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# Fiji

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RISK & COMPLIANCE REPORT

DATE: January 2017

<b>Executive Summary - Fiji</b>	
<b>Sanctions:</b>	No
<b>FAFT list of AML Deficient Countries</b>	No
<b>Higher Risk Areas:</b>	Not on EU White list equivalent jurisdictions World Governance Indicators (Average Score) Failed States Index (Political Issues)(Average Score)
<b>Medium Risk Areas:</b>	Compliance with FATF 40 + 9 Recommendations Weakness in Government Legislation to combat Money Laundering Corruption Index (Transparency International & W.G.I.))
<p><b>Major Investment Areas:</b></p> <p><b>Agriculture - products:</b> sugarcane, coconuts, cassava (manioc), rice, sweet potatoes, bananas; cattle, pigs, horses, goats; fish</p> <p><b>Industries:</b> tourism, sugar, clothing, copra, gold, silver, lumber, small cottage industries</p> <p><b>Exports - commodities:</b> sugar, garments, gold, timber, fish, molasses, coconut oil</p> <p><b>Exports - partners:</b> US 14.6%, Australia 13.2%, Japan 6.9%, Samoa 5.8%, Tonga 5.1% (2012)</p> <p><b>Imports - commodities:</b> manufactured goods, machinery and transport equipment, petroleum products, food, chemicals</p> <p><b>Imports - partners:</b> Singapore 32.8%, Australia 15.5%, NZ 14.5%, China 10.7% (2012)</p>	
<b>Investment Restrictions:</b>	

The Fijian government assures local and foreign investors that Fiji remains a safe place to invest and do business under the post-2006 military-led government, introducing industry-specific incentives and reducing corporate rates to promote investment.

Growth in 2013 is expected to be driven by the agricultural, manufacturing and financial intermediation sectors.

Government approval is required for all foreign investment in Fiji.

Investment areas that have been reserved for Fiji nationals include small scale businesses such as cafeterias, taxis, handicrafts, tailoring, repair of personal/household goods, plumbing/electrical, plant nurseries, day-care, bakeries, backpacker services, nightclubs, and liquor bar operations. Additionally, there are certain investment activities subject to restrictions. Investment in fishing enterprises require at least 30% local equity, while investors in forestry, tobacco production, tourism (cultural heritage), real estate management and development, construction, earthmoving, and inter-island shipping must meet certain minimum investment thresholds.

Foreign investors can acquire real estate. However, the land situation in Fiji is complex and only a small percentage of land is available for purchase. If the property is larger than one acre, the Minister of Lands must approve the purchase. There are industry-specific incentives for tourism, mining, filmmaking and audio-visual activities, boat building, fishing, logging and saw milling operations, and bus building.

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## Section 1 - Background

Fiji became independent in 1970 after nearly a century as a British colony. Democratic rule was interrupted by two military coups in 1987 caused by concern over a government perceived as dominated by the Indian community (descendants of contract laborers brought to the islands by the British in the 19th century). The coups and a 1990 constitution that cemented native Melanesian control of Fiji led to heavy Indian emigration; the population loss resulted in economic difficulties, but ensured that Melanesians became the majority. A new constitution enacted in 1997 was more equitable. Free and peaceful elections in 1999 resulted in a government led by an Indo-Fijian, but a civilian-led coup in May 2000 ushered in a prolonged period of political turmoil. Parliamentary elections held in August 2001 provided Fiji with a democratically elected government led by Prime Minister Laisenia QARASE. Re-elected in May 2006, QARASE was ousted in a December 2006 military coup led by Commodore Voreqe BAINIMARAMA, who initially appointed himself acting president but in January 2007 became interim prime minister. Since taking power BAINIMARAMA has neutralized his opponents, crippled Fiji's democratic institutions, and initially refused to hold elections. In 2012, he promised to hold elections in 2014.



## Section 2 - Anti – Money Laundering / Terrorist Financing

### FATF status

Fiji is not on the FATF List of Countries that have been identified as having strategic AML deficiencies

### Compliance with FATF Recommendations

The last Mutual Evaluation Report relating to the implementation of anti-money laundering and counter-terrorist financing standards in Fiji was undertaken by the Financial Action Task Force (FATF) in 2016. According to that Evaluation, Fiji was deemed Compliant for 7 and Largely Compliant for 10 of the FATF 40 Recommendations.

#### Key Findings

Fiji's National Anti-Money Laundering Council (NAMLC), consists of a number of government agencies and is the principle agency through which Fiji coordinates AML/CFT policies and strategies. The cooperation and coordination between the relevant agencies through NAMLC platform is generally reasonable except in relation to ML investigations and prosecutions where significant improvement is needed. The cooperation and coordination is not comprehensive as Fiji has yet to put in place any mechanism for cooperation and coordination of policies and activities to combat the financing of proliferation in Fiji.

Generally, Fiji has a reasonable understanding of its ML and TF risks. But, there are gaps in Fiji's understanding of its ML/TF risks because an assessment of risk relating to all types of legal persons, foreign investment, and cross-border transportation of currency and BNIs relating to transit passengers on cruise ships is lacking. In addition, the primary focus of the NRA (as a reflection of that understanding) was on ML. TF was of limited focus only. Fiji also lacks a comprehensive national strategy informed by its understanding of risks to combat ML and TF.

Fiji's principal proceeds generating crimes are drugs and drug-trafficking, fraud on the government (i.e. direct and indirect tax crimes) and corruption. Fiji is also a transit and destination point for drugs. According to Fiji the banking sector, foreign exchange dealers, real estate agents and legal persons are highly vulnerable to ML. The NPO sector is considered to have high vulnerability to terrorism financing due to global concerns.

TF risks are rated low in Fiji's NRA. However Fiji does not take a holistic approach in dealing with terrorism and terrorist financing threats and risks. One case in Fiji involving a listed entity under UNSCR 1267 highlights that TF risks are real. No agency has been identified to deal with, coordinate and develop TF policy.

Fiji lacks a comprehensive legislative framework to implement targeted financial sanctions including the identification of a competent authority. Fiji has not implemented measures against PF and does not have a legal framework or processes for implementing UNSCRs 1718

and 1737. Fijian authorities do not systematically disseminate UN notices on PF to financial institutions or DNFBPs.

Fiji's FIU has an excellent understanding of the AML/CFT environment in Fiji and provides good quality intelligence to law enforcement agencies on a range of predicate crimes and ML, including its high risk crime types. The FIU and other competent authorities regularly exchange information and financial intelligence. However, capacity, capability and resource limitations undermine and limit the ability of the Fiji Police Force (FPF) to effectively respond to that intelligence. The Fiji Revenue and Customs Agency (FRCA) and the Fiji Independent Commission on Corruption (FICAC) (with similar resource limitations) respond to financial intelligence more effectively. Neither agency investigates ML offences and neither pursues confiscation action; nor do they refer ML issues to the FPF.

While Fiji has a full suite of forfeiture mechanisms to target profit and property derived from crime, forfeiture outcomes are modest and do not reflect an effective implementation of confiscation mechanisms. FPF, FRCA, FICAC and the ODPP lack resources as well as a combined focus to target criminal proceeds.

DNFBPs generally do not have a good understanding of the risks in their sectors despite outreach by the FIU. Awareness among DNFBPs of the FTR Act and FTR Regulations as well as AML/CFT guidelines is very low. Some DNFBPs have no understanding of their obligations at all. And, many of the CDD and other measures in the FTR Act are unenforceable and all of the measures in the FTR Regulations are unenforceable due to absence of sanctions and penalties.

The Reserve Bank of Fiji (RBF) conducts on-site inspections of financial institutions (banks, credit institutions, insurance companies, foreign exchange dealers, moneychangers and the capital market intermediaries). The RBF's supervision activities in the past have been largely related to its prudential responsibility, however since 2014 the RBF has conducted AML/CFT-focused compliance assessments on three banks, one credit institution, two unit trusts, nine Restricted Foreign Exchanged Dealers (RFEDs) and two moneychangers and provided feedback in this regard. Fiji allows for AML/CFT supervision (by the FIU) of most DNFBPs, but no on-site supervision visits have occurred.

Fiji has not undertaken an adequate ML/TF risk assessment of all forms of legal persons and legal arrangements. Authorities acknowledge that legal persons and arrangements in Fiji, can be used to facilitate predicate crimes and ML/TF offences. Fiji laws on the collection of beneficial ownership information is limited. Competent authorities do face challenges in obtaining beneficial ownership information. Fiji has recognised this and (following the on-site visit) a new Companies Act came into force.

On international cooperation (both formal and informal) requests by Fiji do not match its ML and TF risk profile. While the FIU cooperates very well on an informal basis other agencies are not as robust. Moreover in relation to formal cooperation there are few outgoing MLA requests and no extradition requests in the last seven years. Fiji cannot exchange anything more than basic beneficial ownership information in relation to companies and trusts.

### **Risks and General Situation**

Fiji faces a range of ML and TF threats and vulnerabilities. It has identified banking, foreign exchange dealers, real estate agents and legal persons (in particular, companies) as highly

vulnerable to ML. The NPO sector (which consists of a large number of NPO entities) is considered to have high vulnerability to terrorism financing due to global concerns even though the TF risks in Fiji are rated as low. However, like the real estate sector, the NPO sector is not subject to supervision or monitoring by authorities.

Drug and tax offences (including other forms of fraud against the government) generate the largest and most significant amount of illegal proceeds in Fiji. Fiji's ML/TF risks involve cross-border illicit flows. In relation to drug offences, Fiji is a transit and destination point for drugs. Fiji is also a source of illicit drugs manufacturing and exportation. Based on publicly available and reliable independent sources of information corruption, especially within the public service, even though assessed in the NRA as "moderate" in terms of producing illegal proceeds for ML, is considered a significant issue.

Factors such as Fiji's strategic geographic location in the South Pacific, porous borders, cash intensive economy, technology constraints and limited expertise within certain relevant agencies, escalate Fiji's vulnerabilities to ML/TF risks. However, the NRA concluded that Fiji is not exposed to any significant ML/TF risks.

Regardless of past political turmoil and instability, the structural elements, including high-level commitment to address Fiji's AML/CFT issues required for an effective AML/CFT system, are in place. However, political commitment to implement targeted financial sanctions related to terrorism, terrorism financing and proliferation financing is currently lacking.

Fiji has trade relationships with Iran and the Democratic People's Republic of Korea. However, while general customs prohibitions applicable to all countries apply to all imports and exports, with respect to these two countries, there are no special licences or conditions applicable to imports from and exports to these destinations in light of relevant UN sanctions requirements.

## 2013 Asia Pacific Group on Money Laundering Yearly Typologies Report:

### **Trends:**

#### **Emerging Trends:**

Currency smuggling (including issues of concealment & security)

We have identified a number of cases whereby travellers have failed to declare currency at the border. The "intent" of the traveller carrying the currency is questionable.

#### **Declining Trends:**

Use of false identification

The Fiji FIU has noted a decrease in the number of cases involving fake identification cards such as passports, Fiji National Provident Fund (FNPF) cards and birth certificates. This is due to some recent measures undertaken by the relevant authorities in Fiji.

Fiji was deemed a 'Monitored' Jurisdiction by the US Department of State 2016 International Narcotics Control Strategy Report (INCSR).

Key Findings from the report are as follows: -

**Perceived Risks:**

The Republic of Fiji is a small island state with a population of less than one million. It has significant natural resources and is among the most developed of the Pacific island nations. It is not a regional financial center but serves as a regional hub for transportation and shipping for other Pacific island nations. Currently, there are no operating casinos.

Fiji's geographical location makes it a potential staging point for criminal activities in Australia and New Zealand. Cross-border criminal gangs involving individuals from Asian countries are alleged to operate in Fiji.

To encourage investment and create economic opportunities in Fiji's rural Northern and Maritime Island regions, the government declared certain areas as tax free regions. Benefits include a multi-year corporate tax holiday and import duty exemption on raw materials, machinery, and equipment for initial setup. There is also a tax free region in the North East of Viti Levu targeting agriculture, dairy, and other new investments.

DO FINANCIAL INSTITUTIONS ENGAGE IN CURRENCY TRANSACTIONS RELATED TO INTERNATIONAL NARCOTICS TRAFFICKING THAT INCLUDE SIGNIFICANT AMOUNTS OF US CURRENCY; CURRENCY DERIVED FROM ILLEGAL SALES IN THE U.S.; OR ILLEGAL DRUG SALES THAT OTHERWISE SIGNIFICANTLY AFFECT THE U.S.: NO

CRIMINALIZATION OF MONEY LAUNDERING:

"All serious crimes" approach or "list" approach to predicate crimes: All serious crimes  
Are legal persons covered: criminally: YES civilly: YES

KNOW-YOUR-CUSTOMER (KYC) RULES:

Enhanced due diligence procedures for PEPs: Foreign: YES Domestic: YES

KYC covered entities: Banks, foreign exchange dealers, money remittance service providers, finance companies, law firms, real estate agencies, accountants, insurance companies, and superannuation funds

REPORTING REQUIREMENTS:

Number of STRs received and time frame: 383 in 2014

Number of CTRs received and time frame: 1,042,074 in 2014

STR covered entities: Banks, money remittance service providers, finance companies, regulatory authorities, law firms, real estate businesses, accounting firms, insurance companies, and superannuation funds

**MONEY LAUNDERING CRIMINAL PROSECUTIONS/CONVICTIONS:**

Prosecutions: 3 in 2014

Convictions: 1: January - November 2014

**RECORDS EXCHANGE MECHANISM:**

With U.S.: MLAT: NO Other mechanism: YES

With other governments/jurisdictions: YES

Fiji is a member of the Asia/Pacific Group on Money Laundering (APG), a FATF-style regional body.

**ENFORCEMENT AND IMPLEMENTATION ISSUES AND COMMENTS:**

In 2015, a national risk assessment was conducted by the National AML Council as part of Fiji's AML/CFT program.

The FIU does not have budgetary independence. The number of suspicious transaction reports (STRs) received in 2014 declined by 27 percent compared to 2013, while the number of cash transaction reports (CTRs) increased by 63 percent over the same period. The large increase in CTRs received in 2014 was due to the submission of backdated reports as part of the Fiji Intelligence Unit's (FIU) reporting compliance and data quality project. In 2014, 577 Border Currency Reports were filed by travelers entering or departing Fiji carrying currency or negotiable bearer instruments in amounts over the reporting threshold.

The Government of Fiji should continue to implement AML/CFT measures that adhere to international standards. Fiji also should become a party to the UN Convention against Transnational Organized Crime.

**Current Weaknesses in Government Legislation (2013 INCRS Comparative Tables):**

According to the US State Department, Fiji does not conform with regard to the following government legislation: -

**Arrangements for Asset Sharing** - By law, regulation or bilateral agreement, the jurisdiction permits sharing of seized assets with third party jurisdictions that assisted in the conduct of the underlying investigation.

**States Party to United Nations Transnational Organised Crime Convention** - States party to the United Nations Convention against Transnational Organized Crime (UNTOC), or a territorial entity to which the application of the Convention has been extended by a party to the Convention.

**EU White list of Equivalent Jurisdictions**

Fiji is not currently on the EU White list of Equivalent Jurisdictions

### **World Governance indicators**

[To view historic Governance Indicators Ctrl + Click here and then select country](#)

### **Failed States Index**

[To view Failed States Index Ctrl + Click here](#)

### **Offshore Financial Centre**

Fiji is not considered to be an Offshore Financial Centre

### US State Dept Narcotics Report

No report available

### US State Dept Trafficking in Persons Report 2014 (introduction):

Fiji is classified a Tier 2 country - a country whose government does not fully comply with the Trafficking Victims Protection Act's minimum standards, but is making significant efforts to bring themselves into compliance with those standards.

Fiji is a source country for women and children subjected to sex trafficking and forced labor, and a transit and destination country for Asian men and women subjected to forced labor and forced prostitution. Fijian women and children are trafficked abroad or in between cities for sexual exploitation and as domestic workers. Fiji's liberal visa requirements—which allow nationals of 132 nations to enter the country without acquiring a visa—coupled with Fiji's role as a regional transportation hub, may contribute to Fiji being a transit area for human trafficking. Women from China, Thailand, Malaysia, and other East Asian countries are recruited deceptively in their home countries or while visiting Fiji, sometimes by Chinese criminal organizations. These women reportedly are exploited in illegal brothels (massage parlors and spas), local hotels, private homes, small and informal farms and factories, and other rural and urban locations. Workers from Cambodia, the Philippines, Burma, Indonesia, North Korea, China, Singapore, and other Asian countries are deceptively recruited in their home countries and transit through or board fishing vessels from Fiji ports and waters. They live in poor living conditions, accrue debt larger than promised wages, and work for little or no compensation on foreign fishing vessels, mainly Chinese and Taiwanese, in Pacific waters.

Family members, taxi drivers, foreign tourists, businessmen, and crew on foreign fishing vessels have been alleged to participate in the prostitution of Fijian children. Some Fijian children are at risk of human trafficking as families follow a traditional practice of sending them to live with relatives or families in larger cities; these children may be subjected to domestic servitude or coerced to engage in sexual activity in exchange for food, clothing, shelter, or school fees. Fijian children may also be subjected to forced labor in agriculture, begging, and industrial sectors.

The Government of Fiji does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period, the Fijian government investigated seven trafficking cases, prosecuted one trafficking offense, and convicted one trafficker. Authorities did not widely implement formal procedures to proactively identify victims of trafficking among vulnerable populations during the year and victim identification declined.

### US State Dept Terrorism Report

No report available



## International Sanctions

There are no longer any Australian or New Zealand sanctions in place against Fiji

## Bribery & Corruption

Index	Rating (100-Good / 0-Bad)
Transparency International Corruption Index	N/A
World Governance Indicator – Control of Corruption	57

## Corruption and Government Transparency - Report by US State Department

The law provides criminal penalties for corruption by officials, but the government did not implement the law effectively. The government established an independent commission against corruption, the Fiji Independent Commission Against Corruption (FICAC), with broad powers of investigation. FICAC's public service announcements encouraging citizens to report corrupt government activities had some effect on systemic corruption.

Much government decision making was not transparent due to a self-censoring media and the absence of parliamentary oversight and other checks and balances. Civil servants were under threat of criminal prosecution for disclosing government information without permission. The media published articles on FICAC investigations on abuse of office and anonymous blogs reported on some government corruption. Fiji's relatively small population and limited circles of power often lead to personal relationships playing a major role in business and government decisions.

Fiji's new constitution provides for public access to government information and for the correction or deletion of false or misleading information that affects each person. The constitution requires that a freedom of information law be enacted but does not specify a deadline for parliament to pass such a law and there is no sitting parliament at this time.

Fiji acceded to the UN Convention Against Corruption in 2008 but is not a party of the OECD Convention on Combating Bribery.

## Section 3 - Economy

Fiji, endowed with forest, mineral, and fish resources, is one of the most developed of the Pacific island economies though still with a large subsistence sector. Sugar exports, remittances from Fijians working abroad, and a growing tourist industry - with 400,000 to 500,000 tourists annually - are the major sources of foreign exchange. Fiji's sugar has special access to European Union markets but will be harmed by the EU's decision to cut sugar subsidies. Sugar processing makes up one-third of industrial activity but is not efficient. Fiji's tourism industry was damaged by the December 2006 coup and is facing an uncertain recovery time. In 2007 tourist arrivals were down almost 6%, with substantial job losses in the service sector, and GDP dipped. The coup has created a difficult business climate. The EU has suspended all aid until the interim government takes steps toward new elections. Long-term problems include low investment, uncertain land ownership rights, and the government's inability to manage its budget. Overseas remittances from Fijians working in Kuwait and Iraq have decreased significantly. Fiji's current account deficit peaked at 23% of GDP in 2006, and declined to less than 12% of GDP in 2013.

### **Agriculture - products:**

sugarcane, coconuts, cassava (manioc), rice, sweet potatoes, bananas; cattle, pigs, horses, goats; fish

### **Industries:**

tourism, sugar, clothing, copra, gold, silver, lumber, small cottage industries

### **Exports - commodities:**

sugar, garments, gold, timber, fish, molasses, coconut oil

### **Exports - partners:**

US 14.6%, Australia 13.2%, Japan 6.9%, Samoa 5.8%, Tonga 5.1% (2012)

### **Imports - commodities:**

manufactured goods, machinery and transport equipment, petroleum products, food, chemicals

### **Imports - partners:**

Singapore 32.8%, Australia 15.5%, NZ 14.5%, China 10.7% (2012)

## Banking

Fiji has a developed banking system controlled by the Fiji Government through the Reserve Bank of Fiji. The Reserve Bank regulates the Fijian monetary and banking system, manages

note issues, administers exchange controls, and provides banking and other services to government. It provides and regulates trading-bank liquidity via the government's monetary policy. In addition to managing the credit environment, the RBF has responsibility for foreign exchange controls and management of Fiji's international reserves position.

There are five commercial banks with established operations in Fiji. In December 2009, the Papua New Guinea-based Bank of South Pacific purchased the Colonial Group. There are also non-bank financial institutions (NBFI) providing financial assistance and borrowing facilities to the commercial community and to consumers. The non-bank institutions are: the Fiji Development Bank, the Fiji National Provident Fund (FNPF), the Housing Authority, the Credit Corporation, the Merchant Finance & Investment Company Ltd., and a number of insurance companies.

### Stock Exchange

Securities firms buy and sell transferable securities through the South Pacific Stock Exchange, which is the single securities exchange operating in Fiji.

### Executive Summary

Fiji is a republic, with a population of approximately 874,700 and an estimated GDP of US\$3.9 billion (F\$7.18 billion). It is classified as an upper middle income economy by the World Bank. The government welcomes foreign investments and assures investors that Fiji is a safe place to do business. However, in light of political events in Fiji and concerns about the treatment of some established foreign investors by Fiji authorities, potential investors should exercise considerable caution.

The country has been under a military-led government since armed forces commander Commodore Josaia Voreqe (Frank) Bainimarama overthrew the elected government in a bloodless coup in 2006. In 2009 the interim government headed by Prime Minister Bainimarama abrogated the existing constitution, imposed a state of emergency, and continued its rule by decree. On September 6, 2013 the government promulgated a new constitution. National elections, as announced by the Prime Minister during his budget address in November 2013, are expected to take place in September 2014.

The easing of diplomatic relations with international partners and the progress towards elections has improved investor confidence. Foreign investment increased, with the number of investment applications in the first three quarters of 2013 expanding by 96 percent compared to the same period in 2012. Total investment in 2013 is expected to be at 28.2 percent of GDP, although the 2013 numbers have not yet been publically released.

The Fiji government expects a 3.0 percent growth in the economy in 2014, following a strong performance of 3.6 percent in 2013. A number of large construction projects, boosting employment and economic activity, and rising private sector investments are expected to support growth in 2014. To stimulate growth in agriculture, manufacturing, tourism, information communication technology and audio-visual activities, and in isolated rural/ maritime regions, the government is offering industry-specific tax incentives, including tax holidays and import duty exemptions on equipment and raw materials. The financial system is stable and the central bank relaxed a number of foreign exchange controls. Typically large payments of investment profits and capital still require approval.

Fiji's total land mass is roughly 11,352 square miles. The land situation in Fiji is complex. Eight percent is freehold; the rest, indigenous and government land, can only be leased. Natural disasters and extensive flooding have caused extensive damage and hampered economic growth in the recent past. The annual cyclone season usually runs from November to April.

In 2014, government is expected to sell a number of its blue-chip public assets to raise an estimated US\$271 million (F\$500 million). Tourism, Fiji's largest foreign exchange earner and fastest growing industry, continues to present opportunities for foreign investment.

### 1. Openness To, and Restrictions Upon, Foreign Investment

The Fiji government welcomes foreign investments, assuring investors that Fiji is a safe place to do business. The country has been under a military-led government since armed forces commander Commodore Josaia Voreqe (Frank) Bainimarama overthrew the elected

government in a bloodless coup in 2006. In 2009 the interim government headed by Prime Minister Bainimarama abrogated the existing constitution, imposed a state of emergency, and continued its rule by decree. On September 6, 2013 the government promulgated a new constitution. National elections, as announced by the Prime Minister during his budget address in November 2013, are expected to take place in September 2014. In light of political events in Fiji and concerns about the treatment of some established foreign investors by Fiji authorities, potential investors should exercise considerable caution.

Although Fiji has a tradition of a strong judiciary where contractual rights are generally upheld, the independence of the judiciary has come into question under the post-coup government, raising concerns about due process of law. Furthermore, all cases challenging the actions of the interim government since December 2006, its decrees, and the coup itself were dissolved by decree. This prohibits the judiciary from hearing challenges to the actions of the government since April 2009, such as the 2006 coup and the abrogation of the constitution in April 2009.

The Fiji government expects a three percent growth in the economy in 2014, following a strong performance of 3.6 percent in 2013. A number of large construction projects, boosting employment and economic activity, and rising private sector investments are expected to support growth in 2014. According to the latest figures available, estimated earnings from tourism, Fiji's largest foreign exchange earner, in 2013 is expected to reach US\$718 million (F\$1.322 billion) and visitor arrivals reaching about 673, 802. Sugar remains of national importance although production is below its peak performance. The government reforms to improve quality, farm productivity, and mill efficiency helped increase production in 2013 by about 16.2 percent. U.S. exports increased by 20.5 percent in 2013 and two-way trade with Fiji totaled about US\$241 million (F\$443.8 million).

All businesses with a foreign-investment component in their ownership are required to register and obtain a Foreign Investment Registration Certificate (FIRC) from Investment Fiji. Investment Fiji is responsible for the promotion, regulation, and control of foreign investment in the interest of national development. The government is developing an Investment Approval Tracking System (IATS) to enable online applications of an FIRC and payment of the requisite application fee of US\$1,571 (F\$2,875). Investors are also required to obtain the necessary permits and licenses from other relevant authorities and should be prepared for delays.

A number of investment activities are reserved for Fiji nationals or subject to restrictions. Full listings of reserved and restricted areas can be found at:

<http://www.investmentfiji.org.fj/pages.cfm/for-investors/doing-business-in-fiji/foreign-investment-act-foreign-investment-regulations.html>. In 2013, the government removed the minimum investment threshold of about US\$135,000 (F\$250,000) for foreign investments. It also amended the foreign investment law allowing the government to forfeit assets, interests, shares or properties of foreign investors who do not comply with FIRC conditions thus leading to a cancellation of its FIRC.

Industry-specific tax incentives are available to both local and foreign investors to stimulate growth in agriculture, manufacturing, tourism, information communication technology, and audio-visual activities. The government has also declared a number of areas around the country as tax-free regions for approved businesses.

Private sector investment rose to 13.2 percent of GDP in 2013 from 10.3 percent in 2012. Interest in foreign investment also picked up with Investment Fiji registering a total of 192 new investment applications, valued at US\$544 million (F\$1 billion), in the first nine months of 2013. This represents a 96 percent increase in the number of applications compared to the same period in 2012. According to the latest figures available, total investment in 2013 is expected to be at 28.2 percent of GDP.

**TABLE 1:** The following chart summarizes several well-regarded indices and rankings.

Measure	Year	Rank or value	Website Address
Heritage Foundation's Economic Freedom index	2014	58.9 (99 of 178)	<a href="http://www.heritage.org/index/ranking">http://www.heritage.org/index/ranking</a>
World Bank's Doing Business Report "Ease of Doing Business"	2013	62 of 189	<a href="http://doingbusiness.org/rankings">http://doingbusiness.org/rankings</a>
Global Innovation Index	2013	30.46 (97 of 142)	<a href="http://www.globalinnovationindex.org/content.aspx?page=gii-full-report-2013#pdfopener">http://www.globalinnovationindex.org/content.aspx?page=gii-full-report-2013#pdfopener</a>
World Bank GNI per capita	2012	US\$4,110.00	<a href="http://data.worldbank.org/indicator/NY.GNP.PCAP.CD">http://data.worldbank.org/indicator/NY.GNP.PCAP.CD</a>

## 2. Conversion and Transfer Policies

The Reserve Bank of Fiji (RBF) relaxed a number of foreign exchange controls, increasing delegated limits for commercial banks and authorized foreign exchange dealers to process some payments in 2014. Profit and dividend remittances above US\$500 thousand (F\$1 million) per company per annum and large payments still require RBF approval. Tax compliance may restrict foreign investors' repatriation of investment profits and capital. Provided all required documentation was submitted, the processing time for remittance applications is approximately three working days. Remittance through parallel markets requires prior approval by the Reserve Bank.

The Fiji dollar remains fully convertible. The Reserve Bank of Fiji has not removed its suspension of offshore investments by non-bank financial institutions and companies. Although no limits

were placed on non-residents borrowing locally for some specified investment activities, the RBF placed a credit ceiling on lending by commercial banks to non-resident controlled business entities.

### **3. Expropriation and Compensation**

Expropriation has not historically been a common phenomenon in Fiji. The foreign investor theoretically has the same right of recourse to the courts and other tribunals of Fiji in respect of the settlement of disputes as a Fijian enterprise. In practice the government has acted to assert its interests by decrees affecting foreign investors.

In 2013, the government amended the Foreign Investment Decree with provisions that permit the forfeiture of foreign investments and significant fines for breaches in compliance of foreign investment registration conditions.

In 2010, through the Natadola Development Decree, the foreign investment certificate of the project developers was cancelled, and its shares in the project forfeited. The government's 2010 Media decree, which limits foreign ownership of media organizations to 10 percent, forced the sale of Australia-based News Limited's controlling stake in the country's oldest and main daily newspaper, the Fiji Times in 2010. Also, in the same year, a director of a major US investor, FIJI Water, was deported, and the same company singularly targeted with an increased export tax, from 0.33 of a cent per liter of water to 15 cents (US 8 cents) per liter of water.

The 2010 Natadola and Momi Bay Decrees effectively forced the takeover of private assets, extinguished creditors' claims, and excluded the jurisdiction of the courts from the transfer of properties in dispute to the Fiji National Provident Fund (FNPF). This action left no recourse for foreign investors who had filed legal challenges, as those challenges were terminated from the court process by the Natadola and Momi decrees. Further taxes imposed on Fiji Water and other water companies cannot be challenged in the courts, and the decisions of Fiji Revenue and Customs Authority (FRCA) in this respect are also outside the purview of the courts, by government decree.

### **4. Dispute Settlement**

The legal system in Fiji developed from British law. Fiji maintains a judiciary consisting of a Supreme Court, Court of Appeal, a High Court, and magistrate courts. The Supreme Court is the final court of appeal.

In April 2009, upon the abrogation of the constitution, the entire judiciary and the Director of Public Prosecutions were dismissed and had to reapply for their jobs, with legal officials considered friendly to the coup regime being re-appointed. To fill vacancies in the judicial system, Fiji has recruited prosecutors and judges on contract mainly from Sri Lanka.

Both companies and individuals have recourse to legal treatment through the system of local and superior courts. Laws govern all aspects of commercial transactions, including bankruptcy law, and the courts have generally enforced these laws in a transparent and consistent manner. A foreign investor theoretically has the right of recourse to the courts and other tribunals of Fiji with respect to the settlement of disputes, but government decrees have

been used to block foreign investors from legal recourse in investment takeovers, tax increases, or write-offs of interest to the government.

Past investment disputes have often focused on land issues, particularly in the mining and tourism sectors. Such disputes have been resolved through labor-management dialogue, government intervention, referral to compulsory arbitration, or through the courts. Fiji is a party to the Convention on the Settlement of Investment Disputes Between States and Nationals of Other States.

The World Bank Doing Business 2014 survey, ranked Fiji 63 out of 189 on the efficiency of the judicial system to resolve a commercial dispute. According to the survey, Fiji required 34 procedures to enforce a contract, took 397 calendar days to complete procedures at a cost of 38.9 percent of the value of the claim. In terms of resolving insolvency, Fiji was ranked at 50 in the survey, which estimated 1.8 years at a cost of 10 percent of the estate to complete the process, with an estimated recovery rate of 45.6 cents on the dollar.

## **5. Performance Requirements and Investment Incentives**

To support the implementation of newly approved investments, Investment Fiji established a monitoring system to assist companies in obtaining necessary approvals to commence operations. The investing firm must ensure that commercial production begins within 12 months for investments below US\$1.25 million (F\$2.5 million) or within 18 months of the date of approval of the project for investments above US\$1.25 million (F\$2.5 million).

Foreign investors can apply for incentives following registration with Investment Fiji. Information on incentive packages for investors can be obtained from the Fiji Revenue and Customs Authority (<http://www.frca.org.fj/>). Incentives offered include preferential tax treatment and duty free or low duty treatment of imported materials and equipment. The incentives reflect the Fiji government's long-term concerted efforts to encourage exports and develop priority sectors, including tourism, commercial agriculture, fisheries, forestry, the filmmaking and audio visual industry, and the information technology industry. Fiji also established a tax free region in the northern and maritime island regions of the country to encourage rural development and introduced incentives to encourage investment in bio-fuel and renewable energy.

Tourism incentives include tax-related investment allowances on approved expenditures on tourist boats/ships and approved building and expansion projects. The tourism incentive package for approved large tourism development projects with capital investments of more than US\$3.8 million (F\$7 million) and completed before December 31, 2018, may qualify for a 10-year tax holiday. Filmmaking and audio-visual incentives include a 47 percent tax rebate on production costs spent in Fiji. Incentives to encourage investment in the agriculture, fisheries and forestry industry include zero-rated fiscal duty on imported agricultural machineries, equipment and inputs and specialized equipment and machinery for forestry and fisheries, and a 10-year tax holiday for commercial agricultural enterprises. The tax-holiday incentives have a minimum investment threshold requirement, although the threshold differs for various industries.

The Ministry for Industry, Tourism, Trade and Communication and the Ministry for Foreign Affairs, International Cooperation and Civil Aviation control import and export policy.

Commercial import policy includes consideration of tariff measures, import restrictions, quota arrangements, and other policies designed to assist development of local industries.

Most imports are subject to import duty, which is levied at various rates and duties may be waived or reduced upon eligibility for investment incentives. Approved ICT businesses for example, are eligible for free fiscal duty and import excise on imports of computers, computer parts and accessories, specialized plant equipment, fittings, and furniture. Most goods may be imported without an import license. However, there are restrictions on the import of a number of products to protect local industries or biosecurity concerns. The restrictions are absolute for some products, while others may be imported subject to conditions imposed by statute or under license from the Ministry of Industry, Ministry of Primary Industries, or other relevant ministries or departments. Quotas may be placed on imports of particular products, such as motor vehicles.

## **6. Right to Private Ownership and Establishment**

Foreign and domestic entities are able to establish and fully own their business in Fiji. However, foreign investment may be restricted in industries such as fisheries that require local partnership (see restricted investment activities <http://www.investmentfiji.org.fj/pages.cfm/for-investors/doing-business-in-fiji/foreign-investment-act-foreign-investment-regulations.html>). Foreign investors typically operate through a branch or a local subsidiary in Fiji. Formation of both public and private companies is possible, the process takes about a month to complete. The South Pacific Stock Exchange and authorized banks in Fiji are allowed to approve investments by non-resident individuals and businesses in publicly listed companies and in fixed deposit accounts. A public company must have a minimum of seven shareholders, with no maximum; a private company must have a minimum of two shareholders and a maximum of 50. There are no nationality or residence restrictions on shareholders, but applications for the issue of new or additional shares for increased capitalization should be submitted to the Reserve Bank of Fiji for processing before share certificates may be issued to non-residents.

## **7. Protection of Property Rights**

Land tenure and usage is a highly complex and sensitive issue. Foreign investors can acquire real estate but the purchase of properties larger than one acre requires approval by the Minister of Lands. Only a small percentage of land is available for purchase. According to the World Bank's Doing Business Report, Fiji fell in rankings relating to 'Registering Property' from 57 in 2013 to 63 in 2014. It took a total of 75 days to register property and four main processes, including conducting title searches at the Titles Office, presenting transfer documents for stamping at the Stamp Duty office, obtaining tax clearance on capital gains tax, and settlement at the Registrar of Titles Office.

Ethnic Fijians communally held approximately 87 percent of all land. Crown land owned by the government account for four percent, while the remainder was freehold land, which private individuals or companies held. All indigenous land, commonly referred to as iTaukei land, is held in a statutory trust by the iTaukei Land Trust Board (TLTB) for the benefit of indigenous landholding units.

To improve access to land, the government established a “land bank” in the Ministry of Lands under the land use decree for the purpose of leasing land from indigenous landowning units through the TLTB and subleasing the land to individual tenants for lease periods of up to 99 years. As of October 2013, 6,312 hectares of land had registered with the Land Bank. The Land Bank, however, began leasing land directly to tenants, without TLTB involvement and sometimes with undue pressure on landowners to “deposit” their land in the land bank. In 2011 revisions to the formula for distributing lease proceeds to indigenous landowners abolished the system of chiefly privilege in land lease income distribution and provided for a “one person, one share” system. This change contributed to an increase in lease renewals, as individual members of landowning units received a greater share of lease monies than under the previous system.

The new constitution includes other new provisions protecting land leases and land tenancies, but observers noted that the provisions seemed to have unintended consequences, including weakening the overall legal structure governing leases and other such contracts.

The availability of Crown land for leasing is usually advertised. This does not, however, preclude consideration being given to individual applications in cases where land is required for special purposes. Government leases for industrial purposes can be up to 99 years with rents reassessed every 10 years. TLTB leases for land nearer to urban locations are normally for 50-75 years. Annual rent is reassessed every five years. The maximum rent that can be levied in both cases is six percent of unimproved capital value. Leases also usually carry development conditions that require lessees to effect improvements within a specified time.

Apart from the requirements of the TLTB and Lands Department, town planning, conservation, and other requirements specified by central and local government authorities affect the use of land. Investors are urged to seek local legal advice in all transactions involving land.

Fiji’s Copyright Laws are in conformity with World Trade Organization (WTO) Trade Related Aspects of Intellectual Property (TRIPS) provisions. Copyright laws adhere to international laws, and while there are provisions for companies to register a trademark or petition for a patent in Fiji through the Office of the Attorney General, trademark and patent laws are outdated. Furthermore, the enforcement of these laws remains inadequate. There is no protection for designs or trade secrets.

Illegal materials, and illegal reproductions of films, sound recordings, and computer programs are widely available throughout Fiji. In 2013, a local company was reportedly fined for about \$6,500 (F\$12,000) for the illegal sale and reproduction of movies. The government is reviewing trademark and patent laws but capacity is a challenge.

#### **Country Resources for Rights Holders:**

- Fiji Intellectual Property Office
- Office of the Attorney General
- Level 7 Suvavou House, Victoria Parade, P.O. Box 2213 Government Buildings, Suva, FIJI

- Telephone Number: (679) 3309866
- American Fiji Chamber of Commerce (AmCham)
- Level 4 FNPF Place
- 343 Victoria Parade
- PO Box 12499
  
- Telephone Number: (+679) 3305510

For additional information about treaty obligations and points of contact at local IP offices, please see WIPO's country profiles at <http://www.wipo.int/directory/en/>.

US Embassy Point of contact: U.S. Embassy Suva Commercial Office  
[commercialsuva@state.gov](mailto:commercialsuva@state.gov)

Link to public list of local attorneys: <http://suva.usembassy.gov/attorneys.html>

## **8. Transparency of the Regulatory System**

Although the government has made some positive efforts, there is a perception among foreign investors of a lack of transparency in government procurement and approval processes. Some foreign investors considering investment in Fiji have encountered lengthy and costly bureaucratic delays, shuffling of permits among government ministries, inconsistent and changing procedures, lack of technical capacity, and slow decision-making. The Biosecurity Authority of Fiji (BAF) regulates all food and animal products entering Fiji and has stringent and costly point-of-origin inspection and quarantine requirements upon foreign goods. United States dairy, fresh food, and frozen food exports face severe bureaucratic hurdles entering the Fiji market. The Fijian franchise of Kentucky Fried Chicken closed its Fiji operations in 2011 after costly ingredient point of origin inspection requirements were imposed by BAF. Government claimed the business closed due to poor performance. Investment disputes involving the government have raised serious transparency concerns.

Since the coup, all legislation has been by presidential decree. Fiji's new constitution provides for public access to government information and for the correction or deletion of false or misleading information that affects each person. The constitution requires that a freedom of information law be enacted but does not specify a deadline for parliament to pass such a law.

## **9. Efficient Capital Markets and Portfolio Investment**

Fiji has a well-developed banking system supervised by the RBF. The RBF regulates the Fiji monetary and banking systems, manages the issuance of currency notes, administers exchange controls, and provides banking and other services to government. In addition, it provides lender-of-last-resort facilities and regulates trading bank liquidity.

There are six trading banks with established operations in Fiji: ANZ Bank, Bank of Baroda, Bank of South Pacific, Bred Bank, Westpac Banking Corporation and Fiji's newest addition, Home Finance Corporation. Non-banking financial institutions also provide financial assistance and

borrowing facilities to the commercial community and to consumers. These institutions include the Fiji Development Bank, Credit Corporation, Merchant Finance, and insurance companies. The banking sector is well capitalized and as of September 2013, total assets of commercial banks amounted to US\$2.87 billion (F\$5.250 billion).

Seventeen companies were listed on the Suva-based South Pacific Stock Exchange (SPSE) in 2013. The capital market is regulated and supervised by the RBF. At the end of 2013, there were no new listings and market capitalization at US\$419 million (F\$768 million) had declined by 5.9 percent. To promote greater activity in the capital market, the government lowered corporate tax rates for listed companies from 18.5 percent to 10 percent and has exempted income earned from trading of shares in the SPSE from income tax and capital gains tax.

The Fiji dollar is pegged to a basket of currencies of Fiji's principal trading partners, chiefly Australia, New Zealand, the United States, the European Union, and Japan.

## **10. Competition from State-Owned Enterprises**

State-owned enterprises (SOEs) in Fiji are concentrated in utilities and key services and industries including Aerospace (Fiji Airways, Airports Fiji Limited); Agribusiness (Fiji Pine Ltd); Energy (Fiji Electricity Authority); Food processing (Fiji Sugar Corporation, Pacific Fishing Company); Information & Communication (Amalgamated Telecom Holdings); and Media (Fiji Broadcasting Corporation Ltd). There are 11 Government Commercial Companies (GCC) which operate commercially and are fully owned by government, six Commercial Statutory Authorities (CSA) which have regulatory functions and charge nominal fees for their services, six Majority Owned Companies (MAC), and one Minority Owned Company (MIC) with some government equity in the company. The SOEs that provide essential utilities, such as energy and water, also have social responsibility and non-commercial obligations.

Aside from the CSA's, SOEs do not exercise delegated governmental powers. In the energy sector, the Fiji Electricity Authority is the generator and distributor of energy as well as the industry regulator. SOEs benefit from economies of scale, and may be favored in certain sectors. The Fiji Broadcasting Company Ltd (FBCL) is exempt from the Media Decree which governs private media organizations and exposes private media to lawsuits and has been designated an essential industry under the Essential National Industries Decree (ENID). In some sectors, the government has pursued a policy of opening up or deregulating various sectors of the economy, even those where an SOE had a monopoly status such as international airline routes. The government will also continue to divest its equity in public assets and is expected to raise an estimated US\$271 million (F\$500 million) in 2014 for its Budget from the sale of its shares in Airports Fiji Ltd, Fiji Ports Authority, and the Government Printery.

SOEs follow a normal corporate structure with board of directors and executive management. All SOEs have boards of directors who are appointed by a cabinet minister. Some SOEs have board seats allocated specifically to the heads of certain government departments. Usually the Permanent Secretary for Finance is a board member. There is no explicit requirement for SOEs to consult government before making policy decisions but officials probably do so under current government scrutiny.

All SOEs are required to publish annual reports, although not all SOEs comply. Fiji hosts domestic and international auditing firms, and Fijian standards are comparable to international financial reporting standards. Although the government requires a rate of return of 10 percent by the SOEs, this is not strictly enforced and generally the performance of most SOEs is poor.

Some SOEs have had difficulty meeting their obligations due to insolvency or inefficiency. In 2011, the South Pacific Stock Exchange delisted the Fiji Sugar Corporation as it no longer met solvency requirements.

There is no Sovereign wealth fund or asset management bureau in Fiji.

## **11. Corporate Social Responsibility**

Corporate Social Responsibility (CSR) is still a relatively young concept in Fiji, although it is increasingly being promoted, with both multi-national companies and established large local companies practicing CSR through charitable foundations. Major companies' advertising often promotes the company's social benefits or charity sponsorships. There is no official favoring of CSR-friendly businesses, and consumers tend to seek value for price. The government has included a social responsibility component for SOEs that provide essential utilities.

Public Disclosure: Companies are not required to publicly disclose information on its CSR.

## **12. Political Violence**

Fiji has suffered four coups d'état in its history: two in 1987, one in 2000 and one in December 2006. The country has been under a military-led government since armed forces commander Commodore Josaia Voreqe (Frank) Bainimarama overthrew the elected government in a bloodless coup in 2006. In 2009 the interim government headed by Prime Minister Bainimarama abrogated the existing constitution, imposed a state of emergency, and continued its rule by decree. On September 6, 2013 the government promulgated a new constitution. National elections as announced by the Prime Minister during his budget address in November 2013, are expected to take place on September 17, 2014.

The Public Order Act Amendment Decree (POAD) restricts freedoms of speech, assembly, and movement. The POAD, media decree, and other decrees promulgated since the 2006 coup remained in force under the new constitution. Although there were human rights problems in the past year, the possibility of civil disturbances is fairly low.

## **13. Corruption**

The law provides criminal penalties for corruption by officials, but the government did not implement the law effectively. The government established an independent commission against corruption, the Fiji Independent Commission Against Corruption (FICAC), with broad powers of investigation. FICAC's public service announcements encouraging citizens to report corrupt government activities had some effect on systemic corruption.

Much government decision making was not transparent due to a self-censoring media and the absence of parliamentary oversight and other checks and balances. Civil servants were under threat of criminal prosecution for disclosing government information without

permission. The media published articles on FICAC investigations on abuse of office and anonymous blogs reported on some government corruption. Fiji's relatively small population and limited circles of power often lead to personal relationships playing a major role in business and government decisions.

Fiji's new constitution provides for public access to government information and for the correction or deletion of false or misleading information that affects each person. The constitution requires that a freedom of information law be enacted but does not specify a deadline for parliament to pass such a law and there is no sitting parliament at this time.

Fiji acceded to the UN Convention Against Corruption in 2008 but is not a party of the OECD Convention on Combating Bribery.

#### **14. Bilateral Investment Agreements**

Fiji has double taxation agreements with Australia, Japan, Malaysia, New Zealand, Papua New Guinea, the Republic of Korea, Singapore, and United Kingdom. The country is also negotiating investment promotion and protection treaties with the United Kingdom and Malaysia. Fiji has not entered into a bilateral investment treaty or a double taxation agreement with the United States.

#### **15. OPIC and Other Investment Insurance Programs**

The U.S. Overseas Private Investment Corporation (OPIC) provides investment insurance in Fiji for qualified applicants, including political risk insurance and loans. The risks of currency convertibility are safeguarded under Fiji's foreign-exchange regulations. Fiji is not a member of the Multilateral Investment Guarantee Agency.

#### **16. Labor**

The labor force in 2012 was estimated at 342,173. Education is compulsory until age 17, with male and female students in Fiji achieving largely the same level of education. The labor force participation rate (for population ages 15-64) for men and women were 74 percent and 34 percent respectively. National unemployment stood at around nine percent, although the rates for youth and women were higher at 19.9 percent and 11.8 percent respectively.

Fiji continues to face acute shortages found in a broad range of fields, including the medical, management, engineering, and financial sectors, and to a lesser extent, for competent trade-skilled people in the construction and tourism industries.

The Ministry of Labor, Industrial Relations and Employment has responsibility for the administration of labor laws and the encouragement of good labor relations. The Employment Relations Promulgation (ERP) provides for the rights of workers to join trade unions. Trade unions were independent of the government. The ERP prohibits forced labor, discrimination in employment based on ethnicity, gender, and other prohibited grounds and stipulates equal remuneration for work of equal value. There are workplace safety laws and regulations, and safety standards apply equally to both citizens and foreign workers. However, many work areas did not meet standards and not all were monitored for

compliance by the Ministry of Labor. The national minimum wage rate is US\$1 dollar (F\$2 dollars).

In 2011, under the Essential National Industries Decree (ENID), the government restricted trade union and collective bargaining rights for workers in designated industries and corporations deemed “essential” to the national economy. These include 12 corporations in five sectors: finance, telecommunications, forestry, the public sector, and the airline industry.

Fiji has been a member of the International Labor Organization (ILO) since 1974 and has ratified 37 ILO conventions of which 32 are in force and five conventions were denounced.

### 17. Foreign Trade Zones/Free Ports

The northern and selected maritime regions of Fiji have been declared Tax Free Regions (TFR) to encourage development in these isolated outposts. The specific areas include Vanua Levu, Rotuma, Kadavu, Levuka, Lomaiviti, and east of Viti Levu, the Korovou-Tailevu area. Businesses that are established in such a region and meet the prescribed requirements will enjoy a corporate tax holiday up to 13 years and import duty exemption on raw materials, machinery, and equipment.

The Kalabu tax-free zone near the capital, Suva, hosts garment factories with designated tax-free factory status and eligible companies in the information communication technology (ICT) sector.

### 18. Foreign Direct Investment and Foreign Portfolio Investment Statistics

TABLE 2: Key Macroeconomic data, FDI in Fiji

Economic Data	Year	Amount	Source of Data
Fiji Gross Domestic Product (GDP) (Millions U.S. Dollars)	2012	\$3,907	<a href="http://www.worldbank.org/en/country/pacificislands">http://www.worldbank.org/en/country/pacificislands</a>
<b>Foreign Direct Investment</b>			
FDI, net inflows (BOP, current US\$)	2012	\$267,146,323	<a href="http://data.worldbank.org/country/fiji">http://data.worldbank.org/country/fiji</a>
Total inbound stock of FDI as % host GDP	2012	6.83%	<a href="http://data.worldbank.org/country/fiji">http://data.worldbank.org/country/fiji</a>

According to data provided by Investment Fiji, a total of 192 new investment applications from foreign investors were registered in the first nine months of 2013, a 96 percent increase in the number of applications compared to the same period in 2012. The estimated value of

the projected totaled US\$544 million (F\$1 billion). Although registration is a precondition, it does not necessarily mean that actual investment will be made.

## Section 5 - Government

### Chiefs of State and Cabinet Members:

For the current list of Chief of State and Cabinet Members, please access the following - [Central Intelligence Agency online directory of Chiefs of State and Cabinet Members of Foreign Governments](#)

### Legal system:

common law system based on the English model

### International organization participation:

ACP, ADB, AOSIS, C (suspended), CP, FAO, G-77, IAEA, IBRD, ICAO, ICRM, IDA, IFAD, IFC, IFRC, IHO, ILO, IMF, IMO, Interpol, IOC, ISO, ITSO, ITU, ITUC (NGOs), MIGA, NAM, OPCW, PCA, PIF, Sparteca (suspended), SPC, UN, UNCTAD, UNESCO, UNIDO, UNMISS, UNMIT, UNWTO, UPU, WCO, WFTU (NGOs), WHO, WIPO, WMO, WTO

## Section 6 - Tax

### Exchange control

Overseas remittances in and out of Fiji, including repatriation of capital and remittance of profits, dividends, interest and loan repayments, generally require prior approval of the Reserve Bank of Fiji.

Currently, there are certain restrictions on repatriation of capital and remittance of profits and dividends. Non-resident controlled entities are subject to certain borrowing restrictions.

### Treaty and non-treaty withholding tax rates

	<i>Dividends</i> (%)	<i>Interest</i> (%)	<i>Royalties</i> (%)	<i>Know-how, management charges and others</i> (%)
<i>Non resident corporations and individuals:</i>				
<i>Non-treaty Countries</i>	15	10	15	15
<i>Treaty Countries:</i>				
Australia	20	10	15	15
Japan	15	10	15	15
Korea, Republic of	10-15	10	10	15
Malaysia	15	15	15	15
New Zealand	15	10	15	15
Papua New Guinea	17	10	15	15
Singapore	5-15	10	10	15
United Kingdom	15	10	15	15

Dividend withholding tax is not payable to the extent that such dividend is paid out of tax-paid company profits.

Withholding tax is levied subject to tax treaty provision.

## Methodology and Sources

### Section 1 - General Background Report and Map

(Source: [CIA World Factbook](#))

### Section 2 - Anti – Money Laundering / Terrorist Financing

	Lower Risk	Medium Risk	Higher Risk
<a href="#">FATF List of Countries identified with strategic AML deficiencies</a>	Not Listed	AML Deficient but Committed	High Risk
<a href="#">Compliance with FATF 40 + 9 recommendations</a>	>69% Compliant or Fully Compliant	35 – 69% Compliant or Fully Compliant	<35% Compliant or Fully Compliant
<a href="#">US Dept of State Money Laundering assessment (INCSR)</a>	Monitored	Concern	Primary Concern
<a href="#">INCSR - Weakness in Government Legislation</a>	<2	2-4	5-20
<a href="#">US Sec of State supporter of / Safe Haven for International Terrorism</a>	No	Safe Haven for Terrorism	State Supporter of Terrorism
<a href="#">EU White list equivalent jurisdictions</a>	Yes		No
<a href="#">International Sanctions UN Sanctions / US Sanctions / EU Sanctions</a>	None	Arab League / Other	UN , EU or US
<a href="#">Corruption Index (Transparency International) Control of corruption (WGI) Global Advice Network</a>	>69%	35 – 69%	<35%
<a href="#">World government Indicators (Average)</a>	>69%	35 – 69%	<35%
<a href="#">Failed States Index (Average)</a>	>69%	35 – 69%	<35%
<a href="#">Offshore Finance Centre</a>	No		Yes

### **Section 3 - Economy**

General Information on the current economic climate in the country and information on imports, exports, main industries and trading partners.

(Source: [CIA World Factbook](#))

### **Section 4 - Foreign Investment**

Information on the openness of foreign investment into the country and the foreign investment markets.

(Source: [US State Department](#))

### **Section 5 - Government**

Names of Government Ministers and general information on political matters.

(Source: [CIA World Factbook](#) / <https://www.cia.gov/library/publications/world-leaders-1/index.html>)

### **Section 6 - Tax**

Information on Tax Information Exchange Agreements entered into, Double Tax Agreements and Exchange Controls.

(Sources: [OECD Global Forum on Transparency and Exchange of Information for Tax Purposes](#) [PKF International](#))

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