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**STANDING COMMITTEE ON FOREIGN AFFAIRS AND DEFENCE**

**REPORT ON ANNUAL REVIEW OF THE MINISTRY OF DEFENCE,  
NATIONAL SECURITY AND IMMIGRATION, 2013**



**PARLIAMENT OF THE REPUBLIC OF FIJI**  
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## **CHAIR'S FOREWORD**

I am pleased to present the review report of the Ministry of Defence, National Security and Immigration 2013 Annual Report.

The Parliament of the Republic of Fiji's authority pursuant to Standing Order (SO) 109 (2) (C ) and as directed by the Speaker of the House for the Standing Committee on Foreign Affairs and Defence (SCFAD) is to examine and thereafter submit the findings to Parliament of the Ministry of Defence, National Security and Immigration 2013 Annual Report.

The Annual Report comprises of fifty three (53) pages at the most with six (6) main headings and five (5) sub-headings. The Annual Report contents were thoroughly examined by the SCFAD.

The Committee notes that the report does not present a full picture of the functions and responsibilities entrusted to the Ministry. In their submissions, the Ministry confirmed that the permanent secretary does not have any oversight or control over the military and police.

Those two institutions are headed by the Commander and Commissioner, respectively and details of their functions, responsibilities and finances are not part of this report.

The Ministry officials were summoned to explain to the bipartisan SCFAD a few grey areas that need to be made clear to the Committee. The responses from the Ministry was exceptionally positive. The exercise of reviewing of the Ministry of Defence Annual Report of 2013 was a learning experience for both the Ministry officials and also for the Standing Committee members.

The documents was compiled and agreed by the bipartisan SCFAD after the reviewing of the Ministry of Defence, National Security and Immigration 2013 Annual Report.

I wish to extend my appreciation to all the Honorable members of the SCFAD who were part and partial of the successful compilation of the bipartisan report. SCFAD colleagues Hon. Ratu Isoa Delamisi Tikoca (Deputy Chairperson), Hon. Alexander O' Connor (Member), Hon. Roko Tupou Draunidalo ( Member) and Hon. Jilila Kumar ( Member).

On behalf of the SCFAD I also extend my appreciation to the Permanent Secretary (PS) for Defence, National Security and Immigration and his team for their submissions.

My appreciation is also directed to the hardworking secretariat staff members namely; Mr. Savenaca Koro, Mr. Selveen Deo, Mrs. Kalo Galuvakadua, Mr. Josua Namece, Ms. ShrutKeertee Devi, Ms.

Heather Lyall and Ms. Atelaite Leba for their commitment and steadfast support rendered towards the production of the bipartisan report.

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**Hon. Netani B. Rika**  
**Chairman SCAFD**

## LIST OF ACRONYMS

SCFAD	-	Standing Committee on Foreign Affairs Defence
ACP	-	Annual Corporate Plan
CTD	-	Counter Terrorism Decree
CTOG	-	Counter Terrorism Official Group
FIU	-	Financial Intelligence Unit
FPF	-	Fiji Police Force
IBMS	-	Integrated Boarder Management System
MOU	-	Memorandum of Understanding
NAVSEC	-	National Aviation Security Committee
NCLASA	-	National Combined Law and Security Agencies
NCTP	-	National Counter Terrorism Plan
PSP	-	Protective Security Policy
RDSSSED	-	Road for Democracy and Sustainable Socio-Economic Development
RFMF	-	Republic of Fiji Military Forces
SAR	-	Search and Rescue
SID	-	Security Industries Decree
SOP	-	Standing Order Procedures
WPC	-	Work Permit Committee

## **RECOMMENDATION:**

The Standing Committee on Foreign Affairs and Defence has conducted a review of the Annual Report of the Ministry of Defence, National Security and Immigration for the year 2013, and recommends that Parliament takes note of its report.

## **INTRODUCTION**

The Annual Report of the Ministry of Defence, National Security and Immigration 2013 was tabled in Parliament during the July meeting and referred to the Standing Committee for Foreign Affairs and Defence, for its scrutiny.

Standing Orders 109(2)(e) allows Standing Committee on Foreign Affairs and Defence to look into matters related to Fiji's relations with other countries, development aid, foreign direct investment, oversight of military and relations with multi-lateral organizations.

Standing Orders 110(1)(c) authorizes the Standing Committee to *scrutinize the government departments with responsibility within the Committee's subject area, including by investigating, inquiring into, and making recommendations relating to any aspect of such a department's administration, legislation or proposed legislative program, budget, rationalization, restructuring, functioning, organization, structure and policy formulation.*

## **FUNCTIONS OF THE MINISTRY**

The Standing Committee noted that the primary role of the Ministry is National Security; a role entrusted to the Ministry to deliver on behalf of government through the ministerial assignment delegated by the Hon. Prime Minister under Section 91(3), 91(4), 92(3)(a) and 92(3)(c) of the Constitution of the Republic of Fiji.

In addition, it is also responsible for the co-ordination of national events like the Fiji Day Celebrations, the annual Remembrance Day programme and other significant events to government.

It is also responsible for International obligations pertaining to the implementation of regulations on written Laws, Treaties, Acts, Conventions, Promulgations and Decrees.

The Department of Immigration manages the increasing number of people moving into and out of the country in a responsible and credible manner, working in close collaboration with Fiji's regional and international counterparts. It also controls Fiji's ports of entry, manages immigration and citizenship through the issuance, cancellation and administration of passports, permits, pre-entry visas and applications from foreign nationals seeking asylum in accordance with its mandatory obligation to International Conventions.

## **ISSUES RAISED**

### **GENDER ANALYSIS**

The Committee noted that the report mentioned cross cutting outcomes in terms of gender equality but there was no breakdown of gender within the Ministry.

#### **RECOMMENDATION**

1. The committee recommends that future reports present a breakdown of gender equality and participation in the positions held within the Ministry. The officials from the Ministry agreed with this recommendation in the oral sessions.

### **MANAGEMENT STRUCTURE**

The management structure of the Ministry presented in the report (page 7) does not include the RFMF and its Commander nor the Fiji Police Force and its Commissioner.

However the Committee noted from earlier oral submissions from the RFMF and Navy that Fiji's contribution to the UN was mostly limited to peacekeeping and the Navy did not have adequate resources to properly look after Fiji's territorial waters and EEZ.

Further, the Committee discussed what other contribution the RFMF can make (return on investment) to Fiji in the aftermath of environmental disasters.



The Committee also discussed concerns raised in terms of internal issues (RFMF, Police, Immigration) and whether measures were being put in place for a mediation process to be implemented within the Ministry responsible.

In view of the organization structure, the Committee was informed that the structure was being revised and was awaiting submission to the Public Service Commission for consideration. The new structure included the creation of two senior executive level positions which included a Deputy Secretary and a Director who would be in charge of national security.

The new structure would also cater for positions to look after peacekeeping duties, the Navy in terms of expanding its obligations under the Search and Rescue legislation and also the Office of the Ombudsman.

#### **RECOMMENDATION**

1. That the RFMF, Fiji Police Force and Immigration Department become three separate Ministries.
2. That the National Security Council comprise of the Minister for the RFMF, Minister for the Fiji Police Force and Minister for Immigration under the Chairmanship of the Prime Minister.
3. That the Ministry responsible for the RFMF look into the merits of expanding services to the United Nations (Civil, Political and Humanitarian divisions).
4. That the Ministry responsible for the RFMF look into the merits of better equipping the Navy to vastly improve its valuable service in looking after Fiji's territorial waters and EEZ.
5. That the Ministry responsible for the RFMF look into the merits of expanding the training, capability and role of the RFMF Engineers Corp to enhance its rehabilitation works in times of environmental disasters.
6. If the current management structure is retained, the Committee recommends that the RFMF and Fiji Police Force (their functions, responsibilities and finances) are clearly identified in future reports
7. That a well trained, equipped and efficient internal complaints mechanism be established in the Ministries so that any issues within the departments and units of the Ministries are efficiently and as far as possible amicably resolved.

## **EXCESSIVE COST OF VEHICLE MAINTENANCE, FUEL AND OIL**

The Committee noted the excessive costs involved in the maintenance of vehicles and the cost of fuel and oil in 2013, and was informed that during that year, the Ministry had only one new vehicle whilst the remaining vehicles had been in use over the years. Two vehicle are of 14 years and another one is of 11 years.

The Ministry currently has four new leased vehicles and two old vehicles in their transport pool. Proper planning and budgeting will be carried out to control costs. The Ministry was also looking at installing new monitoring systems in its vehicles to ensure that vehicle runs were not abused. In addition, aged vehicles within the Ministry have been boarded and traded in for two new leased vehicles.

### **RECOMMENDATION**

1. That the Ministry have well trained transport officer/s to maintain a register daily in order to record pertinent issues about the use and replacement of the Ministry's fleet.
2. That the Ministry look into leasing arrangements for its fleet as an option if it is economical, so that the vehicles are regularly maintained and replaced.
3. That the Ministry install GPS in the fleet for the efficient monitoring and control of its vehicles.

## **BUDGETARY ALLOCATION**

The Ministry agreed with the sentiments expressed by the Committee that there was a need to ensure appropriate budgetary allocation, to properly cater for the important oversight role over the RFMF, Fiji Police and Immigration. The Committee was informed that the Ministry's budgetary allocation had increased since 2013 and measures were being put in place to improve systems and processes that would enable them to work within their limited budget.

### **RECOMMENDATION**

1. That the three separate Ministries be given the appropriate budgetary allocation to transparently support their functions and responsibilities.

2. That the Ministries responsible for the RFMF and Police seek appropriate funding to ensure that the disciplined forces receive world class training in the rule of law, parliamentary democracy and human rights issues

### **AUDITOR GENERAL'S REPORT**

In terms of the unreconciled difference amounting to \$1 million between the FMIS General Ledger Cash and Immigration Department Bank Statement Balance reported by the Auditor General's Office, the Committee was informed that this was in respect of the Immigration Trust Fund kept at the Ministry of Finance for immigration bonds paid to the Department before permits are issued to foreigners.

The Committee was informed that the trust fund was opened on 23<sup>rd</sup> June 2008 and that it currently has \$19.1m which earns an interest of 0.1%. The interest is returned to the government's consolidated revenue.

### **RECOMMENDATION**

1. That the Immigration Department obtain a more appropriate rate of interest from one of the commercial banks for the \$19.1 million kept in the trust account.

### **STANDARD OPERATING PROCEDURES**

The Committee sought clarification on the development of the Counter Terrorism Bill (CTD), as well as the Standard Operating Procedures (SOP) for the Ministry which were not attached to the Annual Report. This SOP will have more direct implications for the general public when issues of national security are engaged.

The Committee noted that the Commander, Navy submitted at an earlier hearing that there was 'Zero' level of terrorist threats to Fiji. That answer was amended slightly by the submission from the Ministry that stated that such threats were 'Very Low'.

The Committee observed that both answers appeared to be disproportionate to the number of personnel and other resources given to the RFMF and Police – both of which did not come under the authority of the Ministry.

The Committee was informed that the SOP had gone through certain processes and was being developed with input from the Fiji Police Force and the Republic of Fiji Military Forces. The document would be submitted to the Solicitor-General's Office for clearance before it is tabled at the National Security Council for endorsement. Question was raised on whether the Committee would have an input into the Decree and Standard Operating Procedure before it was tabled.

If the recommendation for three separate Ministries is endorsed, each Ministry will have its own, tailor made SOP where their functions are very clearly laid out. This will ensure that there is no overlap.

**RECOMMENDATION**

1. That the Committee review the Ministry's SOP before the final draft is sent to the Solicitor General for sign off.

**TARGETED OUTCOME AND MINISTRY'S OUTPUT**

In the view of the Ministry's targeted outcome and outputs for 2013, concern was raised in terms of the consultation period whether members of the public were invited to give their views on the draft National Security Council Bill.

The Committee was informed that the draft Bill was awaiting clearance from the Solicitor General's Office after which public consultations would follow.

The Committee was also informed that 76 countries were signatories to the International Travel Document and Fiji was one of the signatories. The Document empowers an INTERPOL Officer to travel to any country without a visa if they were on INTERPOL business.

Further, the Committee was informed that the Ministry also administers the Security Industry Decree 2010. Section 3 of that decree casts the ambit of the law very widely however the Ministry has

confirmed that they have only utilised it to licence or regulate private security activities and not “any security activity” as set out in the decree.

Ministry officials were requested to provide copies of documents listed in Table 1 of the Annual Report, for the information of the Committee. The Ministry officials were also advised to seek the opinion of the Fiji Law Society on the draft decrees as that advice would be competent and free.

#### **RECOMMENDATION**

1. That the Solicitor General clarify the ambit of the Security Industry Decree 2010 – whether government funded “security activities” are exempted by the decree.
2. That the draft bills be given adequate time and publicity for the public consultation periods.
3. That the Ministry (including the RFMF, Police and Immigration) take advantage of the opportunities that are available to consult the Fiji Law Society on various decrees and legal instruments.
4. That a detailed report be tabled before parliament on the operations of the private security firms.

#### **FINANCIAL REPORT**

Suggestion was made for future financial reports to be output-based so that it was easy to identify areas which were lacking (maintaining and managing resources under the relevant budgetary allocations). The Ministry officials concurred with the suggestion and mentioned that they would discuss this with the Ministry of Finance and insert the details in terms of the breakdowns in each segment (SEG).

#### **RECOMMENDATION**

1. That future financial reports from the Ministry provide details in the breakdown of allocated funds, expenditure and outputs under various budgetary segments.

## **CYBER CRIME BILL**

Question was raised on the progress of work on the Cyber-crime bill. Ministry officials mentioned that Cabinet had commissioned a working group in 2010, comprising internet service providers, Telecom and various key stakeholders of Government, including the Solicitor General's Office. The Committee has produced a second draft of the cyber-crime bill. It is also working on the Cyber-security Strategy, the Cyber-security Policy, Cyber-security bill and the Cyber-crime bill.

Cybercrime are activities or offences that are criminalized under this bill. It also includes child online protection and pornography or exploitation. Public consultations have been undertaken and involved students, key stakeholders of Government, the banking institutions and the public at large. Submissions have been made to the Ministry and the key elements are being incorporated into a third draft of the Bill.

### **RECOMMENDATION**

1. That the Ministry undertake another round of open and well publicised consultations' periods for the draft bills as it has been six years since work began and consultations undertaken.
2. That the Ministry look into the merits of employing well-resourced lawyers within the Ministry (who will be located at the place of policy drafting and discussion) to prepare initial and revised draft bills to ease the workload of the Solicitor General's Chambers.

## **FIJIAN CITIZENSHIP**

Fijian citizenship can be acquired by naturalisation, registration and thirdly, by birth. Registration refers to applicants who have some form of connection to Fiji that is through foreign spouses of Fiji citizens or children of Fiji citizens who are born abroad and also involves former citizens. Naturalisation deals with applicants who have no connections to Fiji, that is, they have to reside in Fiji lawfully for a continuous period of five years or five years aggregate out of ten, before they can qualify to become citizens by naturalisation.

The Immigration Department has provided tables to show related facts and figures and they are attached as appendices to this Report.

The Committee has made recommendations below, under the three sub headings for the parliament to make any amendment it wishes to make to the Citizenship Decree 2009.

**RECOMMENDATION**

1. That the Ministry set out the national policy on ‘citizenship’ in its future reports so that it is transparent and it informs and reassures the parliament and general public.
2. That the naturalisation period be increased to seven instead of five years.

**PERMITS**

The Committee noted that there was a decline of permits from 2012 to 2013. The decrease could have been due to companies not adhering to their proposals to the Department and Investment Fiji, to bring in foreign workers. However, from 2013 to 2014, there was an increase in the number of permits issued because the companies that were contracted to undertake major Government contracts, brought in their own people, a majority of whom were from China.

**RECOMMENDATION**

1. The Committee recommends that work permits are only granted when a strict guideline has been satisfied that there is no Fiji citizen that can do the same work by qualification and/or experience.

**HUMAN MOVEMENT ON BORDER CONTROL**

In 1954, Fiji automatically acceded to the 1951 Convention Relating to the Status of Refugees, as a colony of the United Kingdom. Fiji acceded to the 1967 Protocol in 1972.

The issue of asylum seekers was a phenomenon that we, as a country, thought was never going to reach our shores. When the Immigration Act, 2003 came into force, there were provisions within the Act to deal with foreigners seeking asylum through our ports of entry. The increase in number of

asylum seekers was because the department could not predict the number of people seeking asylum when they entered our borders.

**RECOMMENDATION**

1. That the Ministry responsible for the Department of Immigration set out the national policy and law(s) on applications for 'asylum' in its future reports so that it is transparent and it informs and reassures the parliament and general public.



## CONCLUSION

The Standing Committee on Foreign Affairs and Defence noted that the core function of the Ministry is National Security. This is the Ministry's foremost responsibility.

The review of the Ministry's 2013 Annual Report was conducted in a very tactful and comprehensive manner. After the review the committee forwarded additional questions to the Ministry on certain issues for further clarification.

This would enable the committee for Foreign Affairs and Defence to submit to Parliament a more reliable and a cohesive report.

Recommendations are listed under every sub topic and questions and answers are listed on the Appendix column of this report.

The Committee's main recommendation is the establishment of three separate Ministries to look after the RFMF, Police and Immigration – as these three arms of national security have different roles , functions and responsibilities that need to be transparently dealt with viz the parliament and general public.

# APPENDIX

**APPENDIX 1: SUBMISSION BY MINISTRY OF DEFENCE,  
NATIONAL SECURITY AND IMMIGRATION**

**APPENDIX 2: VERBATIM REPORT ON SUBMISSION BY MINISTRY OF  
DEFENCE, NATIONAL SECURITY AND IMMIGRATION**

## **APPENDIX 3: ANSWERS TO ADDITIONAL QUESTION**