

APPENDICES

Amendments to the Framework Agreement of the Paris Declaration on the International Solar Alliance of 30th November 2015

Table of Contents

Schedule of Submissions on the Amendments to the Framework Agreement of the Paris Declaration on the International Solar Alliance of 30th November 2015.....	3
Submission by the University of the South Pacific	4
Submission by the Ministry of Infrastructure & Meteorological Services	8
Submission by the Ministry of Foreign Affairs	10
Submission by the Ministry of Defence, National Security and Policing	13
Written Submission from the Pacific Islands Development Forum	15
VERBATIM REPORTS.....	16


Schedule of Submissions on the Amendments to the Framework Agreement of the Paris Declaration on the International Solar Alliance of 30th November 2015

Oral Submissions		
Date	Time	Submitters
Oral Submissions		
Monday, 15th June, 2020	11.16am	University of the South Pacific (USP)
Monday, 21st September, 2020	11.47am	Department of Energy
Tuesday, 22nd September, 2020	10.10am	Ministry of Foreign Affairs
	10.57am	Ministry of Defence, National Security and Policing
Written Submission		
Monday 21 st September 2020		Pacific Islands Development Forum






INTERNATIONAL SOLAR ALLIANCE

ATUL RATURI, PHD
ASSOCIATE PROFESSOR
 The University of the South Pacific
 15 September 2020




WHY SOLAR ENERGY? SDG 7 Interactions

SDG 7 Interaction	Impacts
SDG 7 + SDG 1 	Basic service for poor +Reduce energy poverty
SDG 7+SDG 3 	Less pollutants + Preservation of Vaccines , medicines
SDG 7+SDG 6 	Energy water nexus +Water pumping and desalination
SDG 7+SDG 8	RE industry jobs + Employment creation
SDG 7+SDG 13	Decarbonising Energy Systems

<http://unika.laqa.ac.ae/146211/SDG6-Interactions-T-clean-energy.pdf>

SDG 7:
Ensure access to affordable, reliable, sustainable and modern energy for all



Solar powered freezer, Mall Island , Fiji (USP)

SOLAR ENERGY AND WATER ACCESS



"The supply of clean and safe water without any fuel costs is recognised by the community and the benefits will be felt by the future generations of children attending this school"
Namau School Head Mistress

"We do not have to send students home because of water problems as we now have a continuous supply of water"
Kubulau School Manager



USP Projects: Solar Water Pumping

Solar Energy and Income Generation



USP solar powered freezer projects in Wainika, Kadavu, Yanuca and Kia

**Energy for Productive Use:
 A condition for Sustainability**

SOLAR ENERGY AND e-TRANSPORT



Tonga Tuk-Tuk




<http://www.tonga7.de>

ENHANCING SOLAR COMPONENT IN FIJI ELECTRICITY GRID

- Electricity demand will significantly increase in future as EVs are introduced. Solar can help generate clean energy via:
 1. Rooftop GCPV
 2. Floating Solar PV
 3. Pumped Hydro + Solar PV
- In addition to strategically located ground based GCPV Systems +BSS including *Agrophotovoltaics*
- (Congratulations to FDB for securing USD 10 M GCF grant for an *Agrophotovoltaics* project in Ovalau)

INTERNATIONAL SOLAR ALLIANCE



- Mission : *Every home no matter how far away, will have a light at home.*
- One Sun, One World, One Grid (OSOWOG) - Global Interconnection
- World Solar Bank proposal USD 10 billion
- NTPC and ISA plan 10,000 MW of solar parks in ISA member countries in next two years
- Currently 1500 MW projects in 10 member countries managed by NTPC and facilitated by ISA
- Design, Supply, Testing & provide Warranty Services of 9,347,000 Nos. Solar Home Lighting Systems for Member Countries
- ISA and GGGI MoU: deployment of one million water pumps (9 countries including Fiji)
- 337 million USD Risk Mitigation Fund for 23 member countries in off grid sector (ROGEP) in Africa (WB & ISA)
- European Investment Bank (EIB60 Million Euros grant project for a concessional financial facility (Africa)
- EXIM Bank (India) :financing for solar projects worth USD 1.4 Billion
- AFD, bilateral agency of France has committed to provide financing for solar projects worth 700 million Euros.
- Solar for agriculture : demand aggregation for water pumps
- Solar cooling initiative
- Training and capacity building (ITEC)

ISA FRAMEWORK AMENDMENT



- Amendments to the Framework Agreement
- Membership is now open to all UN member countries who wish to apply.
- **Positive Aspects** : This amendment will help open new technology transfer /funding avenues from global North to developing countries .
- **Negative aspects**: None for Fiji.
- **Recommendation** : With ratification of proposed amendments, Fiji should actively seek solar project financing from ISA.
- ISA should help enhance R &D Collaborations between HE Institutions.

Submission by the Ministry of Infrastructure & Meteorological Services



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SUBMISSION ON THE AMENDMENTS OF THE ISA FRAMEWORK AGREEMENT

1.0 INTRODUCTION

- 1.1 Climate change, pollution, resource depletion and environmental concerns are driving a shift to more sustainable forms of energy. Fiji through its National Determined Contribution (NDC) Implementation Roadmap 2017-2030 has articulated efforts to reduce national emissions and adapt to the impacts of Climate Change.
- 1.2 Fiji's NDC, specific to the energy sector, aims for the share of electricity generated by renewable energy sources to approach 100% by 2036. In addition, pursue an economy-wide indicative reduction of 10% carbon dioxide emissions from energy efficiency improvements. Collectively, these measures will reduce the Fijian energy sector's total carbon dioxide emissions by around 30% by 2030. To achieve this target will require an investment to the tune of US\$2.97 Billion and contribute to a reduction of 627,000 tonnes of carbon emission per year by 2030.
- 1.3 Solar energy will play a major part in contributing to these objectives due to its clean and emissions-free energy. Fiji is located in the part of the world with high solar irradiance. Solar can boost the renewable energy share in our power mix, increase energy efficiency by offsetting the use of inefficient power generation technologies and bring electricity to remote parts of the region, in synchronization with the development of the economy.

2.0 INTERNATIONAL SOLAR ALLIANCE (ISA)

- 2.1 Recognizing the transformative potential of solar energy, the ISA was conceived as a coalition of solar resource rich countries to address special energy needs and provide platform to collaborate on addressing the identified gaps through a common, agreed approach.
- 2.2 ISA aims to provide a dedicated platform for cooperation among solar resource rich countries where the global community, including bilateral and multilateral organizations, corporates, industry and other stakeholders, can make a positive contribution to assist and help achieve the

common goals of increasing the use of solar energy in meeting energy needs of prospective Alliance member countries in a safe, convenient, affordable, equitable and sustainable manner.

3.0 BENEFITS OF FIJI ACCEPTING THE AMENDMENTS

- 3.1 Ratifying the amended framework will provide furtherance to Fiji to continue establishing networks and develop synergies with ISA member countries and Partners to help achieve Fiji's efforts in a sustainable and targeted manner for the energy sector.
- 3.2 ISA provides opportunities for member countries to access their technical programs, which includes, scaling solar applications for agriculture use, scaling solar mini-grids, scaling rooftop solar, and scaling solar e-mobility and storage. More so, their three cross-cutting programs, which include, affordable finance, online information/communication platform, capacity-building, standardization and research.
- 3.3 Ratifying the amended Framework Agreement will additionally reinforce Fiji's commitment towards climate change and reiterate Fiji's demonstration of global climate change leadership.

4.0 ADDITIONAL INFORMATION

- 4.1 In the last 8 years, our average electricity generation was around 54% from renewable predominately from hydropower and 46% fuel (Heavy Fuel Oil and Industrial Fuel Oil). Other renewable sources include Biomass (from Tropic/FSC and Nabou) and Wind energy.
- 4.2 Fiji is blessed with an abundance of solar energy resources. In terms of our Rural Electrification Programme, the Department of Energy has installed more than 13,000 Solar Home Systems (SHS) to rural, remote and maritime communities. In addition, through the partnership and collaboration with donor agencies, the Department has also installed Solar-Diesel Mini-grid systems. The recent installations were done at Nakoro Village, Navosa and Yasawa High School which was funded through the European Union. The projects were commissioned by the Hon PM and Hon Minister Jone Usamate respectively.
- 4.3 In terms of on-grid supply, there are quite a number of buildings and businesses which got solar grid connect which supply EFL directly. A total of more than 3Mega Watt (MW) has installed which directly supply power to EFL through a feed-in-tariff.
- 4.4 In our NDC Implementation, a total of more than 120MW is expected to be generated from Solar to allow Fiji to achieve its renewable energy target.

END

Submission by the Ministry of Foreign Affairs



Ministry of Foreign Affairs written submission for the Parliamentary Standing Committee on Foreign Affairs and Defence

Amendments to the Framework Agreement of the Paris Declaration on the International Solar Alliance of 30th November 2015

22 September 2020

1.0 INTRODUCTION

1.1 The purpose of this Submission is to provide an analysis to the Parliamentary Standing Committee on Foreign Affairs and Defence, on Fiji's acceptance (proposed) of the amended International Solar Alliance (ISA) Framework Agreement.

2.0 BACKGROUND

2.1 The Governments of India and France established the International Solar Alliance (ISA) in 2015 at the margins of the 21st Conference of the Parties (COP 21) to the United Nations Framework Convention on Climate Change (UNFCCC) in Paris.

2.2 Fiji signed the **ISA Framework Agreement** in 2016, becoming one of the founding members. In 2017, Fiji ratified the Framework Agreement.

2.3 The ISA aims to collectively address key common challenges to scale up solar energy applications in line the needs of member countries.

3.0 AMENDMENTS TO THE ISA FRAMEWORK AGREEMENT

3.1 Amendments to the ISA Framework Agreement which was proposed in 2018 relates to :

- i. The expansion of membership to all *UN member countries*, as opposed to the original purpose of the ISA to restrict membership to *solar rich resource states which lie fully or partially between the tropic of cancer and the tropic of Capricorn*.
- ii. The deletion of the term "partner country" from the Agreement

- iii. Observers' status is made available to those whose applications are pending and organizations that can support the objective of the ISA.

4.0 IMPLICATIONS

Sustainable Development

- 4.1 The amendments reflect the significance of multilateralism and collective action for enhancing energy security and sustainable development, and to improve access to energy in developing member countries.
- 4.2 Expanding the membership of the ISA to all UN member states also provides opportunities for rich collaboration and exchanges on best practices with solar rich countries. The ISA can be the main vehicle for creating ideas on the implementation of **SDG7** and also contributes to the attainment of various targets under other SDGs Eg. SDG2 (Food Security) , SDG 13 (climate change), SDG14 (Oceans)
- 4.3 **Sustainable Development Goal (SDG) 7** on Affordable and clean energy emphasizes the global recognition of and the need for affordable and clean energy worldwide. Although access to electricity is increasing, as the population continues to grow so will the demand for cheap energy, and an economy reliant on fossil fuels is creating drastic changes to our climate.
- 4.4 Clean energy has cross cutting implications on the vision of the Agenda 2030 and other SDGs.
- 4.5 Energy is the main contributor to climate change; it produces around 60 percent of greenhouse gases. More than 40 percent of the world's population—3 billion—rely on polluting and unhealthy fuels for cooking. As of 2015, more than 20 percent of power was generated through renewable sources. The renewable energy sector employed a record 10.3 million people in 2017.¹
- 4.6 Investing in solar, wind and thermal power, improving energy productivity, and ensuring energy for all is vital if we are to achieve SDG 7 by 2030. Expanding infrastructure and upgrading technology to provide clean and more efficient energy in all countries will encourage growth and help the environment. For Fiji, this will enable us to reduce our net carbon emissions to zero as soon as possible.
- 4.7 Alternative clean energy sources such as solar, hydro and wind can assist Fiji and other development partners in meeting the ambitious target of the Paris Agreement of 2015, which is to limit the global temperature to 1.5 degrees Celsius

¹ <https://www.undp.org/content/undp/en/home/sustainable-development-goals/goal-7-affordable-and-clean-energy.html>

- 4.8 The amended ISA Framework Agreement aligns with Fiji’s commitment to solar and other clean power to achieve our own Nationally Determined Contribution (NDC) of approaching 100 per cent renewable energy in our electricity generation by 2030.
- 4.9 The Regional Pacific Nationally Determined Contributions (NDC) Hub Office based in Suva (launched in Feb. 2020) is an important milestone for Pacific countries and it provides a regional platform to support them in implementing, enhancing and financing their NDCs.

5.0 RECOMMENDATION

- 5.1 It is therefore proposed that Fiji accept the amended ISA Framework Agreement.
-

Amendments to the Framework Agreement of the Paris Declaration on the International Solar Alliance

Ministry of Defence, National Security and Policing

Fiji's Position

- The amendment would strengthen Fiji's position in accessing policy, financial, capacity building and technological assistance in terms of accessing renewable energy sources to meet national development goals.
- Fiji being a former president of COP 21, we will support any initiative that is climate friendly which contributes to a clean and safe environment.
- Removal of 'Partner Country' provides exclusive rights for member countries to the Paris Agreement to make informed decisions without being influenced.

Way Forward

- We support the amendment to the Framework Agreement of the Paris Declaration on the International Solar Alliance.

Written Submission from the Pacific Islands Development Forum

21 September 2020



PIDF's Written Submission

Amendments to the Framework Agreement of the Paris Declaration on the International Solar Alliance

During the first ISA General Assembly Meeting held on the 2nd to the 5th of October 2018, member countries adopted a proposal made by the Government of India for amendments to be made to the Framework Agreement to extend the membership to all countries that are members of the United Nations, including those situated beyond the Tropics.

1. Amendments to the Framework Agreement

- a) Recognizing that solar energy provides countries with an unprecedented opportunity to bring prosperity, energy security and sustainable development to their peoples. - Second Preambular Paragraph.
- b) Removal of voluntary contributions from Partner countries to the Agreement- Article VI, Clause 1(a).
- c) Membership to the ISA will now open to all States who are members to the United Nations who have signed the Agreement and have deposited the necessary instruments of ratification, acceptance and approval - Article VII.
- d) Removal of 'Partner Country' Status to the Agreement- Article VII, Clause 1, Clause 2, Clause 3.
- e) Inclusion of Partner Organization to the Agreement - Article VIII.
- f) Inclusion of Observer Status to the Agreement- Article IX.

2. Impact of the Amended Framework Agreement

- g) The proposed amendments to the Framework Agreement ('Amended Framework Agreement') have no direct implications for Fiji.
- h) The inclusion of Partner Organization including regional inter-governmental economic integration organizations will foster collaboration to help the ISA achieve its objectives.

3. Recommendation

- i) It is recommended that the Government of Fiji accepts the Amended Framework.

[VERBATIM REPORT]
STANDING COMMITTEE ON
FOREIGN AFFAIRS AND DEFENCE

AGREEMENT/PROTOCOL/CONVENTIONS

1. Republic of Fiji-Solomon Islands Maritime Delimitation Agreement.
2. Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography.

INSTITUTIONS: (1) Pacific Islands Forum Secretariat (PIFS)

- Pacific Islands Development Forum (PIDF)
- University of the South Pacific (USP)

VENUE: Big Committee Room (East Wing)

DATE: Monday, 15th June, 2020

VERBATIM NOTES OF THE VIRTUAL MEETING OF THE STANDING COMMITTEE ON FOREIGN AFFAIRS AND DEFENCE VIEWED AT THE BIG COMMITTEE ROOM (EAST WING), PARLIAMENT PRECINCTS, GOVERNMENT BUILDINGS, ON 15TH SEPTEMBER, 2020 AT 9.31 A.M.

Online Interviewee/Submittee: Pacific Islands Forum Secretariat (PIFS)

In Attendance:

- Mr. Alifeleti Soakai – Political Issues Adviser
 - Ms. Nola Faasau – Acting International Legal Adviser
-

MR. CHAIRMAN.- A very warm welcome to Mr. Alifeleti Soakai and Ms. Nola Faasau from the Pacific Islands Forum Secretariat (PIFS). For the benefit of the general public who may be listening in to this telecast this morning, a warm welcome. We have before us Mr. Alifeleti Soakai and Ms. Nola Faasau from the PIFS and will be submitting on two Treaties that are before the Standing Committee on Foreign Affairs and Defence on these subjects:

- Agreement between the Republic of Fiji and Solomon Islands Concerning their Maritime Boundary; and
- The Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography.

Mr. Alifeleti Soakai and team for your benefit, I wish to introduce my Committee.

(Introduction of the Committee Members by Mr. Chairman)

With those words of introduction, Mr. Soakai, the floor is yours. Thank you.

MR. A. SOAKAI.- Thank you very much, Mr. Chairman and Honourable Members of the Standing Committee on Foreign Affairs and Defence of the Parliament of the Republic of Fiji. Mr. Chairman, I extend the sincere apology of the Secretary-General of the PIFS, Ms. Dame Meg Taylor, who due to prior busy commitment is directly unable to make to this verbal presentation.

Mr. Chairman, thank you for the invitation extended to the PIFS to speak about the Agreement between the Republic of Fiji and the Solomon Islands concerning their maritime boundary.

Mr. Chairman, may I extend our apologies, we will be making our submission on the maritime boundary and with your kind permission, we request that we make a written statement on the second matter.

Before I go on to our submission, Mr. Chairman, may I provide some context on the PIF and the Secretariat it serves.

Fiji is a founding member of the Pacific Islands Forum (PIF), established some 49 years ago.

The Forum now consists of 18 countries and territories - Palau and Australia to the East, the Republic of the Marshall Islands to the North, New Zealand to the South and French Polynesia.

The PIF Leaders are committed to the vision of a region of peace, harmony, security, social inclusion and prosperity, so that all Pacific people can lead free, healthy and productive lives.

Mr. Chairman, we account for one-third of the world's ocean surface. Every second breath we take is attributed to the Blue Pacific Continent that binds and nurtures us. The Forum has a number of milestones, one of which is the pioneering role in the token of with the 1982 UN Convention on the Law of the Sea and, indeed, the basis for today's hearing.

Mr. Chairman and Honourable Members of the Committee, the role of the Forum Secretariat is to provide this important area, vis-a-vis, the role of the Pacific Community (SPC), who provides dedicated technical support to all member countries in the formalisation of maritime boundaries in accordance with the 1982 United Nations Convention on the Law of the Sea (UNCLOS).

Mr. Chairman, the Forum Secretariat coordinates progress on Leaders' specific commitments and decisions relating to maritime boundaries, as relevant for advancing the regional agenda for securing the Blue Pacific continent. We accordingly support the efforts of regional partners, including the Secretariat of the Pacific Community (SPC) and a Maritime Boundaries Commission of key partners, to support Members' efforts in this regard.

Mr. Chairman, we understand that the SPC has been invited to provide a submission to your Committee. Therefore, SPC is best placed to address and submit on the specific technical issues on this matter.

Mr. Chairman, I refer to some of our Leaders' decisions and commitments. The first of which was in 2010 under the Pacific Oceanscape. It sets out Strategic Priority 1 Jurisdictional Rights and Responsibilities. There are two key action points for ensuring that all maritime boundaries have been appropriately defined and declared under international law, thereby providing ongoing certainty over resource ownership and access for all stakeholders. These include:

- (1) formalising maritime boundaries and securing rights over their resources; and
- (2) fixing baselines and maritime boundaries to ensure the impact of climate change and sea-level rise does not result in reduced jurisdiction in Pacific Island Countries.

Mr. Chairman, Forum Leaders in 2018, acknowledged the urgency and importance of securing the region's maritime boundaries as a key issue for the development and security of the region and, thereby, the security and well-being of the Blue Pacific. Leaders are further committed to progressing the resolution of outstanding maritime boundary claims and report back on the progress at their next meeting which is supposed to be this year.

At the 50th Pacific Islands Forum Meeting held in Tuvalu last year, Leaders discussed the progress made by Members to conclude negotiations on maritime boundary claims since the last meeting of Leaders held in Nauru in 2018. Leaders encouraged Members to conclude all outstanding maritime boundaries claims and zones.

Mr. Chairman, I have the honour to refer to the current status of maritime boundaries in the Pacific and the regional support available. The maritime boundaries are established through a process of declaring maritime boundaries which involve technical elements (mapping), legal elements (drafting and review of law), political elements (advocacy and negotiations which required, including treaty-making) and submission of maritime boundaries to the United Nations.

As alluded to, the Pacific Community or SPC provides technical advice and support to 14 Pacific Island Countries to formalise their respected maritime boundaries through treaties. I have

included Mr. Chairman, a link to that in our statement:

Currently, there are 48 shared or overlapping boundaries (EEZs) between countries in the Pacific Islands region. To date, 35, or 73 percent of these boundaries have been formalised with 13 outstanding bilateral/shared boundaries, and five high seas boundaries remaining to be declared. Of the 13 shared boundaries remaining, three relate to Fiji's shared boundaries with Solomon Islands, Tonga and Vanuatu.

This rate of progress is unprecedented elsewhere in the world, underscoring the strength of relationships between countries and partners, as well as the commitment of all parties to progress this critical work.

However, Mr. Chairman and Honourable Committee Members, the work is very technical in nature and requires time, effort and most importantly, the political will. There are, of course, a few long-standing negotiations and one overt dispute in the region.

The first and foremost reason for the need to complete the delimitation of maritime boundaries and delineation of maritime zones is for Members to exercise their right to exert maritime claims as Parties to the 1982 UN Law of the Sea.

The recent endorsement by Leaders to the Blue Pacific narrative provides urgent impetus to the need to complete this work. SPC and the consortium continue to provide this assistance to Members in full support of Forum Secretariat.

Compounding this issue is the region's biggest security threat – climate change – being a key driver, in particular the findings of the recent Intergovernmental Panel on Climate Change (IPCC) Report on 1.5 degrees, which provided clear evidence on the urgency of responding to the threat of climate change. In the context of maritime boundaries, it means securing our place in the face of climate change and sea-level rise.

Mr. Chairman, last year, Leaders noted with concern the threat posed by sea-level rise to securing the Blue Pacific, and reaffirmed their commitment to conclude negotiations on all outstanding maritime boundaries claims and zones. Leaders further reaffirmed the importance of preserving Members' existing rights stemming from maritime zones, in the face of sea level rise, noting the existing and ongoing regional mechanisms to support maritime boundaries delimitation.

Leaders committed to a collective effort, including to develop international law with the aim of ensuring that once a Forum Member's maritime zones are delineated in accordance with the 1982 UN Convention on the Law of the Sea (UNCLOS), Members maritime zones could not be challenged or reduced as a result of sea level rise and climate change.

At the 2020 Regional Conference on Securing the Limits of the Blue Pacific: Legal Options and Institutional Responses to the Impacts of Sea-Level Rise on Maritime Zones in the Context of International Law held virtually here last week, Members once again emphasised the criticality of concluding all outstanding maritime boundaries claims and zones and related bilateral treaties and legal frameworks.

Mr. Chairman, I now turn to the Draft Agreement that has been provided. With respect to the Draft Agreement, we made three observations:

Firstly, "sovereignty rights" under Article 5 appears to be inconsistent with UNCLOS which

states under Article 56 of the Convention regarding the EEZ which makes specific reference to “sovereign rights” and not “sovereignty rights”. I repeat, the UNCLOS, under Article 56, makes specific reference to “sovereign rights” and not “sovereignty rights”.

Mr. Chairman, “sovereignty rights” is not found in UNCLOS. Using “sovereignty rights” has the potential to add confusion as to whether the intention is for “sovereignty” (without the word ‘rights’) or “sovereignty rights”. Under UNCLOS, these are two distinctive rights.

Therefore, Mr. Chairman, consistent alignment with the wording in UNCLOS would be highly recommended. UNCLOS exerts “sovereignty” within the internal waters, archipelagic waters and the 12 nautical miles territorial seas, as opposed to exerting sovereign rights in the EEZ and Continental Shelf. Clarity is otherwise vital to avoid any dispute regarding the interpretation and application of the Agreement.

Mr. Chairman, the second observation we offer relates to Article 6 - Adjustments to Maritime Boundary. While we note that Article 6 is a standard clause in most maritime boundaries, it could read as supporting the argument that maritime boundary is ambulatory. This interpretation does not support regional views and appears contrary to Leaders’ commitment in their Annual Meetings, as well as under the Framework for a Pacific Oceanscape to secure maritime boundaries unchallenged and unchanged, despite sea-level rise and climate change.

Mr. Chairman, although the Law of the Sea Convention is silent on these issues, Forum Leaders have taken a proactive approach by committing to a collective effort, including to develop international law, with the aim of ensuring that once a Forum Member’s maritime zones are delineated in accordance with the UNCLOS, that the Members’ maritime zones could not be challenged or reduced as a result of sea-level rise and climate change.

Mr. Chairman, a body of state practice is, therefore, emerging in the region to develop consistent evidence of non-ambulatory maritime boundaries, which is fundamental to the development of customary international law.

Mr. Chairman, we submit that we want our maritime boundaries to be final and permanent, once deposited, regardless of any changes imposed by sea-level rise and climate change. Clause 6, as it currently stands, offers room for inconsistency in our practice, therefore, could undermine regional efforts.

Our third and final observation, Mr. Chairman, relates to and further supports our second point by proposing that a “finality clause” be incorporated in the Agreement to clearly articulate that once the maritime boundary is delineated in accordance with the Convention, that that is final and permanent and, therefore, cannot be challenged or reduced as a result of sea-level rise and climate change.

Mr. Chairman and Honourable Members of the Committee, in conclusion, we close our submission by recommending that the Republic of Fiji and the Solomon Islands Government for their active efforts to conclude one of the 13 remaining shared boundaries in our region. This is a very important tangible step forward and supports a collective commitment made by all the 18 Forum Leaders to conclude outstanding maritime boundary claims and zones, in view of the urgency and importance of securing the region’s maritime boundaries as a key issue for the development and security of the region and, thereby, the security wellbeing of our Blue Pacific Continent.

Mr. Chairman, on the basis of this submission, the PIFC supports the completion and signing of the Agreement between the Republic of Fiji and the Solomon Islands concerning their shared maritime boundary, and hopes that the submission is of assistance to your Committee. Thank you, Mr. Chairman and Honourable Members of the Committee.

MR. CHAIRMAN.- I thank you again, Mr. Soakai, for that very informative submission from your Secretariat Office. We will open the floor now for a few questions, if you do not mind, Sir.

I have one question. With the increase in rising sea levels, do you see that affecting the boundaries over time? Let us say, a decade from now, if the two Parties - Solomon Islands and Republic of Fiji, sign the Agreement and it is included with the other 36 or that becomes 36, do you see that as a problem needing a change in time in 10 years down the line?

MR. A. SOAKAI.- Mr. Chairman, thank you for the question. The essence of our submission is that, we need to complete our boundaries in the face of climate change, because climate change may affect our boundaries. I would not say that it will affect our boundaries, so there is a sense of urgency amongst regional organisations that we support our Members and confirming those boundaries as a matter of urgency, Sir.

MR. CHAIRMAN.- Thank you. Honourable Dr. Govind?

HON. DR. S.R. GOVIND.- Thank you, Mr. Soakai, for your very informative presentation. I would like to understand a little bit more about the sovereignty rights and the sovereign rights over the EEZ. Can you please explain what this actually means, and give some examples?

MR. A. SOAKAI.- Thank you. Mr. Chairman, through you, may I answer the Honourable Member's question. With your permission, Mr. Chairman, I invite my colleague, Ms. Nola Faasau, who is the Acting International Legal Advisor to give specific examples to the question posed by the Honourable Member.

MR. CHAIRMAN.- Hello, Nola, nice to see you again.

MS. N. FAASAU.- *Bula*, Honourable Members. Thank you very much for your question, Honourable Member. I will just refer briefly to Article 56 of the Convention which specifies the sovereign rights coastal States to their boundaries and EEZ. And without going into too much technical analysis around this, our main comments was around complying to the actual language of the Convention which uses sovereign rights as opposed to sovereignty rights.

There is no such thing in the Convention as sovereignty rights, and we do recognise that in the draft Agreement, the title of Article 5 is "Sovereign Rights", but then later in the provision it says sovereignty, we are just wondering whether this might actually be a typographical error or whatever, but we do believe and with our discussions with the Pacific Community (SPC), there is a clear difference between sovereign because when you have sovereign rights over your jurisdiction between Fiji and Solomon Islands, it is shared rights, as opposed to sovereignty where you have supreme absolute control over it without any rights to another party. So just for the avoidance of doubts or any interpretation issues, our recommendation is just allowing them to be inconsistent to the language of Article 56 of the Convention. Thank you.

MR. CHAIRMAN.- Thank you. Any other question, Honourable Members?

HON. LT. COL. P. TIKODUADUA.- Yes, thank you. My question is on Article 6. First, I want to thank Mr. Soakai for his presentation and the answer just given by Ms. Faasau. Thank you.

Now, Article 6, Mr. Soakai, seems to suggest that some aspects of this Article do not quite gel or, sort of, could undermine or regionally affect the Leaders' agreement. Could you just say a little bit more than that? I missed out the end part of what you said.

Also, the third concern that you raised is on the finality clause, that you hope Fiji would take into account. Thank you.

MR. A. SOAKAI.- Thank you, Mr. Chairman and through you, we would like to answer the question posed by the Honourable Member. The second observation we made relates to Article 6 - Adjustments to Maritime Boundary.

While we note that Article 6 is a standard clause in most maritime boundaries Treaties, it could be read as supporting the argument that maritime boundary is ambulatory or subject to change after. So that is why we are suggesting permanent agreement so that our claims are solidified and recognised under the Convention, Sir.

For the second question, I would refer to my colleague, Ms. Faasau, to speak on that. Thank you.

MS. N. FAASAU.- Thank you very much, Mr. Chairman. Just to add, the language of Article 6, just the word 'adjustments' itself, as Mr. Soakai has mentioned, speaks to an interpretation that would support the argument that maritime boundaries will change over time.

We are conscious that climate change and sea-level rise means a decrease in the maritime boundaries or maritime zones or your EEZ and that appears contrary to the regional discussions over the last few years in our regional collective interest to secure our boundaries and not have our boundaries diminished or challenged or changed due to sea-level rise. This interpretation will also support the collective effort that Members are currently working through at the moment to contribute to the development of international law in this area.

As Members may be aware, there is no clear international rule that safeguards our boundaries or coastal areas. Even under the Law of the Sea Convention it is silent on this particular issue. So just last week as Mr. Soakai has mentioned, there was a regional conference that discussed this issue and there was a collective appreciation of the complexities around this issue, and that we, as a region, will continue to be heavily engaged in this process. We want to ensure that boundaries do not diminish over time and so we are currently working very actively towards fulfilling the Leaders' direction on this particular point, to ensure that once these agreements, these boundaries have been deposited with the UN Secretary-General as proposed to find out a clause which will ensure that there are no changes to these boundaries regardless of our own circumstances. Finally, this contributes to a body of State Parties and Regional Parties which will strengthen our regional position. Thank you.

MR. CHAIRMAN.- Honourable Jale, do you have a question?

HON. A. JALE.- Yes. Thank you very much, *Malo a Bula*, Mr. Soakai and thank you, Ms. Faasau, for the opportunity to interact with us and talk to us this morning. The two issues that I would like to raise, first, is on the finality clause. You emphasised the importance of that. Do you

feel that this Agreement that Fiji has to sign with the Solomon Islands should have a finality clause? At the moment I see that there is no provision on the finality clause in the Agreement.

Secondly, what is your organisation doing in disseminating information about this matter which is really important with this climate change and sea-level rise? It certainly is going to have an effect on maritime boundaries and other things that are covered under UNCLOS, so if you can clarify that for us.

The finality clause, is there really a need? You said the importance of it, however, from the draft that I have seen, there is nothing there. The other point is the dissemination, we still have about 12 or 13 overlapping boundaries that have really not been addressed until now and I think there is an importance of trying to get those organised and finalised. Thank you.

MR. A. SOAKAI.- Thank you, Mr. Chairman. In response to the Honourable Member's questions, on the issue of finality, Mr. Chairman and Honourable Members, the Agreement itself as it stands is alright, it will work, but our point is that, we need to get clarity and permanency to our Agreement because climate change will happen and it will affect our claims, our territories, our resources and our security. I think that is the main crux, that we would respectfully suggest to the Government of Fiji to consider finality so that it is consistent with the regional approach and, indeed, what the leaders have said.

On your second point, Honourable Member, it is well noted and well taken. This is an area of work that has very much been conducted at the technical level by the PIFS and SPC and we agreed that it needs to be promoted further but it is an ongoing piece of work, it is highly respectable and it takes time. At the moment, it is not so much in the public consciousness because they are very much focused on climate change, on natural disasters, on COVID-19 and the social-economic impact of COVID-19 but we would make our best efforts to address the second point you have made, Honourable Member. Thank you.

HON. LT. COL. P. TIKODUADUA.- Thank you, Mr. Chairman. Just out of curiosity and this is a question that I would like to raise, when you refer to permanency, I wonder when considering permanency in countries such as Kiribati where there is a real concern that the left area of Kiribati might actually get under water, does that actually change when the atoll is not there and it is all covered, God forbid, under water like 50 years or 100 years from now? I am ignorant here, so I am just trying to learn something. Does that change the laws of the sea - UNCLOS, et cetera, where it virtually does not exist and its inhabitants are living in other countries?

I know this is a side issue, but would just like to raise that perhaps as a matter of concern because internally in Fiji, that might also be the case for some islands, even though internally it might affect some kind of fishing boundary. So just some insight to that, Sir.

MR. A. SOAKAI.- Thank you very much. Mr. Chairman, through you, my colleague, Ms. Faasau, will answer the Honourable Member's question.

MS. N. FAASAU.- Thank you, Mr. Chairman. This is actually the ongoing debate that is happening right now and I think this is what we have just referred to and emphasised in our paper as well.

Our Leaders have taken a very proactive approach. Even though the Law of the Sea is silent

and what happens to our islands as it gets overridden with sea-level rise and climate change, our collective approach at the moment is to be very, very uptake in the development of international law. And that process includes State partners which the very first step is for all countries to conclude all their negotiations on their shared maritime boundaries, as well as high seas delimitation.

For Kiribati, for example, shared boundary is one type of boundary but the high seas delimitation, once that process is approved, the argument that we are promoting and that the region is working towards is ensuring that those limits, those measurements are not changed and are not affected. So countries are using things, like legislation, to incorporate a finality or common key provision. So if all of our countries could do those kinds of practices which includes adding a finality clause in the Agreement as we are considering today, that will all accumulate into a very strong body of law with purpose. But we will strengthen our case to ensure that international law aspects follows what we have done at the national level. And that is, regardless of whatever happens, even if Kiribati goes under water tomorrow, it will not lose sovereignty and its sovereign rights over its jurisdiction because it has already deposited into the UN process. But it is a debate and, of course, our region has a very specific and particular view and our work at the moment is to try and get everyone else on board.

HON. LT. COL. P. TIKODUADUA.- Thank you very much for that.

MR. CHAIRMAN.- Thank you, Nola. Honourable Jale?

HON. A. JALE.- I am asking the question about this Agreement that will be signed with Solomon Islands. I do understand that Fiji also have an overlap of the EEZ boundary or maritime boundary with Vanuatu. Would this Agreement have some implications or effects on Fiji's endeavour in the future to also come to a, sort of, agreement with Vanuatu?

MS. N. FAASAU.- Thank you very much, Honourable Member, our collaboration with the SPC is to provide technical assistance to countries on the agreements, et cetera, on this particular matter.

The decision on Fiji and Vanuatu, the issue of developing and concluding the boundaries, that is rather a sovereign decision of each particular country. I believe the SPC might have a more specific answer to that question because of the relationship that they have with individual Members but to answer your question, we do not deal with those particular issue unless (Inaudible) on that. We are moving towards the collective decision for each boundary to be finalised and concluded, so that we can clearly define maritime boundaries.

MR. CHAIRMAN.- Thank you, Nola.

Jacob, do you wish to raise any questions with the PIFS Team?

MR. J. ABRAHAM.- Yes, thank you, Honourable Chair. With your permission, Sir, just two questions from the Secretariat from our end:

- (1) Why has not the United States of America signed up to UNCLOS?
- (2) Are there any pertinent discussions with regard to the maritime boundary between Fiji and Tonga towards the eastern part from Ono-i-Lau towards the Tongan side? I think, Ms. Faasau, knows where we are getting at, respectfully, Sir.

HON. A. JALE.- Mr. Chairman, that is a dispute between Ono-i-Lau and Tonga. It should not be discussed here, Sir.

MR. A. SOAKAI.- Thank you, Mr. Chairman, through you, I would like to answer the Secretariat's questions. With respect to the United States' reluctance to sign the Convention (it is a list of many Conventions that the US is still considering) and I would respectively refer you to the United States Government to answer that question.

On the second question, it is something that is way above my (inaudible), Mr. Chairman and Honourable Members, and is best answered within the political realm.

MR. J. ABRAHAM.- Thank you, Mr. Chairman.

MR. CHAIRMAN.- *Vinaka.*

Honourable Members, if there are no other questions, may I take this opportunity to thank Mr. Soakai and Ms. Faasau for your contribution, your submission this morning. At this juncture, I also thank the members of the public who have taken their time out to listen to this telecast.

With those few words, Mr. Soakai, you have any departing comments, thank you.

MR. A. SOAKAI.- Mr. Chairman, just to get again reiterate our thanks to you and Honourable Committee Members for the opportunity to make a submission to the Standing Committee on Foreign Affairs and Defence. It has been a while since the Secretariat has had this honour, and we hope that we can continue to provide assistance from the Government and the Parliament of Fiji. Thank you, Mr. Chairman.

MR. CHAIRMAN.- Thank you, Honourable Members. Thank you again for your commitment, Sir.

With those few words, we will just adjourn.

The Committee adjourned at 10.09 a.m.

The Committee resumed at 10.28 am.

Interviewee/Submittee: Pacific Islands Development Forum

In Attendance:

1. Mr. Solo Mara - Secretary-General, PIDF.
2. Ms. Arpana Pratap - Team Leader – Member Capacity

MR. CHAIRMAN.- A very warm welcome to you, your Excellency, Mr. Mara. Also a very warm welcome to the members of the public who are listening to this livestream this morning. Thank you for taking interest in your Parliament affairs. For your benefit, Sir, just word of introduction.

(Introduction of Committee Members by Mr. Chairman)

With those words of introduction, Sir, welcome to the Standing Committee on Foreign Affairs and Defence. Without further ado, Sir, I give you the floor to commence your submission, Sir.

MR. S. MARA.- *Vinaka sa' valevu.* The Chairman of the Standing Committee on Foreign Affairs and Defence and Members of your Committee, first of all, good morning, *yadra vinaka, saka.* Thank you very much, Sir, for asking PIDF to provide a brief presentation on whether Fiji should sign the Agreement with the Solomon Islands concerning their maritime boundaries. Yesterday, we have submitted a written paper and this morning, I wish to go over some of the pertinent points to allow for discussion afterwards.

Mr. Chairman, in a nutshell, the PIDF supports this Agreement because it demonstrates the global commitment of our member States towards the United Nations Convention on the Law of the Sea (UNCLOS), SDG14 and the UN Oceans Conference, particularly the commitments made by both, Fiji and the Solomon Islands in those international platform.

As you may be aware, Sir, the vast majority of the world's nations have signed those two Articles which is known as the Constitution for the Oceans. The Treaty provides guidelines on how nations use the world seas and their natural resources. It also contains mechanism for addressing our disputes. And this is important for Small Island Developing States (SIDS) like Fiji and the Solomon Islands.

Firstly, it shows how we are contributing to strengthen international law, secondly, how we are working towards conservation in general in our EEZ and, thirdly, the areas of security, how we are collaborating to ensure that international Conventions and laws relating to security are adhered to within our EEZ.

As you are no doubt aware, Mr. Chairman and Honourable Members, a defined maritime boundary allows for efficient monitoring and enforcement. An unresolved maritime boundary invites Illegal, Unregulated and Unreported (IUU) fishing, it provides routes for illicit trafficking of illegal substances, et cetera.

On the area of conservation, UNCLOS also provides a more effective platform for managing depleted fish stocks, for example. It also strengthens international law by:

- (1) asserting the freedom of navigation and the rights of SIDS; and
- (2) in the area of international law, it also allows SIDS, like us, to challenge excessive maritime claims by other bignations.

Finally, Sir, on this area of developing the blue economy in the Pacific and around the world, which is yet to reach its full potential here in the Pacific. You may be aware that oceans support millions of jobs through a variety of sectors, namely; fisheries, transport, tourism and energy, and it has been estimated that it adds US\$1.5 trillion to the global economy every year. And these are areas why it is important for countries in the Pacific to strengthen their maritime boundaries by entering into this Agreement. I understand that Fiji still has some outstanding maritime boundary agreements with Vanuatu, Tonga and New Zealand down the South, and I think this agreement with the Solomon Islands will provide that momentum and show our neighbouring countries that Fiji is serious about securing our maritime boundaries.

With that, Sir, I will submit this Report for your consideration and will await your questions. Thank you.

MR. CHAIRMAN.- Thank you, Mr. Mara. We will open the floor now for questions from Honourable Members. Honourable Members, any questions, your time is now.

HON. LT. COL. P. TIKODUADUA.- Mr. Chairman, I do not have any questions, thank you.

MR. CHAIRMAN.- Alright, thank you. Honourable Jale.

HON. A. JALE.- Mr. Chairman, I think there was a suggestion made by Mr. Mara that we change the title of Article 2 to international law or something on international law. Can you expand on that please, Mr. Mara?

MR. S. MARA.- Yes, Mr. Chairman. I believe the reference is on Article 2 of the Agreement, on the purpose. We thought it might read well if we insert the name of the Agreement, the UN Convention on the Law of the Sea, after the word ‘international law’, so that it clarifies what the Agreement is referring to rather than just a broad reference to international law.

MR. CHAIRMAN.- Thank you. Does that answer your question, Honourable Member?

Honourable Dr. Govind?

HON. DR. S.R. GOVIND.- Thank you for your presentation, Mr. Mara. I just wanted to know if the PIDF has any role in monitoring the agreements of these regional countries.

MR. S. MARA.- Thank you for that question. I believe the agreement is one that deals with national sovereignties and the responsibility lies with Member States in terms of monitoring their EEZs, so to speak. But in terms of canvassing regional positions for international meetings and conventions, we, in the Secretariat, can help out with that position in providing position papers for Member States. Thank you, Sir.

HON. DR. S.R. GOVIND.- Thank you.

MR. CHAIRMAN.- Thank you. Mr. Mara, I just have one question. You know the practicality of the EEZ whereby you have your territorial seas of 12 nautical miles and then your contiguous zone of 24 nautical miles and then thereafter is the EEZ, the 200 nautical miles. Immediately after that, the continental shelf or whatever that they call it, you have the high seas. Are you familiar with the practicality of the EEZ and in particular, interpret the high seas?

MR. S. MARA.- Certainly, Mr. Chairman. There are certain areas in the world, in the Pacific for that matter, where a country's 200-mile EEZ does not overlap, meaning that there are areas where there are no countries claiming sovereignty over those portions of the high seas but there is a provision in UNCLOS under Article 74, I believe, where you can claim beyond the 200-miles EEZ using your continental shelf scientific data, and those are some of the areas where negotiations are still taking place. I believe when I was at the Ministry of Foreign Affairs, we have started the negotiation with New Zealand on the extension of our 200-miles EEZ based on the continental shelf provision.

MR. CHAIRMAN.- Basically, Mr. Mara, you are referring to the delimitation, is that correct?

MR. S. MARA.- Yes, that would be correct, Mr. Chairman, but in this case of Fiji and the Solomon Islands, the area that we are referring to, there is an overlap in that 200 mile. So, they have come to an agreement based on the rule of equidistance.

MR. CHAIRMAN.- Thank you, Sir. Honourable Jale?

HON. A. JALE.- I think when we write up our presentation to Parliament, the issue that the Mr. Mara has raised about the security issue, I think we need to highlight that because as I see from the Agreement, there is really no mention about why the Agreement is so important to us. The security matter that he raised, I feel, is really important so I think we have captured him and it has been recorded, so I feel, Mr. Chairman, that we should highlight it in our submission which is, to me, very important.

MR. CHAIRMAN.- Honourable Members, any further questions Mr. Mara?

Since there are no questions, Sir, I take this opportunity to thank you once again. Thank you for coming before the Committee and offering us your brief submission.

With those words, thank you again, Sir, and if you have any departing comment, the floor is yours, Sir.

MR. S. MARA.- *Vinaka saka vakalevu*, Mr. Chairman. The PIDF stands ready to provide advice to your Committee in the area that we might have expertise on.

With those words, I thank you for reaching out. As I have said, as a Member State, Fiji has direct access to the resources we have here at the PIDF.

MR. CHAIRMAN.- Thank you.

The Committee adjourned at 10.51 a.m.

The Committee resumed at 11.16 a.m.

Interviewee/Submittee: University of the South Pacific

In Attendance:

- | | | | |
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| 1. | Mr. Esaroma Ledua | - | Assistant Lecture, – Ocean Resource Management |
| 2. | Dr Atul Raturi | - | Associate Professor, School of Engineering and Physics |
| 3. | Dr. Natasha Khan | - | Coordinator, Diploma in Leadership, Governance and Human Rights |
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MR. CHAIRMAN.- For the benefit of the general public who may be listening in or viewing this telecast, a warm welcome to the Standing Committee on Foreign Affairs and Defence and I take this opportunity to thank you for taking interest in your Parliament.

A very warm welcome to Mr. Esaroma Ledua, the Assistant Lecture Ocean Resource Management; Dr Atul Raturi, Associate Professor, School of Engineering and Physics; and Dr. Natasha Khan, Coordinator, Diploma in Leadership, Governance and Human Rights.

Welcome to the Standing Committee on Foreign Affairs and Defence. By way of introduction, I will ask the Committee Members to raise their right hand.

(Introduction of Committee Members by Mr. Chairman)

Ladies and gentlemen, will be joining us near the term of your presentation is the Honourable Pio Tikoduadua, who just slipped out after the last presentation and also ably assisted by our Secretariat, Jacob Abraham and Susana Korovou.

With those few words of introduction, I give the floor to you, Mr. Ledua and your team. Thank you.

MR. E. LEDUA.- Thank you so much, Mr. Chairman and Honourable Members of the Committee. Good morning to you, Sirs and Madam. This morning, just before I present on the first topic, I would like to convey the sincere apology of our Team Leader, Professor Pal, the Vice-Chancellor for not being here this morning as he has another commitment outside the University..

Mr. Chairman, just because of time, I will go straight into my presentation which will be on the Agreement between Fiji and the Solomon Islands concerning their maritime boundaries. As you may have seen in the slides that was sent to you, Mr. Chairman, I have about seven minor comments that are there.

After looking through your Written Analysis and the 10 Articles of the Agreement, I came up with seven comments.

On paragraph 1.4 of your Written Analysis, I am suggesting that it should be reworded a bit because Fiji's EEZ boundary is already defined under Chapter 158 of the Marine Spaces Act 1978. It is already there in the laws of Fiji. So, to me, that paragraph is not perfect at the moment.

The second comment is on the coordinates specified under Article 3 of the Agreement. It is consistent with section 6 of the Marine Spaces Act, as well as it is in line with those coordinates that are already there in the Second Schedule and paragraph 3 of the current Fiji Marine Spaces Act. Although the new coordinates appear to me, Mr. Chairman, that it may increase the space that Fiji will have within the EEZ a little bit more, which is a reason why we will be very much supporting the endorsement of the recommendation.

Another point, Sir, the last line of Article 9 of the Agreement, needs to be amended a bit. Instead of Article 1, I believe it should be Article 3 because Article 3 of the Agreement contains the coordinates.

The second last point, Mr. Chairman, on your Written Analysis, Part 4.0 - Impact of Execution of the Agreement, we see that there is going to be minimal impact. Only most of the changes will be on Chapter 158 of the Marine Spaces Act which will need to be amended.

We support the recommendation for Parliament to endorse the Agreement because the North-West Pacific, Mr. Chairman, is a very rich tuna fishing ground and most of the fishing activities of the Fijian fleet are concentrated up there. It is also an area where we have hydrothermal deposits, according to the South Pacific Applied Geoscience Commission (SOPAC) studies, and Fiji needs to work quickly and be able to delimit this zone as quickly as possible, Mr. Chairman. Thank you so much.

MR. CHAIRMAN.- Thank you again, Sir, for your brief presentation. Honourable Members, do you have any questions for Mr. Ledua at this stage?

HON. A. JALE.- I did not capture very well the issue that you raised about the need to amend the Marine Spaces Act, if we have to get into this Agreement with Solomon Islands. What section of the Marine Spaces Act that will be impacted through the proposed Agreement, if it is signed by Fiji and Solomon Islands?

MR. E. LEDUA.- Well, the demarcations is defined under section 6 of the Marine Spaces Act, but the coordinates is the only thing that will change which is under Schedule 2, Paragraph 3, I believe.

HON. A. JALE.- Can you just explain a bit so that we understand what you are trying to push through because you raised the issue that we were trying to verify. If we get into this Agreement what are laws that will be impacted that need to be changed by the Parliament of Fiji?

MR. E. LEDUA.- I have with me the Laws of Fiji which is Marine Spaces Act (Cap 158A).

HON. A. JALE.- Yes.

MR. E. LEDUA.- At the back in Schedule 2, Paragraph 3, you will see there are coordinates similar to the one on Article 3 of your Agreement. So, this will have to change to be consistent with what I have suggested.

HON. A. JALE.- Thank you, you have clarified that.

MR. CHAIRMAN.- *Vinaka*. With no further questions for Mr. Ledua, perhaps we will now go to Dr. Atul Raturi for your submission. Thank you, Sir, the floor is yours.

DR. A. RATURI.- Thank you very much, Mr. Chairman and Honourable Members, a very good morning to you.

My submission is going to be very simple and straightforward but I thought before we get into the actual submission, because being a teacher, I thought I would talk about why we need so many energy in the Pacific, in Fiji, especially.

I will start with the Sustainable Development Goals (SDGs). When we had the Millennium Development Goals (MDGs), there was no mention of energy and everyone said there should be energy, without energy we cannot do many things. So when the SDGs came, SDG 7 – Affordable and Clean Energy to all.

As you can see in my first slide, SDG7 could be connected to all the other SDGs. If we do not have energy, we will not have education, health, jobs, gender equality, so access to affordable and clean energy is very, very important. I think that is why being a member of International Solar Alliance and developing of solar energy sources is very very important for Fiji and all the Pacific Island Countries.

I will talk about how solar access is helping the Fijian community. If you see the second slide, those are some of the projects so I am concentrating on the projects that we have been doing with the communities in Fiji. Those are some of the projects that we did with the schools, they are remote schools - Lagalaga Primary in Vanua Levu, another one is Namau School in Ba and various schools were running shortage of water, they had big boreholes but they are not in a position to run them.

We had some of the funding from the Taiwanese Government and we used that money to set up solar panels. We could see from the comments that these kind of small systems would provide light for children and the staff. We have done other projects of similar kind.

We believe that energy has to have some meaning. If we are not using energy to generate income or generate jobs, then it is of not much use. What we do is, we have done some work with communities again. We ask the communities, if you have energy, what would you do? Most of the communities would say, if we have a freezer, we could save all the catch and make some money out of that. So we started doing these projects and we have about five projects, thanks to some funding from the French Government. We are developing communities, especially women, and they are making ice candies and generating some income. So solar energy is not only for light energy, we could see jobs and the well-being of the society.

It is not only about lights and other things, but even transport. In the coming years, we would see that there will be some electric vehicles around the countries in the Pacific and solar energy will be used for charging these vehicles. So imagine, like running all our fleet based on solar energy that is coming from the sun, so we could cut down on the import of petroleum fuel and things like that.

At a larger scale, so when we look at energy, at the moment we have about 50 percent or 55 percent coming from hydro but the rest is from fossil fuels. In the coming years, if we have electric vehicles coming in, then we would need more electricity and that electricity has to come from renewable energy sources. And we believe that solar is going to be the source that is going to provide that extra energy.

What other various ways you could do? Bring in solar, so you have rooftop solar. The land is always a challenge, so we could have floating solar. We could use some of the reservoirs, like the Monasavu Reservoir where you could have floating solar which could be connected to the grid, and we would not be using the land for setting up solar plants.

We have other storage and one of those storage techniques that we can use is pumped hydro. Fiji is very good with the hydro schemes, Fiji has the geography, so we could get some pumped hydro systems. Whenever you have extra solar energy coming in, you pump water up the reservoir and later on when you have the demand, you bring that water down and use it as a hydro scheme. So that is another way that we could bring in more solar into the grid, together with the battery storage.

The last one there is, congratulations to Fiji Development Bank, they got grant of \$10 million for their Agrophotovoltaics where you have the Agrophotovoltaics and that you are growing plants with agriculture and that is going to be in Ovalau. These kind of more projects are in the country and there are possibilities. This is where I think ISA will come into the picture, if we can access the funds.

If we look at the ISA, as everyone knows, this came into being in 2016. The overall mission is, every home should have light, but there is a bigger vision when they are talking about one world, one grid. The idea is to connect most of the world with one grid.

That is like One Belt, One Road, so you have in a day electricity being produced through solar reaching Fiji and Africa and being supplied to Europe, similarly energy in Australia could be supplied to other countries, so the idea is to build one grid. But, of course, the island countries might not be a part of that. For island countries, solar energy could be used using distributor systems, the smaller systems.

But as you can see here that the proposals are ... (inaudible) proposal, that is going to have US\$10 billion and it is going to be called a Solar Bank and that bank would be able to finance solar projects in the future.

There are a number of other things happening, I will not read all of them. But, the recent ones, an MOU was signed between the ISA and Global Green Growth Institute (GGGI), a Korean-based entity, and they are going to get one million agriculture solar pumps. Fiji is one of the nine countries which would get those solar pumps and those solar pumps could be used for agriculture. Similarly, the ISA is looking at getting about nine million solar home systems which would be distributed and which would be supplied to neighbouring countries.

Solar for agriculture, solar for cooling and the family, the training and capacity building, is one of the most important work that ISA could do which is already being done through Indian Technical and Economic Co-operation (ITEC) but we would like more collaboration, more collaborative work done between the higher education institutes.

So, today, the amendment that we are talking about is basically straightforward. Earlier, the membership was limited to the countries in the tropics and now the amendment says that membership should be open to all the countries in the world. Personally, I do not think this has any negative aspect for Fiji. In fact, all the member countries coming in, you will find that most of the solar work was initially done in countries which are outside the tropical belt - Germany, Japan and the U.S. They, they have done a lot of work in solar energy and they have a lot of technology which is

available. So all those countries coming into the fore will be beneficial to other countries from the Global North to the Global South. So, if there is a win-win situation, I think, I do not see any negative aspects.

My recommendation would be, that Fiji should be actively seeking more financing from those institutions, from banks, and making sure that ISA shows its presence in this part of the region. Thank you very much.

MR. CHAIRMAN.- Thank you, Dr. Atul. Honourable Members, do you have any questions for Dr. Raturi.

HON. A. JALE.- *Vinaka va 'levu*. Thank you for the presentation, very useful and informative. I do understand that Fiji has already ratified this and we are now a member of ISA. It is centred in India but I have been wondering about the assistance that ISA will be able to offer this region, particularly Fiji and I think the list, you have already mentioned that. Have we received any assistance from ISA in one of the projects that you highlighted or do we still need to present a project to them so that they can fund?

DR. A. RATURI.- As far as I am aware, most of them, the assistance has come in terms of technical training. We have had our people going from this side, so we have people going from Department of Energy and other places, going to India for training. That has been going on for a very long time.

I see GGGI signing this MOU with ISA for the agriculture funds, so Fiji appears there, so those things should be available in Fiji in the coming years. I think we should be putting together more proposals, pushing more because Fiji has been a founding member right from the beginning, Fiji is a member of ISA. So it will be nice to see more projects coming into Fiji. Thank you.

MR. CHAIRMAN.- Honourable Members, are there any questions for Dr. Raturi?

Since there are no further questions, thank you again, Dr. Atul. We will now hand the floor over to Dr. Natasha Khan.

DR. N. KHAN.- Thank you, Mr. Chairman and Honourable Members of the Parliament. My focus today will be the Ratification of the Optional Protocol on Convention on the Rights of the Child (CRC). I will just give a brief background and will go into what we have, as a country, already done and what needs to be done further.

Of the 14 independent Pacific Island Countries, only four have ratified the Protocol which are Kiribati, the Republic of the Marshall Islands, Samoa and Vanuatu. Only three have actually signed the Protocol which are Fiji, Nauru and Solomon Islands. So, you can see that almost 50 percent, seven countries have not done anything about it yet.

The Optional Protocol is a lower ratification compared to the major Convention, so Fiji did ratify the Convention on the Rights of the Child (CRC) in 1993 and signed the Optional Protocol in 2005 which is 15 years ago.

Going into some of the research that has been done around issues about child abuse and exploitation because this Protocol is on the Sale of Children, Children Prostitution and Child Pornography.

In 2018, there was an ILO Report done on worst forms of child labour and it states that the commercial exploitation of children was rife. This was one of the first time it came out as a major research and there was a highlighted concern about it, and the main perpetrators of these crimes were family members, taxi drivers, foreign tourists, businessmen and crew of foreign fishing vessels.

In a Master's thesis by Marie Fatiaki in 2019, she did a study on trafficking of children in Fiji or for sexual exploitation, she argued that social economic conditions of a family are the major causes of vulnerability and risk. In particular, the children were forced into sex trade by parents who neglected or abandoned them and families who could not provide for their well-being. The vulnerability of children in these situations were exacerbated by the current effects of COVID-19 pandemic, especially we have seen an increase in unemployment and the impact itself, and it is very likely that it is going to increase.

In another recent study on child abuse in Fiji that I and a few other colleges from FNU and USP were involved in, we did that research with the Ministry of Women, Children and Poverty Alleviation, it was identified that there were two key drivers for child abuse; one was opportunity in terms of close access and relationship by the perpetrator to children, provided by home setting and even the community in the village; and the security in terms of the perpetrator's perception that the abuse may neither be found nor reported due to being covered under the secure blanket of tradition and family values and even if reported, is most likely be withdrawn from legal prosecution.

In the next slide where the figures are showing, this is again from the recent study we did. In the powerpoint that I sent in this morning, we have got some figures of sexual-related cases that we got the data from the Ministry of Women, Children and Poverty Alleviation. From 2017 to 2019, we found that there were four categories of sexual abuse identified. In those four categories, we saw consistently around 80 percent of these were female and around 15 percent were really male, so there were largely female I am talking about but girls under 18 years were the target for this.

The perpetrators, again, there is a figure on that. Around 65 percent were people close to these children, so they were family members, immediate family members, relatives, friends and step-parents. Step-parents actually constituted quite a smaller number, contrary to what the perception is in the community, boyfriend and neighbour, someone they knew very closely. So, that was the concern because it goes to the question about how in the Pacific, we value our families, and family is very positive aspect for these vulnerable victims if it is really a very negative aspect.

The existing laws in Fiji; there are three very good categories of law that links to this Optional Protocol which is prohibition of child trafficking and we have got three specific Articles relating to Employments Relations and Crimes Decree under that. And then there is a prohibition of commercial sexual exploitation of children, again, there are three specific Articles under Employment Relations, Crimes Decree and Juveniles Act. Under the Prohibition of Using of Children in Illicit Activities, again, in the Employments Relations Promulgation and the Juveniles Act.

The sad part is that, even though we have got really good laws, the enforcement continues to be weak. So the laws are there already existing that would be very easily align to the Optional Protocol but it continues to be weak.

But in 2018, there was a report that the Fiji Police and the Department of Immigration had

actually started to meet quarterly to discuss human trafficking issues, particularly involving foreign nationals. During this period, Fiji Police also formalised the Human Trafficking Unit to improve Fiji Police Force's anti-trafficking efforts in the country.

The Fiji Government also has started this programme but they have very insufficient social programmes available, particularly for child victims of human trafficking and commercial sexual exploitation. NGOs do step in and assist, particularly for emotional counselling and other forms of support, but they are largely concentrated in the larger Suva area.

How USP can have help; under the Convention on the Rights of the Child (CRC) and the Optional Protocol, non-State actors at USP do not have any obligation. However, because the States are the duty-bearers in relation to human rights to respect, protect and fulfil them but USP has worked and continuous to work in many of the human rights issues and they are particularly involved in training and research work.

I am going to cover briefly the next slide, but there is a significant amount of work that USP has done over the years. Our School of Government, Development and International Affairs has been working at Postgraduate level and the governance issue, the Programme that I am in charge of is on Leadership, Governance and Human Rights and since 2013, we have been delivering courses, particularly related to human rights across the Pacific.

Recently, again, the research we did on child abuse, very specifically relates to this Optional Protocol where apparently the first step there is discussion that this could be taken further in a bigger research to be done.

Over the years we had different academics and different sections have done training with different Government Departments. Personally, in our section, we have worked very closely with the Fiji Police, the Correctional Officers, the Judiciary, in conducting training in different issues, particularly on good governance.

Way forward; we strongly endorse the ratification of the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography. The reason is, ratification will strengthen Fiji's commitment and obligation to CRC and promote cooperation and strengthen relations with other countries, internationally as well as regionally. It will also open up resources. As I have said earlier, we have got very good laws but maybe, we are under resourced and because of that, the enforcement it weak. Once we sign up to that Protocol, it also opens up to the resources which allows us to tap into technical expertise from international and across the region as well.

Ratification will indicate to the world that Fiji is serious about committing itself to human rights standards, particularly in relation to child or children. Fiji has respect in the Pacific as a leader in many areas and the ratification of this Protocol will make Fiji a country to emulate in the Pacific. We are hoping that once Fiji does that, it will start an escalation, sort of, the signing and ratification of the Protocol among the other Pacific Island Countries.

USP in addressing the challenges; one of the challenges is monitoring and enforcement of the sale of children, child prostitution and child pornography because of lack of synchronised data. So USP, with experts in different areas of research, would collaborate with key agencies, such as the Ministry of Women, Children and Poverty Alleviation, the Police, the Immigration Department and

DPP's Office, to conduct a series of workshops with a view to synchronise, and the categorisation of sexual-related offences because at the moment, we have found in our research that different sections are categorised in very different ways. And because of that, it is harder to have policy-related and actions related to that. So, this will strengthen the links between agencies and make it easier to produce statistical analysis and targeted policies for enforcement of various forms of child abuse data in a more coherent way.

Thank you, Honourable Members of the Committee.

MR. CHAIRMAN.- Thank you, Dr. Khan for a very concise submission on the Optional of Protocol of the Convention on the Rights of the Child (CRC).

Honourable Members, do you have any questions for Dr. Khan or any other member of the team this morning?

HON. A. JALE.- Mr. Chairman, I would like to raise few points with Dr. Khan. You really covered some of the areas that we are trying to look into. If Fiji has to ratify this Protocol, it should also put....

MR. CHAIRMAN.- Your speaker, Honourable Jale, the microphone.

HON. A. JALE.- Thank you. Sorry for that, Mr. Chairman.

I was saying that you had raised a point about the legislation, the laws that we have been place, to see that Fiji can effectively address the Convention that you had ratified earlier. This one is the Protocol which certainly supports whatever is in the original Convention.

I thank you for the brief that you have given us but the issue is about Fiji's position and readiness to take on this challenge, or put in place laws and enforce them. I wonder where you have analysed the laws that we have and what are the laws that need to be put in place or strengthened in order to support this Protocol?

The point that you have raised about having laws and not enforcing it is really a concern also, which is important when we do put a report to Parliament, that we highlight these things so that the Government is aware of the shortfalls and the actions that need to be taken. I am glad that you mentioned this morning about the laws that we have in place, I know the employment law maybe there, there may be other laws, but do we have specific laws that you feel that are inadequate and what provisions need to be put in place to support Fiji's action in adhering to the requirements of this Protocol? Thank you.

DR. N. KHAN.- Thank you, Mr. Chairman and Honourable Member for the question. As I have mentioned earlier, the laws are actually very good. The enforcement continues to be weak and one of the areas, I think, where new law or policy needs to be developed is the synchronisation of data. So, there are agencies, for example, the DPP's office, the Fiji Police Force and the Ministry of Women, Children and Poverty Alleviation, where they do not work together on this issue.

Our recent research also suggested that there should be some kind of policy framework done where it forces them to work together, share their data because at the end of the day, we are still

looking at the same victims. The data, at some point, is so close to their chest, so they are not willing to share. There are some sharing of data but it still continues to be very sporadic, so it depends on more or less on who is at the desk and how willing they are to share the data.

I think if there is a policy that requires them to share data, also with the Department of Immigration because when we are talking about child trafficking prostitution, there is an element of foreign nationals involved in it, I think that policy will make a significant difference in the implementation of the policies and laws that we currently have because that data collection will strengthened all the agencies that work on that.

HON. A. JALE.- Mr. Chairman, I think, the University has a lot of information that can be disseminated to people so that they are really aware of the seriousness of this trafficking or whatever that people have been doing or subjecting children to and I wonder what you have been doing. I saw some of the write-ups that you have put on the screen for us to look at which I think is very useful. I am sure some of the write ups that you have put on the screen for us to look at is very useful. Has that been disseminated to people so that they are aware of some of your findings and well-researched papers that you have already done? Has that been shared and how do you share them?

The second point is, for your organisation (USP), what have you put in place to try to stop these types of things because it is a huge organisation? I think in some issues abroad, as of my understanding, these organisations have been used to also subject children. There may not be any children there, but what have you done in your organisation to see that the requirements of this Protocol is put in place so that the University can be a very effective tool to act against anyone with that type of intentions? We are talking about people who bring in instruments who come in and do pornography. It is really the intellectual people who do these types of things. There have been cases in Fiji in the past. I was wondering what the University has in place to see that this does not happen in your organisation.

MS. N. KHAN.- Thank you, Mr. Chairman. Regarding the data, the ILO Report and Ms. Fatiaki's research thesis are publicly available. The research we are doing which is just in the finalisation stage, also has to go through Parliament because it was conducted for the Ministry of Women, Children and Poverty Alleviation. Once it is verified and vetted and agreed to or endorsed by Parliament, it will be made as a public document, so it will be widely shared.

Regarding what the University is doing, the University has got a very strong policy on sexual harassment and sexual abuse. So all the staff have to go through police clearance before they can join, and every three years that police clearance has to be done again, so it is proactive in that. If there is any identified cases, they will definitely deal within the University Disciplinary Committee as well as a police case if it comes to them.

MR. CHAIRMAN.- Honourable Dr. Govind.

HON. DR. S.R. GOVIND.- Thank you, Mr. Chairman. I would like to thank Dr. Khan for her comprehensive presentation. I just wanted to know whether there are some studies or data on the contribution of social media in child abuse, especially pornography in Fiji.

MS. N. KHAN.- Thank you, Mr. Chairman. I am not personally aware of anything, but I am sure there might be some. I know that some discussions have been happening after an issue about

pornography was raised, but I do not know any specific data that is available. But, again, I can check and find out and let the Secretariat know.

MR. CHAIRMAN.- Thank you. Honourable Members, any further questions.

To Mr. Ledua, Dr. Raturi and Dr. Khan, I take this opportunity, on behalf of the Standing Committee on Foreign Affairs and Defence, to thank you once again for appearing before us. Certainly, you will oblige if we do have any other pertinent or pressing questions when we start compiling our report to Parliament. With those few words I thank you once again and also thank the members of the public for listening in to this transmission. Thank you.

The Committee adjourned at 11.56 am.

[VERBATIM REPORT]

STANDING COMMITTEE ON FOREIGN AFFAIRS AND DEFENCE

AGREEMENT/PROTOCOL/CONVENTIONS

3. **Amendments to the Framework Agreement of the Paris Declaration on ISA.**
4. **Republic of Fiji-Solomon Islands Maritime Delimitation Agreement.**

INSTITUTIONS: (1) **Fiji Maritime Affairs
Coordination Committee (MACC)**

- **Department of Energy**
- **Pacific Community (SPC)**

VENUE: **Big Committee Room (East Wing)**

DATE: **Monday, 21st September, 2020**

VERBATIM NOTES OF THE VIRTUAL MEETING OF THE STANDING COMMITTEE ON FOREIGN AFFAIRS AND DEFENCE VIEWED AT THE BIG COMMITTEE ROOM (EAST WING), PARLIAMENT PRECINCTS, GOVERNMENT BUILDINGS, ON 21ST SEPTEMBER, 2020 AT 9.32 A.M.

Online Interviewee/Submittee: Fiji Maritime Affairs Coordination Committee

In Attendance:

- | | | |
|-------------------------|---|--------------------------------|
| • Mr. Peter Emberson | - | Director Multilateral |
| • Ms. Tima Vakadewabuka | - | Principal Legal Officer |
| • Mr. Semi Bolalilai | - | Senior Scientific Officer |
| • Mr. Gerard Rokoua | - | Director Hydrographic Services |
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MR. CHAIRMAN.- On behalf of the Honourable Members, a very warm welcome to members of the public who may be listening or watching this live stream this morning. Before us is the Fiji Maritime Affairs Coordination Committee ably led by Mr. Peter Emberson. Also in attendance is Ms. Tima Vakadewabuka, Mr. Semi Bolalilai and Mr. Gerard Rokosuka, Director Hydrographic Services. For the benefit of the public, Honourable Members, just show of your right hand.

(Introduction of Committee Members by Mr. Chairman)

Ladies and gentlemen, the Committee will be submitting on the Agreement between the Republic of Fiji and the Solomon Islands concerning their maritime boundaries. And also with us is Mr. Jacob Abraham and our Secretariat Team. Without further ado, I give the floor now to Mr. Peter Emberson and his team to take us through their PowerPoint Presentation which Jacob can now put up on the screen. Thank you, Mr. Emberson.

MR. P. EMBERSON.- Thank you, Mr. Chairman and Honourable Members of the Standing Committee on Foreign Affairs and Defence. Our presentation this morning is going to be facilitated by three of the presenters. I will take the first five slides, Mr. Chairman, and so did follow by Mr. Gerard Rokoua from the Fijian Hydrographic Services and following that Mr. Semi Bolalilai from the Ministry of Lands and Mineral Resources, and this will be completed by Ms. Tima Vakadewabuka from the Office of the Solicitor-General Office before I will wrap up the concluding slides, Mr. Chairman.

Mr. Chairman and Honourable Members, to begin, the United Nations Convention on the Law of the Sea (UNCLOS) was opened for signature in December, 1982 and entered into force in November 1994. Fiji was given the privilege and honour to become the first party to ratify the Convention, the reason being that Fiji's diplomat then was ably leading the charge in negotiating a very controversial set of laws to govern maritime jurisdictions and because of the hard yard put in by Fiji back then, sooner after Fiji gained independence, Fiji was given the honour to be the first ratifying country. Since then the Maritime Affairs Coordination Committee (MACC) was established by Cabinet Decision in 1995, to ensure the oversight of Fiji's work within the parameters of the United Nations Convention on the Laws of the Sea (UNCLOS) and the Committee is chaired by the Ministry of Foreign Affairs.

In line with international commitments, the issue of maritime boundaries has been an ongoing one under UNCLOS, but more recently under SDG 14 - Life Under Water. Fiji also submitted a

commitment to resolve all of its maritime boundaries by 2025 and the reason for this is well known,

Mr. Chairman, so long as we have our maritime boundary delimited or marked out, we can truly police and secure the jurisdiction or sovereign rights over our marine territories. So, two years ago, we resolved to try to work on securing our maritime boundaries and this was submitted as a voluntary commitment to the Ocean's Conference that opened in New York two years ago.

Also, the Pacific Islands Forum Secretariat (PIFS) Leaders last year, also made similar commitments. They committed to a collective effort, including to develop international law with the aim of ensuring that once a foreign member maritime zones are marked out in accordance with the 1982 UNCLOS, that the member's maritime boundaries or zones could not be challenged or reduced as a result of sea level rise and climate change.

Mr. Chairman, the 1982 UNCLOS did not foresee the impacts of climate change sea-level rise as impacting maritime boundaries so the Leaders in their wisdom last year, decided to make a collective effort or regional effort to inform the lacuna in international law to ensure that once our maritime zones were deposited with the Division on Ocean Affairs and Law of the Sea (DOALOS) in New York, that it becomes permanent. So, this is a new emergence under the discourse of international law to ensure that our maritime jurisdictions, once the base points on the bearings were deposited formally, that they could be challenged.

The mandate of MACC, Mr. Chairman, is to coordinate marine-related work distributed across Government agencies and also to obtain, discuss and evaluate issues under UNCLOS that were relevant to Fiji. The mandate of MACC is also to draft policy and information papers for Ministers, Cabinet and Parliament, and to review progress on the implementation of such policies. Also part of the mandate of MACC is to identify and recommend specialised training needs for personnel handling marine affairs across the line Ministries.

The membership of MACC, Mr. Chairman, includes the:

- Ministry of Defence, National Security and Policing;
- Ministry of Waterways and Environment (Department of Environment);
- Ministry of Fisheries;
- Ministry of Lands and Mineral Resources;
- Ministry of Economy (Climate Change and International Cooperation Division)
- Ministry of Commerce, Trade, Tourism and Transport;
- Office of the Solicitor-General; and
- Fiji Navy, in particular the Hydrographics Division.

Mr. Chairman, if I can now invite my colleague, Mr. Rokoua, from the Fiji Hydrographic Services to take on the next couple of slides in this presentation. Thank you, Mr. Chairman.

MR. G. ROKOUA.- *Vinaka*, Director, Good morning, Mr. Chairman. The next slide is making sense of maritime boundaries.

We have diagrammatic representation of the maritime boundaries that we are and will be talking about. We look at the internal waters are inside the baseline, then you have the 12 nautical mile line or the contiguous zone. Then 200 nautical mile line or the EEZ, after which comes the high seas.

The maritime boundaries as written, include:

- Internal waters covering all waters and waterways on the landward side of the baseline. This includes lagoons, lakes and rivers.
- Territorial Sea definition, the zone seaward of the baseline measured outwards to 12 nautical miles.
- Contiguous Zone lies 12 nautical miles beyond the Territorial Sea or 24 nautical miles seaward from the baseline.
- Exclusive Economic Zone (EEZ) is beyond the Territorial Sea to an extent of 200 nautical miles measured seaward from the baseline. And it is also subject to delimitation with any neighbouring State in cases of overlapping boundaries.

Continental Shelf - this refers to an area of seabed and subsoil territory, but not the water column, beyond the Territorial Sea. The outer limits of the Continental Shelf is little bit more complex to work out and is, at least, 200 nautical miles seaward from the baseline. In some circumstances, it could extend to 350 nautical miles.

The next slide is a diagrammatic representation of Fiji's EEZ. Fiji is a Small Island Developing State (SIDS) but is considered a large Ocean State. Our EEZ is about 1.29 million square kilometres and as written there, it is nearly 70 times larger than the land mass, and consists of more than 300 islands and approximately 500 little islands.

Why is it important to set maritime boundaries by way of an agreement? As you can see that diagrammatic representation, Mr. Chairman, there is an overlap between the two boundaries and the diagrammatic notes - the boundary that we will have to negotiate with our neighbouring country or neighbouring State to find out or to delimit the median line between the two countries.

Mr. Chairman, this is Fiji's EEZ and all the countries that we share our boundaries with. They include Vanuatu, Tonga, Tuvalu, Wallis and Futuna, New Caledonia and the Solomon Islands. I will now hand you over to Ms. Tima Vakadewabuka, who will cover the rest of the slides.

MS. T. VAKADEWABUKA.- Thank you, Mr. Chairman. Good morning again to, Mr. Chairman and Honourable Members. I basically will not labour too long in terms of the presentation on the Agreement between Fiji and the Solomon Islands on their maritime boundary. We have provided a Written Analysis to the Honourable Members of the Standing Committee on the breakdown of each Articles of the Agreement. We have also provided a copy of the Agreement, so I trust that the Honourable Members are well versed with the Agreement itself. I will basically just summarise key points in terms of what the Agreement envisages to cover and also to resolve.

Looking at the previous slide presented by Mr. Rokoua, once you measure your EEZ from 200 nautical miles out, there is bound to be an overlap, especially when we have coastal neighbouring States. So there are ... (inaudible)... island and as you go out 200 nautical miles, overlaps are bound to exist, and this is the current state we are in with the Solomon Islands. There is a little overlap in terms of our maritime boundary where our EEZ extends and where Solomon Islands EEZ extends. So this is what the Agreement wishes to cover and also to resolve.

There has already been negotiations at the technical level. So the technical level between Fiji and Solomon Islands has been an ongoing issue that has been negotiated and also resolved in terms

of the exact points where the boundary will sit. Basically, there is no dispute *per se* in terms of the demarcation of the boundary. What is left now is perhaps, through the Standing Committee to get the approval of Parliament for Fiji and Solomon Islands to sign the Agreement.

The Agreement may be different from other contracts that you see, it may be longer to those of you who are looking at the maritime boundary agreement for the first time, but this is the standard template for maritime boundary agreements.

In all, there are 48 shared maritime boundaries in the region and 35 have been resolved. So there are existing maritime boundary agreements and we tag from these existing maritime boundary agreements in terms of the provisions that are now in our maritime boundary agreement. So those provisions in the agreement are not new *per se*.

Additionally, there are 10 Articles of the Agreement. The Articles are quite succinct and clear but if there are any questions, please kindly let us know, we will be happy to facilitate. Although we cannot answer the questions now, we would be happy to provide written submissions.

So, that concludes our brief summary on the Agreement between Fiji and the Solomon Islands on their maritime boundaries. I will now pass the presentation back to the Director, Mr. Emberson, for his concluding remarks. Thank you, Honourable Members.

MR. P. EMBERSON.- I thank you. Mr. Chairman, the slide that is before us now is the agreed base points that has been negotiated and cleared by the Technical Team and the one following this, that is on the next slide is how Fiji through its EEZ boundary with the Solomon Islands, will be recognised under international law. So, this is how it is looking.

Technically, it is not a chart, it is just a map of what the boundary coordinates now look like after the principle of equidistance. Equidistance specifically means because of the overlap, they have taken the median of that overlap, negotiated it between the two countries, both countries have agreed to the equidistance of the overlap, hence this is the new recognised boundaries. Should Parliament of Fiji agree to it, it will then be also recognised internationally. So this is what it is going to be looking like, following our Parliament endorsement.

The way forward, Mr. Chairman, in light of COVID-19, the High Commissioner of the Solomon Islands to Fiji, His Excellency William Soaki, has been instructed by his capital to sign the Agreement on behalf of his Government, so he has been informed a couple of months ago that he should stand ready to sign and so will Fiji. The Permanent Secretary for the Office of the Prime Minister because of the equivalence of seniority, there is really no need for an Honourable Minister to sign because William Soaki is at the permanent secretary level, so a permanent secretary can sign on Fiji's behalf.

Following this, the deposit with the DOALOS based out in New York, the Instruments will be sent across for depositing by Fiji's Ambassador based in New York, and shall enter into force when parties Exchange Notes - formal diplomatic notes indicating that they have completed their national processes and this is then informed to DOALAS as well with evidence of this letter exchange sent across to New York for their noting.

Mr. Chairman, that concludes the part of our presentation and we are also mindful that you had given us 10 questions, specific to the task that brings us before you this morning, Sir, and should you wish for us to elaborate further on those questions that you had sent to us last week, we stand ready to also respond to that should you need clarification.

Mr. Chairman, thank you very much for the privilege of coming before you and Honourable Members of the Committee, and we stand ready to respond to any questions you might have for us. Thank you, Sir.

MR. CHAIRMAN.- Thank you Mr. Emberson and thank you to the other presenters; Mr. Rokoua and Ms. Vakadewabuka from the Solicitor-General's Office. I think it is getting much, much clearer now what it all entails, with that brief explanation from the team, Mr. Emberson. So I will just ask the Honourable Members if they have any questions, in particular for the Committee? Thank you.

HON. A. JALE.- Thank you very much, Mr. Emberson and Team for the presentation this morning. You really clarified a lot of issues that were not very clear to us. When we met with the team from the Pacific Islands Forum last week, they raised the issue about a finality clause should be included in the agreement with the Solomon Islands. The finality clause, in their view, should cater for the incidence of climate change, which is a concern by the regional countries that would interfere with the agreed boundaries and agreements. I just want clarification from the Team as to what is their reaction to this view expressed by the Forum?

MR. CHAIRMAN.- I think, perhaps Ms. Vakadewabuka should be able to answer that question.

MS. T. VAKADEWABUKA.- Thank you, Mr. Chairman. Through you, this discussion from PIFS is also a discussion that is happening regionally, which is because of sea level rise. So basically, our maritime boundaries are measured from low water mark and extends 200 nautical miles out. Now, in terms of climate change, sometimes that can affect the low water mark and also the feature of the island.

Under UNCLOS, I apologise, I am going to get a bit technical now, but maybe I should just come back to the point. Under UNCLOS, basically, if it is a rock, you can only mention 12 nautical miles out, if it is an island, you measure 200 nautical miles up, so it is a big difference in terms of the way that we measure the boundaries. Also, because of climate change, as the land features start to change, we sort of get worried about whether we will still be measuring 200 nautical miles out or 12 nautical miles out.

This is an emerging issue, so all the maritime boundaries that exist in this phase, none of the maritime boundary agreements have the finality clause. If you see, we have standard template for the maritime boundary agreement and in this agreement, there are no termination clauses. So there is an assumption that these agreements will be in force for time to come. If we are going to include a finality clause, the State is still trying to figure out this issue about sea level rise and finality of the maritime boundaries. It is going to be a huge shift and something that we need to further research on and something that we need to think about.

Additionally, there is the United Nations Vienna Convention on the Law of Treaties. That Convention states that if there is a change in circumstances where an agreement has come into force, the change in circumstances should not affect the Treaty. So, if we have a Maritime Agreement that is signed now and our maritime boundary has been set down *per se*, any change in circumstances whether that change is arising from sea level rise or climate change, it will not affect that Treaty, so we are also covered by the United Nations Vienna Convention on the Law of Treaties.

I note that PIFS have been asking for finality agreement but it is something that we should proceed with caution on, because this is a new and developing area. I hope that answers your question, but I am happy to continue should there be any further question.

MR. CHAIRMAN.- Thank you, Madam. I now give the floor to Honourable Tikoduadua.

HON. LT. COL. P. TIKODUADUA.- (Inaudible) I was not using my microphone.

MS. T. VAKADEWABUKA.- Yes Sir, we can hear you clearly.

HON. LT. COL. P. TIKODUADUA.- In one of the Articles in the Agreement (I do not have the paper with me right now), one of the concerns that was raised also is this issue of sovereignty in one of the Articles. Now, sovereignty and sovereign, if other Members of the Committee would like to help me out on that one. It was the second issue they are worried about in case it is on sovereignty and sovereign. Is it in Article 4? I do not know.

MS. T. VAKADEWABUKA.- Sir, is this the issue of sovereignty and sovereign? I believe we have also addressed that in our responses to the questions to the Standing Committee on Question o. 9 and our answers are provided in that question.

Basically, sovereignty rights are important to state in the Agreement and it is a standard clause of maritime boundary agreements because EEZ is where States have the ability to govern any activity that happens within that State. So, it is a very important clause in maritime boundary agreement and that clause is also guided by the provision of Article 56 of UNCLOS where it talks about the rights and the kind of rights that you can exercise within your EEZ boundaries.

So, I note that there is perhaps, some things that you might need further clarity on and we are happy to take this back and offer you written submissions on the issue.

HON. LT. COL. P. TIKODUADUA.- Thank you. I think the agenda of the Forum, sort of, is a distinction between the definition of sovereign and sovereignty, so that is the reason why I asked that question. Perhaps, a written reply would be alright. Thank you.

MS. T. VAKADEWABUKA.- Yes, Sir, that is correct. Under UNCLOS, there is a differentiation between the two but we would like to ask perhaps, if we can come back to you and further distil this and set this out by way of a written submission.

HON. LT. COL. P. TIKODUADUA.- Subject to Mr. Chairman's guidance, on what day do you perhaps, reckon you should submit that by because I think we are starting to write our report very soon.

MR. CHAIRMAN.- Honourable Members, any other questions?

HON. A. JALE.- The other suggestion that came from the PIFS was the titling of Article 2 in the Draft Agreement to read, 'International Law' other than 'Purpose'. What is the view of the team or the Solicitor-General on that because we were are told that this is the format of the previous Agreements that Fiji has signed with other countries?

MS. T. VAKADEWABUKA.- Thank you, Mr. Chairman. This is Article 2 that reads, 'The

Purpose of the Agreement’?

HON. A. JALE.- Yes, but they are suggesting that the heading be, ‘International Law’. They feel that it is more relevant or the title should be ‘international law’ rather than ‘purpose’. I understand from your presentation that this is a format that you follow with the other Agreements that you signed with other States but that is the suggestion from them. What is your view?

MS. T. VAKADEWABUKA.- Sir, from my understanding because if you read Article 2, I am not sure if you can see our slide, that basically is just a small interpretation of the purpose of the Agreement. I am not sure if I am hearing you correctly but, are they asking for additional clause or renaming this to international law? Article 2 is just for the purpose of the introduction of what the objective of the Agreement is.

HON. A. JALE.- They are suggesting a change from “purpose” to “international law”. I do not know, but you are saying that we are following the same format that have reached with other regional countries in the past. So I am just putting it to you for your response.

MS. T. VAKADEWABUKA.- It is noted, Sir. We note your comments but from our end, we would ask that be kept as “purpose” merely because it is just the introductory provision in the Agreement itself. Thank you.

MR. CHAIRMAN.- Honourable Dr. Salik Govind, Honourable Selai Adimaitoga?

HON. S. ADIMAITOGA.- Thank you, Sir.

HON. DR. S. GOVIND.- No, Mr. Chairman.

MR. CHAIRMAN.- To Mr. Emberson and the Team, on behalf of the Standing Committee on Foreign Affairs and Defence, I thank you again for making the time and coming before the Committee. Should we have any other pressing questions that you are oblige in answering them for us.

With those few words, I thank you all once again. As I said earlier, it is starting to paint a better picture in our minds now and this will help us to do our final report for presentation to Parliament. If you have any departing comments, Mr. Emberson, the floor is yours, thank you.

MR. P. EMBERSON.-Thank you, Mr. Chairman. I wish to reiterate our privilege and honour to come before you and we look forward to receiving any further clarification you need and we shall definitely be submitting a more elaborate breakdown on the question by the Honourable Tikoduadua on sovereign and sovereignty, and we should have that to you in the next 24 hours, Mr. Chairman. Again, thank you very much and on behalf of the team before you, thank you for the privilege.

MR. CHAIRMAN.- *Vinaka*. Thank you once again.

The Committee adjourned at 10.04 a.m.

The Committee resumed at 11.47 am.

Interviewee/Submittee: Department of Energy

In Attendance:

- | | | | |
|----|--------------------|---|---------------------------|
| 3. | Mr. Deepak Chand | - | Acting Director of Energy |
| 4. | Mr. Ashneel Reddy | - | Senior Officer |
| 5. | Ms. Marica Ratuki | - | Principal Engineer |
| 6. | Ms. Lesi Vuatalevu | - | Manager Policy |
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MR. CHAIRMAN.- A very warm welcome to the Ministry of Infrastructure, particularly the Department of Energy. To Mr. Deepak Chand and your Team, Sir, and for the benefit of the general public who may be listening in or viewing this virtual screening this morning, may I introduce the Honourable Members of the Standing Committee on Foreign Affairs and Defence.

(Introduction of Committee Members by Mr. Chairman)

We have before us, ladies and gentlemen, the Team from the Department of Energy of the Ministry of Infrastructure, Transport and Meteorological Services, who will be presenting on the Amendments to the Framework Agreement of the Paris Declaration on the International Solar Alliance of 30th November, 2015.

Mr. Chand, without further ado, Sir, I give you the floor to provide us with your submission, Sir.

MR. D. CHAND.- Good morning, Honourable Members. Before I proceed with the submission, I would like to introduce my team.

(Introduction of Department of Energy Officials)

MR. D. CHAND.- Thank you, Mr. Chairman. I will start with our submission. We have actually submitted the word document to the Committee. This submission is the virtual submission to your Standing Committee.

On the Amendments to the International Solar Alliance (ISA) Framework Agreement, I would like to give a brief introduction of ISA and the whole energy sector in Fiji.

Firstly, climate change, pollution, resource depletion and environmental concerns are the driving shifts to more sustainable forms of energy. Fiji has made a significant commitment through sustainable energy for all National Determined Contribution (NDC) and also in line with all those commitments which had made in the international arena, it has been in line with our National Development Plan.

Our NDC targets towards the energy sector was to generate 100 percent electricity through renewable energy sources by 2036. The other one is the reduction of carbon dioxide from the energy sector by 30 percent. Out of this 30 percent of the reduction of carbon dioxide, 20 percent is actually coming from renewable energy and the rest 10 percent is coming through energy efficiency

programmes. The total investment which will be required to do all these work on the commitments that have been made in the NDC requires around US\$2.97 billion and this will reduce actually 627,000 tonnes of carbon dioxide, at least, by 2030.

The potential renewable energy in Fiji, Mr. Chairman, is mostly hydro, solar, biomass and wind. Hydro builds more than 50 percent of the renewable energy in Fiji. We are slowly developing into solar but we are more into efficient energy. Also, we have biomass technologies in Fiji. We also have wind potentials, minor ones but we are slowly doing research and development in this area and we are slowly generating Butoni Wind Farm as well.

The future potential renewable energy would be the ocean energy and hydrogen energy. Just for your information and if you follow(inaudible)....., ocean energy is currently a new technology and there are three types of technologies - wave energy, tidal energy and ocean thermal energy. All these three types of energy are currently very new, perhaps these technologies are currently developed in the European market and then slowly once it has developed, it will be brought into other areas around the world.

Just for your information, ocean energy currently holds around 120 megawatts(inaudible/unclear)....this is already at the primary stage. Hydrogen energy on the other hand is also a clean technology but currently there is lot of more specific development done, so that is safe to use.

Geothermal, on the other hand, two studies have been carried out by the World Bank and the Ministry of Economy with the Department of Energy on the potential of geothermal. However, the geothermal exploration technology requires an initial capital cost which is expensive to explore.

Renewable energy generation from the past eight years is around 54 percent and the rest is being generated through the heavy fuel oil and industrial fuel oil which are ...(inaudible)... Solar energy plays a major part in the contribution of renewable energy due to its objectives due to clean and emissions-free energy. Fiji is rich in solar energy potential with an average irradiance of five pixels an hour. This is very good for countries which we know have rich solar potential, they should have at least an average of four to five pixels an hour, which means four to five pixels an hour will have the maximum irradiance fall into the solar panels.

The solar energy has high potential to push renewables in power mix, generally increasing energy efficiency, offsetting the use of ...(inaudible)... power generation technologies. Also, solar energy technologies takes less time in construction and can be connected through the various types of projects, like grid connect solar farms, hybrid systems, solar home systems, grid connector solar rooftops and water ponding systems. It is also easy to install in rural areas.

There are some development partners in renewable energy. Currently for Fiji, the Government takes a major role which is through our Ministry of Infrastructure and Meteorological Services. EFL is also doing the implementation of the power system and also the Ministry of Economy because they are the agency that is doing the funding and also arranging the international partners to come in.

We would also like to acknowledge our private companies. These private companies are the contractors who are actually doing the ground work for us in all the aspects of the power system, plus the transmission and distribution.

We would like to acknowledge our suppliers and not forgetting the Independent Power Producers (IPPs) that we have in our country, for example, Tropik Woods and others, who are around the country.

We would like to acknowledge academic institutions, both our local institutions plus overseas institutions, for their offer through capacity building.

We would also like to acknowledge our community contribution. Without the community, we actually cannot do our projects well. The reason being they are the main partners to do or to move things on the ground and also to commit relationship and the end-users are our communities, so we really acknowledge them.

Our international partners are also one of the major contributors to all the energy sector in Fiji. To name a few, the following are the contributors:

- (3) International Renewable Energy Agency (IRENA);
- (4) We also have the Japan International Cooperation Agency (JICA) involved. As you might have been aware through the Budget announcement, you would have seen that \$3.5 million has been allocated for capacity-building through JICA.
- (5) We also have the Korea International Cooperation Agency (KOICA) coming in, who has assisted many projects previously and currently there will be one major project which is coming up. This is in Mua, Taveuni, where we will be building a 1.5 megawatts solar pump there, so that Taveuni Island will have 100 percent electrification.
- (6) We have the SPC onboard.
- (7) We have the World Bank programme. Currently we have Sustainable Energy Finance Programme which is in-house with us, which is currently assisting in the soft loan processes from providing the 50 percent bank guarantee.
- (8) We also have the Asian Development Bank (ADB).
- (9) We also have UNDP with us.
- (10) We have Global Green Growth Institute (GGGI).
- (11) We have the GIZ.
- (12) We have the European Union with us.
- (13) We have the new one which is going to make submission here which is the International Solar Alliance.

Just before we move ahead, I would like to mention something called solar application in Fiji. Since this submission relates to solar and presenting something on solar, just for background information, Mr. Chairman, for our solar systems, we have more than 13,000 systems at the moment as we speak. This solar system has been given to the rural, remote and isolated areas where our grid

extension programme cannot reach there or it will take a lot of time to reach there.

In Taveuni, we have assisted 13,000 households already. We have solar water pumps now currently which was carried out by the Mineral Resources Department (MRD) through our consultation.

We also have solar hybrid system. Recently, I believe you can see in the media from the last two weeks, that there are many energy issues going out on the papers, on the Government website, even *Facebook*, mainly I have seen one out of five posts are coming are on energy-based issues.

Recently, our Honourable Prime Minister has just commissioned the Nakoro Solar Hybrid Project which was on *Twitter*. Also, our Honourable Minister has commissioned one of the solar hybrid systems at Yasawa High School.

The total cost of solar hybrid systems was around \$1.7 million which was funded through the European Union and GIZ was the implementing agency.

We are also working on the the on-grid solar supply. Currently, we have around 3 megawatts which has been fed-in with the tariff system. We have some industrial customers, the commercial customers also through EFL and we have also some domestic customers coming in slowly. So currently, there will soon be a workshop which will address all those solar applications in Fiji.

On our NDC implementation, Mr. Chairman, a total of more than 120 megawatts is expected to be generated from solar alone, to allow Fiji to achieve its renewable energy target.

I would like to show some photos here. This is the Nakoro Project you have seen that the Honourable Prime Minister had commissioned this project. This is a recent project with new technologies.

Nakoro is actually based in the central part of Viti Levu which is really remote and transmitting or pulling grid extension from them or grid extension line would be very expensive, so this is one of the technologies by having their hybrid system and micro-grid assist to achieve our renewable energy target, plus the energy access. I would like now to go directly on the International Solar Alliance (ISA) for the submission.

I would now like to go directly to the submission and would like to just give a background on ISA. So basically ISA, which you can see from the trademark or it is at the bottom of the slide, was launched in Paris which has been declared by the Indian Prime Minister, Honourable Narendra Modi and the French President, Francois Hollande, at COP 21.

The Honourable Prime Minister signed the Framework Agreement in COP22 in Marrakech, Morocco. On September, 2017, Fiji deposited the Instrument of Ratification, the framework (inaudible) A total of 70 UN members have already signed the initial framework and out of these, 44 have (inaudible) ...with the ratification process. This was the original agreement, Mr. Chairman.

The ISA is the coalition of solar resource rich countries to address special energy needs and provide the platform to collaborate on addressing the identified gaps through a common, agreed approach. The ISA has a dedicated platform for cooperation among solar resource rich countries where the global community, including bilateral organisations, industry and other stakeholders, can make a positive contribution to assist and help achieve the common goals of increasing the use of

solar energy in meeting the energy needs of prospective international solar alliance members countries in a safe, convenient, affordable, equitable and sustainable manner. This was the original introduction or international brief on the Solar Alliance Agreement.

Mr. Chairman, the main proposed amendment which is made on this Framework is that the membership of this Agreement was limited to solar resource rich countries partially between the Tropic of Cancer and also Tropic of Capricorn. So along the Tropic of Cancer and Tropic of Capricorn, they were mostly developing countries along this region. So what the ISA need was that they need to actually have the developed countries and rich countries to come in so that they can have the funding and they can recall some projects along that line.

What they have done now, the proposed amendment will now have membership to all States and are members to the United Nations, so they have opened this category now. It is for all the countries and our nation and they are subject to the UN. So, all ISA Members will require to sign the Agreement and they proceed the necessary Instruments of Ratification acceptable and approved through the ratification process. So, that is the major change in the new amendment and the rest of the seven amendments that are there, they are all linked to that major amendment. So, the major change is, they have opened the regions, from the Tropic of Cancer and Tropic of Capricorn to all members around the globe.

Mr. Chairman, the benefits of Fiji accepting the Amendments, this will actually be beneficial to our country, which will develop network, the members to achieve renewable energy targets. Fiji will be able to access the ISA technical programmes which include solar application for agriculture, scaling solar mini-grids, scaling rooftop solar and scaling solar e-mobility and storage. It will also cross-cut, if you have cross-cutting programmes which will include the affordable finance, online information/communication platform. The major thing is that, we will be able to have capacity-building, standardization and research which will all be part of the benefits of the new amendments.

The reinforcement of Fiji's commitment towards the climate change and reiterate Fiji's demonstration of global climate change leadership, I believe that our Honourable Prime Minister is championing climate change issues around the world. So, this will really assist our country in moving ahead and championing the climate change issues.

There will be also, if this thing moves on, there will be plenty solar programmes coming into the country and this will have direct benefits, for example, there will be employment opportunities, increase in agriculture activities, increase in rural electrification, better education, better health and many social benefits which will be beneficial when accepting this Agreement.

That was our submission, Mr. Chairman, on the Amendments of the Framework.

MR. CHAIRMAN.- Thank you, Mr. Chand. I now give the floor to the Honourable Do you have any questions for Mr. Chand and his Team?

HON. A. JALE.- Mr. Chairman, we want to ask questions. Can I start?

MR. CHAIRMAN.- Yes, Honourable Jale you may start.

HON. A. JALE.- Thank you for the very informative presentation and we are so glad that we have you this morning. You have a goal - renewable energy goal that you will have 100 percent renewable energy in Fiji in 2036 which is only about 16 years away. I would ask you to give us a brief on whether you are on track or not, to be able to achieve your goal?

The second bit of it, this Framework has already been ratified by Fiji. Our understanding is that, this is an Amendment to the Framework. In order for Fiji to accept this Amendment, it just have to exchange a Verbal Note with the Ministry of Foreign Affairs in India. That is our understanding of the process that needs to be done. We need clarification from you on those. Thank you.

MR. D. CHAND.- Thank you for the question, Honourable Member. On the renewable energy target, Mr. Chairman, at the moment Fiji is actually doing renewable energy generation and is 60 percent at the moment and most of it is coming from the hydro systems. We also have the Rural Electrification Programme and 2 percent of the contribution is coming from our solar energy at the moment. I totally agree that the target is really near to Fiji at the moment which is few years from us.

Just for information, Mr. Chairman, currently Fiji has the Power Development Plan. I believe certain projects have been located which has been planned which includes the generation power from the new hydro dams. It includes the power generation from the biomass technologies, other renewal technologies which are currently taking place slowly and developing, which will actually enable us as a country to reach the 100 percent renewable energy target.

The question was, are we on track? To answer that question Mr. Chairman, I believe, yes, we are on track to reach that goal to achieving 100 percent. I believe as you can see in the National Development Plan (NDP), the NDP programmes are located for Renewable Energy Development Programmes which will enable Fiji reach that target.

Also, Mr. Chairman, the Framework Agreement for the ISA, this is the kind of programme that Fiji would like to have on board. This kind of programme actually assists Fiji communicate abroad, get the investors in, go for capacity building, have the advice through policy documents, we are able to share our knowledge and gain our international knowledge, bring it back to Fiji and they are able to implement this project.

So, this is where the ISA Framework comes in. We have similar types of arrangement also with IRENA. We have seen, Sir, that from last year, Fiji was a member of the IRENA, which has really assisted Fiji in renewal energy in the country. Through all these (inaudible)..... we are able to increase our(inaudible)..... contribution. Just for the first question, yes, I have to get in line to achieve that 100 percent renewable energy in 2036.

The other question, Mr. Chairman, was on the submission through the ratification. I believe the International Solar Alliance(inaudible).... this Agreement to be signed and also to go through the ratification process so that there is a commitment that Fiji is ready to work with ISA. Thank you.

MR. CHAIRMAN.- Thank you, Mr. Chand, for your explanation. Honourable Dr. Govind?

HON. DR. S. GOVIND.- Thank you, Mr. Chairman, through you, what I have learnt was that, you need at least five peak sun-hours to actually generate solar. What I have noticed is that in the Central Division....

MR. D. CHAND.- Mr. Chairman, we are having a bit of problem with the sound and we are not able to hear your comments on the last part of the question, Sir.

HON. DR. S.GOVIND.- Yes, I have not completed. So what I was saying is that, ideally you need five peak sun-hours to generate solar. What I have noticed is that in the Central Division, it is very different from the Western Division and Northern Division because in the Central Division, even though you have a solar powered hot water systems and all, you always have to boost with the electricity to heat the water system. So I wanted to know whether the Central Division has this five peak sun-hours or there is a difference between Northern Division and Western Division? The other thing is that, if there is difference, whether you need different technologies to generate solar power in these Divisions within Fiji? That is my first question.

My second question, is there any subsidy from Government for domestic use if they want to generate solar power for their water and electricity use? Thank you.

MR. D. CHAND.- Thank you. The Honourable Member's questions are very valid questions. Regarding the solar energy potential in Fiji, the Honourable Member is true, there is a big difference between the solar potentials around the country. Just for the Committee's information, the Department has conducted the solar resource potentials in the country. What we have done, the funding actually came through ...(inaudible)... funding and it was around one hundred thousand something, I am not actually sure about the amount.

We actually did a satellite monitoring which is called mesoscale and microscan. We have done the modelling with the mesoscale technology and microscan technology, we have done a modelling across the country to actually document the solar needs potential areas in Fiji. So including that determination, we have also based ...(inaudible)... some places around Viti Levu where we also have that one with our services. But our Department has also carried out the measurement through the parameters to determine the solar installation around the country. And what we have found from those two studies was that the Western part of Viti Levu has the higher solar potential and also the Northern part of the country has the highest potential. I totally agree with the Honourable Member's question, actually the recommendation that we could have less solar installation in this part of Viti Levu. That is why we can see most of our solar installations are done in the Western, plus the Northern part of the country.

To overcome, Sir, the lack of solar installation, the best technology practice would be to have the solar batteries installed with our solar systems so that we are able to capture energy which is produced during daytime and use it during night time. In that way, we will be able to maximise our solar capture and with that, we will be able to actually use efficiently through the off-sun hours.

There are many projects actually in solar installation, one of them is what the Honourable Member was saying, which is about the solar heating system. I believe it will directly affect the solar installation falling on the modules. I believe there is no other installation technology to actually meet the deficient installation falling on that solar heating system and then we have to use our electrical system to boost the solar water heating system.

For the other technology which is the electrical generation, that is the fuel penetration, actually there would be no one support the ...(inaudible)... The reason being there will be some capacitor dense and they are invertors now that we need to modify the invertors which has the capacitor inbuilt in it and if there is not enough solar installation, it is able to internally connect itself and then provide the certain voltage and penetrate through the distribution line.

Also the transformer capacitor which is ...(inaudible).....system and which has a number of transformers which are able to hold those type of scenarios. However, if the general usage and in case there is a less installation, then less power is pumped into ...(inaudible).....and then if there is

more installation then there will more power pumped into...(inaudible)...

In talking about our battery system, we have batteries installed in our systems because batteries do the same thing which I have explained earlier, like they capture energy during the day time and they can use it when there is no energy.

So, for all our electrification systems, Mr. Chairman, we use the battery technologies so that we are able to overcome when there is no sunshine. But the average peaking, like before when we consider the total average sunshine it comes to 5 peak sun-hours consideration the high installation, the good day and the next day, the average comes to four to five peak sun-hours.

Considering the subsidy, actually we would like to develop a solar panel. Currently we are starting with solar rooftop grid system which is being ...(inaudible)... Once we will be able to get the data and the benefits, the advantages and the disadvantages, then we will develop a solar ...(inaudible)...whereby our recommendation we will also give subsidy to customers who are having solar rooftop panels or having solar parts or any solar application difficulties. Those are the information, Mr. Chairman.

Fiji has actually given tax free holiday to whoever imports or bring in solar technology to Fiji. We do not charge any tax on them, so it is an incentive to people who bring solar technologies into Fiji. I believe, Mr. Chairman, I have answered the Honourable Member's questions.

HON. DR. S.R. GOVIND.- Thank you.

MR. CHAIRMAN.- Honourable Members, are there any other questions.

I have one, Mr. Chand. You mentioned in one of your slides geothermal being too expensive and you are aware, Savusavu has geothermal energy there and also in Tabia, Labasa. I guess it would be wise says that you will not know the potential until you do a survey. Have you been able to do a survey on that? I mean, those two thermal energy sources have been around for years. I remember in Savusavu way back in the 1960s.

MR. D. CHAND.- Mr. Chairman, I acknowledge your question. Just for Honourable Members's information, there was a study done, I think, it completed last year. It was through the World Bank funding and also, the Department was working with the Ministry of Economy. Actually they have done some study on the two sites which you have mentioned, Sir, and from that study, they have found out that it is a costly exercise to actually drill, to actually go and measure the actual potential of the geothermal potential.

However, since we have already focused on that, et cetera, what we decided is to shelve that programme at the moment which will cost around \$5 million just to drill. Also, at the moment, we are looking at other potential investors to come in and go and drill, it would be a risk to whoever is going to drill those sites. The reason being, it might be feasible and it might not be feasible. If it is not feasible and the potential is not that much, it will only generate around 2 megawatts to 4 megawatts. So there is not that much operation from those site. Whoever is investing in that project will need to take that risk. If the potential is not there, they have to take that risk.

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

Since there are no other questions, we would like to thank Mr. Chand and your Team for coming before the Standing Committee on Foreign Affairs and Defence this morning. If you have

any departing comments, the floor is yours, Sir.

MR. D. CHAND.- Thank you, Mr. Chairman, for your time.

The Committee adjourned at 11.00 a.m.

The Committee resumed at 12.28 p.m.

Interviewee/Submittee: The Pacific Community (SPC)

In Attendance:

- | | | | |
|-----|-------------------------|---|---------------------------------|
| (3) | Ms. Molly Powers-Tora | - | Team Leader, Ocean Intelligence |
| (4) | Mr. Malakai Vakautawale | - | Maritime Boundaries Advisor |
| (5) | Mr. Andrick Lal | - | Senior Geodetic Surveyor |
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MR. CHAIRMAN.- A very warm welcome to Ms. Molly Powers-Tora and the Team from SPC GeoScience Commission (SOPAC). For the benefit of the general public who may be listening in or viewing this telecast this morning, a very warm welcome to you all and just by way of introduction, if I could introduce my Committee Members.

(Introduction of Committee Members by Mr. Chairman)

A very warm welcome to you, Ms. Tora and the Team. A brief introduction from your good selves and then the floor is yours, Madam, for your presentation.

MS. M. POWERS-TORA.- Thank you. Mr. Chairman and Honourable Members of the Standing Committee on Foreign Affairs and Defence of the Parliament of the Republic of Fiji. As the acting team leader for Ocean Affairs, I am honoured to address the Committee on behalf of the Pacific Community's Ocean and Maritime Programme today. May I extend the sincere apologies of our Acting Deputy Director Oceans and Maritime, Mr. Jens Kruger, who due to prior commitment, is regrettably unable to be with us to make this submission.

I would also like to acknowledge the presence of my team members, Mr. Malakai Vakautawale and Mr. Andrick Lal, who helped prepare this presentation. They are also the technical leads on the Pacific Regional Maritime Boundaries Project and stand ready to provide any additional technical details should questions arise following this presentation.

Thank you, Mr. Chairman and Honourable Members for the invitation extended to the Pacific Community's Geoscience, Energy and Maritime Division which was formally known as SOPAC, to speak about the Agreement between the Republic of Fiji and Solomon Islands concerning their maritime boundary.

Before I do that, would you allow me, Mr. Chairman, to share some slides with you and also provide some context on the Pacific Community, specifically the role we play in supporting Pacific Member countries to delimit their maritime boundaries.

MR. CHAIRMAN.- Yes, Madam, thank you.

MS. M. POWERS-TORA.- Thank you, Mr. Chairman. The Pacific Community is the principal scientific and technical organisation in the Pacific region working for the wellbeing of

Pacific people through the effective and innovative application of science and knowledge, guided by a deep understanding of Pacific Islands' context and culture.

Originally established as the South Pacific Commission, SPC was founded under the Canberra Agreement in 1947 by the six participating Governments that then administered the territories in the Pacific Islands Region, namely; Australia, France, New Zealand, the Netherlands, the United Kingdom and the United States of America. Now, our 26-member strong membership includes the 22 Pacific Island Countries and Territories, along with four of the original founders.

The name 'South Pacific Commission' was changed to 'Pacific Community' at the 50th Anniversary Conference in 1997 to reflect the organisation's Pacific-wide membership and I have just shown you the other eight divisions, the various technical focuses of these divisions and, of course, we represent the oceans and maritime transport programme here in the Geoscience, Energy and Maritime Division.

In 2011, the Pacific Islands Applied Geoscience Commission known then as SOPAC merged with SPC and it is now known as the Geoscience, Energy and Maritime (GEM) Division based here in Suva and is the largest division of SPC, currently headed by the director, Dr. Andrew Jones.

With that, Mr. Chairman and Honourable Members, since 2001, SOPAC and now SPC, has been the home of the Pacific Regional Maritime Boundaries Project, so a decade's long initiative, originally established to assist Pacific countries to obtain greater certainty in the limits of their EEZs to support fisheries management and enforcement.

The Project has supported the successful declaration of 19 shared boundaries between countries since 2001, and this rate of progress is unprecedented elsewhere in the world. It underscores the strength of relationships between countries and partners, as well as the commitment of all parties to progress this critical work. So, you can see we have a 73 percent rate of achievement, as compared with the global rate of 67 percent, we are really leading the world on this area.

As Project lead, the SPC coordinates and supports the range of activities, including the regional working sessions, workplace attachments, in-country workshops and placements, legal drafting, political advocacy, negotiations, technical assessments and field surveys.

The Project is also supported by a consortium of partners, as you can see here, including the Pacific Islands Forum Secretariat (PIFS), the Forum Fisheries Agency (FFA) and, of course, Australia, New Zealand, the European Union and others. It serves all of these countries and the overarching objective is aligned with Priority 1 of the Framework for a Pacific Oceanscape, which is to secure maritime jurisdictional rights and responsibilities of countries. It also supports achievements of SDG 14, specifically Target C which is to implement the 1982 UN Law of the Sea Convention or otherwise known as UNCLOS.

Mr. Chairman, for the information of the Committee, in moving from the technical to legal and political realms, SPC works closely with the Pacific Islands Forum Secretariat and the Office of the Pacific Ocean Commissioner to achieve these milestones, and to secure the maritime jurisdictional rights and responsibilities of all Members in accordance with the UNCLOS.

We understand that the PIFS has also provided a submission to your Committee, and advise

you that they have shared with us their submission and analysis of the Draft Agreement as well.

In this regard, we stand by and reiterate the comments made by our Forum colleagues, reinforcing the urgency and importance of securing the region's maritime boundaries as a key issue for the development and security of the region, and the security and wellbeing of the Blue Pacific which is featured here. This is the Blue Pacific Continent and represents 30 percent of the world's EEZs. If we remove Australia and New Zealand, it is still 20 percent of the world's EEZs. The remainder of this submission will feature SPC's comments on technical elements and legal considerations in the draft text, as well as the procedural steps remaining to bring a treaty between the two countries into force.

Mr. Chairman, please, also kindly allow me to take this opportunity to clarify SPC's advisory role. As representatives of a regional organisation, it is our duty and privilege to serve all Member Countries with the advice and technical support they require. When it comes to specific queries regarding the current or future status of maritime boundaries with neighboring States, however, we must defer such questions to the Maritime Affairs Coordination Committee (MACC) and our counterparts in Fiji's Ministry of Foreign Affairs, Navy - Hydrographics, and Ministry of Lands and Mineral Resources teams, as they will be best placed to consider Fiji's national interests.

With that, Mr. Chairman, we are pleased to provide a summary of our technical comments for the Committee's review. As the Committee is aware, the UNCLOS is the international agreement that establishes all coastal States' rights to a marine jurisdiction. Under UNCLOS, all coastal States are entitled to a territorial sea, under Article 3, extending 12 nautical miles or approximately 22 kilometres from the baseline, and the baseline is defined as the low waterline along the coast.

States are also entitled to a contiguous zone under Article 33, extending to 24 nautical miles or approximately 45 kilometres from the baseline, and an EEZ extending to 200 nautical miles or 370 kilometres from the baseline.

For the information of the Committee, Mr. Chairman, the high seas are those areas beyond or external to the EEZ. As per Article 86 of UNCLOS, the high seas refers to all parts of the sea that are not included in the EEZ of a State.

Where countries' entitlements to maritime zones overlap, they are encouraged to negotiate a shared boundary, and this is done by calculating an equidistant median line, which is a line every point of which, is an equal distance from the nearest points on the respective coasts as demonstrated, as I have shown in this image I have shown you. This is a representative image, no particular country is represented here.

Base points are determined to construct the equidistant line and those are often used as the starting point for maritime delimitation. As an example Mr. Chairman, this animation also demonstrates how the 12, 24 and 200 nautical mile zones are mapped and how a technical solution can be prepared for Pacific Island Countries with overlapping EEZ. With the equidistant median line drawn between the North and South intersecting points in this pink zone that you see between the two overlapping States maritime zones.

We understand that the overall status of regional maritime boundaries progress has already been highlighted to the Committee, but we will take this opportunity to also note that of the 48

overlapping or shared boundaries in our region, 13 remained to be concluded. And of the 13 shared boundaries remaining, three relate to Fiji's shared boundaries with Solomon Islands, Tonga and Vanuatu.

With regard to the Fiji and Solomon Island boundaries, Mr. Chairman, as the MACC have already advised the Committee, Fiji's EEZ was deposited to the United Nations Division for Ocean Affairs and the Law of the Sea (UNDOALOS) in 1982.

Given the information available at that time, the Solomon Islands maritime boundary was declared under Chapter 95 of the Delimitation of Marine Waters Act 1979, noting that Fiji and Solomon Island's EEZ overlapped by 400 metres with a total area of approximately 36 square kilometres. The positional reference system that was used to determine this was based on the obsolete World Geodetic System from 1972.

More recently, with the availability of the latest geospatial data and information for Fiji, namely Rotuma in 2010 and the Solomon Islands, Fatutaka, in 2007, this calculations have been updated. So Fiji's and Solomon Island's EEZ overlaps by 4.3 kilometres with a total area of approximately 232 square kilometres. The positional reference system used in this case is based on the internationally recognised World Geodetic System from 1984.

During the Maritime Boundaries and Ocean Governance Workshop from 25th November, 2013 to 6th December, 2013, the Maritime Boundaries Teams from Fiji and the Solomon Islands finalised the equidistant median line between the two States, together with the Schedule of Coordinates and an illustrative chart which is shown in the Draft Agreement. This is aligned to Article 15 of UNCLOS – Delimitation of the territorial sea between States with opposite or adjacent coasts.

The Fiji Maritime Boundaries Team which carried out this work was comprised of Ministry of Foreign Affairs, Ministry of Lands & Mineral Resources, Fiji Hydrographic Office and the Solicitor-General's Office delegated staff. The Solomon Islands Maritime Boundaries Team was comprised of the Attorney-General's Office, Department of Geology & Mines and Ministry of Foreign Affairs Office delegated staff.

The equidistant median line was computed using maritime boundaries delimitation software recognised by UNDOALOS. The base points from Rotuma and Fatutaka drew equidistant lines to define the intersecting points on the 200 nautical mile lines on the North and South into intersecting points of the shared maritime boundary.

The SPC Maritime Boundaries Team provided the technical assistance and support to both the Pacific Island States and the technical team confirms that the Schedule of Coordinates under Article 3 of the Agreement between the Republic of Fiji and Solomon Islands concerning their Maritime Boundary sent to SPC by the Standing Committee on Foreign Affairs and Defence of the Parliament of the Republic of Fiji on 10th September 2020, are correct as validated using a recognised geospatial software.

In summary, Mr Chairman, SPC fully supports and confirms the accuracy of the technical work undertaken by the Fiji and Solomon Islands Teams in delimiting their shared boundary.

Before sharing our legal comments, Mr. Chairman, please allow me to restate that the first and foremost reason to complete the delimitation of maritime boundaries and delineation of maritime zones is for Members to exercise their right to exert maritime claims as Parties to UNCLOS.

The compounding issue is the region's biggest security threat namely, climate change. The findings on the recent Intergovernmental Panel on Climate Change (IPCC) report on 1.5 degrees, provide clear evidence of the urgency of responding to this threat.

In the context of maritime boundaries, it means securing our place in the face of sea-level rise, ocean acidification and the potential erosion or submersion of base points on reefs and small islands that generate and define our maritime zones. As an example, allow me to point out the satellite images on the slide here, depicting a sand cay in Hawaii that was severely reduced by cyclone in 2018.

While we understand some of the sand has since returned to the cay since this event and more monitoring is likely necessary. It really does demonstrate the eminent threat that climate change, sea-level rise and extreme weather events may pose to fragile atolls and reef systems. If the same islands or reef systems serve as base points or have base points generating maritime zones, these may pose a risk to the stability of Pacific Islands EEZs as UNCLOS not provide absolute certainty over ocean space in the phase of sea-level rise.

The SPC is currently leading a project called the Resilient Boundaries for Blue Pacific Project funded by the Australian Government, which seeks to analyse the risks and identify legal and technical solutions to ensure the security of Pacific maritime zones. And we are doing this in partnership with the Maritime Boundaries consortium.

At the 2020 Regional Conference on Securing the Limits of the Blue Pacific, the Legal Options and Institutional Responses to the Impacts of Sea-Level Rise on Maritime Zones, in the context of International Law (a conference that was held virtually over the last two weeks), Pacific Island Members once again emphasised the criticality of concluding all outstanding maritime boundaries claims and zones, and related bilateral treaties and legal frameworks.

Regarding legal considerations, Mr. Chairman, SPC relies upon the advice of our consortium of partners, including the Australian Attorney-General's Office, the Australian Department of Foreign Affairs and Trade, the Pacific Islands Forum Secretariat and the Office of the Pacific Ocean Commissioner.

With respect to the Draft Agreement, we have conferred with our colleagues and support the comments made by Dr. Filimon Manoni of the Pacific Islands Forum Secretariat to this Committee last week regarding the Draft Agreement.

Of particular note, we highlight the Forum's observation relating to Article 6 - Adjustments to Maritime Boundary. While Article 6 is a standard clause in most Maritime Boundaries Treaties, it could be read as supporting the argument that a maritime boundary is ambulatory or can move. Indeed, our legal consortium colleagues concluded that once it enters into force, this provision would require Fiji and the Solomon Islands to revise the treaty line set out in Article 3, if there is a sufficiently significant physical change to the coastline that would affect the relevant base points on Fatutaka in the Solomon Islands or on Rotuma in Fiji.

As our Forum colleagues have noted, this interpretation does not support the regional views and the Leaders' commitment to secure maritime boundaries is unchallenged and unchanged, despite sea-level rise and climate change.

In summary, Mr. Chairman, SPC recommends to review Article 6 of the Draft Agreement.

Mr. Chairman, SPC welcomes this submission as an opportunity to applaud the Fiji Maritime Boundaries Team on their collaborative technical and legal efforts with the Solomon Islands thus far, and further encourage the conclusion of this boundary.

Please, allow me, Mr. Chairman, to draw your attention to the flow charts provided, which outline the steps to establish Maritime Zones and in our submission, it is Figure 5, and the Maritime Boundary Treaties in Figure 6. You will note that the versions provided to you are slightly updated from those pictures on the slide. These were, as defined under UNCLOS and endorsed by the UNDOALOS.

When both dates are prepared to progress to treaty signing, SPC, the Pacific Islands Forum and the Maritime Boundaries Consortium typically support national delegations to organise signing ceremonies often in the margins of the Annual Pacific Island Forum Leaders Meeting. Given the unusual circumstances of this year, in person treaty signing may not be possible, but if countries do not want to wait until the next in person Leaders Meeting to sign their treaties, virtual signatures ceremonies can be arranged and even with media coverage, if so desired.

Once this Maritime Boundary Treaty is signed, the Government of the Republic of Fiji may consider, with advice from the MACC, what legislative steps will be necessary to bring it into force. As noted, this may include an exchange of Diplomatic Notes. Following these steps, the treaty can be deposited with the UN Treaty Section and the treaty Schedule of Coordinates and charts deposited with UNDOALOS for official publication. Only at this point, will the boundary be concluded and the coordinates be available for use by maritime users, for example, fisheries management and for navigational purposes.

Another key consideration, particularly for Fiji will be the harmonisation of this new and finalised boundaries with Fiji's national legislation, linking them to relevant and dependent Acts and policies, for example, the Marine Spaces Act 1977 and the Continental Shelf Act 1970, as well as those Acts governing fisheries and resource use.

Mr. Chairman, the MACC can best advise the Government on these steps and SPC stands ready to assist them with advice or technical support as needed.

Finally for your information, Mr. Chairman, please note that SPC is supporting the Fiji's Ministry of Foreign Affairs to organise and lead the national maritime boundaries workshop with the MACC next week to look at all of these issues in further depth, and we are looking forward to that workshop.

In conclusion, Mr. Chairman and Honourable Members, we close our submission by commending the Republic of Fiji and the Solomon Islands Government for their active efforts to conclude one of the 13 remaining shared boundaries in our region. This is a very important and

tangible step forward that supports a collective commitment to conclude outstanding maritime boundaries and limits, and in view of the urgency and importance of securing the region's maritime boundaries for the development and security of the region.

On the basis of this submission, Mr. Chairman, the SPC supports the completion and signing of the agreement between the Republic of Fiji and Solomon Islands concerning their shared maritime boundary and hopes that this submission is of assistance to your Committee.

I thank you, Mr. Chairman and Honourable Committee Members for your time and consideration, and the Team stands ready to answer any questions you may have. *Vinaka vakalevu.*

MR. CHAIRMAN.- Thank you, Ms. Tora for your very, very informative submission. Yes, it has certainly been of great assistance to the Committee and we thank you once again. You briefly mentioned about a workshop in week after next, is that right?

MS. M. POWERS-TORA.- That is correct.

MR. CHAIRMAN.- If you do not mind, Ms. Tora, if you could just forward to Jacob at the Secretariat the details of that. Maybe, if we could possibly join you in that forum as a Committee to better understand the maritime boundaries.

Honourable Members, do you have any questions for the Team? Honourable Jale, the floor is yours.

HON. A. JALE.- I think Honourable Tikoduadua is also trying to raise some questions with the Team. Yes, indeed, when we met with the team from PIFS, the issue of a finality clause came up which really interacts or is related to Clause 6 that you have raised here. I wonder whether you have looked at the Draft Agreement that this Committee is considering. You raised your reservation about the impact of climate change on agreements and this finality clause was recommended by the PIFS and, again, by you. Did you ever raise this matter with the Solicitor-General's Office and what was the reaction from them?

MS. M. POWERS-TORA.- Mr .Chairman, we note the question of the Honourable Member. If none of my team are keen to answer, please allow us to confirm and furnish you with that as via email. My understanding, however, is that the current version of the Draft Agreement was done many years ago before we had done much research into the challenges of sea-level rise in the potential threat of sea-level rise to maritime boundaries, et cetera. Hence, why that clause is included in nearly all Maritime Boundaries Treaties.

Following from some of the more recent research and actions of our leaders, it is now recommended that we do not include such clauses. But the Draft Agreement predates those discussions.

HON. A. JALE.- Mr. Chairman, can I raise the issue about their advice on the Tonga one, we got only Tonga and Vanuatu left now? How far have you gone in terms of advising Fiji about the same exercise that you have helped them in reaching this Agreement with the Solomon Islands? What about Tonga and Vanuatu, how far have you gone in terms of advising on this type of EEZ Maritime Agreement with those two countries?

MS. M.P. TORA.- Thank you, Mr. Chairman, for the question. I may defer to one of my colleagues to follow up on that, Mr. Andrick Lal, please.

MR. A. LAL.- Thank you, Mr. Chairman. May I answer this question from the Honourable Member, we have been working with the Technical Teams in Tonga and in Vanuatu as well, and providing the same technical assistance in support with the definition of their territorial sea boundaries and also doing a technical solution for the median line as well.

We have just completed a report for the territorial sea baselines for Tonga and we have submitted that to the Government of Tonga as well, and we have also defined the archipelago for Vanuatu likewise and completed that work and it is with the Government of Vanuatu. We may also be able to provide some further comments on this as to how we are providing it with other countries through e-mail. Thank you very much.

HON. A. JALE.- Thank you.

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

Since there are no further questions from Honourable Members, to you, Ms. Tora and your Team, thank you once again for coming before the Committee and if you have any departing comments, the floor is yours, Madam.

MS. M.P. TORA.- Thank you, Mr. Chairman and Honourable Members for your time and attention this morning. We really value this opportunity to share some of the work of the Team and also work with you in reaching this really important achievement for Fiji and for the region. Thank you very much.

The Committee adjourned at 11.35 am.

VERBATIM REPORT]

STANDING COMMITTEE ON FOREIGN AFFAIRS AND DEFENCE

AGREEMENT/PROTOCOL/CONVENTIONS

5. **Amendments to the Framework Agreement of the Paris Declaration on ISA.**
6. **Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography.**

**INSTITUTIONS: (1) Ministry of Foreign Affairs
(2) Ministry of Defence, National Security and Policing**

VENUE: Big Committee Room (East Wing)

DATE: Tuesday, 22nd September, 2020

VERBATIM NOTES OF THE VIRTUAL MEETING OF THE STANDING COMMITTEE ON
FOREIGN AFFAIRS AND DEFENCE VIEWED AT THE BIG COMMITTEE ROOM (EAST
WING), PARLIAMENT PRECINCTS, GOVERNMENT BUILDINGS, ON 22ND SEPTEMBER,
2020 AT 10.10 A.M.

Online Interviewee/Submittee: Ministry of Foreign Affairs

In Attendance:

- Mr. Peter Emberson - Director Multilateral Bureau
- Ms. Keleni Seruvatu - Principal Multilateral Bureau
- Ms. Karyn Gibson - Principal Foreign Service Officer for
Multilateral Bureau

MR. CHAIRMAN.- Honourable Members, a very warm welcome to Mr. Peter Emberson, Ms. Keleni Seruvatu and Ms. Karyn Gibson. For the benefit of the general public who may be watching or listening in to this livestream this morning, I wish to introduce the Honourable Members of the Standing Committee on Foreign Affairs and Defence.

(Introduction of Committee Members by Mr. Chairman)

MR. CHAIRMAN.- A very warm welcome to you, Mr. Emberson, and Team. Perhaps, we have seen your good selves many a time in this Committee and forum. So, without further ado, Sir, I give the floor to your good selves. Please, before you do that, for the benefit of the general public, the Ministry of Foreign Affairs Team will be submitting to us on these subjects:

- Amendments to the Framework Agreement of the Paris Declaration on the International Solar Alliance of 30th November, 2015; and
- The Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography.

Mr. Emberson, the floor is yours, thank you.

MR. P. EMBERSON.- Thank you, Mr. Chairman. It is, indeed, our privilege and honour to come before you, again, after yesterday to address the two Conventions.

The first presentation, Mr. Chairman, on the Amendments of the Framework Agreement of the Paris Declaration on the International Solar Alliance of 30th November, 2015 will be presented by Ms. Keleni Seruvatu. That will be followed by the presentation from Ms. Karyn Whiteside Gibson, who will be addressing the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography.

Without further ado, Mr. Chairman, through you, I wish to invite the presentation by Ms. Keleni Seruvatu. Thank you, Mr. Chairman.

MS. K. SERUVATU.- *Vinaka vakalevu. Bula vinaka*, Mr. Chairman and Honourable Members of the Standing Committee on Foreign Affairs and Defence.

On the Amendments to the Framework Agreement of the Paris Declaration on the

International Solar Alliance of 30th November, 2015, the purpose of our submission this morning is to propose Fiji's acceptance of the proposed Amendments to the International Solar Alliance (ISA) Framework Agreement.

We note that the Government of India and France had established the International Solar Alliance (ISA) in 2015 at the margins of the 21st Conference of the Parties (COP21) to the United Nations Framework Convention on Climate Change (UNFCCC) in Paris.

Fiji had signed the ISA Framework Agreement in 2016, becoming one of the founding members as well. In 2017, Fiji ratified the Framework Agreement.

Now, as we might have heard this morning, the ISA aims to collectively address key common challenges to scale up solar energy applications in line with the needs of its member countries.

The purpose of our submission this morning, Mr. Chairman and Honourable Members of the Committee, relates to the amendments that have been proposed on the ISA Framework Agreement. In our submission, we will be speaking on the three highlights of the Amendments, the:

- (14) expansion of membership of the International Solar Alliance (ISA) to all the UN Member Countries, as opposed to the original wording in the Framework Agreement which had restricted membership to solar-rich resource countries, which lies fully or partially between the Tropic of Cancer and the Tropic of Capricorn;
- (15) deletion of the term 'partner country' from the Agreement; as well as
- (16) opening up of observer status made available to those whose applications are pending and organisations that can support the objective of ISA.

In terms of the implications of the amendments that have been proposed for the Framework Agreement, the Ministry of Foreign Affairs wishes to submit that the amendments reflect the significance of multilateralism and collective action for enhancing energy security and sustainable development, and to improve access to energy in developing member countries.

Expanding the membership of ISA to all UN Member States also provides opportunities for rich collaboration and exchanges on best practices with solar-rich countries. The ISA can be the main vehicle for creating ideas on the implementation of SDG 7, which is on affordable and clean energy. It also has cross-cutting implications on the attainment and implementation of other various SDG targets, for example, SDG 2 on agriculture and food security, SDG 13 on climate change, as well as SDG14 on oceans, amongst other SDGs.

On SDG 7, Mr. Chairman and Honourable Members of the Committee, the fact that a standalone goal on energy has been identified collectively by the United Nations (UN) through the UN Member Countries, it really reflects the global recognition, the need for affordable and clean energy worldwide. Although access to electricity is increasing, as the population continues to grow, so will the demand for cheap energy and an economy reliant on fossil fuels will create drastic changes to our climate. Therefore, we are proposing today in our submission that clean energy has cross-cutting implications as well on the overall vision of Agenda 2030.

Now, energy, as we know is the main contributor to climate change, producing around 60 percent of greenhouse gases and the statistics on this are clear, Mr. Chairman and Honourable Members of the Committee, that more than 40 percent of the world's population rely on polluting

unhealthy fuels for cooking and other household activities.

The renewable energy sector; as of 2015, more than 20 percent of power was generated through renewable sources. So the renewable energy sector also employed a record 10.3 million people in 2017. So, we can see, Mr. Chairman and Honourable Members of the Committee, investment in renewable energy and solar wind and thermal power as well, also improves energy productivity and is vital for the achievement of SDG 7.

Alternative clean energy sources, Mr. Chairman and Honourable Members of the Committee, in terms of its relation to the achievement of the Paris Agreement and our various commitments internationally, our membership of the ISA is a big part. It contributes to the various policies that we already have in place, the various multilateral commitments under the Paris Agreement, under the Green Global Framework and under our Carbon Emission Strategies. Our membership to the ISA contributes to all those existing commitments and those national initiatives that we have that complement our international commitments.

So Honourable Members of the Committee, we are proposing this morning that the amended ISA Framework aligns with the various commitments that we have and it also contributes to the implementation of our commitment in decreasing our carbon emissions and our Nationally-Determined Contributions (NDCs) target of approaching 100 percent renewable energy come 2030.

On this note, regionally as well, we wish to highlight that Fiji, within the region, is not the only member of the ISA at the moment. We are joined by other countries in the region, including Nauru, Tuvalu, Papua New Guinea, Tonga, Vanuatu, Kiribati and Samoa. It also aligns with the establishment this year of the Regional Pacific Nationally Determined Contribution (NDC) Hub Office in Suva. So with all those measures regionally, we can say that our commitment under the ISA towards regional implementation as well as national implementation, they are all aligned with our membership of the International Solar Alliance and we, therefore, wish to support the amendments that have been proposed to the Framework Agreement in this regard. Thank you, Mr. Chairman.

MR. CHAIRMAN.- Thank you, Ms. Seruvatu, for your brief submission on that particular Treaty. I guess we will ask Honourable Members if they have any questions for Ms. Seruvatu before we move on to the next Treaty.

Since there are no questions, probably, you might have questions to ask in the next submission, so thank you, again, Ms. Seruvatu. We now hand the floor to Ms. Karen Whiteside Gibson. The floor is yours, Ma'am.

MS. K.W. GIBSON.- Thank you. Good morning, Mr. Chairman and Honourable Members of the Committee, again, by way of introduction, the purpose of this submission is to provide an analysis for you on Fiji's proposed ratification of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography.

Distinguished Members, allow me to provide a detailed background on Fiji's history and current status. In 1993, Fiji ratified the Convention on the Rights of the Child (CRC). Honourable Members, 12 years later, in 2005, we signed the Optional Protocol. Currently, 176 States are party to the Optional Protocol.

This Protocol is essentially an extension of measures from the CRC that States parties should undertake in order to guarantee the protection of the child from the sale of children, child prostitution and child pornography.

Honourable Members, you might ask, what would mean in terms of our commitment. It is simply a commitment to increasing the protection of our children.

Should Fiji ratify the Optional Protocol? It promised, that as a State Party, that we will commit to achieve the items listed in your paper, we:

- (6) will prohibit and understand the definition of sale of children, child prostitution and child pornography;
- (7) will ensure that at a minimum, the acts and activities as described in Article 3 are fully covered under our criminal or penal law, whether these offences are committed domestically or transnationally, or on an individual or organized basis;
- (8) will adopt appropriate measures to protect the rights and interests of child victims, from the practices prohibited under the present Protocol at all stages of the criminal justice process;
- (9) will take all necessary steps to strengthen international cooperation through multilateral, regional and bilateral arrangements for the detection, prevention, investigation, prosecution and punishment of those responsible for acts involving the sale of children, child prostitution, child pornography and child sex tourism; and finally; and also
- (10) submit, within two years following the entry into force, a report to the Committee on the rights of the child, providing comprehensive information on the measures it has taken to implement the provisions of the Protocol.

In terms of why Fiji should ratify the Optional Protocol, as previously mentioned Fiji is party to the CRC and signed it in 2005. Ratification will further strengthen Fiji's commitments and obligations under the CRC and complement relevant existing national laws and policies.

Fiji is in compliance with the minimum requirements of the Optional Protocol and, therefore, faces no legal impediment to its ratification, given our Constitution and other relevant national laws. Furthermore, ratification will also promote co-operation and strengthen international relations with other State Parties who have acceded to or ratified the Optional Protocol.

In closing distinguished Members, Fiji should ratify the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. It is consistent with the laws of Fiji, it reflects our values, it protects our children and it reaffirms our commitment to global solidarity. Thank you, Mr. Chairman.

MR. CHAIRMAN.- Thank you, Ms. Gibson, for your contribution. I will now give the floor to the Honourable Members if you have any questions for the panel this morning.

HON. A. JALE.- Thank you very much for the presentation. The issue that I want to clarify and I think it is of interest to this Committee, is Fiji's position in terms of meeting fully the requirements of the Optional Protocol. This is the Optional Protocol, we have already ratified the

Convention in the past and this is the optional one. Now, you were talking about the Constitution and laws that are in place that fully meet the requirements of the Optional Protocol. Are you sure of that or there are other pieces of legislation that need to be brought in to address some of the requirements of the Optional Protocol?

MS. K. GIBSON.- Thank you, Sir. I believe the Constitution and other national laws and policies provide a wide framework for us to work within. I think certainly your question is important, that there would be most likely areas that we could also look into where legislation might be necessary.

MR. P. EMBERSON.- If I may come in, Mr. Chairman, I think the Optional Protocol is the specific part that prohibits the sale of children, child prostitution and child pornography and the need for us to strengthen this component in our legislation, to ensure that we have minimum the acts and activities described in Article 3 are fully covered under our criminal and penal law, and whether these offences are committed domestically or transnationally across our borders and to ensure that this is brought into our legislation that the trans-boundary nature of those criminals acts are able to be prosecuted domestically as well. Thank you, Mr. Chairman.

MR. CHAIRMAN.- Thank you. Honourable Members any further questions?

Since there are no other questions, Mr. Emberson, Ms. Seruvatu and Ms. Gibson, we take this opportunity to thank you once again for coming before us. If we do have any other pertinent questions, if you do not mind obliging to answer those by email through our Secretariat. With those few words, I thank you all once again.

If you have any departing comments, Mr. Emberson, the floor is yours, thank you.

MR. P. EMBERSON.- Thank you, Mr. Chairman and Honourable Members of the Standing Committee on Foreign Affairs and Defence. Thank you for the privilege to present to you this morning and we shall be instructed if a need for further clarification comes to us, and we shall provide by way of a written submission. Thank you again, Mr. Chairman.

MR. CHAIRMAN.- Thank you, Mr. Emberson, and the Team.

The Committee adjourned at 10.30 a.m.

The Committee resumed at 10.57 a.m.

Interviewee/Submittee: Ministry of Defence, National Security and Policing.

In Attendance:

7.	Mr. Joji W. Dumukoro	-	Manager
8.	Mr. Epi Rakatakele	-	Industrial Attachee
9.	Ms. Kiti Nakalevu	-	Admin Officer
10.	Ms. Lavenia Waitale	-	Executive Officer

MR. CHAIRMAN.-First and foremost, welcome to Mr. Dumukoro and the Team from the Ministry of Defence, National Security and Policing. For the benefit of the general public, just by way of introduction, if I can introduce the Honourable Members of the Standing Committee on Foreign Affairs and Defence.

(Introduction of Committee Members by Mr. Chairman)

Also before us, submitting on the three Treaties is the Ministry of Defence, National Security and Policing and they will be submitting on:

- (3) Agreement between the Republic of Fiji and Solomon Islands concerning their Maritime Boundary;
- (4) Amendments to the Framework Agreement of the Paris Declaration on the International Solar Alliance of 30th November, 2015; and
- (5) Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography.

With those few words, Mr. Dumukoro, I, again, welcome you and your Team with Mr. Eroni Rokisi, Ms. Kiti Nakalevu and Ms. Lavenia Waitale. The floor is yours, Mr. Dumukoro, thank you.

MR. J.W. DUMUKORO.- Thank you, Mr. Chairman. Just by way of introducing our Team, we have Mr. Epi Ratakele, who has replaced Mr. Rokisi, who has accompanied the Permanent Secretary to the meeting this morning.

Thank you, again, for giving us the floor and in terms of responding to the Fiji and Solomon Islands Maritime Boundary Treaty I understand, we have actually sent our PowerPoint presentation. If I may run through that quickly, just for us to follow in terms of the various slides.

Mr. Chairman, in terms of Fiji's position, we do understand the ensuing consultations that have been made between our Ministry of Foreign Affairs and, of course, with the Ministry of Foreign Affairs from the Solomon Islands, in terms of the maritime boundaries and, of course, the discussions to actually have a treaty in order to bind the two States in terms of the maritime boundary.

In terms of Fiji's position from a security perspective, our maritime space plays a vital role in our economic progress through the sustainability of our resources. We do understand that given

our EEZ with those still have to be agreed in terms of our resources in terms of those EEZ. So basically our position is, we do support this intention.

The confirmation of the above Treaty ensures the clear demarcation of our maritime boundary. Of course, to ensure the protection of our Maritime Domain Awareness (MDA) through the detection of illegal activities that impact our maritime safety, security, our economy and environment.

The Ministry is consulting to draft a Maritime Security Strategy (MSS) that encompasses challenges, threats, opportunities and mitigation by the agencies involved.

The National Security Council in its meeting held on Thursday, 17th September, 2020, approved the reactivation of the Maritime Security Committee (MSC), to oversee the security affairs of the Maritime Boundary in the absence of the MSS. So, basically, Mr. Chairman, the reactivation of the MSC is actually to oversight all those security affairs. So, basically we will, of course, engage a local consultant, who will be drafting this Maritime Security Strategy and, of course, work with the consultant on the various challenges, threats and, of course, the mitigation process.

It also enhances our search and rescue region by working collaboratively with the Solomon Islands. So, basically, if there is any search and rescue mission, under this Treaty, we are able to work collaboratively with the Solomon Islands.

It also facilitates the extradition of those who commit an offence, such as trafficking of drugs; Illegal, Unregulated and Unreported (IUU) fishing; arms smuggling and prostitution in the high seas within their respective territories. And, of course, it enhances the joint patrol of our EEZ.

The way forward, Mr. Chairman, the Ministry of Defence, National Security and Policing supports the finalisation of the Fiji and Solomon Maritime Boundary Treaty. That is all, Mr. Chairman, in terms of the Security and Defence indication on the Draft Treaty.

MR. CHAIRMAN.- Thank you, Mr. Dumukuro. Honourable Members, do you have any questions for Mr. Dumukuro?

HON. A. JALE.- Yes, the issue of policing this agreement has been something discussed by the Committee. What has been the stand of the Ministry of Defence in terms of policing our area? You are talking about security, unlicensed and unregulated fishing that happens in our EEZ area, what have you done or what has the Authority done in terms of overseeing that, that we have effective means of enforcing this right or sovereignty or whatever of Fiji in terms of this agreement?

MR. J.W. DUMUKORO.- Thank you, Mr. Chairman. In response to the Honourable Member's question, we have in place a bilateral cooperation with the New Zealand Government. So, basically those naval vessels from New Zealand normally come to Fiji and patrol our EEZ, together with our enforcement agencies, and that is something that we always piggyback on.

Another platform is the regional platform from the Forum Fisheries Agency (FFA) which, of course, the Member States can hire aeroplanes and, of course, paid for by the FFA. Another incident now is even the COVID-19 restrictions in place, the New Zealand Government in consultation with the defence assets they are able to release one of their aircrafts to patrol the whole Pacific and, of course, negotiations are currently underway to actually have Fiji as a station/base for the
.....(inaudible)

Basically, those are the current platforms that are in place. Thank you, Mr. Chairman.

MR. CHAIRMAN.- Thank you for that explanation, Mr. Dumukuro. I just have a question, you mentioned in your presentation, the Ministry is consulting the Draft Maritime Security Strategy. Would this not be done at the Fiji Maritime Affairs Coordination Committee (MACC) level, Mr. Dumukuro?

MR. J.W. DUMUKORO.- Thank you, Mr. Chairman. I think that is a valid question. We have a working committee and I think the first meeting was held last month. Of course, I have actually presented the need to have this Maritime Security Strategy (MSS).

Basically, the MSS is a sub-strategy from the National Security Strategy (NSS), focusing on maritime threats and challenges. Basically it will, of course, outline some of the outputs in order for the stakeholders or agencies to mitigate to those threats.

There are four pillars under the MSS:

4. Technology – the use of technology;
5. Resource Capability - the educational modes or capabilities;
6. Gaps - threats, opportunities, vulnerabilities; and
7. Bilateral co-operation.

Basically, those are the four pillars of the MSS and we would, of course, be putting out a tender for a local consultant to actually draft this MSS.

MR. CHAIRMAN.- Thank you for your explanation, Mr. Dumukoro.

If there are no further questions, Honourable Members, we will proceed to your next presentation please, Mr. Dumukoro. Thank you.

MR. J.W. DUMUKORO.- Thank you, Mr. Chairman. Our next presentation is on the Amendments to the Framework Agreement of the Paris Declaration on the International Solar Alliance (ISA). We only have three slides of the powerpoint and they form the basis of our position in terms of supporting this Framework.

In terms of Fiji's position, the amendment as outlined in the Framework would strengthen Fiji's position in accessing policy, financial, capacity building and technological assistance in terms of accessing renewable energy sources to meet national development goals. So basically, Mr. Chairman, this is quite important.

Fiji is, of course, a party to this Framework and being the former president of COP, we stand ready to support any initiative that is climate-friendly and contributes to a clean and safe environment.

You will note, Mr. Chairman that in the amendment, there has been a suggestion to remove partner country, so basically the removal of partner countries provides exclusive rights for member countries to the Paris Agreement to make informed decisions without being influenced by those partner countries. So, you will note that there are countries who actually are rich in oil, like in the Middle East and they tend to actually oppose this Paris Agreement simply because if countries move towards renewable energy, they will lose out on the oil industry. So basically, the removal of partner countries provides a good platform to make sound decisions in the executive level.

HON. LT. COL. P. TIKODUADUA.- *Vinaka.*

R. J.W. DUMUKORO.- The second slide really is just the way forward. We do support the amendment of the Framework Agreement of the Paris Declaration on the International Solar Alliance and the amendment, of course, does not have an impact on our position and we do of course, welcome the amendment. Thank you, Mr. Chairman.

MR. CHAIRMAN.- Thank you again, Mr. Dumukoro. I read with interest there, the removal of partner countries and I think you hit the nail on the head there when you spoke about the oil rich or oil producing countries. I was thinking in my mind as to where exactly are the OPAC countries sitting, whether they are sitting between the Tropic of Cancer and the Tropic of Capricorn. But thank you for that enlightenment Mr. Dumukoro.

Honourable Members, do you have any questions?

Since there are no questions, thank you, Mr. Dumukoro. If you could go up to your third submission now, please.

MR. J.W. DUMUKURO.- Thank you Mr. Chairman.

Mr. Chairman, in response to the submission on the Optional Protocol to the Convention of the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, my presentation really outlines the scope that would provide our position in terms of responding to the consultation on this particular Optional Protocol. The inclusion in there is the summary of the Pacific Islands that have signed and ratified this particular Protocol, apart from the scope that I have highlighted in my slide.

Mr. Chairman, in terms of Fiji's status, I have virtually highlighted some of the various laws in place that would, of course, support the intricacy of this particular Protocol. We should understand that Fiji actually signed the Convention on the Rights of the Child (CRC) on 2nd July, 1993, and ratified the same on 13th August, 1993. However, in terms of Optional Protocol, Fiji signed this on 16th September, 2005 and I am glad, Mr. Chairman, that we are in the process of ratifying this particular Protocol in order for Fiji to have full access to the technical assistance and funding under this particular instrument.

We note that under our supreme law - the Constitution, there is reference in terms of the definition of a child, as an individual who has not reached the age of 18 years. Basically, the Constitution overrides any other definition of our existing laws.

In terms of section 111 and section 121 of the Crimes Act, they criminalise the trafficking in persons and children into Fiji or the(inaudible) into Fiji of other persons or children. Basically, that is of course the provision in the Crimes Act.

We have also noted that section 226 also criminalises the sale of a child with the intention to expose the child to employment or be used for unlawful immoral purposes, such as prostitution and illicit sexual intercourse with any person. Basically, we are actually covering those two areas in terms of child prostitution and child pornography.

In terms of section 230 of the Crimes Act, it also criminalises the living on earnings of prostitution or solicit in person for immoral purposes in the public place. In addition, it criminalises trading and abating prostitution, so basically, it also cover in terms of prostitution.

Section 377 of the Crimes Act - trafficking of obscene publications. This criminalises the distribution and public exhibition of obscene publications, whether in writing, drawings, prints, paintings, printed matter, pictures, posters, albums and photographs, including films. Basically, this is the circulation of pornographic pictures, Mr. Chairman.

In terms of section 91 of the Employment Relations Act 2007, it criminalises the use, procuring or offering of a child for prostitution. So, there is an element of prostitution covered under section 91 of the Employment Relations Act 2007.

Part 5 of the Immigration Act 2003– Trafficking and Smuggling of Persons, section 17 to section 37 criminalises the recruitment, transportation, transfer, harbouring or receiving of a person for the purpose of exploitation and this includes any forms of sexual exploitation. So, basically, Mr. Chairman, the Immigration Act generalises whether it is committed by a child or adult, it spells out the general offences under this particular condition.

Under the Juveniles Act 1973, it highlights the definition of a child and you will note that those under the ages of 14 years are called young persons, between the ages of 14 years to 18 years are called juvenile and those under the age of 18 years are referred to as a child or a young person. As I have alluded to earlier, the Constitution, of course, overrides that definition. We will, of course, use all those who have not reached the age of 18 years to be referred to as a child in this instance.

Section 62(a) of the Juveniles Act 1973, criminalises the participation, observation, publication, solicitation, reproduction, viewing of excessive form of media or records of pornographic activity whether directly or indirectly involving a juvenile. This is, of course, an important amendment which complements the provisions under the Crimes Act.

Under section 25 of the Online Safety Act 2018, it criminalises the posting of intimate visual recording of an individual without consent. Furthermore, the requirement of consent does not include the consent of a child, so basically that is under the Online Safety Act 2018.

You will note that given the chairmanship of the committee to work on the review of the National Action Plan, we are actually proposing for a draft Human Trafficking Strategy which we have completed. So, Mr. Chairman, the Draft Human Trafficking Strategy and the National Action Plan, we have aligned those to the Palermo Convention which is for prevention, protection, prosecution and partnership.

It is a whole of government approach to eradicate all forms of trafficking for the purpose of providing sexual servitude, prostitution or any other forms of worst or forced labour, whether domestically or internationally. So, basically, Mr. Chairman that provides a summary of all those laws that have provisions in relation to or are pertinent to the Optional Protocol.

This slide provides us with a summary of those countries in the Pacific that have actually signed or ratified the Optional Protocol. You will note that Australia actually signed and ratified this in 2001 and 2007 respectively. Fiji signed this in 2005 but is in the process of ratification. In Kiribati, you will note that they have actually acceded to this in 2015, likewise the Marshall Islands in 2019, Micronesia in 2002, Nauru, of course, in 2000, New Zealand both signed and ratified in 2000, Samoa in 29th April, 2016, Solomon Islands is in the same position as Fiji and you will note that Vanuatu signed and ratified this in 2005. So, basically, that is the summary of those Pacific Islands in terms of the Optional Protocol.

Mr. Chairman, the next slide provides you with the summary of the Optional Protocol from Articles 1 to 17 basically those are some of the key elements. This provides a basis of assessing our position and align it to our domestic law. So what I said, we have domesticated the intricacy of the Protocol under those laws that I have mentioned. Again, like I said, in the absence of the extradition treaty for any two member States, this Optional Protocol can be used to actually extradite a person. So, basically, it provides us with a legal basis of extraditing a person from one country to another in terms of this Protocol.

Why Fiji should ratify? Mr. Chairman, it strengthens Fiji's commitment and obligations under the Convention on the Rights of the Child and its Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. Basically, it strengthens our commitment and obligations.

It also promotes victim support and awareness. Basically, once we ratify this, we can access those (inaudible).....actually provide victim support and, of course, creating awareness to the general public. It complements our existing laws and it also promotes and strengthens international relations and cooperation between State Parties. Lastly, it strengthens Fiji's commitment and obligations to other international conventions.

Mr. Chairman, the way forward, we support the ratification of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child prostitution and Child Pornography. I thank you, Mr. Chairman.

MR. CHAIRMAN.- Thank you, Mr. Dumukoro, for that very informative presentation on that particular Convention. Honourable Members, are there any questions for Mr. Dumukoro and the team?

Since there are no questions, thank you again, Mr. Dumukoro. If the Committee does have any pertinent questions, if you will oblige by answering them through email to our Secretariat. We thank you for the opportunity to come before us and to the general public listening in to this telecast, thank you for taking interest in your Parliament.

With those few words, I thank you again, Mr. Dumukoro and the Team. *Vinaka*.

MR. J.W. DUMUKORO.- I thank you too, Mr. Chairman, and I also thank the Honourable Members for your indulgence. Thank you so much.

The Committee adjourned at 11.27 a.m.