parliament.

This report is divided into two main sections, not including appendices.

- ☛ Section one provides an overview of the context in which the consultancy was undertaken and written, and provides details on the republic of the Fiji islands and its political system; and,
- ☛ Section two details the specific findings of this report and offers recommendations for capacity strengthening as established in the Terms of Reference for the mission.

The attached appendices are:

- ☛ The Mission Terms of Reference;
- ☛ The consultation programme undertaken; and,
- ☛ The consultants' bio-data.

1.1 Context of the Visit

The consultations were undertaken in a highly charged political environment following a period of turbulence in Fiji's political and constitutional affairs. A new Constitution was adopted by the Parliament in 1997, which included several reforms to the Parliament. The Constitution was Fiji's third since Independence (Constitutions were enacted in 1970 and 1990).

The National Parliament had been constituted by national elections only in August 2001, and sat for the first time in October of that year. Consequently, it is not feasible to make definitive statements about its effectiveness and that of its committee system

until such time as the parliament has adopted its full set of responsibilities. At the time of writing, little legislation had been referred to sector standing committees for consideration, although this responsibility will be taken on concurrent with the February sitting of Parliament.

The current government is a coalition between the Soqosoqo ni Duavata ni Lewenivanua (SDL) of Laisenia Qarase, the Conservative Alliance Matanitu Vanua, and one member of the Fiji Labour Unity Party. It has a majority of 39 seats from 71 in the Lower House.

In May 2000 Labour Party Leader Chaudhry had been deposed as Prime Minister in coup carried out by George Speight and elements of the elite Counter Revolutionary Warfare Unit, mounted ostensibly to protect the interests of indigenous Fijians from political domination by Indo-Fijians. It was Fiji's third *coup d'état* since independence. Chaudhry and his cabinet were held in the Parliamentary Compound for 56 days. Although the coup was eventually ended and Speight and his co-conspirators taken into custody, the coup had several lingering effects. Immediately, it undermined investor confidence and slowed the economy. Later, the insurrection stimulated an exodus of professionals from Fiji, and substantially weakened several government departments, including the Parliamentary Secretariat and the Office of the Auditor General¹. Despite being elected to the National Parliament in August 2001, George Speight could not take his seat in parliament because he was incarcerated: pursuant to Standing Orders, the Speaker dismissed him for failing to attend two consecutive meetings.

Several major issues relating to the operation of the parliament were under challenge in the courts. In September 2001 Chaudhry, had mounted a Supreme Court challenge against the President, the Prime Minister and the Attorney General claiming that the Fiji Labour Party was entitled under the Constitution to be represented in Cabinet. In his ruling on the question of law Justice Eichelbaum, of the Court of Appeal, ruled that under the Constitution, 'the Fiji Labour Party ha(d) a legal entitlement under the Constitution to be represented in Cabinet in proportion

¹E.g., fifteen officers from the Office of the Auditor General, including the Deputy Auditor General, resigned in the aftermath of the coup.

to its numbers in the House of Representatives' (Fiji Court of Appeal, Judgement, 15 February 2002). Prime Minister Laisenia Qarase has stated publicly that he considers any such arrangement unworkable.

1.2 Background

The Republic of the Fiji Islands comprises 332 islands and coral atolls, with a population approaching 800,000. At the time of the 1996 Census, Fiji's population was largely ethnically polarized between a sizeable indigenous population (394,000) and a comparable Indo-Fijian population (334,000) (Fiji Bureau of Statistics 1999). In addition there were 43,000 'others', including ethnic Chinese, Europeans and other Pacific islanders. Just over half the population resides in rural areas (51%) (UN 2000). The remainder are aggregated around the urban centres Suva (the national capital), Lautoka, Nadi, Ba and Labasa.

Despite recent setbacks, Fiji has a diversified economy, a vigorous private sector and a relatively well-educated working population with high incomes compared with other Pacific Islands countries. However, UNDP/Government figures suggest that approximately a quarter of households exist below the poverty line.

It has well-established state institutions and arguably a strong sense of nationalism (mediated via ethnic identification). Fiji's location and the quality of its infrastructure have facilitated its rise as an administrative centre for the Pacific Islands region. It hosts the headquarters of several regional organisations such as the Pacific Islands Forum Secretariat and the University of the South Pacific.

1.3 System of Government

Fiji's system of government is a modified version of the Westminster system. As a sovereign State, Fiji has a bicameral Parliament, consisting of an elected House of Representatives and a nominated Senate. The basic function of Parliament is to make laws for the peace, order and good government of Fiji. According to the *Constitution* (s.74) the official language of the Parliament is English, but addresses may be made in Fijian, Hindustani or English. Most are made in English.

The Head of State and Commander-in-Chief of the Armed Forces is the President, appointed by the *Bose levu Vakaturaga* after consultation with the Prime Minister. The executive authority of the state is vested in the President, who is eligible for two terms of five (5) years, but following that may not be considered for the Presidency again. Candidates must have had distinguished careers in national or international affairs, and must be eligible to stand for election to the House of Representatives (*Constitutions*.89). The incumbent is the Hon. Ratu Josefa Iloilo.

The Head of Government is the Prime Minister. The President appoints as Prime Minister the Member of the House of Representatives who in his/her opinion can form a government that has the confidence of the House (*Constitution*s.98).

Pursuant to the *Constitution*, the Prime Minister is required to form cabinet in a manner which, ‘as far as possible fairly represent(s) the parties represented in the House’ (s.99 (4)). In doing so the Prime Minister, ‘must invite all parties whose Membership of the House ... comprises at least 10% of the total membership’ (s.99 (5)). The Cabinet is collectively responsible to the House of Representatives for the governance of the State (*Constitution* s.102). The size of the Cabinet is at the discretion of the Prime Minister.

These provisions are currently the subject of a High Court case, and have already been deliberated upon by five Judges of the Court of Appeal (*The Fiji Times* 16 Feb. 2002). The Prime Minister has stated that the current system is unworkable, and might lead to ‘possible instability, confusion (and a) deepening of ethnic divisions’ (Press release, 22 Feb. 2002). It is not the intention of the consulting team to pre-empt the outcome of the appeal on the ruling of the Supreme Court, which has been mounted by the Government, nor to downplay the salience of claims made by parties to representation within the Cabinet. However, it is imperative that these issues are resolved urgently to ensure the effective governance of the Republic of the Fiji Islands.

Power is not decentralized in Fiji, although an ethnically dualistic provincial administration exists within the centralist structures of the state. Under this system Fijians are represented at a local level by Provincial Councils whose membership is drawn from District Councils. Provincial Councils are under the responsibility of the Ministry of Fijian Affairs. This is mirrored by Advisory Councils for Indo-Fijians,

appointed by the Ministry of Multi-Ethnic Affairs. Members conjointly constitute Regional Development Committees.

Independent consultants have reviewed the system of Fijian Administration with a view to streamlining processes and strengthening its infrastructure. The report has been presented to the Prime Minister, and will be presented to Cabinet after the Fijian Affairs Ministry assesses it. It is not the intention of this consultancy to comment on the effectiveness of the current system, except insomuch as it influences the effectiveness of the national parliament and its relationship with the constituency.

1.4 The Parliament

Fiji has a bicameral legislature consisting of a House of Representatives and a Senate. The role of the Parliament is to: represent the will of people in the governance of Fiji; to this end, to debate Bills and formulate legislation; and to investigate and oversight the form and performance of the Executive.

Legislation can only originate in the Lower House, but it must pass through both houses in order to become law.

Written notice must be given fourteen days in advance to members of a Sitting of Parliament. In urgent situations the Speaker may dispense with such notice, after consulting with the Business committee. Parliament sits Monday to Friday, but not on Saturdays, Sundays or Public Holidays, unless decided otherwise on a motion moved by a Member of the Business Committee (*Standing Order 20*). Every sitting of the Parliament, other than the first takes place between 09:30hrs and 16:30hrs, unless the House decides otherwise. On the conclusion of business before the House, the Speaker may adjourn proceedings without putting a question to the House.

1.4.1 The House of Representatives

The House of Representatives consists of 71 elected members, and a Speaker, elected from outside the House's membership. It is constituted by universal adult suffrage under the Alternative Vote system from 52 Constituencies. Elections for the House of Representatives are undertaken every five years, at which time each seat in the

House is contested. Twenty-three Members of the House are elected from Fijian communal rolls. Nineteen are elected from Indian communal seats. One member of the House is elected from the Rotuman communal roll. Three Members are elected from the General Communal Constituencies, i.e. voters who are not Fijians, Indians or Rotumans. In addition twenty-five Members are elected from Open Constituencies, i.e. seats that are not dependent on ethnically specific communal rolls.

In addition to its duties to consider and debate issues as a full House, the House forms itself into committees of Members to consider issues in more detail. There are two forms of committee appointed by the House: those committees limited in number and constituted by proportional nomination from within the House; and the Committee of the Whole House, in which all Members of the House take part.

The Speaker of the House of Representatives is elected by the Members of the House of Representative from outside their membership. The Deputy Speaker is elected from the House's Membership and assumes the Speaker's duties in his/her absence. A strong Speaker is crucial to the effective operation of the House.

1.4.2 The Senate

The Senate consists of 32 members appointed by the President. Fourteen (14) members are nominated by the *Boselevu Vakaturaga* (Great Council of Chiefs) representing the fourteen Provinces, and one senator is appointed on the advice of the Council of Rotuma. Of the partisan appointees, the Prime Minister nominates nine senators and the Leader of the Opposition nominates eight (*The Constitution* s.64). Under the Constitution (Amendment) Act 1997, the Senate is a House of Review, and cannot generate legislation (which it was empowered to do under the 1970 and 1990 Constitutions). The Senate may not amend Money Bills, pursuant to the *Constitution* (s.49). The term of the Senate mirrors that of the Lower House: it is dissolved on the expiry of the House of Representatives, or upon its dissolution (*Constitutions*.65 (a, b)).

Both the President and Vice-President of the Senate are elected from amongst its membership at their first meeting. Ministers may not hold either post.

1.4.3 The Parliamentary Secretariat

The Parliamentary Secretariat is responsible for the provision of administrative and operational support services for the daily administration of the Parliament. Its duties include:

- ❑ Managing constitutional, procedural and ceremonial responsibilities of Parliament, in conjunction with other departments;
- ❑ Providing procedural advice to the Presiding Officers and Members of Parliament;
- ❑ Providing secretaries to parliamentary sittings and all select committees;
- ❑ Providing Hansard reports of the two Houses and their select committees;
- ❑ Making available Hansard reporters to enquiries, seminars etc;
- ❑ Providing Library/Research and Information services.
- ❑ Providing a range of services including the monitoring of emoluments and benefits for members of Parliament.

At present there are 72 established staff positions in the Secretariat and a further 24 *ad hoc* positions. The Secretary General is a Constitutional Officer, and is appointed in consultation with the Speaker of Parliament. The Public Service Commission recruits the Secretary to the House of Representatives and the Secretary to the Senate, although the Constitution makes provision for their appointment by another body, ‘prescribed by the Parliament’ (*Constitution 1997*, S. 84, (3). In addition there is one senior Hansard Editor and 2 Assistant Editors². There are two Chief Reporters and ten assistant Hansard Reporters, who undertake secretarial duties on an *ad hoc* basis, as required by the Secretary General.

²One position was vacated as a consequence of the May 2000 coup.

2.0 Areas for Institutional and Capacity Strengthening

2.1 The Existing Legislative Framework.

Parliament is regulated by four key documents: the House of Representatives and the Senate are each governed in accordance with their respective Standing Orders (Fiji 1999 b, c); the *Parliamentary Powers and Privileges Act* (1978) Amended; and the provisions of *Constitution of the Republic of the Fiji Islands* (1997).

The legislative framework in Fiji is well established, although certain provisions of the *Constitution* are currently being reconciled according to law. Members have suggested that some provisions of the Constitution are practically unworkable.

There has been no consolidation of Fiji's laws since 1985. At present, there are conflicts between pieces of legislation and several redundant laws that require review. The consolidation should be undertaken by a skilled draftsperson.

The authors of this report recommend:

- ↗ That a consolidation of Fiji's Laws be undertaken by a skilled legal draftsperson as a matter of urgency.

2.1.1 Constitution of the Republic of the Fiji Islands (1997).

The current Constitution came into being with the *Constitution (Amendment) Act 1997 of the Republic of the Fiji Islands*. The Constitution Review Commission conducted broad consultation with various stakeholder groups, and then submitted their report to the Joint Parliamentary Select Committee on the Report of the Constitutional Review Commission (JPSC), which made final amendments before its introduction to the House as the *Constitution (Amendment) Bill, 27 July 1997*.

Since then, several sections of the Constitution have been subject to intensive scrutiny. For example, the *Boselevu Vakaturaga* 'agreed that amendments be made to the 1997 Constitution and that these amendments should embrace all concerns that have been expressed by the Taukei' (ABC Radio, 25 May 2000). The Fiji Labour Party remains a supporter of the Constitution's current provisions. Amending the Constitution requires a two-thirds majority in the House, and therefore can be based

feasibly only on bipartisan support. Abrogation of the *Constitution* notwithstanding, this process will be lengthy and difficult.

However, key sections of the Constitution under review directly relate to the operation of the Parliament. Section 99 of the Constitution requires the Prime Minister to invite representatives from all those parties within the parliament to join his/her government in such proportion as to ‘fairly represent the parties represented in the House of Representatives’ (*Constitution*, s 99 (4)). While the viability of this option cannot be ruled out, it raises fundamental questions regarding the role of the Opposition in overseeing the performance of the Executive by lessening the impetus for parties to voluntarily constitute the Opposition. While Section 99 is geared towards inclusive government, other provisions require input from the leader of the Opposition, who is vested with significant powers (E.g. Under Section 64 of the Constitution, the Leader of the Opposition nominates 8 senators). At a minimum, these sections of the Constitution will require synchronisation.

The Constitution provides the framework for the enactment of several pieces of legislation, including provisions for a Code of Conduct (*Constitution* s. 156) and a Freedom of Information Act (s.174). Other pieces of consequential legislation have already been enacted: The Social Justice Act (*Constitution* s.44) was passed by the Parliament in late 2001 (Fiji Government, *Press Release*, 27 December 2001). Consideration should be given to reinvigorating the Legal and Consequential Legislation Committee, which was in operation under the People’s Coalition Government until May 2000 to facilitate this process.

The Code of Conduct would apply to the Executive, the Legislature, Permanent Secretaries of Departments and people holding governing or executive positions in statutory bodies. While the Constitution establishes guidelines for the conduct of public office-bearers, it does not provide detail. Instead it suggests that, ‘Parliament must, as soon as practicable...make a law...to implement more fully the conduct rules set out (by the Constitution) ... (and) if appropriate, to make provision in relation to the investigation of alleged breaches of those standards’ (*Constitution* s.156 (3a)). The intention of the Code of Conduct is to ensure that Members do not: ‘place themselves in positions in which they have ... a conflict between their private interests and their public duties’; ‘compromise the fair exercise of their public duties’;

'use their offices for private gain'; allow their integrity to be called into question'; or, 'cause respect for, or confidence in the parliament to be diminished' (*Constitution*, s. 156).

Arising from the Code of Conduct is the secondary need for a Register of Interests to be created, to ensure compliance with Section 2 of the Code of Conduct. Already under Standing Orders Members must declare any pecuniary interests relating to the issues at hand before participating in House debates (Standing Order 40). However, this may be impractical. For example, each Member has a clear pecuniary interest in questions of state taxation, and must declare their interest before participating in debate. A register of interests would streamline Parliamentary Debate. A more formalized system is clearly necessary and appears to have considerable support amongst grassroots stakeholders and Members. Concerns have been raised about the advisability of making details of Members' interests public. One option is for Members to lodge details of their interests with the Ombudsman's Office or the Secretary General of Parliament, which could take responsibility for policing the register.

The authors of this report recommend:

- ↗ That the gradual process of amending and synchronising the Constitution be undertaken.
- ↗ That all consequential legislation arising from the Constitution be formulated into Bills for consideration by the House; in particular,
 - A Code of Conduct Bill be formulated to add strength to the provisions of the Constitution.
 - That a Register of Interests be formalized to strengthen the provisions of the Constitution relating to Section 156, Code of Conduct.
 - To facilitate this process, the Legal and Consequential Legislation Committee be reinvigorated.

2.1.2 Standing Orders of the House of Representatives of the Republic of the Fiji Islands (1999); Standing Orders of the Senate of the Republic of the Fiji Islands (1999).

The House of Representatives and the Senate have each adopted their own Standing Orders. Most of the Standing Orders have been derived from the British Parliament. In 1999 alterations were made to the Standing Orders of the House of Representatives to allow for the provisions of the new Constitution. The Standing Orders relate to:

- ☒ The manner in which the Upper and Lower Houses exercise and uphold their powers, privileges, and immunities, and
- ☒ The order and conduct of their business and proceedings.

A Standing Order may be formally set aside by a motion to suspend it. This has become a relatively common practice in the Fiji Parliament, especially in light of the perceived need to urgently push through Bills arising from the Constitution, or for other urgent needs (See Section 2.4, the Legislative Process). Suspension of Standing Orders has allowed Governments to avoid other requirements of the Standing Orders, such as adherence to notification times for Bills and duration between the First and Second reading of a Bill. Motions to suspend Standing Orders may be moved only with the acquiescence of the Speaker of Parliament. A motion to suspend Standing Orders must state the reason for the suspension, although there is no need to specify the particular Standing Orders to be suspended.

The authors of the report recommend:

- ☒ Standing Orders be reviewed to encourage Ministerial timely response to queries arising from Standing Sector Committees' work regarding Bills, subordinate legislation and government policies.
- ☒ The Government provide legislative programmes prior to the commencement of Parliamentary Session to allow for adequate notification and dissemination to Members.

- ☛ Standing Orders be reviewed to synchronise the provisions of Standing Order 90 on the function of sector committee with Standing Order 96 on the authority of the Chairpersons of sector committees.

2.1.2 Parliamentary Powers and Privileges Act (1978) Amended.

The Parliamentary Powers and Privileges Act establishes the framework for the operation of parliament, its limitations and those powers which parliamentary officers hold in the pursuit of the core duties of law-making and oversight. For example, under the Act ‘the House of Representatives or the Senate or any committee may, subject to (certain) provisions, order any person to attend ... to give evidence’ (Parliamentary Powers and Privileges Act (1978) Amended s.10). When evidence, papers, books, records or other documents are presented before the House, the Senate or a committee, ‘the proceedings shall be deemed to be judicial proceedings for the purposes of a prosecution for perjury, subornation of perjury, or defeating or diverting the course of justice’ (s. 18). Failure to attend or giving false evidence represent offences against the Act, and may incur penalties such as prosecution. In such cases the Speaker or the President may order the clerk to issue a warrant to apprehend the offender (s.12).

These provisions provide considerable powers of investigation to parliamentary committees, and full use should be made of them in the prosecution of the Parliament’s duties, especially during committee investigations.

2.1.4 Electoral Act (1998)

Elections are the most explicit means by which the constituency can influence the formation of government and assure that its aspirations are reflected in the decision-making process. They are therefore a keystone process by which the government remains accountable to the people.

Elections in Fiji are held in accordance with the Electoral Act 1998. The relative newness of the current electoral system notwithstanding, there appears to be dissatisfaction with the electoral process arising from the adopted Alternative Vote (AV) system.

Grassroots stakeholders have voiced cogent reservations about “the above the line/below the line” component of the system. Recent court cases have highlighted the level of confusion. They appear to be suspicious of the importance of party preferencing, which was intended to facilitate cooperation between political groups. Concerns have been raised that this practice appears to remove the fundamental democratic component of elections, viz. the right of the people to choose where their preferences are directed.

It is a matter of concern that in a compulsory voting system, voter turnout has dropped in the course of consecutive elections. In addition, the growing number of invalid votes cast in the two elections suggests either a worsening understanding of the system or a growing ‘donkey’ vote amongst a disenchanted electorate.

The authors of the report recommend that:

- ☒ A review of the electoral system be undertaken to streamline the electoral system; or,
- ☒ Sustained civic education on the electoral system be undertaken to educate stakeholders on their rights under the current electoral system.

2.2 The Existing Resource Constraints of Parliament

The Parliamentary Secretariat is currently unable to fulfil adequately its role in support of the Houses of Parliament because of staff shortages, damage to infrastructure arising from the occupation of the Parliamentary complex from May 2000 and the constitutional arrangements by which the Secretariat is governed. Greater autonomy in financial management and recruitment is also necessary.

The parliament is experiencing several Human Resource Management problems. Under its current provisions there are not enough staff positions to properly fulfil the functions of the Secretariat. At present, the Secretariat supports the Sector Standing Committees, the Select Committees and commissions of inquiry. In practice, the Secretary General provides strong secretarial support to the Speaker of the House of Representatives (the Speaker) and the President of the Senate (the President). She also mentors the two Secretaries. In addition the Secretary General is the Financial

Controller of the Parliamentary Secretariat, is responsible for the Maintenance of the Parliamentary offices, and manages the business of the house. Meetings are summarized, drafted and minuted. Hansards are provided of the proceedings of both Houses, Committee meetings and commissions of enquiry where required. The Secretariat is able to deliver Hansards in a timely and effective manner to each member. The current pay structure allows for staff to work overtime to complete reports where necessary. The current secretariat for sector standing committees, which consists of three staff, is responsible for six committees. As such, there is no capacity for the committees to sit simultaneously. Some committees have already been unable to sit due to staff shortages. To cover this shortfall, staff have been engaged on an *ad hoc* basis, and required to undertake tasks outside their formal competency. Staff shortages should be addressed urgently. Shortages also occur when Hansard officers are seconded to commissions of enquiry, for example.

Several of these issues could be avoided under alternate recruitment arrangements. Currently the Secretary General is a Constitutional Officer appointed by the Constitutional Offices Commission. All other staff are appointed by the Public Service Commission, but under the Constitution may be ‘appointed ... by another body prescribed by the Parliament’ (*Constitution* s. 84 (3)). PSC recruitment has not prioritised the recruitment needs of the Secretariat, it does not include a ‘Parliamentary expert’ panellist who may be able to prioritize the Secretariat’s needs and it has not liaised effectively with the Secretary General on recruitment issues. To date, this has not resulted in unqualified staff being recruited. However, during staff shortages or periods of upheaval it is foreseeable that the Secretary General might need to prioritize recruitment imperatives. Should the Parliamentary Secretariat move to a system of performance-based recruitment/promotion, senior executives of the Secretariat will need to adopt greater responsibilities in the recruitment process. One suggested reform has been the formation of a Parliamentary Services Commission, involving the Speaker of Parliament, the Secretary General and the Public Service Commissioner, which would take responsibility for recruiting staff and overseeing their performance.

Under the current system of appropriation, the Parliamentary Secretariat follows similar procedures as other government departments. The Secretariat’s budget is established by the House Committee, and is approved by the Speaker. After

consultations with the Sector Committee on Administrative Services, an application is made to the Ministry of Finance. Unlike other departments subject to these arrangements the Parliamentary Secretariat has no responsible Minister to protect its interests and ensure adequate funding for its programmes.

In 1996 the Secretariat prioritized the development of research capacity, PC/internet facilities and library research infrastructure as necessary developments for the effective operation of the Parliamentary Secretariat, especially with relating to strengthening the capacity of Members. This programme was in its early phases when the coup was mounted, and has not been reinvigorated since that time. Consideration should be given by the House Committee to making available appropriate further funds to restore these initiatives. Currently, the Secretariat is insufficiently resourced with computers: for example, Hansard secretaries are typing their reports outdated PCs (2086).

The report's authors recommend that:

- ☒ A Presiding Officers' counsel to be recruited.
- ☒ Vacant positions within the Parliamentary Secretariat are filled to service the Parliament effectively.
- ☒ Recruitment for these positions to be conducted in close consultation with the Secretary General of Parliament.
- ☒ Consider the appropriateness of an independent parliamentary service commission.
- ☒ Upgrade the Information and Research Unit with appropriate technology to acquit its responsibilities effectively.
- ☒ Assess the structure of the Secretariat to effectively service the functions of parliamentarians.
- ☒ Provision of additional office accommodations for parliamentarians.
- ☒ Provision of a separate Chamber for the Senate.

- ☒ Provision for facilities to accommodate visitors to Parliament.

2.2.1 The Parliamentary Library

The Parliamentary library collection was extensively damaged during the occupation of the Parliamentary complex in 2001. Almost sixty percent of the collection was destroyed or stolen during the occupation of parliament. The library had carried Hansard reports from parliament, committees and commissions of enquiry, government publications, minutes and broadsheets. By agreement, government documents are copied to the University of the South Pacific library and the National Archives of Fiji. The parliamentary collection should be reconstituted from these sources as a matter of urgency.

Furthermore, computers (with internet connections) provided by People's Republic of China funding were destroyed or damaged during the occupation. As an initial milestone to strengthening the Parliament, equipment and resources damaged during the occupation should be replaced.

The report's authors recommend that:

- ☒ Adequate resources be provided for the library and for the acquisition of necessary reference materials.
- ☒ Internet be reconnected to the library.
- ☒ Members of both Houses be trained to use the library and access the Internet.

2.2.2 The Information and Research Unit

The Information and Research Unit was established in 1997, and aimed at strengthening the capacity of Members of Parliament by providing policy advice and analysis and researching legislation. There are three positions in the Unit, including two Research Officers and a Media and Public Affairs Officer. After the May 2000 coup one staff member resigned (and subsequently migrated) and another was transferred to another department.

Opposition Members have rarely had access to information on debates to the level of quality of government ministers and have no access to legal counsel. There is a clear

need for some level of advisory expertise to be offered to Opposition Members and backbenchers, particularly on legal and technical issues relating to Bills before the House.

Several computers donated by the People's Republic of China were destroyed during the occupation of the Parliament. This has undermined the Information and Research Unit's ability to follow-up on Members' research requests effectively. In addition those computers that are available, are not equipped sufficiently to undertake some tasks³.

The authors of this report recommend that:

- ☒ Vacancies in the Information and Research Unit be filled immediately to strengthen the Secretariat.
- ☒ The Information and Research Unit be strengthened to enable more effective secretarial support to parliamentarians.

2.3 The Legislative Process

The power to make laws rests with both Houses of Parliament, and requires the assent of the President. The power to make laws is enacted through the passage of Bills through both Houses, but Bills can only originate in the Lower House. However, Members and other stakeholders have highlighted several flaws in the current legislative process.

Under Standing Orders a Minister must give notice to the Secretary General of the government's intention to introduce a public Bill (except a Money Bill). 'Such notice is published in the Gazette not fewer than 30 days before the sitting at which the Bill is intended to be read the first time' (Standing Order 63 (1)). The Minister must supply printed copies 'at least 21 days' before the nominated day of reading. When notified by Members of Bills the Secretariat is generally able to fulfil this function in a timely and effective manner.

³ For example, the Information and Research Unit's current Internet connection-supplied by the government vendor-is frequently congested during working hours.

According to Standing Orders, after their introduction to the House Bills are then set down for a Second Reading ‘upon a future day’ (Standing Order 64). Following the Second Reading of a Bill a Member may move without notice that it be referred to a sector standing committee, if successful the Speaker refers the Bill to the appropriate sector standing committee. When a sector standing committee has reported on a Bill and any motion arising from the report has been considered, the Bill is again set down for committal to the Committee of the Whole House ‘on a future day’. Sector Standing Committees must contain an element of proportionality to the composition of the House of Representatives to ensure that legislation is given due consideration by the elected Representatives.

In practice governments have strategically utilized Standing Order 4, ‘Suspension of Standing Orders’, to expedite this process, thereby weakening the legislative cycle. No debate is allowed on motions to suspend Standing Orders. This provision has been utilized to direct Bills to sector standing committees for deliberation, but they have been given only a few days to consider them. Bills have been forwarded to the Secretariat the night before their introduction to the House, and have therefore not been gazetted or placed on notice in accordance with Standing Orders.

Bills have not been given due consideration under these conditions. Committees have not been able to conduct meaningful sector or community consultation, nor had time to consult experts on the details and ramifications of legislation. Members have not been able to fully consider legislation. Key stakeholders consider Fiji’s legislation weak, because it lacks consensus support and contains internal conflicts or unconstitutional clauses. Consensus on the appropriate levels of consultation should be fostered. Should Standing Orders continue to be suspended in this manner, a central cog in the legislative machinery will be made effectively redundant.

The Speaker has stated his preparedness to allow such actions in lieu of any other government business. However, this situation is unsustainable in the long term. As part of the notification process of Bills governments should be encouraged to furnish legislative programmes. These need not be rigid, because governments will necessarily be forced to consider urgent Bills periodically, but greater adherence to the existing Standing Orders should be encouraged. Additionally, consideration

should be given to amending Standing Orders to require an Absolute Majority to suspend Standing Orders.

During the committee stage of a Bill, sector standing committees are situated to conduct consultation with sector experts and community groups, especially on Bills which are of direct relevance to these groups. NGOs have provided policy papers for committees in preparation for consideration of Bills, or on behalf of government departments before their introduction. However, the lengths to which committees have gone to gauge community opinion on legislation, has often been minimal. Committees should be encouraged to monitor the impact of legislation on the community and encouraged to place greater emphasis on public accessibility/interface.

The Sector Standing Committees were intended to facilitate and encourage consensus building outside of the major arena of political rivalry. The intention was that by passing legislation through Sector Standing Committees at the Committee Stage of the passage of a Bill, an element of consensus style legislation would be facilitated. Parliamentarians could conduct serious work in the Select Committees, consult with sector and community stakeholders and devote considerable time to considering the potential ramifications of legislation. (This system does not presuppose inadequate preparation by departments.)

They were also intended to include backbenchers in the legislative process and to foster knowledge of parliamentary and government practices and systems. Despite cogent reservations voiced by senior Government Members regarding their efficacy, sector standing committees have received recent vocal support from both sides of the House (For example, see Hon. Qovu, *Hansard*, 18 Feb. 2002). That the system is valued so highly by backbenchers suggests an already strong sense of ownership in these institutions. Members understand the benefits to the cycle, can hone their skills and contribute to effective governance. Care must be taken that the committees are not seen as competitors with the House for legitimacy in lawmaking, but they constitute an integral part of the system. Under the current system there is no requirement for Ministers to adopt the recommendations of the sector committees. However, some system of response of these recommendations should be required of ministers.

Justifiable concerns have been broached regarding the expense of the committee system in a frugal fiscal environment. The current government position favours sector and community consultation before the introduction of Bills to the House, i.e. the relevant departments should conduct it. However, sector committees are constitutional offices, established under section 74 (4). According to this provision there must be at least five sector committees, each with responsibility to scrutinize Government administration and to examine Bills and subordinate legislations assigned to it by the Speaker and agreement of the House Business Committee. To alter their roles fundamentally will require constitutional amendment (which requires 2/3 majority in the House), in addition to revision of the Standing Orders.

To minimise expenditure, consideration should be given to the amount of time committees sit, and amendments to Standing Orders be considered accordingly. This should include stricter guidelines for the duration of committee meetings and the amount of time that committees have to consider Bills, relevant subordinate legislation and government policy.

2.3.1 The Legislative Cycle

The legislative process is hampered by systemic failures elsewhere in the legislative cycle. Legal drafting is crucial to the overall legislative cycle, but drafting techniques are weak. The human resources weaknesses of the Solicitor General's Department, especially with regard to drafters, are acute and not remediable in the short term: there is currently only one overseas-trained legal drafter. Strategies should be enacted to encourage graduates into the drafting department, perhaps through a scholarship system. Short-term secondments to and exchanges between drafting teams in larger Forum and Commonwealth countries should also be considered.

To add to these structural limitations, politicians are often unclear on the provisions and details of legislation, despite the provision of explanatory notes. Many of these issues would ameliorate if Members could access independent counsel, perhaps attached to the Office of the Speaker of Parliament, and have access to a strengthened research unit (see Section 2.2 The Existing Resource Constraints of Parliament). While longer time to deliberate on the contents of Bills is clearly necessary to improve members understanding, clearer explanatory notes - possibly involving margin notes – provided in plain English, will improve their cognizance.

The authors of this report recommend that:

- ☒ Standing Orders to be reviewed to encourage Ministerial timely response to queries arising from Standing Sector Committees' work regarding Bills, subordinate legislation and government policies.
- ☒ Government to provide legislative programmes before the commencement of Parliamentary Session to allow for adequate notification and dissemination to Members.
- ☒ Standing Orders be reviewed to synchronise the provisions of Standing Orders 90 on the function of sector committee with Standing Order 96 on the authority of the Chairpersons of sector committees.
- ☒ Greater care and consideration to be given to the long term effects on the legislative process before the suspension of Standing Orders.
- ☒ Greater time must be given to the consideration of legislation in sector standing committees to ensure the good governance of the Fiji Islands.
- ☒ Drafting weaknesses of the Solicitor General's office to be strengthened by improved training, seminars, interdepartmental consultations and professional exchange programmes with regional State Law Offices.
- ☒ Simplified explanatory notes to be provided as part of the notification process.

2.4 The Oversight Role of Parliament

There are several components for Parliamentary oversight: a strong and effective Opposition, a responsible and responsive Executive, an active and effective committee system, effective constitutional oversight agencies, an active media and an informed and educated public. Vocal Oppositions oversee the Executives in several countries that inherited Westminster government.

In Fiji, opposition parliamentarians have long utilised the traditional oversight mechanisms to highlight government inadequacies, such as Urgent Questions and Written Questions (Standing Orders 32, 37). While the Constitution and Standing

Orders have provided several structures to improve the Parliament's oversight capacity, and its rightful place in the Westminster model of Legislature Executive relations, most interlocutors agreed that it is still dominated by the Executive.

Currently, the FLP is pursuing its right to representation in the Cabinet under Section 99 of the Constitution, despite resistance from the Qarase Administration. Although Members are clear on the role of the Opposition in the legislative process and oversight, this shift suggests a need to review current thinking on the current provisions for oversight.

2.4.1 Sector Standing Committees

Sector standing committees (Standing Orders 89-102) are provided for in the *Constitution* (s.74 (3) to scrutinize Government administration and to examine Bills and subordinate legislations assigned to it by the Speaker and agreement of the House Business Committee. There are six (6) sector standing committees⁴: The Sector Standing Committee on Economic Services; the Committee on Social Services; the Committee on Administrative Services; the Committee on Natural Resources; the Committee on Foreign Relations; and, the Committee on Justice, Law and Order. Sector Standing Committees are empowered to monitor 'legislative programme(s), budget, rationalisation, restructuring, functioning, organisation, structure, policy formulation, or any other matters considered relevant' (Standing Order 90, (d)).

Committees exist for the duration of the life of a Parliament. Sector standing committees for the current parliament have had little time to report to parliament, although some reports have been tabled in the House (See Young 2002). Committee chairs should be encouraged to report to parliament on issues regularly, not only on their deliberations on Bills. As is the case with other parliamentary committees, there is no requirement for Ministerial response to committee reports. To strengthen the cycle of accountability, consideration should be given to amending Standing Orders to require Ministerial response within a given period.

⁴The *Constitution* (s.74 (3) stipulates that there must be at least five sector standing committees.

(Sector Standing Committees are discussed in more detail under Section 2.3, the Legislative Process).

2.4.2 Standing Select Committees

There are currently six standing Select Committees, including the Business Committee, the House Committee, the Committee of Privileges, the Standing Orders Committee, the Sugar Select Committee (AKA Standing Select Committee on Sugar), and the Public Accounts Committee. Additionally, there is provision for the formation of *ad hoc* Select Committees with the responsibility to carry out particular assignments specified by a resolution of the House (e.g. The Legal and Consequential Legislation Committee). Each year, all Members of the House constitute the Committee of Supply to consider the Government's Appropriation Bill and Estimates (and Parliament's Annual Appropriation Bill and Estimates).

Problems have arisen because Members often sit on more than one committee, and therefore find difficulty in fulfilling their duties and responsibilities to multiple committees. Some Members, such as the Leader of the House, are *ex officio* members of several committees. Multiple Memberships impinge on the ability of Members to acquit their duties to individual committees effectively. This is an issue of concern regarding the proper functioning of the Sector Stand Committees and Standing Select Committees. Consideration should be given to rationalizing membership requirements to remove these problems.

2.4.2.1 The Public Accounts Committee

The Public Accounts Committee is a key oversight institution for the Fiji Parliament. Its primary functions are to 'examine the accounts of the Government of Fiji in respect of each financial year together with any report of the Auditor General and such other accounts laid before the parliament as the Committee may think fit' (Fiji *n.d.*). Pursuant to Standing Orders the Public Accounts Committee is constituted at the commencement of the Parliamentary Session. It must contain twelve (12) members nominated by the Prime Minister and the Leader of the Opposition, and has a quorum of eight members. Under Standing Orders its Chair must be a member of the Opposition.

The Public Accounts Committee is required to submit a report to Parliament, which is published as a House Paper and laid on the table (Standing Orders 106b (5). The PAC has suffered delays because of the May 2000 coup, and is currently two years behind in the provision of its reports⁵.

For parliamentary committees, Government response and the ‘actioning’ of recommendations are critical to the cycle of accountability. The Public Accounts Committee reported with consternation that until 1999 there had been no government response to PAC reports (Parliament of Fiji 1999a, 93). In some instances weak follow-up is attributable to limitations in the powers of referral to criminal investigation or the judiciary. The formation of a joint audit committee in January 2002 with powers to recommend surcharges and disciplinary measures will ameliorate some of these concerns (*Fiji Times*, 4 January 2002). The three-person team includes the Solicitor General, the Permanent Secretary of Finance, and the Secretary of the PSC. The Finance Ministry's Internal Audit Unit is to co-ordinate follow-up action in close consultation with the audit committee on reports and recommendations by the Auditor General's office and the Public Accounts Committee. However, the committee is in its infancy, and has not yet considered the Public Accounts Committee's reports.

Despite conducting in-depth interviews, the Public Accounts Committee's investigative powers are undermined by several key factors. Public servants are often unable to furnish appropriate information regarding issues raised by the Report of the Public Accounts Committee. The *Parliamentary Powers and Privileges Act (1978) Amended* already details the procedures for giving evidence to ‘the House of Representatives...the Senate or any committee’. However, interviewees were often not in their positions at the time of issues under investigation (Parliament of Fiji 1999a, 91). The committee has been unable to adequately report on several issues on account of this weakness. Departments have blamed staff shortages for their inability to account for public funds properly, but this defence is unsustainable in the long-term. Financial reporting is a core element of accountability.

⁵These reports are nearing completion.

Members of the Public Accounts Committee may have insufficient experience or expertise to ask the relevant questions of experienced public servants in the course of their investigations. During the Interim Government, a Public Accounts Committee constituted by qualified private citizens was formed by decree to vet fiscal expenditure, stimulating calls for permanent positions for qualified private citizens to be created in the Public Account Committee, and strengthening claims that Parliamentary Members of the Public Accounts Committee lack the sufficient expertise to fulfil their duties adequately. Under Standing Orders and Parliamentary Privileges the committee is already empowered to seek evidence and consult sector experts (*Parliamentary Powers and Privileges Act (1978) Cap 70*). The Public Accounts Committee should be encouraged to seek expert advice as a matter of principle during their investigations.

The Ministry of Finance and the Office of the Auditor General provide secretariat support to the Committee. In general the Public Accounts Committee is dissatisfied with the level of secretariat support it receives from the Office of the Auditor General and the Ministry of Finance. According to its 1999 report the Public Accounts Committee noted that several issues under committee investigation had been solved or rectified by the OAG already. Despite shared personnel and complementary aims, poor communication between these two oversight institutions undermines the cycle of accountability: Effective relationships between the Office of the Auditor General, the Ministry of Finance and the Public Accounts Committee are crucial to the effective oversight of fiscal expenditure. This has resulted in duplication between the function of the Public Accounts Committee and the Office of the Auditor General.

Because of the complexity of issues facing the Public Accounts Committee, a discrete piece of legislation detailing clearly its powers, functions and membership should be prepared. The central role of the Public Accounts Committee and the relative obscurity of its current powers highlight the need for it to be strengthened, preferably through a discrete Act of Parliament (e.g. Public Accounts Committee Act). Consideration should be given to the relative time granted to investigations: there is little differentiation between time given to technical issues and that given to major problems, such as mal-administration and corruption. Consideration should be given to the time devoted to investigation and reporting methodologies.

2.4.3 The Office of the Auditor General

The Office of the Auditor General is provided for under the *Constitution*. It operates in accordance with the *Audit Act* (1971). The Auditor General must submit a report to the Speaker of the House of Representatives and must submit a copy to the Minister. Within 30 days of receipt of the report, or on the first sitting day following, the Speaker must cause the Leader of each House of Parliament to lay the report before the House (*Constitution*s. 167 (8)).

There is a need to review the current legislative and constitutional arrangements to clarify the powers of the Office of the Auditor General. Under the current system the Auditor General is not empowered to audit all receivers of public funds. Currently, corporations may have their accounts audited privately, although in certain instances the OAG reserves the right to view the private audit. However, at least one trust fund has mounted a legal challenge on the right of Auditor General to view their accounts. This issue notwithstanding, the Auditor General should be allowed access to the accounts of all users of public funds.

A joint audit committee comprising three senior government officials was tasked to make recommendations for disciplinary action – including surcharges - against those guilty of corruption as stated in the Auditor General's report. The committee will also consider the recommendations of the reports of the Public Accounts Committee.

To improve the oversight capacity of the Parliament, the authors of this report recommend that:

- ☛ Consider amending Standing Orders to require ministerial response to questions raised in the course of reports by oversight committees and external oversight agencies within 2 months.
- ☛ Chairpersons of Standing Committee to make regular reports to Parliament on issues arising from Standing Order 90 (d); and to ensure that this is effective,
 - Committee chairs should report fully to Parliament on all aspects of their investigations and deliberations, not simply on their recommendations for Bills before the House.

- ☛ Rationalize membership of committees to avoid problems arising from multiple memberships.
- ☛ That the Public Accounts Committee be reviewed in order to clearly establish and strengthen its powers and functions; and that,
 - Consideration be given to preparing a Public Accounts Committee Act, which establishes clearly the committee's powers, functions and membership.
- ☛ The Public Accounts Committee, when relevant, to co-opt outside expert or seek relevant outside advice during their investigations.
- ☛ That the Public Accounts Committee prioritize those issues under investigation to give appropriate time to issues (technical irregularities versus mal-appropriation).
- ☛ The systems of information exchange between the Ministry of Finance, the Office of the Auditor General and the Public Accounts Committee be improved; to this end,
- ☛ The advisory role in support to the Public Accounts Committee from the Ministry of Finance and the Office of the Auditor General must provide qualified advisers.
- ☛ The joint audit committee be supported.

2.5 Assessment of Existing Parliament-Constituency Relations

Parliament-Constituency relations take two forms: the relationship between Members and their constituencies; and the relationship between the people and the Legislature.

Anecdotal evidence suggests that grassroots people are sceptical of their relationship with Members of Parliament, whom they accuse of only showing interest in their electorate close to election time. Grassroots stakeholders routinely claim that they either do not receive appropriate information under the system or are marginalized from information networks altogether. In general, politicians are criticized for their

rare visits to constituencies. Most constituency visits take place around election time, and are therefore seen as opportunistic attempts to garner voter support. Relations with grassroots people are often defined by periodic visits, and small strategic donations made to local institutions, such as churches. While this interaction is clearly welcomed by local people, it is also noted that it is insufficient for this to constitute the full relationship between a Member and his or her constituency. There is no model of effective parliament-constituency relations common to all political systems, but both grassroots people and Members of Parliament have noted weaknesses in the existing practices.

A major hindrance to facilitating effective relations between Members and their constituents is the amount of money granted to Members to cover constituency relations. At present Members receive \$fj7,000 Constituency Allowance. Some members have established offices in their constituencies to facilitate relations with the electorate, but more formalized systems are needed if grassroots people are to have their aspirations reflected in the processes of governance.

Several initiatives to strengthen people's understanding of the role of Legislature were in place before May 200. The Parliamentary Secretariat had prioritised improving public relations: programmes for civic education, community visits had been formulated and the Secretariat had a permanently employed media officer. To facilitate public interest in the operation of parliament, these initiatives should be reinvigorated at the earliest possible convenience.

In general, parliamentary sessions are open to the public, and 'the Speaker may from time to time make such rules as the Speaker sees fit for this purpose' (Standing Orders 111 (1). The Parliament has the capacity to seat two hundred (200) visitors in the Public Gallery. At the first Sitting of a Parliamentary Session these seats are generally reserved for invited guests from the diplomatic community, Departmental Heads and other dignitaries.

2.5.1 The Media

Fiji has a strong independent media and a relatively autonomous public broadcaster. There are three major daily newspapers, printed in English, and two vernacular weekly publications, printed in Hindustani and Fijian respectively. Parliament is

broadcast on FijiOne TV, and reported on in both the print and broadcast media in the three languages. The current affairs programme *Closeup* often focuses on issues arising from parliament. FBC schedules significant airtime to current affairs talk back (*Domo ni Lewe ni Vanua* - Voice of the People), which has generated considerable listener interaction during focused moments of political activity. Both Government and Opposition members have taken part in panel discussions. While much information is disseminated via these media, cognizance of the content of legislation, and the basic laws of the country appears limited.

2.5.2 Local Governance

More effective systems for disseminating information are required to include grassroots people in the information networks related to the operation of parliament and government. Networks for the dissemination of information relating to government policies and legislation are provided already by the Provincial Councils and Advisory Councils, and through the *Bose levu Vakaturaga*. Some National Parliamentarians sit in on Provincial Council meetings to report on government activities, but this is an *ad hoc* arrangement. Currently, grassroots people appear suspicious of the effectiveness of Provincial Councils to disseminate relevant information effectively. Provincial Councils are depicted as unresponsive to community requests for development funds, minor projects, or updates on government performance and programmes in the area. This is described by the Fijian phrase *sa kau cuti*, literally “to go up” (not to be seen again). Although relevant information for Advisory Councils is not as readily available, these too suffer from the depiction as unresponsive and irrelevant to facilitating effective relations between, firstly, the state and the people, and secondly, between the people and their elected representatives. Formalising the relationship between Members of the National Parliament and local governments may be necessary to facilitate the effective flow of information.

2.5.3 Non-Government Organisations

Several NGOs enjoy strong local legitimacy and good relations with government. However, in the recent politically charged atmosphere, NGOs, which have been critical of government performance, have been deregistered and their advertising has been banned from public broadcast media. The strategic deregistration of NGOs by

the administering statutory bodies is contrary to the Conservative Alliance government's professed support for open and accountable government.

Yet there is an unequivocal need for enhanced civic education, especially on radio and television. NGOs have claimed that they have undertaken much of the awareness building programmes aimed to broaden knowledge of the CEDAW Protocols, which Fiji signed in 1995, and the promulgation of the 1997 Constitution. While many NGOs consider it the government's duty to cover formal costs relating to civic education programmes relating to their legislation, they have routinely taken on these tasks.

NGO stakeholders suggest that rural people in particular respond favourably to civic education programmes, because of the relative lack of quality information. When they have failed in this task grassroots stakeholders have succumbed to misinformation regarding national issues such as the contents and implications of legislation, the Constitution etc.

2.5.4 Sector Standing Committees

The standing sector committees also have the capacity to facilitate grassroots involvement in government. Initially sector standing committees invited public submissions on proposed legislation. Notices were broadcast through both the print and broadcast media. Currently, this function has been checked by several factors, including the government's preference for expediting the legislative process. Invitations for public submissions on Bills has been limited to one off advertisements, or hampered by the short time available for the public to formulate ideas and then submit them to the committees. Understandably, not all Bills can be subject to the in-depth public scrutiny. However, some level of interaction is clearly needed for legislation with strong social ramifications.

2.5.5 The Electoral Process

The electoral process represents one of the most explicit mechanisms for constituency-parliament relations, and is in itself fundamental to parliamentary oversight: it is the electorate which decides who will govern it. Some criticism has been mounted of the new electoral system on these grounds: the preferential voting

system removes much of the right of grassroots stakeholders to direct their preferences on their own terms in favour of the preferences deals negotiated between political parties.

On a systemic level, preparations for the October 2001 Elections were begun in May, which allowed four months' preparation. Although the Commission undertook the strongest possible voter education during this time, longer-term and more sustainable civic education is required to ensure that under the current system Parliament reflects to the greatest possible degree the aspirations of the people. Ominously, the 2001 elections witnessed an increasing number of informal votes and a drop in voter turnout, despite participation in elections being mandatory⁶. Additionally, the number of invalid votes grew between the 1999 elections and the 2001 elections, signifying either a worsening understanding of the system, or more likely, an increasing protest vote. (More details on the elections can be found at <http://www.fijilelections.com> and <http://www.itc.com.fj>)

That greater emphasis be placed on parliamentary-constituency relations throughout the term of the parliament, not simply at election time. To this end the authors of this report recommend that:

- ☛ The systems for disseminating information relating to the Parliament be strengthened to facilitate greater understanding amongst grassroots stakeholders.
- ☛ Community outreach programmes in existence be reactivated; e.g.
 - Civic education components to be included in curriculum development for Primary and Secondary Schools.
 - Outreach programmes to be formulated using civil society organisations network throughout the country.
 - Special programme for school children to visit Parliament with sufficient space and refreshment provided for them.

⁶Voter turnout dropped from 90.18% (1999) to 78.93% (2001).

- ❑ Assess the establishment of constituency offices where people and their Members can meet and work.
- ❑ Sustained civic education on the electoral system to be undertaken to educate stakeholders on their rights vis-à-vis the electoral system.
- ❑ A review of the electoral system to be undertaken to streamline and simplify it.

2.6 The Status of Women and their Participation in Public Decision-Making

Evidence regarding the position of women in public decision-making in Fiji is mixed. Male politicians often trivialize women's empowerment, and consider sexual violence and criminal violence in the home as domestic matters. Other stakeholders have suggested that while an issue of crucial concern, women's representation in public decision-making is a separate issue to good governance, which should be predicated on effective institutions and capable representatives, irrespective of gender.

Fiji has a solid record of supporting women's leaders. The first woman elected to the Lower House was Irene Jai Narayan in 1970, and the first woman minister, Minister for Social Welfare Adi Losalini Dovi, was appointed in 1975. Jokapeci Tagi Elizabeth Koroi has been the President of the Fiji Labour Party since 1991 and a Senator since 1999. Overall women's role in decision-making at a national level is growing: of the 351 candidates in the 2001 National Elections, 31 (8.8%) were women (Rigamoto 2001). There are currently eight women in parliament: five who are in the Lower House; and four who hold ministries. Several women hold key positions in middle-to-upper-management in the public service. The Secretary General of Parliament (Mary Chapman, 2000-) and the two most recent Secretaries to the Senate (Vini McGoan, 2001-; Matelita Nagataleru 1999-2000) are women. The Chairperson of the Great Council of Chiefs between 1994-1995 was the Hon. Adi Samanunu Cakobau Tolakuli.

The actual position of women vis-à-vis the 'actioning' laws and policies aimed at empowerment is unclear. Fiji legislation already adheres to non-gender specific

drafting language to a certain degree and the Constitution contains non-discriminatory provisions. However, NGOs have highlighted deep structural inequalities in several sectors. The *NGO Report on the Status of Women in the Republic of the Fiji Islands* (2001) suggests that the deposed People's Coalition Government's Bills and policies aimed at improving the status of women have been de-prioritized by the current Qarase government. The report states the 'enabling environment for the progressive implementation of the Convention' (on the Elimination of all forms of Discrimination Against Women) has been removed (FWRM 2001, 9). The situation has worsened since the instability caused by the May 2000 coup. The Advisory Group to the Department of Women and Culture was put on hold since the May 2000 coup. Since then 'reform bills and lobbying towards equality for women have been obstructed, judicial processes have become chaotic (and) poverty in general has increased' (FWRM 2002, 4). Anecdotal evidence indicates organized sexual violence was committed by civilian groups against non-indigenous women during this time (*Ibid.*). Since the coups in 1987 Fiji has witnessed an increase in reported cases of violence against women and children (See Save the Children Fund 2001). While this may reflect improved reporting systems and enhanced access to NGOs - such as the Women's Crisis Centre in Suva - it is reasonable to assume that this might also reflect worsening rates of criminal violence against women generally.

During the consultation phase of this report, no spokesperson for the Department of Women, Social Welfare and Poverty Alleviation was available. However, there are some encouraging signs. The Advisory Group to Ministry of Women, Social Welfare and Poverty alleviation has been reinstated. The Qarase government has stated that it is awaiting finalized drafts from the Attorney General's office for key pieces of legislation relating to the position of women⁷. It has also backed full maternity leave for women and micro-finance initiatives that will benefit (primarily ethnically Fijian) grassroots women. However, support for poor Indian women appears less cogent.

⁷Of primary concern are the Family Law Bill (which is designed to remove legislative and common law discrimination against women); the Evidence Bill (which relates to evidenced proffered in rape and sexual violence cases); and, the Industrial Relations Bill (which promotes the equality of women in the workplace). The garment industry, one of the mainstays of the Fiji economy, is supported by a preponderance of women in low-wage labour. (FWRM *et al.* 2001, 10).

Peak women's NGOs suggest a productive relationship with the government, although MPs have voiced their concerns over the overly critical role that NGOs have played. Relations between the government and NGOs are managed through the reinstated Advisory Group to the Department of Women, Social Welfare and Poverty Alleviation. NGOs play key roles in civic education and outreach. They have undertaken training, consultations and seminars with communities (including men) on women's rights. Some effort has been made to facilitate the training of community paralegals and sentinels, i.e. people who watch out for infringements of women's rights in communities. A productive relationship between government and NGOs is clearly necessary to facilitate community liaison, training and civic education.

Most political parties offer "in principle" support for a greater role for women in politics. According to Fiji Women's Rights Movement data (FWRM 2001), the major political parties advocate several programmes to improve the position of women in Fiji. Most have included provisions for improving gender equity in their respective party platforms. The majority support paid maternity leave or allowances for working mothers, and in various forms support a greater role for women in the economy. Each of the parties supports tougher sentencing for sexual offenders, making sexual harassment a crime and/or long-term strategies such as improved civic education on issues relating to crimes against women. Each of the major political parties supports a greater involvement of women in public decision-making, although there are notable differences in approach. Most parties surveyed support 30-50% representation for women on government boards, but the FLP, which has previously supported quotas for representation, now supports the principle of equality based on merit (FWRM 2001). The SDL supports 50% representation for women at all levels of government (but not the Legislature).

Under the UNIFEM programme pressure was placed on women in parliament to form a Women's Caucus, but this has not occurred. However, there is a clear need to address issues relating to women in Fiji society. While there may be little bipartisan support for a women's caucus, consideration should be given to strengthening the scrutiny of policies that impact on women's affairs. Under the current system, the Sector Standing Committee on Social Affairs is responsible for this. It should be encouraged to prioritize the situation of women. Furthermore, although it is outside

the ambit of this consultancy, political parties might investigate options for forming women's caucuses within their structures.

It is the recommendation of the authors of this report:

- ✓ Key legislation – including the Industrial Relations Bill, the Family Law Bill and the Evidence Bill - relating to the position of women be considered by Parliament.
- ✓ Civic education components on women's rights should be included in curriculum development for Primary and Secondary Schools.
- ✓ Rights awareness campaigns and durable training programmes for grassroots people to be designed and implemented.
- ✓ The Standing Committee on Social Services to be the committee to oversight and promote the welfare of women in the country.
- ✓ Political parties to investigate the viability of establishing women's caucuses.

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Appendix A: Mission Terms of Reference.

The need to strengthen the role of the Parliament of Fiji Islands stems from the commitment of the Government and Parliament of Fiji to implement principles of good governance. Past Governments have made firm commitment, through the Forum process, to implement the Forum's Eight Principles of Accountability. The present Government was also elected into power based on a strong commitment to the promotion of good governance. But Government alone cannot achieve good governance. Other independent arms of government have to play their complementary roles in the promotion of good governance. The reinvigoration of the role of Parliament and the strengthening of its core functions of legislating, oversight and representation would be an important undertaking in tandem with government efforts to reform the public sector and to improve the quality of governance in Fiji nationwide.

The late Speaker of Parliament of Fiji and other Speakers of Parliaments from Forum Island Countries (FIC) agreed during their meeting in Nadi, March 2000 to support the initiative of FIC Leaders, through the forum process, to implement good governance best practices. During the occasion of the First Pacific Islands' Speakers Forum (PISF) meeting in Nuku'alofa, 2001, which Fiji unfortunately could not attend, FIC Speakers unanimously agreed also to support the initiative of FIC Leaders, through the Forum process, to implement the Forum's Eight Accountability Principles and the "Biketawa Declaration". (Attached are, i) the Report of the Regional Conference on Governance for Parliamentarians, held in Nadi, March 2000; and ii) the Guiding Principles of Best Practice for FIC Legislatures adopted by the PISF, FEMM and the Pacific Island Forum this year).

As agreed with the Speaker and the Secretary General of the Fiji Parliament, a comprehensive needs assessment of the Parliament of Fiji will be carried out in January 2002 with its findings to be used as the primary agenda of the MPs consultative forum schedule for late February or early March 2002. The consultative

forum of MPs will primarily assess the findings of the report and agree on a programme of action to improve the capacity of the Parliament.

I. AREAS FOR INSTITUTIONAL AND CAPACITY STRENGTHENING

The major challenge for the Fiji Islands and its democracy is to sustain the functions of State governance institutions to cope with democratic changes in society. Capacity- and institution-building support to the Parliament will be of great value for strengthening parliamentary democracy on the one hand, and for enhancing legislative-parliamentary, parliamentary oversight and parliamentary-constituency relations, on the other.

Fiji's MPs must have the capacity for sound professional analysis of draft laws prepared by Government agencies, particularly on such critical issues as budget preparation, market economics, aid co-ordination and aid management, the role of state in a modern democracy, decentralisation, etc. The *existing human resource constraints* in the Parliament limit the effectiveness of parliamentarians in performing their mandated tasks and make difficult the practical implementation of weak and vaguely formulated laws. There is a need for technical expertise to provide support to all MPs on various issues to help them scrutinize proposed legislation and contribute effectively to parliamentary debates. Technical expertise is also needed so that proposed laws can be harmonized with existing ones.

It is important that *parliament-constituency relationships* are enhanced by introducing appropriate mechanisms to improve parliamentarians' accountability vis-à-vis their constituents. This mechanism should enable the electorate to assess the effectiveness of MPs in representing their aspirations in the public decision-making processes, as well as their ability to explain the importance of decisions made and laws adopted by Parliament.

Most important to be improved is the *Parliament's oversight role*. Parliament needs to consider whether it is now appropriate to establish other oversight committees of Parliament and thus make the committee system work. The role of the Public Accounts Committee has to be strengthened in accordance with the changes in emphasis of the National Budgets, where resources are now allocated based on achievable targets. The Committee needs to have the appropriate powers to demand

disclosure and prompt accountability from any government agency, public enterprise and any other entity, including NGOs, who received public funding.

Legislating procedures of parliament needs to be reviewed to determine whether there are sufficient mechanisms for the inclusion of people in the legislative process. The Rules of Procedures of Parliament needs to adequately provide for peoples' views on proposed legislation, even if a Government certified a proposed legislation as urgent. Regulatory provision should also be sufficient to allow for all MPs to have adequate understanding of proposed legislation before parliamentary debate.

Many parliamentarians recognize *a need for reviewing the Law on the Legal Status of Members of Parliament and their codes of conduct*. The Speaker and the public recognized the importance of all Parliamentarians to live by examples and to be accountable for their entitlements paid to assist them with their public obligations. An on-going training programme and the provision of a "code of conduct" and a "declaration of interest register" for all parliamentarians should strengthen the performance of MPs and maintain the sanctity and integrity of Parliament.

II. OBJECTIVES OF THE NEEDS ASSESSMENT STUDY

Assess the existing national legislation related to the Parliament and Members of Parliament;

Review the existing mechanisms for legislative-parliamentary, parliamentary oversights and parliamentary-constituency relations;

Conduct a needs assessment to address the gender imbalance in parliamentary representation and legislative consideration;

Based on the above three objectives, develop a report with concrete recommendations on sets of initiatives to be implemented by the Parliament of Fiji Islands.

III. THE CONSULTANT & REQUIRED QUALIFICATIONS

An expert on governance with gender background and familiar with the capacity and institutional needs of Pacific legislatures will carry out the assessment mission. The expert will have the following minimum qualifications:

Master Degree or equivalent in Law, Public Administration, Sociology/Gender Studies, Political Sciences, or relevant field;

Professional experience in addressing the issues related to parliaments, legal/institutional framework and gender;

Work experience in assisting parliaments/parliamentarians in Pacific legislatures. Experience with other parliaments strengthening programmes in other countries will be an asset.

IV. TASKS & RESPONSIBILITIES

The assessment mission, under the over-all direction of the Regional Programme Manager of UNDP/GOLD Programme for the Pacific will:

Conduct a review of the existing key legal documents, including the Constitution of Fiji, Electoral Laws, and Rules and Procedures of the Parliament, to assess if the legal framework is adequately contributing to effective law making and parliamentary oversight processes. In this effort, consultations with members of the Standing Committee, present and former Members of Parliaments, representatives of the Executive Branch, the Judiciary, civil society organisations (including women NGOs), and the media will be undertaken. As a result of this assessment, there should be recommendations on how to improve the current legal and institutional system for the Fiji Parliament.

Assess the existing parliament-constituency relationship to suggest better mechanism aimed at strengthening parliamentarians' accountability vis-à-vis their constituents. This mechanism should enable the electorate to assess the effectiveness of MPs in representing their aspirations in the public decision-making processes, as well as their ability to explain the importance of decisions made and laws adopted by Parliament.

Assess the law-making procedures of Parliament and recommend ways in which this process might be improved. The improved process should maximize the participation of all constituents in the legislative process. The new proposed mechanisms (if any) of this improved process should provide people the opportunity to articulate their comments on proposed legislation in a timely manner.

Assess the oversight role of Parliament and the effectiveness of the Public Accounts Committee in holding users of public funds to account. Recommend ways in which this function might be improved, including the roles of the Auditor General and the Ombudsman, and the relevant powers required by oversight committees to impose consequences for non-compliance by government agencies with their accountability deadlines.

Assess the existing human resource constraints that limit the effective functioning of the Parliament and parliamentarians, in order to develop a comprehensive strategy/plan for addressing the current needs of parliamentarians to improve their professional capacity.

Review the current policies and, what is more important, practices of the parliament, parliamentary fractions, and NGOs aimed at moving from 'de jure' to 'de facto' equality and strengthening women's participation in political leadership, in general and women's representation, in particular. This review will be undertaken through existing policy documents as well as active discussions with present and past MPs, heads of women NGOs and other civil society organisations.

Recommend ways in which potential and existing women leaders will be assisted in building skills, confidence and opportunities through training and other support activities; advocacy through media and gender sensitive surveys/researches to address problems relating to social relations and attitudes which perpetuate gender inequality. Emphasis should be placed on involving both women and men throughout of the design and implementation of a support programme for the Parliament of Fiji Islands.

Upon completion of the assessment mission and discussions with key stakeholders, the consultant is expected to deliver a report with the recommendations on concrete initiatives to be implemented by the Parliament of Fiji Islands.

V. INDICATIVE TIMETABLE

The proposed assessment mission will take place in January/February 2002, and will last up to four weeks. Three weeks of interviews at national, provincial and local levels and a week to complete writing up the report. The mission findings will be in the form of recommended activities to be implemented by the Fiji Parliament with funding support from the donor community. The consultant's final report should be submitted to the Regional Programme Manager, GOLD Programme for the Pacific, not later than the last week of February 2002.

Appendix B: Interlocutors

Date	Person/Position	Organisation
1. 28 January 2002	Mose Saitala. (Regional Programme Manager)	UNDP-GOLD, Suva.
2.	Peter Witham. (UNDP Regional Representative).	UNDP Regional Head Office, Suva.
3.	Mary Chapman. (Secretary General, Parliament)	Parliament of the Republic of the Fiji Islands, Suva.
4. 29 January 2002	Dr Stewart Firth. (Head of Department, History and Politics, SSED)	University of the South Pacific, Suva.
5. 30 January 2002	Mary Chapman (Secretary General, Parliament)	Parliament of the Republic of the Fiji Islands, Suva.
6. 31 January 2002	Edward Blakelock (Secretary to the House of Representatives)	Parliament of the Republic of the Fiji Islands, Suva.
7.	Veronica Qarau (Librarian, Parliamentary Library)	Parliament of the Republic of the Fiji Islands, Suva.
8. 1 February 2002	Dr Jonathan Fraenkel (Lecturer, Depts Economics & History/Politics)	University of the South Pacific, Suva.
9. 4 February 2002	Margaret Twomey (Acting High Commissioner) Andrew Pope (1 st Secretary, AusAID)	Australian High Commission, Suva.
10.	Jone Dakavulu (Programme Director, Human Rights & Political Institutions) Prof. Vijay Naidu	Citizens Constitutional Forum, Suva.

	(Director, Centre for Development Studies)	
11.	Iqbal Jannif (Director)	Transparency International, Suva.
12. 5 February 2002	Roger Ball (Deputy High Commissioner)	New Zealand High Commission.
13.	Walter Rigamoto (Supervisor of Elections) Mark Borg (UNDP, IT Consultant)	Office of National Elections, Suva.
14.	Virisila Buadromo (Director) Gina Hong-Li (Former Director)	Fiji Women's Rights Movement, Suva.
15.	Michael Price (High Commissioner)	British High Commission, Suva.
16. 6 February 2002	Eroni Vatuloka (Auditor General)	Office of the Auditor General, Suva.
17.	Sireli Kini (Chief Executive Officer) Vasiti Waqa (News Director)	Fiji Broadcasting Corporation Ltd.
18.	Imraz Iqbal (Reporter)	Fiji One TV, Suva.
19.	Darrell Tarte (Chairman)	Fiji Media Council, Suva.
20. 7 February 2002	Savenaca Siwatibau (Vice-Chancellor)	University of the South Pacific, Suva.

21.	Nainendra Nand (Solicitor General)	Office of the Solicitor General, Suva.
22.	Rodney Acramen (Secretary/Chief Investigating Officer, Ombudsman's Office)	Ombudsman's Office, Suva.
23. 8 February 2002	Taufa Fakatale (Former Minister, former Deputy Prime Minister)	University of Central Queensland, Suva.
24.	Reverend Ben Baghwan (Chairman)	Fiji Council of Churches, Suva.
25.	Jai Ram Reddy (President)	Fiji Court of Appeal, Suva.
26. 12 February 2002	Hon. Ted Young, Hon. Poseci Bune, Hon. Lt. Col. Jonetani Kaukimoce (Committee on Administrative Services - Sector Committee)	Parliament of the Republic of the Fiji Islands, Suva.
27.	Hon. Ofa Duncan, Hon. Col. Pio Wong, Hon. Manoa Dobui (Public Accounts Committee - Standing Select Committee)	Parliament of the Republic of the Fiji Islands, Suva.
28. 13 February 2002	Militoni Leweniqila (Former Minister, former Speaker)	United Club, Suva.
29. 14 February 2002	Donor Debrief	UNDP Regional Head Office, Suva.
30. 15 February 2002	Adi Litia Cakobau (Deputy Chair)	Bose levu Vakaturaga, Suva
31.	The Hon. Laisenia Qarase. (Prime Minister)	Office of the Prime Minister, Suva.
32. 18 February 2002	Father David Arms	Catholic Priest, Labasa.

	(Electoral Systems Specialist)	
33.	The Hon. Ratu Epeli Nailatikau (Speaker of Parliament)	Parliament of the Republic of the Fiji Islands, Suva.
34. 19 February 2002	The Hon. Mahendra Chaudhry (Leader of the Labour Party) The Hon. Gyani Nand (Labour MP)	Parliament of the Republic of the Fiji Islands, Suva.
35.	Mission Debrief (UNDP-GOLD)	UNDP-GOLD, Suva.

Appendix C: Consultants' Bio-data

Principal Consultant

Mr Michael Morgan is a research scholar in the Division of Pacific and Asian History, Research School of Pacific and Asian Studies, Australian National University. He was previously employed as an IT recruitment consultant in Sydney. Mr Morgan has over two years experience working in Vanuatu. During 1995 he was employed by PacNews, the Pacific Islands Broadcast Association's Pacific News Bureau. Between 1999-2000 he conducted doctoral research in Northern Vanuatu, focussing on constituency politics. Morgan is a fluent speaker of Bislama, Vanuatu's neo-Melanesian variant. He has undertaken consultancies for the United Nations Development Programme, AusAID and the Vanuatu Cultural Centre. This is his second mission for the UNDP.

Country Expert/Local Counterpart

Mr Nelson H. Delailomaloma is an independent consultant with over 30 years experience as a public servant and educator. He has held several senior positions in the Fiji Public Service, including Permanent Secretary of the Ministries of Trade and Commerce, Rural Development and Rural Housing and Tourism and Civil Aviation. Between 1991 and 2000 he was the Director General of the Fiji National Training Council. He resigned from this position to become the Minister for Education in the Interim Administration, June 2000-September 2001. Mr Delailomaloma is an Honorary Fellow of the Asian Productivity Organization and an Adjunct Professor in the Graduate College of Management, Southern Cross University, New South Wales. He is a fluent speaker of English, Hindustani and Fijian. This is his first consultancy with the United Nations Development Programme.

Advisory Consultant

David Hegarty is a diplomat, political scientist and consultant with long experience in the governance, politics, development and security of the Pacific Islands region. He is currently Convenor of the research and outreach project – *State, Society & Governance in Melanesia* – at the Australian National University (on secondment from the Australian Department of Foreign Affairs and Trade). His most recent

assignments include: Leader of the Australian Election Observer Mission to the Solomon Islands (December 2001); Leader of the International Peace Monitoring Team in Solomon Islands (Jan-July 2001); consultant and adviser to the UNDP's Pacific governance programme (1999-02); and as a consultant for AusAID on institutional strengthening in Solomon Islands. Hegarty was appointed Australian High Commissioner to Samoa from 1995 to 1998. He has previously worked in the Australian Department of the Prime Minister & Cabinet in Canberra, as an advisor to a former Minister for Trade and Overseas Development, and has held senior academic positions at the ANU and at the University of Papua New Guinea. (SSGM Project website: <http://rspas.anu.edu.au/melanesia>).