

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



MINISTRY OF DEFENCE, NATIONAL SECURITY AND IMMIGRATION

26 Gladstone Road, 2nd Floor, New Wing, Government Buildings, Suva. Post Office Box 2349, Government Buildings, Suva, FIJI.

Telephone: 3211754/3211706. Facsimile: 3317721/3300346
Email: defence@govnet.gov.fj. Email: inforhomeaff@govnet.gov.fj.

MEMORANDUM

From : Permanent Secretary for Defence, National Security and Immigration
To : Chairman, Standing Committee on Foreign Affairs and Defence
Date : 18th September 2015
Ref : 1/M/10/4
Re : Briefing on Annual Report 2013

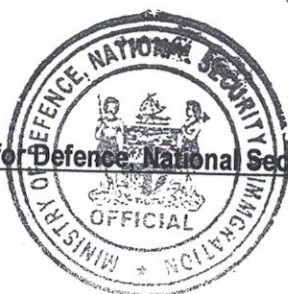
Ni sa Bula Vinaka.

Kindly find attached is the Ministry of Defence, National Security and Immigration submission of the Annual Report for 2013.

Respectfully submitted for your kind information.

Osea N. Cawaru [Mr]

Permanent Secretary for Defence, National Security & Immigration



Encl.

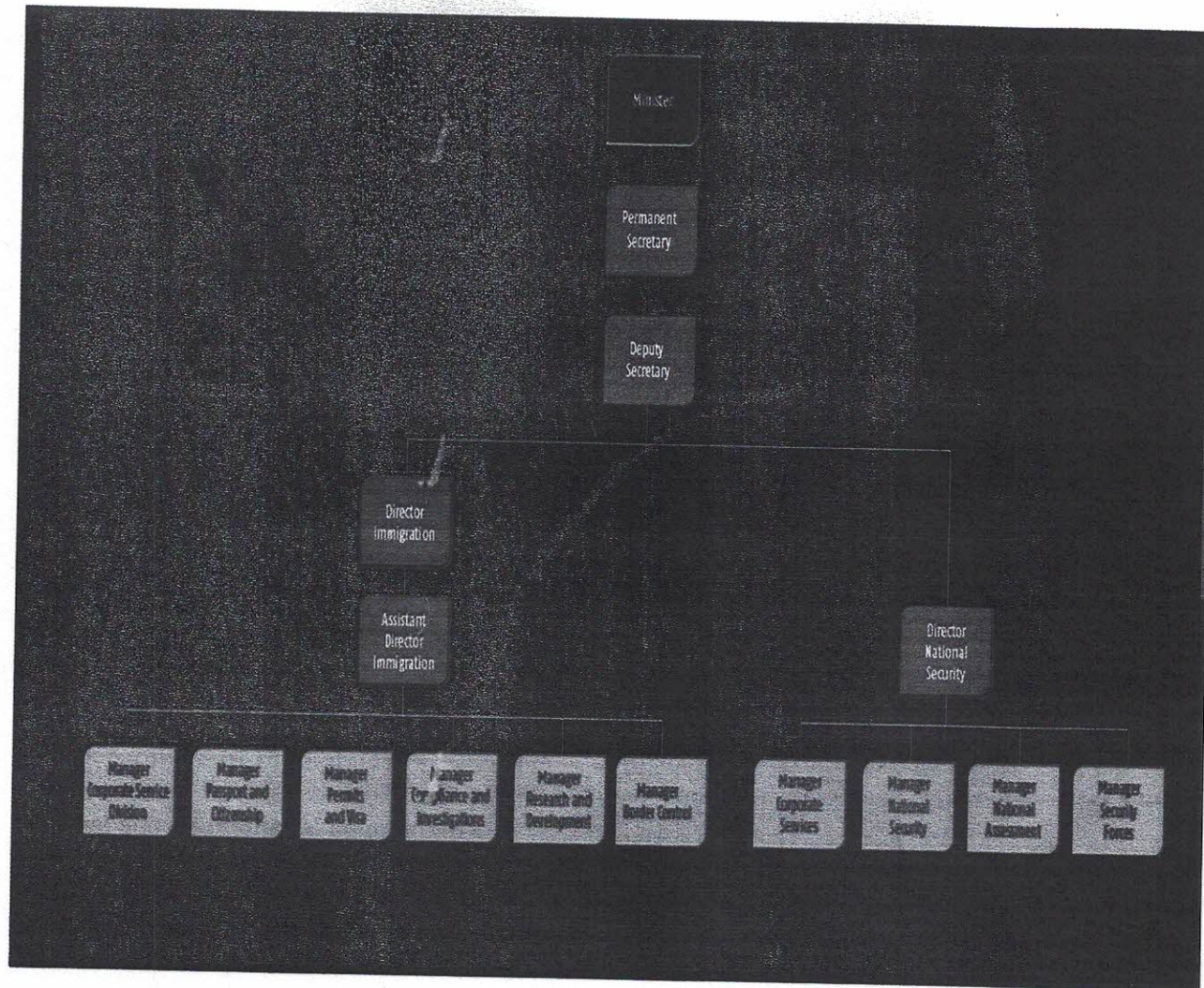
**MINISTRY OF DEFENCE,
NATIONAL SECURITY AND
IMMIGRATION**

**BRIEFING OF ANNUAL REPORT 2013 –
PARLIAMENTARY STANDING
COMMITTEE ON FOREIGN AFFAIRS
AND DEFENCE**

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MINISTRY OF DEFENCE, NATIONAL SECURITY AND IMMIGRATION- 2015 MANAGEMENT STRUCTURE



Total Staffing Compliment for 2013

Ministry Headquarters – 39

Vacancy - 5

Department of Immigration staff – 144

Vacancy – 26

Total - 183

Functions of the Ministry

National Security is one of the primary roles of Government and this role is entrusted to the Ministry to deliver on behalf of government through the Ministerial Assignment delegated by the Hon. Prime Minister under Section 92(3) of the Constitution of the Republic of Fiji.

To strategically deliver this role the Ministry develops and implements security related legislation and policy initiatives to manage national crises and emergencies; aerial surveillance; border security and management and search and rescue operations. A strategic part of its role is to protect every Fijian, our infrastructures, our values, our sovereignty and our economy which prosperity depends on.

The Security Forces Division coordinates with the Military Liaison Cell and Police Liaison Cell on all security activities pertaining to Republic of Fiji Military Forces and the Fiji Police Force respectively. The Security and National Assessment Divisions are responsible for the provision and coordination of Government's assessment, intelligence and security requirements.

In addition, it is also responsible for the coordination of the two (2) National Events and other significant events to government. Furthermore, it is also responsible for our International obligation pertaining to the implementation of regulations on written laws, treaties, Acts, Conventions, Promulgations and Decrees.

The Department of Immigration's main role is to manage the rising flow of people into and out of the country in a responsible and credible manner, working in close cooperation with Fiji's regional and international counterparts.

The Department controls Fiji's ports of entry, manages immigration and citizenship, and issues passports, permits and pre-entry visas. The Department also reviews applications from foreign nationals seeking asylum in accordance with its mandatory obligation to International Conventions.

In addition, the Ministry also complies with Section 127 of the Republic of Fiji Constitution which describes the power of the Permanent Secretary with the agreement of the Minister responsible for the Ministry, PSC Regulations, Financial Instructions and Procurement Regulations.

The Ministry was provided with a budget of \$6.02m in 2013 Budget.

Ministry Headquarter – 1.98m

Department of Immigration – 4.04

COSTS IMPLICATIONS ON THE RATIFICATION OF THE SEARCH AND RESCUE CONVENTIONS AND THE ARMS TRADE TREATY

Srl	Activity	Budgetary	Remarks
1	SEARCH & RESCUE		
	i) <u>Establishment of the Council Secretariat</u> – \$2K on equipment, stationaries, refreshments, and travel.	\$2,000.00	The Council is the governing authority that approves the budget and any other policies on Search and Rescue. It is chaired by the PS Defence and members comprised of the PS Foreign, PS Provincial Development, PS for Civil Aviation, PS for Works, CRFMF, COMPOL, Director Dismac, PS Communication, Director Information.
	ii) <u>Awareness/Training</u> <ul style="list-style-type: none"> - Turaga ni Koros - All SAR Agencies - Police officers - 	\$10,000.00	The Awareness programme on Safety and SAR to the various Tikinas/Yasanas is essential to reduce and mitigate the risk of missing at sea, drift, capsize etc. Training is also essential for the three classes of SAR namely the Maritime, Land and Aeronautics especially the appraisal of the SAR Manual, SAR bill etc.
	iii) <u>Workshops</u> <ul style="list-style-type: none"> - Key Stakeholders 	\$10,000.00 0 Central , Southern, Northern & Eastern	The need for such workshop is essential for the Turaga Ni Koros to implement the policy by Government on SAR.
	iv) <u>Establishment of Fiji RCC</u> Purchase of Equipment, SAR software, and other systems	\$200,000.00	Coastal Radio Stations (3DP), Distress System Control (DSC), Global Maritime Distress Safety Services (GMDSS) Comms – Channel 16 VHF/HF, SAR Information System (SARIS Tool), Satellite Phone, Weather fax, Digital barometer, Weather database, Air traffic Monitor (software, Internet, and Backup Power.
	v) Full Scale Exercise on SAR	\$40,000.00 North, East, South & West	There is a need to conduct full scale exercise on SAR in every two years to gauge responses of the three classes of SAR - Maritime, Aeronautics and

			Land depending on scenarios.
	vi) Formulation of Mass Rescue Manual	\$10,000.00 North, East, West and South	Consultation on the formulation of Mass Rescue Manual which will empower the Turaga ni Koros to assist by coordinating/deploying punts to the area of distress whether it be land, Maritime or Aeronautics.
	Total	\$272,000.00	
2	ARMS TRADE TREATY		
	i) <u>Workshops/Training</u> Technical workshop.	\$15,000.00	Appraisal of Stakeholders of the details of the ATT Stakeholders - RFMF, MoFA, SG's Office, Fiji Police, Min of Def, Fiji Customs, AFL and Fiji Ports. The existing Law – Arms & Ammunition Act 2003 is in conformity to the requirements of the ATT. The Customs Act is a robust law that enforces export, Import, transit and transshipment of arms.
	ii) Deposit of Instruments of Accession after Cabinet and Parliamentary approval.	No costs	Fiji, through the Ministry for Foreign Affairs will deposit the instruments of acceptance, accession, ratification to the UN Secretary General.
	Total	\$15,000.00	

CONSTITUTION OF THE REPUBLIC OF FIJI
(Section 92(3))

Ministerial Assignment

To: Mr Timoci Lesi Natuva
Minister for Immigration, National Security and Defence

IN exercise of the powers vested in me as Prime Minister of the Republic of Fiji under section 92(3) of the Constitution of the Republic of Fiji, I hereby assign to you in your capacity as Minister for Immigration, National Security and Defence, the responsibility for the conduct of the following Government business, departments and written laws (subject to the provisions of any other written law) –

Business

- (a) *Immigration, National Security and Defence*
 - After Care Fund
 - Citizenship
 - Defence, Security and Public Order
 - Deportation
 - Hydrography
 - Immigration
 - Maritime Surveillance
 - National Day Celebrations
 - Passports
 - Rehabilitation of Offenders
 - Veteran Affairs

Departments

Immigration, National Security and Defence
Department of Immigration
Republic of Fiji Military Forces
Royal Fiji Navy
Hydrographic Unit
Fiji Police Force

- (b) *Responsibility for all written laws regulating the business of (a) above including in particular the following Acts, Promulgations and Decrees and the subsidiary laws made thereunder –*

Anti Personnel Mines Decree 2011
Arms and Amunition Act 2003
Biological and Toxin Weapons Decree 2011
Chemical Weapons Convention Act 2005
Citizenship of Fiji Decree 2009
Geneva Conventions Promulgation 2007

Immigration Act 2003
Passports Act 2002
Police Act (Cap. 85)
Public Order Act (Cap. 20)
Public Safety Act (Cap.19)
Rehabilitation of Offenders (Irrelevant
Convictions) Act 1997
Republic of Fiji Military Forces Act (Cap. 81)
Security Industry Decree 2010
Visiting Forces Decree 1991

Dated this day of 2014.



JOSAIA VOREQE BAINIMARAMA
Prime Minister

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

VERBATIM NOTES OF INTERVIEW OF THE STANDING COMMITTEE ON FOREIGN AFFAIRS AND DEFENCE, HELD ON THURSDAY, 24TH MARCH, 2016 AT 10.25 A.M. IN THE BIG COMMITTEE ROOM, (COMMITTEE EAST), PARLIAMENT COMPLEX

Interviewee: Ministry of Defence, National Security and Immigration

In Attendance:

Mr. Osea Cawaru	-	Permanent Secretary
Mrs Litia Saumaka	-	Principal Assistant Secretary
Mr. Maciu Vatuloka	-	A/Manager National Security
Mr. Ifereimi Dakunikuila	-	A/Manager Compliance Immigration Department
Mr. Kanito Tugaga	-	Senior Accounts Officer – Immigration
Mr. Pene Suliana	-	Senior Immigration Officer

MR. CHAIRMAN.- Thank you, I take this wonderful opportunity to welcome the Permanent Secretary for Defence and your team this morning. As you are aware, we are just finalising the Annual Report for 2013. There were a few issues that were needed from your Ministry and I believe you have prepared that for us this morning. We will go through your presentation and then after the presentation there will be questions from Members of the Standing Committee of Foreign Affairs and Defence. We understand the busy schedule you have and making yourself available this morning, we appreciate that. So, without any further ado, I will now call on the Permanent Secretary to make his presentation this morning.

MR. O. CAWARU.- Thank you, Mr. Chairman and a very good morning to you and Honourable Members. *Bula vinaka*. Before we proceed, I will firstly introduce the team. It is easy to identify our friends from the Department of Immigration, they are wearing their uniforms and we also have the accountants, both from the Department of Immigration and also from headquarters. Supporting me this morning are the team from the Ministry of Defence headquarters and the Department of Immigration. Thank you, Mr. Chairman.

For ease of presentation, we have received your memo dated 30th October. We can see that the information requested are in bullet points and to make the presentation more easier for Members, we have numbered the bullet points. The first bullet point as issue – Item 1 and the last one is Item 9. There in front of you is a summary update on all those bullet points (the nine bullet points) and we have compiled that in matrix and on the far left of the matrix are the numbers that corresponds to the bullet points on your memo.

First on item 1 or bullet point 1, that is in terms of the supporting information and evidence. Because of the differences noted in terms of the bank statements relative to the update that is normally given from Ministry of Finance, there was a difference of \$1.7 million.

That, Mr. Chair, is simply just late updates from the bank and also with the Government Financial Management Information System (FMIS). In front of you as well, Mr. Chair, are all the evidence, our apology that we have only submitted one bound copy of all the documents that are required. Just in some brief for Item 1 that has been reconciled and the evidence is part of the bound submission that is in front of you.

Item 2 is on the draft Counter Terrorism Decree. What has happened is that, some parts of the Terrorism Decree, it was decided by the National Security Council to include that in the Public Order (Amendment) Decree which I understand is now called the Permanent Order (Amendment) Bill. In terms of issues relating to Counter Terrorism, the suggestion or the directive from the National Security Council is to include that in the Public Order (Amendment) Bill and in terms of its Standing Operating Procedures that are bound as part of our evidence as well.

Item 3 is on the evidence and documents on the National Security Council Decree. This one, Mr. Chair, is something we are still working on with the Solicitor-General (SG) and we are requesting the Hon. Members of this Standing Committee for their understanding. From my end, being the Secretary to the National Security Council, this has not come through the processes of the Security Council and I am still working with the Solicitor-General in terms of the finalization of the Decree or now it should be called the Bill, and I will get back to your goodself in terms of that agenda, Mr. Chair.

In terms of Item 4 on the Annual Report, you can see that all the evidence is part of the bound submission that is in front of your goodself.

Item 5, the draft Crimes Decree, that is also appended as part of the submission this morning.

Item 6 is Command and Control Structure, this is relevant to Item 5, if I am correct, because the Command and Control Structure for the organization is part of the 2013 Annual Report itself. If I am correct, Mr. Chair, if it is part of Command and Control Structure for Cyber Crime, that is also appended as part of the bound submission.

Item 7 is the query raised, comparing 2012 and 2013 why is there an increase in the number of permits? That is mainly due to the increase in the number of Chinese companies that were contracted to undertake capital major projects, for example on roads, the dam and bauxite mining in Vanua Levu. We have listed there some of the names of the companies, China Railway 1, Railway 5, China Xuba, China Hydro Company, Aurum Exploration. So, Mr. Chairman, that is why we have an increase in terms of the permits given.

Item 8 is on asylum seekers, just a brief update to the Standing Committee. We are signatory to that UN Convention from 2006 and all asylum claims will go through their refugee determination process which is covered in our Immigration Act and by the end of 2012, there were 20 asylum seekers and the breakdown is there, Mr. Chairman. The approval given was 15 and those that have relocated - 5; so the balance of 10 are those that are still here with us.

What we have noted too, Mr. Chairman, is that they are using Fiji as a stopping base for them. Also, I think their intention is to move abroad but to use Fiji as a processing base for them and that is something that we have noted as part of the trend which is evident in the relocation of those five (5).

Finally, Mr. Chairman, the brief on the Cyber Crime issue, that was the directive from Cabinet in 2010, having a working sub-committee and we have had some consultations done in 2012, 2013 and now we are still working with AG in terms of the Cyber Security Policy and Strategy. Something that we are thinking of including as well is the issue of Child Online Protection to be part of the Cyber Crime issue as well.

The latest development now, Mr. Chairman, on the cycle of Cyber Crime, in the recent months we can see some hacking on mastercards. We have had a few Government Ministries where some mastercard owners who were attending overseas conference, even before reaching Fiji, they were notified that their bankcards have been tampered with. As we speak, this is what the Ministry is now working on very closely with this Working Committee and also with the police in terms of the Cyber Crime Agenda.

So that, Mr. Chairman, very briefly are the nine points that were raised and the team is here, if there is any other further clarification that your goodself or the Standing Committee would require. Thank you, Chair.

MR. CHAIRMAN.- Thank you, Mr. Cawaru, for the information. For Honourable Members, the two submission folders are with me this morning which will be distributed later to you. We now have come to question time. The PS has just basically briefed us on those issues that we raised to improve on our report for the Ministry's Annual Report, 2013. The floor is open for questions, Hon. Members.

HON. RATU I.D. TIKOCA.- Through you, Mr. Chairman, and to the Mr. Permanent Secretary, you did mention about the banking system and how it did not reflect the actual report that we received initially. Can you inform the Committee on which bank are you referring to?

MR. O. CAWARU.- Actually, Mr. Chairman, I will use my example, I am one of them as well where my bank card was tampered after returning from the Hague and the bank was Westpac.

HON. RATU I.D. TIKOCA.- Thank you. I was referring to your Issue No. 1, the Supporting Information and Evidence that Immigration Trust Fund kept at the Ministry. I thought we are going to go back questioning No. 1 and then go down. So, the question again, which bank is this Fund kept in?

MR. O. CAWARU.- Thank you. I am sorry, Mr. Chairman for the misunderstanding in the first answer and for Item No. 1, that is the Westpac bank.

HON. RATU I.D. TIKOCA.- What interest is imposed on the savings and how much every year that, that money generates?

MR. O. CAWARU.- Maybe, I will ask the Accountant to explain the savings, Mr Chairman, thank you.

MR. K. TUGAGA.- Good morning, Mr Chairman and Honourable Members of Parliament. Currently, we do not accrue any interest on that account. We do not, at any time, receive interest from that account.

HON. RATU I.D. TIKOCA.- Mr. Chairman, to the gentleman again, why? You are saving a million dollars and the million dollars is not generating any interest at all for the principal fund that you are investing in that bank. Can I just have some more elaborations on that please? Thank you.

MR. K. TUGAGA.- I think the previous management did not pursue trying to earn interest from that account. However, we have submitted a submission to our management for them to first negotiate with Westpac for a 1.5 percent interest on that account. We are still in the negotiation process.

HON. RATU I. D. TIKOCA.- Mr. Chairman, how many years have you had this Fund in that particular account?

MR. K. TUGAGA.- The account has been in existence from when the Department started issuing permits to foreigners who want to come and work in Fiji. We take a bond from them to help us if they do not have sufficient funds to return and we use those funds to pay for their airfares back. However, for how long, Sir, I do not have the information with me at hand but the account has been in existence for quite a while.

HON. RATU I.D. TIKOCA.- 'Quite a while' to you starts from when - roughly 2000, 2002 or 1980? Can you at least allow us to have some idea and if not, please you can inform us later on as to when that Fund was established? If we can have a bank and the Government of Fiji arrangement as to why this substantial amount of funds, which are taxpayers' funds, are into a bank account in a bank and without any interest at all? This one plus million should be generating a substantial amount of interest over the principal fund. and if you are not getting it, if there is a fund that is to be used in that fund that you are keeping in the

principal fund, but now that money is supposed to be reducing because you are using the principal money and there is no interest upon it. So, if you can kindly provide some more details for us the next time around.

MR. K. TUGAGA.- Yes Sir, we will provide more details when we get back to you Sir, *Vinaka*.

HON. ROKO T.T.S. DRAUNIDALO.- Mr. Chairman still on Issue No. 1, it is just a comment. I wonder if it is because of the operation of the law that interest is not earned. It might be like the Lawyers Trust Accounts where previously the all interest by law was to go to the Legal Aid Commission which used to fund a lot of the Legal Aid Commission's work. I am just not sure and I think at some point recently that was stopped. I think it was because the banks made a submission that it was too difficult for them and we did not understand because the lawyers were happy to part with that interest to fund something good. Legal Aid certainly appreciated it but someone did not want it done. I am not sure if that may be the case.

MR. CHAIRMAN.- Thank you for the information, Hon. Draunidalo. Any question from Hon. Members?

HON. RATU I.D. TIKOCA.- When can we get that information because we need that information to inform Parliament and also the public of Fiji. I hope the sooner that comes because we have almost come to an end of the quarter and it is important that we submit that report before the end of the quarter, thank you.

MR. CHAIRMAN.- Permanent Secretary.

MR. O. CAWARU.- Thank you, Mr Chairman. We request if we can be given one week to come back to the Standing Committee and also the issue raised by the Hon. Draunidalo and then we can put in a clear brief in terms of the interest.

MR. CHAIRMAN.- Thank you, Mr. Cawaru.

HON. RATU I. D. TIKOCA.- Mr Chairman, there are two questions on Issue No. 2 that is directed to the Permanent Secretary in terms of Decrees and the current law, after serving in a democratic Parliament again in 2014. There are some decrees that are still being used by your Ministry and if there are, can we be given what are those decrees still in practice?

Second question, the whole world is actually threatened by ISIS activities and we are talking about your Counter Terrorism Decree, we are talking about how Fiji can handle that if it comes over our shores.

We need some intelligent information in regards to that particular activity whether it is coming over or whether it is existing already in Fiji and if it is, what sort of percentage threat level is it imposing in Fiji?

My first question is to do with the Decrees, I suppose there are still some Decrees being used after assumption of Parliament. Can we be given the number of Decrees that is governing the operations of the Ministry of Defence? Thank you.

MR. O. CAWARU.- Thank you, Mr. Chairman. One of the Decrees that we are currently using at the moment is the Security Industry Decree and that is only for the administration of all the private security industries or companies that are in existence and that is merely on the administration of their registration in terms of the master license that are issued to them, the types of services that they provide; that is one. And with Immigration, we only have the Acts and their regulations. So that is for question number one, Mr. Chairman.

HON. RATU I.D. TIKOCA.- Mr. Chairman, can we ask the Permanent Secretary if those number of Decrees that are currently used, both in the Ministry of Defence and also the arms of the Ministry of Defence, if you can list them all out, we need to highlight those in our report tabled at the end of the quarter in Parliament. I think that is important, we are already in a democratic institution, we need to know all the Decrees that are currently used.

MR. CHAIRMAN.- Please can you confirm that.

MR. O. CAWARU.- Thank you Mr. Chairman, we will provide the list together with the earlier information requested in item one. We will ask our Manager Security to respond to the second question if that is alright, in terms of the threat level and the influence of ISIS that we are all experiencing worldwide.

MR. M. VATULOKA.- *Vinaka* Mr. Chairman, as of now, the security landscape state as we speak is regarded as low. There is no particular threat of terrorism in Fiji. In due to percentage wise, we cannot specifically specify the percentage, but according to our intelligence report, we have a low forecast in regards to that. However, in terms of terrorism in your questions, for the Public Order Amendment Bill, the Ministry is working with the Solicitor-General's Office and to table it in Cabinet on the first meeting in April which will hopefully be presented in Parliament to present the amendment to the Public Order Amendment Bill where they will incorporate the laws that will govern the encountering terrorist threats. *Vinaka* Sir.

HON. A.D. O'CONNOR.- Mr. Chairman, the Permanent Secretary mentioned the Decrees for our local or internal security firms. Is there a Decree governing the security firms that are deploying Fijians abroad? I understand there are few out there. Is there a Decree governing them as well? Thank you.

MR. O. CAWARU.- Thank you, Mr. Chairman. Yes, it is the same Security Industry Decree but in terms of the services that each individual security company provides, this is where the registration differs because some only sell electronic gadgets in terms of their registration, some are only on patrols. So it differs in terms of the services each company provides relative to the registration that is required. Thank you.

HON. RATU I.D. TIKOCA.- The other question of concern is the number of migrants we have here in Fiji? Would you be able to inform this Committee about the total immigrants now permanently residing in Fiji from year 2000 to 2016? And with that number could it also be identified which origin they are coming from? Can we have that in detail too so that it can actually go into our report as well. That is where the threat level should be tested. You talk about threat level, you talk about internal threat level and you talk about external threat level. We need to know some of these and why they are actually being internal threat level created by immigrants that are already in the country. So, we would demand numbers of the people and where they come from in year 2000 to 2016 so that it can be highlighted in our report for the consumption of Members of Parliament. Thank you.

MR. CHAIRMAN.- Yes can you respond to that.

MR. O. CAWARU.- Thank you, Mr. Chairman, we request the Standing Committee if we can be given one week as well to compile all the data that is required and we will submit it in one week's time.

MR. CHAIRMAN.- Thank you PS.

HON. ROKO T.T.S. DRAUNIDALO.- Mr. Chairman, just on that second part too, it says here that the standard operating procedure meets the current Public Order Amendment Decree and there is room for improvement once the Bill is passed. Is there any opportunity for the Committee to make that assessment as well?

MR. O. CAWARU.- Yes, Mr. Chairman. That will be most welcome and I think a copy is also formed which is part of the submission that is in front of your goodself. *Vinaka*.

MR. CHAIRMAN.- I thank you, PS. Hon. Members will have a copy and probably we will work from there. PS on the second part in regards to the SOP, now that you are working closer with the Solicitor-General's office, is there any timeline for you to meet in regards to this SOP?

MR. O. CAWARU.- Thank you, Mr. Chairman. In terms of timelines, now we are currently reviewing all our respective timelines in terms of some of the priorities that the Solicitor-General has now but from the Ministry, I think we have reached the timeline internally and that is something that we have achieved to date in terms of the development of that SOP.

MR. CHAIRMAN.- *Vinaka*. Hon. Members any question?

HON. RATU I.D. TIKOCA.- Again on the issues of security. What is your role in terms of international relation? For example, do you provide military security assessment when Foreign Affairs decides to relate our country to others?

MR. M. VATULOKA.- Yes, Sir. We do get our intelligence report and we also interact with our counterparts in Australia and New Zealand, likewise the Interpol and we have the counterparts too in America as well. We do get advice through Foreign Affairs and with intelligence from the Fiji Military Force.

MR. CHAIRMAN.- *Vinaka*.

HON. RATU I.D. TIKOCA.- Thank you very much. You would understand the public concern a few months ago of the huge supply of arms and ammunition that arrived on our shores from Russia.

We debated that in Parliament, we request that through transparency in Parliament approval is given before such things happen. My question is, I know it is may be unfair if I raise this because there are other areas of determination that makes that decision but through transparency and the people that are paying their taxes which are also being used for getting arms. Arms can be used and ammunitions can be used to safeguard our country, that is not a negative question. If it is for defence, why not? It should be used. But because it is not transparent in terms that the Parliament was never given any briefing in that regard, is it okay to ask you or probably unsafe to ask you to provide us some information on why Russia? Why are automatic weapons to that calibre? Why some medium heavy weapons were also brought in and the humongous amount that was brought in, is it really for the deployment of our forces to service United Nation? If it so, why not delivered in an area of operation? Why should it be vired in?

We also note that many other additional equipment that were brought for internal use, but the Parliament has no idea. Parliament is the representative of the people and every dollar that people pay through their taxes should go back and they should be transparently briefed on the usage of their funds. This is the question I raised and if it is may be difficult to answer then you do not have to answer.

MR. CHAIRMAN.- PS, it is up to you whether you want to answer or not but I would suggest in your capacity as PS, that information given will assist the Committee.

MR. O. CAWARU.- Thank you, Mr. Chairman and thank you Hon. Members. In terms of the Ministry of Defence, National Security and Immigration or from my office involvement, it is not really involved into the actual items or the inventory. My only role in terms of the shipment was just facilitating and calling the sub-committees of the Fiji Procurement Office, Ministry of Finance, Customs and Bio-security. That was merely my role that I played in terms of the importation of weapons earmarked for

peacekeeping. My apology, Mr. Chairman, I could not go into the details in terms of what is required by the Hon. Member.

MR. CHAIRMAN.- Thank you, PS.

(Inaudible)

MR. O. CAWARU.- That is correct.

HON. RATU I.D. TIKOCA.- The inventory, you do not know. No?

MR. O. CAWARU.- No, Mr. Chairman.

HON. RATU I.D. TIKOCA.- Thank you.

HON. ROKO T.T.S. DRAUNIDALO.- Mr. Chairman, my related question to that is, how much supervision or oversight does the Ministry have over the Military Forces or are they law unto themselves. I mean we know they are law unto themselves but just how much of a law unto themselves because I am always interested in this issue of strong institutions and why the militaries in Australia and New Zealand are so different is because they come under civilian rule. They come under that you should be their boss, direct boss you should tell them to jump, run around, do hand stand on behalf of the people of Fiji from your Minister. But if the PS cannot have that, I mean it is not his fault but if he does not have that involvement that means his Minister does not have involvement and his Minister represents the people in Parliament so they are just like floating out there, like no regulation.

MR. CHAIRMAN.- Hon. Tupou, is it a comment or you want the PS to respond?

HON. ROKO T.T.S. DRAUNIDALO.- You know, I thought I just put it out there. I mean his is just a very honest answer, it is just worrying, Sir.

HON. RATU I.D. TIKOCA.- Before he answers, let me tell a bit of story about the military and the defence, Home Affairs then. The Commander then was Colonel Paul Manueli, when he actually resigned because the role of the Commander is limited, the head of the military was the Permanent Secretary of Defence and every effort that he does to see to develop this Military Unit and when he failed to get what he wanted, he resigned. That is what democracy is, thank you. You do not need to answer that.

MR. CHAIRMAN.- Well, PS, it is your privilege whether you want to answer or not but you also have a job description that dictates where you operate but the privilege is yours

MR. O. CAWARU.- Thank you, Mr. Chairman and the Hon. Member for the comment.

In terms of the Permanent Secretary's role, please, understand that I am also new to this position but in terms of the day-to-day operations, the Permanent Secretary does not have any interference or any say to the day-to-day operations of both the Police and the Military Commander, so we are sort of like on the same level, so to speak, and we all report directly to the Minister.

The comment on civilian control, it is a valid point raised by the Hon. Draunidalo. In our weekly meetings with the Commander and the Commissioner of Police, this is something that the Minister for Defence is also driving to the two gentlemen in terms of the mind shift that we are now in, in terms of the Parliamentary Democracy that we are in, in terms of the civilian control and the change in how things have been operating from the 2000 until now.

MR. CHAIRMAN.- Thank you, PS.

HON. RATU I.D. TIKOCA.- Just a point, you would have a very very difficult mission to try to achieve that because the Constitution does not allow you to.

MR. CHAIRMAN.- Hon. Members, I believe the issue can be part of our report. It has nothing to do with them - the clash of position.

HON. A. O'CONNOR.- Mr. Chair, moving forward, moving on, the question of asylum seekers. By the end of 2012, there was a total of 20 and you have a breakdown there: approved - 15; declined - 5; can you enlighten us on the approval and the declined status? Thank you.

MR. O. CAWARU.- Mr. Chairman, if I am correct, it is the processes. What is the second question?

HON. A. O'CONNOR.- You mentioned – where are these people? You said that there is a balance of 10. There were 15 cases that were approved, five declined and five relocated, and you still have a balance of 10. If you can just give us the makeup of that and how are those determined? Thank you.

MR. O. CAWARU.- Thank you, Mr. Chairman; for the 10 who are in the country, they are Afghanistan nationals.

HON. RATU I.D. TIKOCA.- Head-on to that question, Mr. Permanent Secretary; when you received and approved 15, five declined, five relocated; this total number is based on the application forwarded or are they already in the country? And if they are already in the country, where are they kept; and if they are approved, where do they go? Please can you highlight the Committee on some of those questions, please?

MR. O. CAWARU.- Thank you, Mr. Chair, for the approved ones, out of the 15 approved, 10 are in the country, for the other 5, they have been relocated, resettled.

HON. RATU I.D. TIKOCA.- (Inaudible)

They should be bringing in with them a lot of money or probably buying a shop or buying land or probably are employed under the Civil Engineering or whoever - that is, we do not understand. Can you just highlight to us the procedure, please? Thank you.

MR. M. VATULOKA.- From the 10, Mr. Chair, seven are from Afghanistan nationals, one from Nigeria, one from Pakistan and one from Eritrea.

In addition, Mr. Chairman, the process is, there is a refugee status determination in which we register the claims and they go through the process with the assistance from the UNHCR. So in determining the process, it is a collaboration between the Fiji Immigration and the UNHCR, that is when the claims become approved or refused or declined. So when they are approved, then UNHCR also assist in the resettle or relocate them to other countries. As earlier alluded to by the PS, they just come to Fiji for process but they move on to greener pastures, to other countries with the assistance of the UNHCR, to relocate or to resettle them; thank you, Sir.

HON. RATU I.D. TIKOCA.- Any company, business or people who want to establish business in Fiji, they have to actually have proof of substantial amount of money that you want to run business in Fiji and your investment intention. In this regards, what is the status financially of those seeking to come through to us, do they come to us penniless or are they pretty good?

HON. A. O'CONNOR.- I think we have distinction here; are you referring to them as investors-asylum seekers?

HON. RATU I.D. TIKOCA.- If an investor, he will have to stand on his own feet.

HON. A. O'CONNOR.- Correct, that is why I posed the question; where are they, because they are definitely asylum seekers, they come as penniless, but where are these people? Where are they being held? Have they been given a piece of land to start life off or something like that? That is where I am coming from. Thank you.

MR. M. VATULOKA.- Thank you, Mr. Chairman. Those who claim asylum, once it is registered with us, under the process of UNHER, it supports them financially. They provide their allowance for them to live in the country until the decision is made to their claims.

MR. CHAIRMAN.- So when they are here pending that decision, their status is still refugee until they are taken somewhere else?

HON. RATU I.D. TIKOCA.- ...PR on that financial support until the determination is made to exit the country or stay for good. That adds more light to it, thank you very much. But when they come first into Fiji do they have a place to go to? Does UNHER provides that or the government of Fiji? Like when we escort people to go out we have got probably a building in Nadi that we keep them in before the arrival of the aircraft to send them out so when these people come in do they have a transit camp before all these completion of administration is done? Can you please answer that?

MR. O. CAWARU.- Yes, Mr. Chairman that is correct we have two safe houses. One is in Suva and another one in Nadi and while awaiting financial support from UNHER they are normally accommodated at the safe house.

HON. RATU I.D. TIKOCA.- How many can be accommodated in the safe house at any one time?

MR. O. CAWARU.- This is the normal grade four house in Veiuto. We can fit in say eight to ten, using the living room as well.

HON. RATU I.D. TIKOCA.- Since they do not have any status what sort of security is provided for them? Who provides that security, are they 24 hours on watch? Because I suppose they do not have any documents to actually hang around or buy things in Suva they have got to be controlled by your Ministry in terms of providing security for them. Can you elaborate on that, please?

MR. O. CAWARU.- Yes, Mr. Chairman, we employ special security officers for both the safe house in Suva and Nadi and that is part of their role to look after the asylum seekers. Once they have moved out of the safe house, renting in a premises that is where they liaise with the immigration and they do that oversight as well.

MR. CHAIRMAN.- For example Australia is using Nauru as a transit processing area. I believe that is quite safe in a way that is a threat to the nation. We have a lot of islands around us, islands like Makogai you know will be a good suggestion to have them transit there, just thinking out loud.

Any other question, Honourable Members?

HON. RATU I.D. TIKOCA.- Please bear with us because we need a detailed report to be tabled in Parliament and of course the Department of Immigration and Customs will be involved in that.

MR. CHAIRMAN.- Mr. Deputy Chairman, do you have a question? Most of those questions are inter-related.

HON. RATU I.D. TIKOCA.- Whilst they are given one week to prepare some of our questions, but also within that week all the remaining questions that we need to table, we can actually compile together and provide to the Permanent Secretary. There are a lot of questions that need to be answered and today may not be enough. I was preparing to actually ask all those very important issues in regards to security. So, Mr. Chairman I am just suggesting if we could also use that one week to send some of our questions to them.

MR. CHAIRMAN.- I thank you, Mr. Deputy Chairman.

HON. A.D. O'CONNOR.- I think, Mr. Chairman on the same token, you have got the two compiled tabulated reports which we will get copies of and we can sort of compile that as well. Whilst reading through that, maybe some of the answers are already in there.

MR. CHAIRMAN.- Thank you, point taken Hon. Member. Permanent Secretary and team as we are all aware, it is a short day today and a long weekend ahead of us and one week towards the end of this month or the last week of this month, would that possible for your presentation Mr. Permanent Secretary?

MR. O. CAWARU.- Thank you, Mr. Chairman is that for the one week?

MR. CHAIRMAN.- Yes.

MR. O. CAWARU.- I think from our end one week will be sufficient for us but we would ask you good self if we can receive the questions early just to give us time to work on the one week deadline as well.

MR. CHAIRMAN.- Thank you, Mr. Permanent Secretary. What the Committee will do is we will send the timeline and all those questions before the one week grace period and we will determine and confirm with you the date, if it is fine with you or you need to have an extra day, probably that will be happening early next week.

HON. ROKO T.T.S. DRAUNIDALO.- Before we leave the meeting I was interested to know the nationality of the five declined?

MR. O. CAWARU.- Thank you Mr. Chairman, four are Russians and one from Bangladesh because of the determination process, there is a set criteria which they did not meet so that is the basis of the refusal.

MR. CHAIRMAN.- Mr. Cawaru and your team, I believe we have come to the end of the question session and I take this opportunity to thank you all for your commitment and answers that you have deliberated to us today. We are expecting more after the one week grace period and as you are aware all these issues and details will broadly assist you in your annual reports because only the Public Accounts scrutinises ministries but now they are including all the Standing Committees to see various ministries and loop holes to improve on. So, the benefit is for you and us as well as a whole.

We have morning tea and you are most welcome to be part of it. I take this opportunity on behalf of the Hon. Members to wish you and your families a happy Easter. With those few words, thank you once again for coming and we will be waiting after one week grace period. *Vinaka*.

The Committee adjourned at 11.48 a.m.

APPENDIX 3: ANSWERS TO ADDITIONAL QUESTION



**MINISTRY OF DEFENCE, NATIONAL
SECURITY AND IMMIGRATION**

26 Gladstone Road, 2nd Floor, New Wing, Government Buildings, Suva. Post Office
Box 2349, Government Buildings, Suva, FIJI. Telephone: 3211462/1490. Facsimile:
3317721/3300346

Email: defence@govnet.gov.fj. Email: inforhomeaff@govnet.gov.fj.



Memorandum

From: Permanent Secretary for Defence, National Security & Immigration
To: Secretary General to Parliament
Date: 20/04/2016
Our ref: 1/P/17
Re: **REQUEST FOR ADDITIONAL INFORMATION**

Attention: Mr Savenaca Koto

The Ministry acknowledges your memorandum dated 18/04/16 for additional information.

The additional information requested after the earlier submission has been amended and again is forwarded herewith for ease of reference.

We anticipate similar correspondence in the near future.

M Rinakama [Mrs.]

for: **Permanent Secretary for Defence, National Security & Immigration**





**PRESENTATION TO THE STANDING COMMITTEE
ON FOREIGN AFFAIRS AND DEFENCE**

**Ministry of Defence, National Security and
Immigration**

ADDITIONAL QUESTIONS

19th April 2016

ADDITIONAL QUESTIONS

ITEM NO.	AGENDA ISSUES	REMARKS
1.	<p>Questions regarding Trust money:</p> <p>When was the trust account (for bond) opened?</p> <p>Why isn't the trust account earning interest?</p>	<ul style="list-style-type: none"> The Department's Trust Fund Account is currently with the Westpac Bank. The Trust Account was opened on 23rd June 2008. The Trust Account is currently earning interest at the rate of 0.1% per annum. The Department is anticipating making arrangements with the Financial Institution and the Ministry of Finance for the review of the current interest rate.
2.	Level of threat on Terrorism in Fiji	<ul style="list-style-type: none"> The draft Counter Terrorism Decree is currently incorporated into the Public Order Amendment Bill. This will be presented to Cabinet in April. The Standing Operating Procedure(SOP) has been completed and would need to be revised once the finalization of the Public Order Amendment Bill is passed by Parliament. Current Security landscape brief on Terrorist activity in Fiji is LOW. While Fiji continues to be a low priority target for terrorist attack in the region, possible attacks from Western targets is imminent. Indicators illustrate that the likelihood of an attack is rather low. However, strict monitoring of movement at our borders will be a continuous exercise until appropriate legislations are enacted to safeguard against such coercions.
3.	List of all Decrees in the Ministry	<ul style="list-style-type: none"> Citizenship Decree 2009 Security Industry Decree 2010

ADDITIONAL QUESTIONS

ITEM NO.	AGENDA ISSUES	REMARKS
4.	Permits	<ul style="list-style-type: none">• Please note that Permits are only issued for a maximum period of 3 years.• Attached is the data of the Current Permit Holders as at 08.04.2016.
5.	Criteria For The Determination Of Refugee Status	<p><i>The Department accepts applications for Asylum Seekers once a person makes submissions verbally or in writing that he does not want to return to his home country because of fear for his life.</i></p> <p>Upon acceptance of the application, the person will undergo the Refugee Status Determination [RSD] process whereby we will ascertain his claims on the following grounds:</p> <ol style="list-style-type: none">1. Race2. Religion3. Nationality4. Membership of a particular social group5. Political opinion <p>If the applicant is being persecuted based on the above criteria, then, he will be granted Refugee Status.</p>

•THANK YOU