

APPENDICES

Appendix 1: Written Evidences/Oral Submissions

Submission by the Ministry of Youth and Sports



Ministry of Youth & Sports

Council of Europe - Manipulation of Sports Competition.

Definition- an international arrangement, act or omission aimed at an improper alteration of the result or the course of a sports competition in order to remove all or part of the unpredictable nature of the aforementioned sports competition with a view to obtaining an undue advantage for oneself or for others.

Purpose and Main Objectives

(a) To prevent, detect and sanction national or transnational manipulation of national and international sports competitions;

(b) To promote national and international co-operation against manipulation of sports competition between the public authorities concerned, as well as with organisations involved in sports and in sports betting.

** Guiding Principles - Human Right; Legality; proportionality and protection of private life and personal data.*

What are the status/implications of Fiji ratifying the convention when Fiji is not a member of the European Union

An important distinction is that this is a Council of Europe convention, with the Council of Europe being a much more inclusive than the European Union.

The explanatory report for the Macolin Convention makes the specific point that to address sports manipulation, a global response is required.

Australia was the first member outside of the Council of Europe to sign Macolin Convention and is proceeding towards ratification. The Council of Europe is keen to expand the global commitment to the Macolin Convention, and hopes to see Fiji joining the Macolin community as a major step for the convention and this will be the first in the Pacific region.

What are some existing laws that needs to be amended if Fiji ratifies the convention?

Existing Laws:

Crimes Act 2009

Gambling Act 2009

Casino Operator Decree 2012

Online Safety Act 2018

Employment Relations Act 2007

Looking at Coaches Contracts

What are the existing laws that regulate betting in Fiji? What provisions of these laws would require change in order to comply with the convention?

Gambling (Betting) Act....

A gap analysis work will assist to identify if amendments is to be made to comply with the convention. The ministry will also sort the technical legal expertise of the Council of Europe (offered made by CoE) and the Solicitor General's office if relevant amendments is to be made to the betting laws.

Which Sports are covered?

Article 1 of the Convention states that the:

The purpose of this Convention is to combat the manipulation of sports competitions in order to protect the integrity of sport and sports ethics in accordance with the principle of the autonomy of sport.

“Sports competition” means any sport event organised in accordance with the rules set by a sports organisation listed by the Convention Follow-up Committee in accordance with Article 31.2, and recognised by an international sports organisation, or, where appropriate, another competent sports organisation.

Submission by the Fiji National Sports Commission

FIJI NATIONAL
SPORTS
COMMISSION



17 January, 2020

Hon. Alexander O'Connor
Chairperson
Standing Committee on Foreign Affairs and Defence
Parliament of the Republic of Fiji
PO BOX 2352
Government Buildings,
SUVA

Dear Sir,

Submission on the Council of Europe Convention on the Manipulation of Sports Competitions

Please find attached our response to submission on the Council of Europe Convention on the Manipulation of Sports Competition for Standing Committee on Foreign Affairs and Defence.

Furthermore, the following will be in attendance for the presentation to the Standing Committee on Tuesday 21st January, 2020 at 11am, Mr. Peter Mazey (Executive Chairman – FNSC), Deputy Chairman – Mr. Jone M. Nemani (PS Ministry of Youth & Sports) and Ms. Moira Rodan (Research & Development Manager)

Thank you.

Yours faithfully,

A handwritten signature in black ink, appearing to read "Peter Mazey". The signature is fluid and cursive, with a long horizontal stroke at the end.

Peter Mazey
Executive Chairman
Fiji National Sports Commission.

Ministry of Youth & Sports
Council of Europe - Manipulation of Sports Competition.
Questions by the Parliamentary Standing Committee
On Foreign Affairs and Defense.

Date: 21 January, 2020

***Definition**-an international arrangement, act or omission aimed at an improper alteration of the result or the course of a sports competition in order to remove all or part of the unpredictable nature of the aforementioned sports competition with a view to obtaining an undue advantage for oneself or for others.*

***Purpose & Main objectives** –*

(a) To prevent, detect and sanction national or transnational manipulation of national and international sports competitions;

(b) To promote national and international co-operation against manipulation of sports competition between the public authorities concerned, as well as with organisations involved in sports and in sports betting.

** Guiding Principles –Human Right ; Legality ; proportionality and protection of private life and personal data.*

Q 1. What are the status/implications of Fiji ratifying the convention when Fiji is not a member of the European Union?

An important distinction is that this is a Council of Europe convention, with the Council of Europe being a much more inclusive than the European Union.

The explanatory report for the Macolin Convention makes the specific point that to address sports manipulation, a global response is required.

The explanatory report section 17 states: The advantage of an international convention in this area is that it promotes a risk- and evidence-based approach and

allows commonly agreed standards and principles to be set in order to prevent, detect and sanction the manipulation of sports competitions. To achieve this, the convention involves all stakeholders in the fight against manipulation of sports competitions, namely public authorities, sports organisations and sports betting operators. To ensure that the problem is addressed in a global context, it allows states which are not members of the Council of Europe to become parties by the convention. Australia was the first member outside of the Council of Europe to sign Macolin Convention and is proceeding towards ratification. The Council of Europe is keen to expand the global commitment to the Macolin Convention, and hopes to see Fiji joining the Macolin community as a major step for the convention and this will be the first in the Pacific region. The Council of Europe is a separate organization from the European Union. Fiji therefore is not required to be a member of the European Union to join the Council of Europe, it is by invitation of the Council of Europe.

The Macolin Convention - Manipulation of Sports Competitions (KCOOS+) was developed from the Council of Europe's convention on the "Manipulation of Sports Competitions, which is the only international and legally binding convention that exists in the industry.

This global projects main aim is on the implementation and compliance of the convention on the manipulation of sports competitions. The project deliverable assists partnered countries in setting up efficient procedures and structures in order to ensure sustained cooperation between regulatory authorities, sport governing bodies, national institutions, law enforcement agencies and sport betting operators; in the hopes to:

- Assist in compliance for those that have ratified
- Encouraging recognition of the need of the convention
- Promoting communication between stakeholders and partnered countries

Also, The project will promote the existence of the international "Macolin Convention" globally and encourage countries to become Parties, thus fulfilling a political objective, while providing technical assistance nationally in the

identification, and implementation of effective and coordinated measures to combat the manipulation of sports competitions, based on the principles of the Convention

Additional Information:

Benefits to Fiji: Ratify the Macolin Convention – Manipulation of Sports Competition. Article 7 - Sports Organisations and competition organisers

i). Each Party shall encourage sports organisations and competition organisers to adopt and implement rules to combat the manipulation of sports competitions as well as principles of good governance, related, inter alia to:

a prevention of conflicts of interest, including:

- Prohibiting competition stakeholders from betting on sports competitions in which they are involved;*
- Prohibiting the misuse or dissemination of inside information;*

b. compliance by sports organisations and their affiliated members with all their contractual or other obligations;

c. the requirement for competition stakeholders to report immediately any suspicious activity, incident, incentive or approach which could be considered an infringement of the rules against the manipulation of sports competitions.

ii) Each Party shall encourage sports organisations to adopt and implement the appropriate measures in order to ensure:

a. enhanced and effective monitoring of the course of sports competitions exposed to the risks of manipulation;

b. arrangement to the report without delay instances of suspicious activity linked to the manipulation of sports competitions, including adequate protection for whistle blowers;

c. effective mechanisms among competition stakeholders including young athletes of the risk of manipulation of sports competitions and the efforts to combat it, through education, training and the dissemination of information;

e. the appointment of relevant officials for a sports competition, in particular judges and referees, at the latest possible stage.

iii) Each Party shall encourage its sports organisations, and through them the international sports organisations to apply specific, effective, proportionate and dissuasive disciplinary sanctions and measures to infringements of their internal rules against the manipulation of sports competitions, in particular those referred to paragraph 1 of this article, as well as to ensure mutual recognition and enforcement of sanctions imposed by other sports organisations, notably in other countries.

iv). Disciplinary liability established by sports organisations shall not exclude any criminal, civil or administrative liability.

Q. 2: What are some existing laws that needs to be amended if Fiji ratifies the convention?

a) Existing Laws – Crimes Act 2009

b) Gambling Act 2009

c) Casino Operator Decree 2012

d) Online Safety Act 2018

e) Employment Relations Act 2007

I. Looking at Coaches Contracts

We need to have in place an Anti-Doping Policy and Child Protection Policy for Sports – for Medical and Technical personal, Coaches and athletes

There is no need for Fiji to reinvent the wheel. WE can make amendments to satisfy the convention. However the gap analysis work to be carried out starting in

February 2020 will give us an opportunity to assess this and make necessary amendments if required.

Q.3: What are the existing laws that regulate betting in Fiji? What provisions of these laws would require change in order to comply with the convention?

We have the Gambling (Betting) Act 2009

A gap analysis work will assist to identify if amendments is to be made to comply with the convention. The ministry will also sort the technical legal expertise of the Council of Europe (offered made by CoE) and the Solicitor General's office if relevant amendments is to be made to the betting laws.

Q 4. Which Sports are covered Article 1 of the Convention states that the: *The purpose of this Convention is to combat the manipulation of sports competitions in order to protect the integrity of sport and sports ethics in accordance with the principle of the autonomy of sport.* "Sports competition" means any sport event organised in accordance with the rules set by a sports organisation listed by the Convention Follow-up Committee in accordance with Article 31.2, and recognised by an international sports organisation, or, where appropriate, another competent sports organisation.

"Sports organisation" means any organisation which governs sport or one particular sport, and which appears on the list adopted by the Convention Follow-up Committee in accordance with Article 31.2, as well as its continental and national affiliated organisations, if necessary.

As per this definition the article covers all sports and sports competitions.

Submission by the Oceania Sports Information Centre (OSIC), USP



RATIFICATION OF THE COUNCIL OF EUROPE CONVENTION ON THE MANIPULATION OF SPORTS COMPETITIONS

Submission to the Standing Committee on Foreign Affairs and Defence

The University of the South Pacific
23rd January, 2020

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THE PREAMBLE – RELEVANCE TO FIJI



The role of sport [competitions] in Fiji's National Development is a determining factor in the consideration of ratification of the Convention.

- Unity amongst its members with particular reference to sport;
- Need for common European and global framework
- Need for a global response from States not members of the Council of Europe;
- Every country and every type of sport potentially affected a global threat to the integrity of sport
- Involvement of criminal activities, and in particular organized crime
- Supported by a range of European and United Nations Conventions and Ministerial Conferences
- Responsibilities for sports organisations, competitions organisers and sports betting operators in the deflection and sanctioning of those under their authority with regard to unethical practices and behavior
- that public authorities, protect the integrity of sport, where appropriate
- sports manipulation issues require increased, rapid, sustainable and properly functioning national and international co-operation
- consistent application of the principles of good governance and ethics in sport to eradicate corruption and malpractice in sport
- recognizing that the development of sports betting activities, particularly of illegal sports betting, increases the risks of such manipulation.

CONVENTION DEFINITION

"Manipulation of sports competitions" means an intentional arrangement, act or omission aimed at an improper alteration of the result or the course of a sports competition in order to remove all or part of the unpredictable nature of the aforementioned sports competition with a view to obtaining an undue advantage for oneself or for others.

INTEGRITY OF SPORT!

10 CHAPTERS & 41 ARTICLES

- Chapter I – Purpose, guiding principles, definitions
- Chapter II – Prevention, co-operation and other measures
- Chapter III – Exchange of information
- Chapter IV – Substantive criminal law and co-operation with regard to enforcement
- Chapter V – Jurisdiction, criminal procedure and enforcement measures
- Chapter VI – Sanctions and measures
- Chapter VII – International co-operation in judicial and other matters
- Chapter VIII – Follow up
- Chapter IX – Final provisions

PROVIDES THE FOUNDATION AND FRAMEWORK FOR THE DEVELOPMENT OF NATIONAL STRUCTURES AND MECHANISMS FOR THE PREVENTION OF MANIPULATION OF SPORTS

Measures = legislation/guidelines; mechanism = national sporting bodies etc.

Q1. WHAT ARE THE STATUS/ IMPLICATIONS OF FIJI RATIFYING THE CONVENTION WHEN FIJI IS NOT A MEMBER OF THE EUROPEAN UNION?



OSIC's view is positive:

1. Though not a member of the European Union, ratification by Fiji is justified with reference to Article 32 2. *The Convention shall also be open for signature by any other non-member State upon invitation by the Committee of Ministers...*

2. It is a **catalyst to begin the process of protecting the vulnerability of Fiji** to sport manipulation, corruption etc.

3. **Prudent for Fiji** to determine and ascertain the legal, financial, social and cultural implications through the **widest form of consultation** with all sporting bodies, those related to sports e.g. medicine, insurance etc. and interested parties.

4. Fiji could take **a lead role in the Pacific region** in implementing sport related legislation in general and with particular emphasis on sport manipulation.

Q2. EXISTING LAWS NEED TO BE AMENDED TO CONFORM TO THE CONVENTION IF FIJI RATIFIES IT. WHAT ARE SOME OF THE LAWS?



- The Gaming Act (2009) (Cap 34)
- Boxing And Wrestling. Contests (Cap 272)
- Boxing Commission of Fiji Promulgation 2008
- Dangerous Drugs Act (Cap 114)
- Evidence Act (Cap 41)
- Fiji Sports Council Act (Cap 271A)
- Foreign Judgments (Reciprocal Enforcement) Act (Cap 40)
- Extradition Act (Cap 23)
- Taxation – Income tax (Cap 201)
- Turnover Tax (Cap 202)

Q2(B) HOW LONG WILL THE PROCESS TAKE?



This will be determined by the time needed for:

- the **consultative process** employed;
- the **depth of research** needed;
- the **examination of** existing laws;
- the identification of the **legal gaps** and creation/revision of relevant legislation;
- the availability of **personnel and finance**;
- urgency for ratification.

Q2. SPORTS LEGISLATION CONSIDERATIONS



- **Need to identify the sports to be covered** by the legislation.
- Determine **level of coverage of the sports** e.g. local, community, national, regional and international?
- Apply Definitions as stated in the Convention – **Ch.1 Article 3 - Definitions**
- Determine **who the legislation covers** in line with the Convention (a) **Fiji citizens** participating in local, regional and international competitions for which rewards are received/granted – in kind, ratings, rankings, medals, financial, brand support etc.; (b) **regional and international sportspersons** attending **sporting events in Fiji** etc. (c) **sponsors** (d) **media** (e) **sports suppliers/vendors** (f) **consultants** ??
- Will Fiji legislation be extended to cover **cultural and traditional sports**? Is it relevant?

Q3(A). WHAT ARE THE EXISTING LAWS THAT REGULATE BETTING IN FIJI?

1. Business Licensing Act (Cap.204) Refers to **Betting Agent**
2. Gaming Act 2009 (Cap 34) The Gaming Act (Cap. 273) and all subsidiary legislation made there under are hereby repealed

Q3(B). WHAT PROVISIONS OF THESE LAWS WOULD REQUIRE CHANGE IN ORDER TO COMPLY WITH THE CONVENTION?

- Convention **Definitions** Compliance of Betting - Sections 5(a) 5 (c)
- The Convention: **Article 10 – Sports betting operators**
- **Sport coverage:** Fiji Gaming decree refers to **games of chance –lottery, blackjack, wheels of fortune** to the exclusion of **Pacific and Olympic Games sports.**
- *“sports betting has been a key factor in the acquisition of new gaming customers, in particular **millennials and young adults**”* Luduvico Calvi, GMLS President
- Is e-sports and Gaming relevant?

Q4. WHAT SPORTS ARE COVERED BY THE CONVENTION?



'The *Convention Follow-up Committee*' shall adopt and modify the list of sports organisations referred to in Article 3.2, while ensuring that it is published in an appropriate manner.'

The Convention Follow-up Committee will meet in 2020!

One may assume all Olympic and European competition sports will be covered.

INFORMATION: WHAT OSIC CAN DO?



OSIC can support the information needs of any processes to be adopted by Government leading to the ratification, approval or acceptance of the Convention!

1. GLOBAL LOTTERY MONITORING SYSTEM [GLMS]. The *Keep Crime Out of Sports KCOOS+ Guidebook* accumulates the experiences and good practices related to the implementation of the Macolin Convention, for the use of public authorities as well as national and international actors. <https://pip-eu.coe.int/en/web/crime-out-sport/good-practice-handbook>

2. *Corruption in Australian sport* [Samantha Bricknell](#) ISSN: 1836 2206 <https://aic.gov.au/publications/tandi/tandi490>

3. *Report Of The Review Of Australia's Sports Integrity Arrangements* https://consultations.health.gov.au/population-health-and-sport-division/review-of-australias-sports-integrity-arrangements/supporting_documents/HEALTH%20ASIA%20Report_Acc.pdf

4. *IOC Tokyo 2020 Betting Rules*.. https://stillmed.olympic.org/media/Document_Library/OlympicOrg/Documents/Code-of-Ethics/2018/Ethic-2018-Extract-Tokyo2020.pdf#_ga=2.134426225.1269693234.1572295185-1889702780

RECOMMENDATION

The unifying influence of sport and the universal principles on which this Convention is based and re-iterating the importance that Government places on sport for national development and reaffirmed by Fiji's enhanced participation in sport on the national, regional and international arena is a firm basis for Fiji to ratify the Convention on the Manipulation of Sports Competitions.

VINAKAI!

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Submission by the Fiji Police Force



**CONVENTION ON MANIPULATION OF
SPORTS COMPETITIONS**
BE SPORT, NOT A FIXER /
NE TRUQUEZ PAS, SOYEZ SPORT



**FIJI POLICE FORCE – SUBMISSION
PARLIAMENT STANDING COMMITTEE
ON FOREIGN AFFAIRS & DEFENCE**

PURPOSE

COMBAT THE MANIPULATION OF SPORTS COMPETITIONS IN ORDER TO PROTECT THE INTEGRITY OF SPORT AND SPORTS ETHICS IN ACCORDANCE WITH THE PRINCIPLE OF THE AUTONOMY OF SPORT

OBJECTIVES

TO PREVENT, DETECT AND SANCTION NATIONAL OR TRANSNATIONAL MANIPULATION OF NATIONAL AND INTERNATIONAL SPORTS COMPETITIONS;

TO PROMOTE NATIONAL AND INTERNATIONAL CO-OPERATION AGAINST MANIPULATION OF SPORTS COMPETITIONS BETWEEN THE PUBLIC AUTHORITIES CONCERNED, AS WELL AS WITH ORGANISATIONS INVOLVED IN SPORTS AND IN SPORTS BETTING.



INTERNATIONAL INSTRUMENT

- GROUND-BREAKING LEGAL INSTRUMENT AND
 - ONLY RULE OF INTERNATIONAL LAW

 - 38 COUNTRIES SIGNED (COUNCIL OF EUROPE)
 - 6 COUNTRIES HAVE ALREADY RATIFIED: ITALY, REPUBLIC OF MOLDOVA, NORWAY, PORTUGAL, SWITZERLAND AND UKRAINE
- 



INTERNATIONAL CASE LAWS



TIM DONAGHY - NBA REFEREE (USA)

- REFEREE AT HEART OF NBA'S MOST NOTORIOUS SPORTS BETTING SCANDAL [2006 – 2007]
- SERVED 15 MONTHS ON COUNTS OF CONSPIRACY TO ENGAGE IN WIRE FRAUD AND TRANSMITTING BETTING INFORMATION THROUGH INTERSTATE COMMERCE.



MERVYN WESTFIELD - CRICKETER (ENGLAND)

- 2012 – admitted accepting £6,000 in exchange for bowling an over that was supposed to concede 12 runs.
- became first English cricketer to be convicted of sport-fixing
- given a four-month prison sentence



CHRIS MUNCE – AUSTRALIAN HORSE RACING JOCKEY

- TAKING BRIBES IN EXCHANGE FOR RACING TIPS
- CONVICTED AFTER BEING FOUND GUILTY BY DISTRICT COURT JUDGE KEVIN BROWNE SENTENCED 30 MONTHS' JAIL
- PROVIDED TIPS TO HONG KONG BUSINESSMAN ANDY LAU 17 TIMES COVERING RACES INVOLVING 29 HORSES
- FOUND CARRYING A BETTING SLIP & 250-THOUSAND HONG KONG DOLLARS IN HIS POCKETS WHEN ARRESTED
- WON 998 MELBOURNE CUP ON JEZABEEL, GOLDEN SLIPPER ON PROWL IN 1998 & DANCE HERO IN 2004.



RYAN TANDY - NRL PLAYER (BULLDOGS AUSTRALIA)

- EMBROILED IN A RUGBY LEAGUE SPORT-FIXING SCANDAL
- DELIBERATELY TURNED OVER POSSESSION & CONCEDED A PENALTY UNDER THE OPPOSITION POSTS
- AID PUNTERS WHO HAD BET ON FIRST SCORE OF THE MATCH BEING A COWBOYS PENALTY GOAL
- BETTING AGENCIES REPORTED 95 PER CENT OF WAGERS ON THE MATCH WERE FOR THAT OPTION.
- FOUND GUILTY OF MATCH FIXING
- FINED \$4000 & HANDED LIFE NRL BAN.
- RECEIVED SUSPENDED JAIL TERM.
- ONLY PERSON TO BE CONVICTED OVER BETTING SCANDAL
- TRAGICALLY PASSED AWAY IN APRIL 2014.



FIFA SCANDAL

FIFA, AWASH WITH ITS \$1 BILLION ANNUAL REVENUE FROM SPONSORSHIP AND OTHER SOURCES, POSSESSED AMPLE FUNDS FOR MANIPULATED DISPERSAL THROUGH KICKBACKS AND OTHER CRIMINAL MEANS. DUBIOUS AWARDING IN 2010 OF THE WORLD CUP FINAL TOURNAMENTS TO RUSSIA IN 2018 AND QATAR IN 2022. (TO BECOME A PARTNER FOR THE 2018 WORLD CUP, A RUSSIAN GLOBAL ENERGY SUPPLIER REPORTEDLY PAID \$80 MILLION.)

THE BOTTOM LINE.

MISGUIDED PUBLIC PERCEPTION FIFA WAS PRIMARILY INTERESTED IN SOCCER. ALTHOUGH FIFA DID APPOINT MATCH OFFICIALS, FUND INSTRUCTIONAL COURSES, AND ORGANIZE A VARIETY OF MEN'S, WOMEN'S, AND YOUTH COMPETITIONS, THE ORGANIZATION'S REAL GOAL APPEARED TO BE ACQUIRING LARGE SUMS OF MONEY IN SPONSORSHIP, TV LICENSING, AND MARKETING. WHERE THE SERIOUS MONEY WAS FILTERED OVER THE YEARS, HOWEVER, WAS PROBABLY UNTRACEABLE AMID THE SHREDDED PAPER TRAILS.

WWW.BRITANNICA.COM/TOPIC/FIFA-CORRUPTION-SCANDAL



HISTORICAL WIN – GOLD MEDAL 7S RUGBY



“KILLED FOR SCORING AN OWN GOAL”

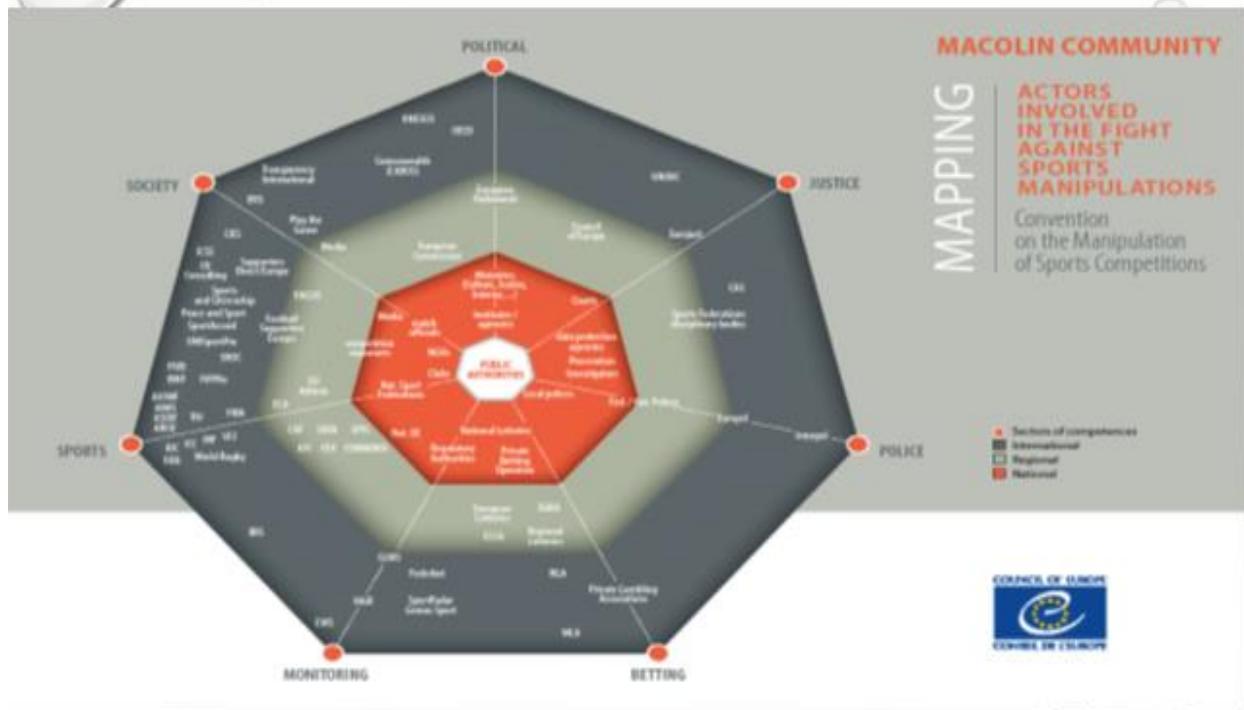


- ANDRÉS ESCOBAR – ESCOBAR'S OWN GOAL AGAINST USA ON 22/06/1994 SOCCER WORLD CUP. STRETCHING TO BLOCK A CROSS FROM AMERICAN MIDFIELDER [JOHN HARKES](#), HE INADVERTENTLY DEFLECTED THE BALL INTO HIS OWN NET. THE UNITED STATES WON THE GAME, 2-1
- SHOT EARLY SATURDAY IN A RESTAURANT PARKING LOT, MEDELLIN. TWO SUSPECTS ARRESTED, ONE OF WHOM CONFESSED TO SHOOTING ESCOBAR.
- HUMBERTO CASTRO MUÑOZ WORKED AS DRIVER FOR ANOTHER SUSPECT, RANCHER SANTIAGO GALLON HENAO, WHO ALLEGEDLY BET HEAVILY ON THE COLOMBIAN TEAM AND WAS UPSET AT HAVING LOST.
- THE MOTIVE FOR THE MURDER HAS NEVER BEEN CLEARLY ESTABLISHED BUT MANY STILL LINK IT TO THE FURY OF COLOMBIAN DRUG LORDS AT LOSING A GAMBLING FORTUNE BECAUSE OF THE COUNTRY'S SURPRISINGLY EARLY WORLD CUP EXIT.

CONVENTION RATIFICATION

FIJI POLICE FORCE SUPPORTS FIJI GOVERNMENT'S INTENTION ON RATIFICATION OF THE EUROPE CONVENTION ON MANIPULATION OF SPORTS.

HOLISTIC APPROACH



LEGISLATIONS

- CRIMES ACT
- CRIMINAL PROCEDURE ACT
- GAMING ACT
- ILLICIT DRUGS CONTROL ACT
- PROCEEDS OF CRIMES ACT
- CYBER-CRIME BILL

ENFORCEMENT AGENCY

- FICAC?
- FIJI POLICE FORCE?
- INDEPENDENT COMMISSION?
- INDIVIDUAL SPORTS ASSOCIATIONS?

JURISDICTION

- DISCIPLINARY LIABILITY ESTABLISHED BY SPORTS ORGANISATIONS SHALL NOT EXCLUDE ANY CRIMINAL, CIVIL OR ADMINISTRATIVE LIABILITY.
- BORDER JURISDICTION



CONCLUSION & RECOMMENDATION

FPF RECOMMENDS:

- NEW LEGISLATION IN SUPPORT OF RATIFICATION
 - DEMARCATED ROLES OF ENFORCEMENT AGENCIES
 - OVERARCHING AUTHORITIES TO ENFORCEMENT AGENCIES
 - DEDICATED COURTS
- 

Submission by the Consumer Council of Fiji



Submission:
**Europe Convention on the Manipulation of
Sports Competition**
To
**Standing Committee on Foreign Affairs and
Defence**

Mrs. Seema Shandil
23 January 2019



PRESENTATION OUTLINE

- ▶ Consumer Rights
- ▶ Objectives of the Convention
- ▶ Problem of Sports Manipulation
- ▶ Impact of Sports Manipulation
- ▶ Existing Laws Regulating Betting in Fiji
- ▶ Why Fiji Needs to Ratify this Convention
- ▶ Ratifying the Convention: Positives
- ▶ Recommendations

Right To Redress



Complaints Rise

OBJECTIVES OF THE CONVENTION

- ▶ Prevent, detect, punish and discipline the manipulation of sports competitions.
- ▶ Enhance the exchange of information and national and international cooperation between the public authorities concerned, and with sports organisations and sports betting operators.

PROBLEM OF SPORTS MANIPULATION

- ▶ Money-laundering, betting addiction, tax evasion, and other criminal activities.
- ▶ Rise in criminal activities.
- ▶ Distorts the competitive nature of sports, reduces its value and undermines its social and educational impact.

IMPACT OF SPORTS MANIPULATION

- ▶ Negatively influence sports industry.
- ▶ It could involve athletes, coaches, referees and other sports performers.
- ▶ Governing organization, public authorities and betting companies are trying to create a long-lasting solution for neutralization of the concepts of match-fixing.

EXISTING LAWS REGULATING BETTING IN FIJI

- ▶ Gaming Act 2009.
- ▶ Need for Fiji to review national/local sports policies.

WHY FIJI NEEDS TO RATIFY THIS CONVENTION?

- ▶ Fiji has experienced sports manipulation issues in boxing, soccer and rugby to name a few.
- ▶ Macolin Convention is the only legal binding.
- ▶ If Fiji signs the Convention, it will bring legislative measures in line with international groups.
- ▶ Such as association with Keep Crime Out of Sport Plus 2018-2020 (KCOOS+).

WHY FIJI NEEDS TO RATIFY THIS CONVENTION? Cont....

- ▶ First Pacific Island nation to ratify the Convention, thus allowing other Pacific Island Nations to follow suit.
- ▶ Accountability and Transparency.
- ▶ Ensure the best interests of the players, organizers and stakeholders are promoted.
- ▶ Fiji's international relations will be strengthened.

RATIFYING THE CONVENTION: IMPACT ON CONSUMERS - POSITIVES

- ▶ Redress for Consumers;
- ▶ Consumer Trust in Sports Betting;
- ▶ Report Manipulation or Corruption in Sports;
- ▶ Transparency and Sharing of Data;
- ▶ Safer Market for Sports Bettors.

RECOMMENDATIONS



RECOMMENDATIONS

1. Fiji should fully ratify the Convention.
2. Establish a Fiji Sports Integrity Commission which should also consist of a National Sports Disciplinary Commission that is totally independent and impartial of any sport.

RECOMMENDATIONS

Cont...

3. Fiji National Sports Commission to provide an awareness on manipulation in sports and implement, monitor, evaluate and enforce compliance through a National Platform.

Submission by the Ministry of Foreign Affairs

PRESENTATION TO THE STANDING COMMITTEE ON FOREIGN AFFAIRS AND DEFENCE

27 January 2020

Committee Room 2, Parliament Complex,
Govt. Buildings, SUVA

1

Overview

- 1. *Kigali Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer***
 - Context Setting
 - Key Benefits
 - Financial & Technical Assistance
 - Implementing Agencies
- 2. *2011 Asia Pacific Convention on the Recognition of Higher Education Qualifications***
 - Sustainable Development Goals and Fiji's National Development Plans
 - Key Benefits
 - Implementing Agencies
- 3. *Council of Europe Convention on the Manipulation of Sports***
 - Ratification/Accession Process for Non Member States of the European Union
 - Implications of ratifying the Convention as a Non Member States
 - Implementing Agencies

2

Council of Europe Convention on the Manipulation of Sports

Ratification/Accession Process

- This treaty is open for signature by the member States, the other States Parties to the European Cultural Convention, the European Union, the non-member States which have participated in its elaboration or are enjoying observer status with the Council of Europe, and by other non-member States
1. Participation in most Council of Europe treaties is not exclusively limited to the member States of the Council of Europe. The treaties concerned are "open" ones, open to accession by non-member States, even non-European States, provided that they have been formally invited to accede by the Committee of Ministers of the Council of Europe
 2. It is customary for the non-member State to request accession in a letter addressed to the Secretary General of the Council of Europe [signed by the Minister for Foreign Affairs or a diplomatic representative acting upon instructions of his/her government].
 3. Formal requests for accession are examined by a Rapporteur group of the Committee of Ministers and, then, by the Committee of Ministers. The decision inviting the non-member State is usually taken at the level of the Ministers' Deputies
 4. An invitation to accede to one of the Council of Europe Conventions is notified to the State concerned, which, prior to acceding, has to take the necessary measures to ensure that its domestic law allows the Convention to be implemented
 5. It is customary for the instrument of accession to be deposited at the seat of the Council of Europe in Strasbourg, in the presence of a representative of the acceding State and of the Secretary General of the Council of Europe or his/her deputy. The representative of the acceding State brings with him/her the instrument of accession, and a procès-verbal of deposit is signed by both Parties
 6. States having acceded to a Convention are entitled to accede to the Protocols thereto.

Implication of Ratifying the Convention as a Non Member State

- Certain Council of Europe conventions contain a provision on the financing of their follow-up mechanism by non-member States.
- Art. 32 of the Treaty :

A Contracting Party which is not a member of the Council of Europe shall contribute to the financing of the Convention Follow-up Committee in a manner to be decided by the Committee of Ministers after consultation with that Party.

Implementing Agencies

- Lead – Ministry of Youth and Sports
- Other – Fiji Police
 - Judicial
 - ITC

Appendix 2: Verbatim Reports

**STANDING COMMITTEE ON
FOREIGN AFFAIRS AND DEFENCE**

[Verbatim Report of Meeting]

HELD IN THE

COMMITTEE ROOM (EAST WING)

ON

TUESDAY, 21ST JANUARY, 2020

VERBATIM NOTES OF THE MEETING OF THE STANDING COMMITTEE ON FOREIGN AFFAIRS AND DEFENCE HELD AT THE COMMITTEE ROOM (EAST WING), PARLIAMENT PRECINCTS, GOVERNMENT BUILDINGS ON TUESDAY, 21ST, JANUARY, 2020 AT 10.55 A.M.

**Interviewee/Submittee: Ministry of Youths and Sports
Fiji National Sports Commission (FNCS)**

In Attendance:

1. Mr. Jone Maritino Nemani - Permanent Secretary, Ministry of Youths and Sports
2. Mr. Peter Mazey - Executive Chairman, Fiji National Sports Commission
3. Ms. Moira Rodan - Research and Development Manager, Fiji National Sports Commission

MR. CHAIRMAN.- Thank you, Honourable Members. We have before us Mr. Maritino Nemani, Mr. Peter Mazey and Ms. Rodan. Welcome lady and gentlemen to this session of the Standing Committee on Foreign Affairs and Defence. Just a matter of introduction, may I introduce the Committee Members.

(Introduction of Committee Members and Secretariat by Mr. Chairman)

Sirs and lady, just a very brief introduction by your goodselves, welcome to this Committee of deliberations and the floor is yours thereafter. We will reserve questions after your entire presentation. Thank you.

MR. P. MAZEY.- Thank you, Mr. Chairman. As Executive Chairman of the Fiji National Sports Commission (FNCS). This is an area that we are passionate about and we will speak on that.

I have with me today my Deputy Chairman, who is also the Permanent Secretary. He represented the FNCS at the Conference of the European Council in December, so that is why I brought him so that we can talk on his report as well, which we have. Moira here is our Research and Development Officer and she has been very much involved in the work that was done around the Pacific in a conference last year on keeping crime out of sports so we will again talk on major issues, Sir. Thank you.

Mr. Chairman, if it is in order, I will speak briefly first, then I will hand over to our Permanent Secretary and Vice-Chairman to speak on the brief presentation we have got.

I think one of the most important things that comes out of this, and that we are going to be asking Government in Parliament more and more, is when we address the issues of integrity

in sports. We believe that it is very timely that we address these issues. Principally, we have problems in every level of sports, especially on the administration of sports and more so, in the protection of our athletes and protection of our children and that within sports. The one thing that everyone tends to forget and when we are applying for assistance in funding from Government, I would like all Honourable Members to be very aware of this, and it is what I speak passionately on, Sir, is that sports is no longer just physical activity, sports is an industry. Sports is a business to Fiji and it is now one of our biggest exporters. It contributes to remittances where we estimate about \$160 million annually and of that, through discussions with the Reserve Bank of Fiji (RBF) and everyone, we estimate that our sportspeople are paying back to the country in the vicinity between \$30 million to \$60 million annually.

We are slowly working on getting the accurate figures but as you can understand, a lot of professional sportspeople overseas do not want to release the information on So we are having a few problems on that issue, but we would like that to be addressed because that is what we have to protect and that is what this is all about. It is protection of those people that are overseas.

It has become so important that the International Labour Organisation (ILO) are even having a conference on the very issue of sportspeople's contracts and I think that is caused you to commence today. These are issues that come under the integrity of sports and manipulation of sports competition.

We were asked by the European Union to hold a conference for all Pacific Islands Countries. We held it, the Commission and the Ministry of Youth and Sports in Nadi, and we had guest speakers from all over the world. It was funded by the Council of Europe and the one thing we asked ourselves, do we have crime in sports in Fiji?

And we did our research, Ms. Moira and myself, did a lot of work on it and I think the PS contributed, the sad answer was that, yes, we do. It is happening. We have examples of manipulation, of people being manipulated to have their team lose major games, especially in the rugby and football areas. If the coach did not agree to those things, he is going to lose his job. We had indications of referees being supporting their team because in Fiji, we are all from one part of the country or another. In the end, you will note we started bringing referees from New Zealand for things like schoolboys' finals and the Deans finals. It was happening and there is a lot of gambling going on in sports in Fiji.

One thing that shocked us was, one of the highest bets made on the Hong Kong Sevens was people betting on who would be the first Fijian to get a penalty, and that is where manipulation comes in. They just had to bet a lot of money on it and then pay the player money to lose. We are not saying that happened but we see opportunity that that could happen.

So, crime exists in sports in Fiji, it is not generally for money, as we found, it is really for the glory of the game. So, those were issues that come under this, and I think now would be an opportune time for me just to pass it over to the Permanent Secretary to speak on his discussions in Europe and to add to what we find. Thank you, Sir. MR. J.M. NEMANI.- Thank you, Mr. Mazey.

Honourable Chairman and Honourable Members, I have the pleasure to share with you some of the contribution and before I go further, I think I have four questions to answer from my presentation today. But I think from the outset, it is important to have a better understanding of why or where and what is this manipulation of sports competition.

Manipulation of Sports Competition which is, again, called the Macolin Convention which we are wanting to ratify is with the Council of Europe. By definition, it is an international arrangement act or mission aimed at an improper alteration of the result or the course of a sports competition in order to remove all or part of the unpredictable nature of the aforementioned sports competition with a view to obtaining an undue advantage for oneself or for others. I think the key word there is 'obtain undue advantage'.

If I can elaborate in simplicity, for as long as I have played in the national team or at district level, this is something that people probably use as a social or probably do not understand whether that is manipulation, because ever since I have started playing whether for Suva or for Fiji, there has always been about fixed games in soccer which has been going over for so many years. This will have to stop when we introduce this because people are taking undue advantage. So that is one of the key things that I can remember, and the manipulation of sports is in many forms in many sports.

That is basically the brief definition of the manipulation of sports competition and the operational arm of that is keeping crime out of sportsplus.

Now, it is also important to understand the main objectives of this Macolin Convention or the Manipulation of Sports and that is to:

- prevent, detect and sanction national or transnational manipulation of national and international sports competition; and
- promote national and international co-operation against manipulation of sports competition between the public authorities concerned, as well as with organisations involved in sports and in sports betting.

Again, sports betting comes into play here.

All over the world where the Council of Europe is involved, there is huge betting across Europe, Australia, New Zealand and the biggest one is in Asia, and it is slowly creeping into the Pacific. Our data and tracking status which Australia does, has shown us that already, there is almost 10 illegal betting activities happening in the Pacific.

Question No. 1: What are the status/implication of Fiji ratifying the Convention when Fiji is not a member of the European Union?

Again, from the outset, the European Union is different from the Council of Europe, they are two different organisation. An important distinction is that, this is a Council of Europe

Convention with the Council of Europe being as much more inclusive than the European Union. So the European Union is only for European Union Countries but with the Council of Europe, it is more inclusive.

As in my slides, I have said that the explanatory report for the Macolin Convention makes this specific point that to address sports manipulation, a global response is required.

Australia is the first non-European country to be a member of the Macolin Convention. Fiji, if we ratify, becomes the first in the Pacific, apart from Australia. And the Council of Europe has invited us and that is why we have started this engagement with the Council of Europe. So Fiji will become the first in the Pacific region to ratify this and become a Member Part to the Council of Europe.

Question No. 4: What are some existing laws that need to be amended if Fiji ratifies the Convention?

We looked at some existing laws, as follows, the:

- Crimes Act 2009
- Gambling Act 2009;
- Casino Operator Decree 2012;
- Online Safety Act 2008;
- Employment Relations Act 2007; and
- looking at Coaches Contracts (because these are important).

Some may not immediately be required to be amended because they might have existing clause that is relevant for now, but some work that needs to be done with the Council of Europe and Australian experts in Technical Sports Commission. They will be here in early February to do a gaps analysis and that will point out to us where the gaps are and where the relevant amendments need to be made. And, again, this will be a consultative approach.

Question No. 3: What are the existing laws that regulate betting in Fiji? What provisions of these laws would require changes in order to comply with the Convention?

I think this is more related to the first question. The one that we looked at in particular is the Gambling (Betting) Act because this Manipulation of Sports Competition, not only the sports competition but includes that as well. So we are talking about betting which is illegal betting.

A gap analysis work will assist to identify if amendments is to be made to comply with the Convention. The Ministry will also sort the technical legal expertise of the Council of Europe (which they have offered) and the Office of the Solicitor-General, if relevant amendments is to be made to the betting laws.

Again, I looked at this question, we have already been making arrangements with the experts also from Australia and this expertise is a free consultation at their cost. The objective is

to help Fiji set this up. The cost of the Australian Government, they have committed to support the Ministry and the Commission to establish and to work on this and the first team will be arriving at the end of February to start with our threat assessment, and that is how fast this is progressing.

Question: What sports will be covered under this Convention?

As mentioned in Article 1 of the Convention, and I state:

“The purpose of this Convention is to combat the manipulation of sports competitions in order to protect the integrity of sport and sports ethics in accordance with the principle of the autonomy of sport.”

Sports competition means, any sport event organised in accordance with the rules set by a sports organisation listed by the Convention Follow-up Committee in accordance with Article 31.2, and recognised by an international sports organisation, or where appropriate, another competent sports organisation.

So as per definition of the Article, all sports are covered. If I can just add to this, we all know, for example, that Fiji Football comes under the umbrella of FIFA. We all know that there is always this generalisation that no one can touch Fiji Football because of FIFA, so whatever comes from FIFA, they will have to comply. I share this with you that today, as we speak, FIFA has now employed an Integrity Manager to look at this alone, right across the world and we have been having some discussions for them to come to the Pacific because integrity of sports in football is becoming a nightmare that needs to be fixed.

Thank you, Honourable Chairman and Honourable Members, for listening.

MR. P. MAZEY.- Honourable Chairman, I would like to add to some of the points that the Permanent Secretary and Vice-Chairman had brought up. There are issues in our Acts, but we need new Acts in place too.

There are two areas that come into the integrity of sports and, that is, the administration of sports is generally done by volunteers. There is no law or body governing associations, so we need that in place.

We, at the moment, have a lot of trouble with executives of sporting bodies and this, in itself, is making it very difficult for our athletes and this goes down to misuse of funds and a number of other issues. And we have had to interfere in those, but we have no power. The Commission Act only very simply says that we are to sort these problems out and we can only do that by discussions.

But we do believe that part of the integrity unit of sports or the integrity as Government speaks all the time, the integrity of any operation, requires the right laws to be in place. And even under this, we have not got our Child Protection Policy in place yet in sports. The protection of athletes, what happens when an athlete....? Are athletes being protected under 12 years old? We try to bring in non-combat sports for them.

Also the Anti-Doping Policy, so while had, sort of, signed on to it, we have not put it into law, or set up the full documentation and policies on it.

We do not have protection for our coaches and technical officials, or even our medical people in sports. So, there are number of areas that when we are relooking at Acts, when we referred to the integrity of sports, we are looking at it a little bit more indepth for that.

We are very, very keen on this coming into play and that we have the integrity of sports unit set up. We have got support from New Zealand on this as well, the PS has spoken on the work that we have been doing with Australia.

Australia and New Zealand said that this is so important that it is the Federal Police that head the Integrity in the Sports Unit in Australia, and in New Zealand it is their equivalent of their secret intelligence arm and a lot of it has been done. That is how important countries are now seeing this because it is such a big business. Thank you.

MR. CHAIRMAN.- Thank you gentlemen for the informative contribution this morning. I will open up the floor now to the Honourable Members for question time.

HON. A. JALE.- Thank you, Sir, for the presentation and also thank you, PS, and your colleague for coming. I was trying to clarify the note that you have on your second last page of your presentation, I think you touched briefly on that Mr. Mazey. We need to have in place Anti-Doping Policy, Child Protection Policy for Sports for Medical and Technical Personnel Coaches and Athletes. I just need a bit more explanation on that, for me to be able to understand this because these are really the gaps that you would like to tackle.

MR. P. MAZEY.- They are very much so the gaps, Sir. We and the Government have been putting in place a number of policies to have gender balance sports and to include women in all our sports now, and we have forgotten about the children in coming up in that. Yes, there are issues on protecting children in sports, it is not just in protecting their physical well-being, it is also protecting their mental well-being, and cases have existed where we have heard of problems occurring.

The Child Protection Policy, I think, we are working with the Ministry of Women, Children and Poverty Alleviation on this as well. We have been working with most sporting bodies and we now have a policy in place. That was one of the stipulations that ties into them being a good operation and being at the top at an eligible sport for receiving funding as well. It became one of the stipulations. But we do not have clear policies in that, and it is a bit like the Anti-Doping Policy where we have talked about and everything we pay, which has been signed from both, the Prime Minister back in 2006 with ratification, but we have not put them into law yet, and that we must do sooner than later.

The other big one I spoke on was, of course, the association tag. Everyone asked, where is Fiji Rugby registered? How are they a company? Are they a charity or what are they? Where is Athletics Fiji? I have been in Fiji for over a hundred years but we cannot find where they have

ever been registered. Someone said the other day, perhaps, we have to go toor somewhere like that that, so long ago.

There are only one or two sporting bodies that come under the Charity Act and there, I think, one if not two, under the Companies Act. That is one of those gaps that we are talking about. And when we try to look at things that are going wrong in the sport and how we can correct it, there is no law out there that can back any decisions made.

Just recently, the big issues coming up when we talk integrity in sports, the last Paralympics in London, we had even the whole members of the team did not qualify under the qualification rounds that came in one of the , we found out about this later. There has been manipulation even in that field, so we need to get that put in place. Maybe, the PS wants to add something.

MR. J.M. NEMANI.- Yes, Mr. Chairman and Honourable Members. I think it is important, for example, in the anti-doping space. We not only invest in our sportspeople, there is lot of money that is at stake when we develop an athlete and only to know later on, because we do not have such policies in place for them to be aware of drugs that they are taking. That places Fiji in the spotlight, in terms of compromising our reputation at global stage.

Some of these drugs that people take for medication could also be classified as anti-doping, so we need those policies and then we need to make sportspeople aware that there are some medication that you cannot take when you go and participate in sports because otherwise, it just nullifies and cancels your competition.

Again, we have seen what happened in Russia at global stage. Fiji does not want to be in there. Again, with the manipulation of sports competition keeping crime out of sports and having clean sports, these things are intertwined. It is very important for us to have these policies and address these policies at all levels of sports, so that we understand what we can take and what we cannot take.

There is huge investment, like I have said from outset, that Fiji or the Government or sponsors give out there to develop sportspeople and only to reach that stage and taking some kind of drugs and medication and to be found out that they have illegal substance for that competition.

If I just throw a bit of light in terms of Child Protection Policy, this becomes a very important thing for a child, especially in a very early stage when we develop a sports person. And if you do not have proper policies in place to protect a child, it could destroy someone's life forever. A potential key gold medallist for Fiji, would her or his sporting career be destroyed at a very young stage because there is no policies or no laws to protect them because accidents do happen, incidents do happen, and if there is nothing to protect this child from, then his or her career is over. That is why we need, to support athletes through proper policies and laws as well. Thank you, Mr. Chairman, thank you, Honourable Members.

MR. CHAIRMAN.- Thank you again, PS, and Mr. Mazey. You did mention, Mr. Masey, that the Hong Kong Sevens and a possible manipulation there, so far as bribes. With international sports like that, what sort of protection would Fiji or the Sports Commission take to avoid or curb that from happening?

MR. P. MAZEY.- I think, Sir, that is a very difficult question to answer at the moment. The information they had given to us, one of the guest speakers at the conference is in charge of the Hong Kong Gambling Commission and he was speaking on the issues, "These things that you have to see."

Most of the answers to your question come under our Whistle Blowers Act, and that is what I have found in most countries. I think closer to home, we have had major problems in sports, Rugby League in Australia had whole clubs were closed down for a while, and are still being investigated, so it does come out of that. But we need clause to even enact that at the moment.

HON. A. JALE.- Would the Sukuna Bowl come under this Convention, if we ratify?

MR. P. MAZEY.- Yes, Sir, it would, all sports.

HON. A. JALE.- In what sense, because here it seems the sports that are organised by associations come under certain rules. Here is a sport that is controlled mostly by the Military and the Police and they run it, and to me it does not look like the Fiji Rugby Union has a say in the way it is run?

MR. P. MAZEY.- The answer to that is, the associations are supposed to own the sport in Fiji on behalf of the international body and yes, that has become an issue. I think you realise now that, for example, Secondary Schools Rugby very much comes under Rugby Union. Ratu Sukuna Bowl does. They provide referees and technical officials, so through those areas they do. But it is in the interest of any major competition to have a ...I think. But I stand to be corrected on the Military side but I agree that the Police are running it and they are now running a lot of other tournaments within it and relying on the sporting body with the rest of the netball tournament that they run, or the boxing, it is all done by the various associations in Fiji.

HON. DR. S.R. GOVIND.- Thank you for your presentation. It looks like that after the Convention is ratified, lot of work is needed by the Commission to effectively implement some of these. Does the Commission have adequate resources in terms of technical and finances to implement some of these or are you looking at ways to provide those resources?

MR. P. MAZEY.- Yes, Sir, very much so. No one ever has enough money so we are always asking for more.

In the realisation of this, when we were having meetings with the Australian Government on the new Vuvale Agreement that we just had, we were very much part of that and we discussed funding for sports in a big way with the Australian Government and they have been very

receptive. The Honourable Minister has also just recently got back from China where he had discussions and China has offered the assistance.

The Permanent Secretary has represented the Commission at the Conference in Europe and he has come back with some good offers of assistance. The Sports Minister in Australia has also offered the technical assistance so the people will be coming over in February and we will be meeting with them. It also involves all our national sporting organisations, they will be part of that process.

Right at the moment, we are not looking at Government for additional funding but we are looking at the support in getting the right laws put in place so that we are not just going to have to sit in there without anything to backup.

MR. CHAIRMAN.- Thank you, Mr. Mazey. Madam, do you wish to ask a question?

HON. L.S. QEREQERETABUA.- Thank you, Mr. Chairman. I just wanted to ask and this is for my own information; what are the overlaps between FASANOC, the Fiji Sports Council and the Fiji Sports Commission and do they cause challenges for your work?

MR. P. MAZEY.- We actually spent a lot of time working together. There are no overlaps in it. The FASANOC is really our Olympic Committee. It represents the national sporting bodies at international events, such as the Commonwealth Games, Pacific Games and the Olympic Games.

The Sports commission through its funding actually funds FASANOC to attend those events and through Government allocations and what is given. So, we work together.

The Sports Council is there just to look after the facilities. We do have a committee that meets every month and that is made up of the PS from the Ministry of Youth and Sports, myself from the Commission, the CEO of the Sports Council and the President and CEO of FASANOC, and we meet to discuss any of these issues. We do not see overlaps and we are working together very closely.

MR. J.M. NEMANI.- I think the view that some may take that there are overlaps in there. I think the roles are quite distinct and the way I see it, we need support and we support each other. That becomes really valuable for sports because the roles are quite different in that context.

If I can just retract back, Honourable Chairman and Honourable Members, to what Mr. Mazey was alluding to and Honourable Jale. I think it is important to understand that this kind of establishment will come with costs, at a cost to someone, and because it is going to be a global and international platform and I had that discussion when I was in Europe, is to the idea when the Council of Europe invited us, is to establish a national platform, what we call the NP, the national platform.

Under that platform, the scenario that Mr. Mazey and I were discussing about is establishing a NP is to have that manipulation of sports competition, that is the national platform

and we have the integrity of sports. Also, we have the Independent Sports tribunal. At the moment, we do not have such. Again, Mr. Mazey has alluded to have laws to strengthen, to have some teeth, to make people more accountable. At the moment, they have nothing.

It comes at a cost and I am happy to state that Australia is the first to put up their hand to assist us and they know fully well why this is important for the Pacific. During my presentation at the Sports Ministers meeting in Samoa, I had floated this idea and the outcome document was well supported because everyone wants to have that, but they are saying, "Can Fiji start it first. We will wait and see." I came back and shared that with the Honourable Minister and Mr. Mazey said, "Look, we will take the bold step", and that is where the conversation with the Minister for Sports, Honourable Richard Colbeck said, "Tino, I support your presentation. I want Fiji to be the first and Australia is going to be the first to support and commit Fiji to establish the Integrity of Sports in the Pacific."

Their view is to have it in Fiji, and then later on extend to a regional one. I am not sure how that will work, it has its complexities but nothing is impossible, if we think that sports is important for the Pacific. If you look around the Pacific, Australia and New Zealand, almost 70 percent of the Pacific Islanders are playing in national league, top league, rugby, they are all over the place. But there is some fundamental work that needs to be done first and that is to protect our integrity, protect the sports base. It can also be a huge social economic benefit for countries like Fiji because we are bigger suppliers of international players. We will need legal expertise, and that was something that I also discussed in part of my bilateral with the Council of Europe. This is a specialised area and they are willing to provide legal expertise and I have shared that also with the Solicitor-General's Office.

They are willing to come and support Fiji establish and then with the legal expertise, they also are willing to come and support Fiji with the preliminary work. Thank you, Mr. Chairman and Honourable Members.

MR. CHAIRMAN.- Thank you again. Another question that I wish to ask is the international arena where we have, particularly the players playing abroad - the overseas-based players and their contracts. Does the Commission have an input or say when signing those contracts for our foreign players?

MR. P. MAZEY.- No, Sir, it does not and that is something that we have been having meetings with the Ministry of Employment on, in the past. It is very much like those days when security guards were appointed to the Middle East and we had nothing in place.

Hence, this is why ILO have taken that on board because it is not just our rugby players, but is estimated that we have over a thousand of our people playing sports in Europe. And we have had a number of incidents where the contracts were presented and have never come through to us as being the Commission through the Ministry, or even through Fiji Rugby Union or Fiji National Rugby League or Fiji Football. They have just been done by outside people coming in and offering money.

The problem we have found is that, yes, we have had incidents of non-protection of our players under these contracts. They can be cancelled very quickly and we have had players commit suicide, if you may recall. It is not just happened once and not just the Fijians or to itaukei.

We have also had a lot of young players in Australia who are 18 years old and more, who have been offered contracts for about AUS\$20,000 but they do not let you live in Australia as well as send money home. At one time we had the Commission got involved with lawyers in Queensland to assist with these young players and there was nearly 200 of them that need the assistance because they have breached their legal right to stay in Australia. In other words they had to go out and get a job when they are only supposed to be playing sports.

So, no, at the moment, again, it is one of those gaps that comes into the integrity of sports, Sir.

HON. A. JALE.- Just a short question, when you are a member of an organisation, you are expected to be paying some sort of fees as a member. We just want to know as a matter of curiosity, what type of membership are we expected to pay and how is it calculated?

MR. P. MAZEY.- You are talking about joining Europe, yes.

MR. J.M. NEMANI.- Thank you, Honourable Member. I do not have the full details. It is worked out in a percentage based on per capita or something like that, but I certainly can get back to you, but it is a minimal amount to join the Convention. I can have that information given back to you, Mr. Chairman, at a later stage, if that is alright.

MR. CHAIRMAN.- Honourable Members, since there are no further questions, Mr. Maze, PS and Ms. Rodan, we take this opportunity to say thank you again for availing yourselves to come before the Committee as requested, and if we do have any further pressing questions as we compile our final report for presentation to Parliament, we do not mind if you exceed to answering those questions for us.

With those few words, if you have any departing remarks the floor is yours. Thank you.

MR. J.M. NEMANI.- Thank you, Honourable Chairman. One point just came to mind after Mr. Maze's presentation, there is something quite contemporary coming out of ILO. I think it is important for the Committee to note this because when you talk about contracts, I think this conversation has come about because of the breach of contracts around the world for players.

There is something that is called the decent work in the world of sports. It is a contemporary space, agenda that ILO has floated, we have missed the boat in January where we did not send anyone and that is also a good space to start, particularly for the Commission, the Ministry and also the Ministry of Labour. If we are going to protect the contracts of our players going abroad, we want to hear, for example, in France how our players are been treated when they go in with the promised contract and on arrival, there is something different. So ILO is taking a leading role in this, and I am sure in the next invitation it should be recommended that

we participate because, Sir, we have a lot of players who are contracted out there. Thank you, Honourable Chairman.

MR. P. MAZEY.- Thank you very much, Sir. Honourable Chairman and Honourable Members, I think one thing I keep liking to get across is that we are hoping that with the Integrity of Sports Unit and with the teeth, we are hoping that an appropriate Act in Parliament will give through that, that we will be able to answer a large number of questions and gaps with the protection of our sportspeople.

There is a lot happening out there and right as we speak. We have sports bodies got cases with FICAC, with the Police and everything and need this body to take that out of that sort of arena so that they can be managed properly and protecting the people's concern. I think that is what I would like to see done more than anything, Sir. Thank you.

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

**STANDING COMMITTEE ON
FOREIGN AFFAIRS AND DEFENCE**

[Verbatim Report of Meeting]

HELD IN THE

COMMITTEE ROOM (EAST WING)

ON

WEDNESDAY, 22ND JANUARY, 2020

VERBATIM NOTES OF THE MEETING OF THE STANDING COMMITTEE ON FOREIGN AFFAIRS AND DEFENCE HELD AT THE BIG COMMITTEE ROOM (EAST WING), PARLIAMENT PRECINCTS, GOVERNMENT BUILDINGS, ON WEDNESDAY, 22ND JANUARY, 2020 AT 10.50 A.M.

Interviewee/Submittee: Fiji Association of Sports and National Olympic Committee (FASANOC)

In Attendance:

1. Ms. Makarita Lenoa - President
2. Ms. Lorraine Mar - Chief Executive Officer

MR. CHAIRMAN.- Thank you, Honourable Members. Honourable Members, we have before us, the President of the Fiji Association of Sports and National Olympic Committee (FASANOC), Ms. Makarita Lenoa, and the Chief Executive Officer, Ms. Lorraine Mar. Welcome ladies.

(Introduction of Committee Members and Secretariat by Mr. Chairman)

With that word of introduction, Madam Lorraine and Makarita, just a brief introduction of yourselves and then the floor is yours. Thank you.

MS. M. LENOA.- Honourable Chairman and Honourable Members of the Standing Committee on Foreign Affairs and Defence, thank you very much for the invitation to FASANOC to make a presentation today on the subject matter that is of a global concern to sports and, therefore, a

potential risk to the 40-member National Federations that are members of FASANOC. Ms. Lorraine Mar, the CEO, is representing the organisation this morning and I am Ms. Makarita Lenoa, who serves as the President of the organisation.

The subject that we have been asked to contribute towards is the Council of Europe Convention on the Manipulation of Sports Competitions. For the sporting movement, what this simply means is the protection of the integrity of sports, the protection of clean athletes and the protection of a safe environment for sports in society.

Guided by the questions that were given to us, we have attempted to outline points that we believe would contribute to your consideration in whether Fiji should ratify the Convention. By way of introduction it may be good if we refresh with the question and what is the Council of Europe.

The Council of Europe is not the European Union and neither is it the European Council, it is a European Human Rights Organisation in the continent with 47 member States, 28 of which are members of the European Union, who have signed the European Convention of Human Rights - a Treaty designed to uphold human rights, democracy and the rule of law.

Since 2016 the Council of Europe Convention on the Manipulation of Sports Competition also known as the Macolin Convention had to

change because of its activities that had to be in reference to the Macolin Convention. Therefore, the Macolin Roadmap had to be implemented and followed.

The main objectives of the Council of Europe then was the ratification of the Macolin Convention by as many States as possible because this Manipulation of Sports Competition is a global threat to sports and to society, and unless there is an international legal framework in place, the sports movement is

unable to combat this on its own. Therefore, the International Olympic Committee, together with the Council of Europe and Interpol have published booklets, guidelines that would assist Countries and States that would ratify the Convention.

In September last year, the Macolin Convention then entered into force which meant that it is now a legal Convention and a binding one, and it is the only applicable Convention that deals specifically with sports manipulation. Understanding the global nature of the Manipulation of Sports Competition, the Council of Europe encourages all Member States, including non-European States, to sign up and be a party to the Convention of Europe on Manipulation of Sports Competition.

It would require co-operation from all stakeholders and as I mentioned before, the sports movement cannot do it all by itself because it is beyond the boundaries of sports and sometimes money laundering and other corrupt activities that do abuse sport is beyond the control of the sports movement.

So the aim of the Convention is in facilitating and organising co-operation between all stakeholders, identifying a Betting Regulatory Authority to implement sporting betting legislation and also establishing a National Platform for co-operation and exchange of information. The role of the National Platform is principally an information hub between the public authorities, sport organisation and sport betting operators.

The fourth aim of the Convention is also to establish and enforce criminal sanctions for the manipulation of competitions which involves cohesive, corrupt or prudent practices.

I have before you a diagram which illustrates that this is a united and a combined effort of many countries and organisations. So we see there are three divisions or three levels and at the very core is what we have the public authorities. Then around it, we have the national level where stakeholders can work together and collaborate in order to combat, detect and also prevent the manipulation of sports. Then we have the regional, as well as the international level.

Highlighted before you is the local scenario. Should Fiji consider moving into the direction towards ratifying this Convention, then all these stakeholders will need to work together in order to prevent and be able to detect any manipulation that happens within sport or the use of sport for any criminal activities.

In ratifying the Convention, it will mean that Fiji will join other countries in combating the manipulation of sports. We have also put before you a Potential Implementation Roadmap, if that is where our core group can come together to begin, engaging the relevant stakeholders. This core working group could consist of the Ministry of Youth and Sports as well as the Sports Commission, FASNOC, the Office of the Solicitor-General and the Police Force, so all these will need to work together.

We do not need to create anything new because there was a project of the Council of Europe from 2016 to 2017 which has now produced a guideline, a book which has been endorsed and it is a practical guide detailing the framework and steps to be taken to assist EU and non-EU Member States in addressing the Manipulation of Sports competition.

Sport manipulation is a threat to sport but because does not operate in isolation from society, therefore, it is also a threat to society. Although Fiji has not have many exposure of this manipulation, from the sporting sector we would propose that we cannot be complacent and we cannot deny athletes and members of our country from being manipulated and also opening up the potential of criminal activities into Fiji, using sport or through sport.

Mr. Chairman and Honourable Members, vinaka vakalevu for your time and allowing us to give this presentation.

MR. CHAIRMAN.- Ms. Mar, do you wish to add anything to Ms. Lenoa's presentation?

MS. L. MAR.- No.

MR. CHAIRMAN.- Thank you for that. Thank you again, Ms. Lenoa, for your very comprehensive report on the Convention on Manipulation of Sports Competition and its effect to the country. We open up the floor now for questions, Honourable Members. Thank you.

HON. L.S. QEREQERETABUA.- Thank you, Mr. Chairman, thank you Madams. We had a presentation yesterday from Peter Mazey, Ms Rodan and from the PS for Sports and we talked about the ratification. My question was on the whistle blowing policy because at the end of the day, it is the money, the financial gain from manipulation of sport. What are your thoughts on whistle blowing policies, to have a reward that is higher than the financial gains from the manipulation of sport? That is just the question, I do not have the answer either, thank you.

MS. M. LENOA.- Thank you, Honourable Member. Mr. Chairman, for whistle blowing, some sports especially the International Federations, do have a policy for whistle blowing. However, by ratifying this Convention, all these will be considered and hopefully to be implemented as well because it will be broader than just one policy for the sporting movement.

MR. CHAIRMAN.- Ms. Lenoa, we heard from the Permanent Secretary for Sports yesterday about the Council of Europe holding a workshop in Nadi last year. Can we ask you to elaborate on that, were you in attendance? Thank you.

MS. M. LENOA.- Thank you, Mr. Chairman. Yes, I was in attendance. It was a regional workshop which was facilitated by the Ministry of Youth and Sports, together with the Council of Europe. In our region, Australia had signed the Convention and although Australia does not have a national platform, what it does have is a Sports Integrity Unit and the most important thing about the Unit is the calibre and character of the members of the Unit because within sports you have little children who need to be protected and the various members of the society who need to be protected.

Yes, that Convention was a regional one and it was opened to each country to attend, whether they would like to ratify the Convention. It was more an information for all of us to know what has been happening and the danger that there is to sport because FASANOC comes as the representative of the Olympic Movement here in Fiji.

The International Olympic Committee is a very active player and it is taking a leading role, together with Interpol in producing handbooks and awareness and educational materials for National Olympic Committees and National Federations.

MR. CHAIRMAN.- Thank you, Madam. The other thing we heard too yesterday was the Fiji Sevens Team, being almost subjected to this particular subject. Has your Office (FASANOC) come across any other sport that would have been subjected to such activity?

MS. L. MAR.- Thank you, Mr. Chairman. Actually, that is the first I have heard of the Fiji Sevens Team being subjected to sport manipulation, Sir. As far as FASANOC is concerned, we are not aware of that kind of manipulation happening, except in the past it has been in the media, you hear about Battle of the Giants or soccer tournament match fixing. But otherwise, we are not aware that it is a problem in Fiji.

As Ms. Lenoa had said, we cannot be complacent. If the Fiji Sevens Team was approached in anyway, then obviously that is all the more reason why we should be looking at this.

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

HON. DR. S.R. GOVIND.- Thank you, Honourable Chairman, thank you for your presentation, Makereta. Does FASANOC have any educational programmes to educate the sports associations and organisations on a regular basis on the subject matter? Do you plan to have one after ratification?

MS. M. LENOA.- Currently, we do not run an educational programme on this subject but the IOC have prepared materials for creating

awareness and education for National Federation and we have had a presentation from one of the members of the IOC Unit on the prevention of sports manipulation presenting to FASANOC members last year, but we do intend to take this up very seriously because of now, that it has entered into force, it has become a binding and a legal framework where we can make sure that Sports Federations are complying.

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

HON. L.S. QEREQERETABUA.- Mr. Chairman, I was just going to ask, this is just things I am thinking about and I just wanted to know, big local sporting events like the Coca Cola Games, for example, apart from the betting operators, have you heard of betting happening amongst spectators? Would that be something that would come under the agreement?

MS. M. LEANO.- It would cover everything that has to do with sport, whether it is the hosting of competition and it does not matter whether it is a national, regional or international. What should really be happening is that, as we know as FASANOC, which has 40 member National Federations that the sports are at risk. There is a potential risk to sport and we are concerned and we do hope that this presentation will help in the consideration that can be given to the topic because if Fiji does not ratify, then we are opening not only sports, but our society to the manipulation of sports.

The first step really were to do a threat assessment and unless that is done, we cannot really be assured. Right now, we can guess, we can read on papers but unless there is a threat assessment done by experts, then we can be sure of the status and the situations here in Fiji. Thank you, Honourable Member.

HON. A. JALE.- Thank you, Mr. Chairman. Vinaka vakalevu, Makereta, and thank you, Lorraine. What are some of the impacts of the ratification of this Convention to the FASANOC?

I think we are in agreement with you that it may be time that Parliament consider ratification of that, but what may be the implication to the structure of FASANOC and its role after Fiji ratifies this?

MS. M. LENOA.- I think the main impact is that, it strengthens the collaboration of FASANOC with other stakeholders in the country and also brings FASANOC closer to working with law enforcement agencies and getting operators and other agents and organisations that will need to work together, in ensuring the protection of sports integrity in the country. That really would be the greatest impact on FASANOC.

MS. L. MAR.- Maybe, if I could just add to that Mr. Chairman, at the moment, we have anti-doping, so I guess it is like another type of concern. In terms of anti-doping, the Government ratified the UN Convention Against Anti-Doping and then through the ICS as well, we followed the guidelines and that is a very strong section of our operation

at the moment, so this will then become another piece of that. Thank you.

MR. CHAIRMAN. - Since there are no further questions from Honourable Member, to you Makereta and Lorraine, thank you again for acceding to our request to come before us this morning. If we do have any other pressing questions, we do hope that you will respond through our secretariat.

With those few words, if you have any other departing remarks, the floor is yours. Thank you.

MS. M. LENOA.- Mr. Chairman and Honourable Members, thank you very much for your invitation and it is a pleasure to be of any help in any way. Vinaka.

The Committee adjourned at 11.17 a.m.

[VERBATIM REPORT]
STANDING COMMITTEE ON
FOREIGN AFFAIRS AND DEFENCE

TREATIES

- 1. Kigali Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer**
- 2. 2011 Asia-Pacific Convention on the Recognition of Higher Education Qualifications**
- 3. Council of Europe Convention on the Manipulation of Sports Competition**

**INSTITUTIONS: University of the South Pacific
(USP)**

Fiji Police Force (FPF)

Consumer Council of Fiji

VENUE: Big Committee Room (East Wing)

DATE: Thursday, 23rd January, 2020

VERBATIM NOTES OF THE MEETING OF THE STANDING COMMITTEE ON FOREIGN AFFAIRS AND DEFENCE HELD AT THE BIG COMMITTEE ROOM (EAST WING), PARLIAMENT PRECINCTS, GOVERNMENT BUILDINGS, ON THURSDAY, 23RD JANUARY, 2020 AT 9.26 A.M.

Interviewee/Submittee: The University of the South Pacific

In Attendance:

- | | | | |
|----|-------------------------|---|---|
| 1. | Professor Pal Ahluwalia | - | Vice-Chancellor |
| 2. | Dr. Francis Mani | - | Associated Dean |
| 3. | Dr. Heena Lal | - | Planning and Quality Assurance Department |
| 4. | Ms. Elizabeth R Fong | - | Librarian |
| 5. | Mr. Aneet Kumar | - | Research Officer |
| 6. | Mr. Faranise Raicebe | - | Welfare and Deputy Chairperson (Students Union) |

MR. CHAIRMAN.- Honourable Members, we have before us this morning the Vice Chancellor and team of Officials within the University of the South Pacific (USP). A very warm welcome to you, Sir, and the rest of your team.

(Introduction of Committee Members and Secretariat by Mr. Chairman)

Welcome again. With the brief introduction of your team, Sir, the floor is yours. Thank you.

PROFESSOR P. AHLUWALIA.- Thank you, Mr. Chairman and Honourable Members. I will start from here, on my extreme right is from our Student's Union, Mr. Aneet Kumar; Dr. Heena Lal is from our Planning and Quality Assurance Department; Dr. Francis Mani is our Associated Dean in the Faculty of Technology, Science and Environment; Ms. Elizabeth R. Fong, I think many of you know is our Librarian; and on my left is Mr. Faranise Raicebe from the Student's Union.

MR. CHAIRMAN.- Thank you, Vice-Chancellor, Sir. We will now move onto your third presentation.

PROFESSOR P. AHLUWALIA.- Just the introduction, this is a presentation by our Students' Union and they were also asked to make a submission, but a lot of what I have said, very much applies to that.

MR. A. KUMAR.- Thank you, Mr. Chairman and Vice-Chancellor. I would be presenting a submission on behalf of the USP Students Association Federal Body that represents the students across the regional campuses of our University, including Fiji.

The purpose of this presentation is to provide the Standing Committee with the views of the USP Students Association on the Convention, and to outline reasons for ratification of the Convention by Fiji.

We were also sent the letter with substantive questions, which we would like this Honourable Committee to refer to the Vice-Chancellor's presentation. If you could move to the background of the presentation, please.

The Convention provides a mechanism for the countries of the Asia-Pacific region to facilitate recognition of higher education qualifications through increased information provision and transparency. Becoming a party to the Convention would demonstrate Fiji's commitment to improve mobility of students, academics and workers within the Asia-Pacific, while also building on developments and recognition practices and international co-operation, resulting from Fiji's membership of either UNESCO regional recognition conventions.

Now, this Convention builds up on the 1982 Convention or as we know, the Bangkok Convention. This Convention also aims to provide for the establishment of National Information Centres (NICs) in more countries, implementation of diploma supplements and catching up with developments in qualifications, recognition, thinking and practices.

It includes the role of qualifications frameworks and defining substantial difference between qualifications from different countries which is vital for the Fiji Academic Framework. We have outlined three reasons from our point of view as to why Fiji should ratify this Convention:

1. It will facilitate the mobility of students, academics and workers within the Asia-Pacific by providing a platform from which to enhance national qualification, accreditation and quality assurance frameworks of Parties to the Convention.
2. It will facilitate offshore experiences for Fijian higher education students and improve employment prospects for individual holders of Fijian higher education qualifications within the region.
3. Becoming a party to the Convention will demonstrate Fiji's commitment to UNESCO's agenda of strengthening engagement between countries and regions through higher education.

In conclusion, the Convention gives qualification holders the right to a fair assessment of their qualification among the Parties becoming party to the Convention. It will improve understanding and recognition of our qualifications among Convention members. Hence, it is recommended that Fiji ratify the Asia-Pacific Convention on the Recognition of Higher Education Qualifications.

MR. CHAIRMAN.- Thank you. Any questions on the floor, Honourable Members? If not, we will hear from the fourth presenter.

PROFESSOR P. AHLUWALIA.- While we are getting that presentation, I might just add that really, the students union is supplementing what I had said.

HON. A. JALE.- I think the idea of bringing student association representative is a good one. It just confirms to us the need to ratify. Thank you very much.

MS. E. FONG.- Mr. Chairman and Honourable Members, it is my pleasure, on behalf of the Oceania Sports Information Centre, to present a response to you on the Council of Europe Convention on the Manipulation of Sports Competition.

The preamble to the Convention aptly lays the foundation for ratification. The role of sports in Fiji's national development, I believe, is the determining factor in the consideration of the ratification of the Convention.

More and more recently, we have seen Fiji welcoming international competitions here rather than our people going out. I think, based on that we need to look at this Convention very closely because it is about manipulation of sports and so the preamble actually states, the Europeans put it together for unity amongst themselves, so we need the same unity.

They talk about the European and a global framework so they are part of the global aspect need for a global response from States not members of the Council of Europe, but they welcome our participation. And they do believe that every country and every type of sport is potentially affected by this global threat and the involvement of criminal activities, and organised crime is a reality and sports are not absent from them.

It has been supported by a range of Europe and United Nations Conventions, including some UNESCO Conventions and without checking too closely, I do believe Fiji is signatory to some of those Conventions that they had looked at. They look very closely at betting because somehow, that is where it tends to start and we need to be looking at how to detect and sanction what takes place in those fields. It is about protecting the integrity of sport and emphasising national co-operation with international co-operation.

So based on that and being very aware that the development of sport betting activities increases the risk of such manipulation, so based on that I think we have got a very good basis on which to ratify because it puts all of us into the picture. I just thought I would give you the Convention definition for you to read and I am sure you have read it, and just to highlight the fact that this relates to the integrity of sport - a very, very important issue for us.

There are 10 Chapters and 41 Articles in the Convention and I do believe that they provide the foundation and framework for the development of national structures and mechanisms for the prevention of the manipulation of sport.

Some of the measures include; legislation, guidelines and the mechanisms could be for national sporting bodies, some of which already exist that may need strengthening and some may need expansion. So in terms of the substantive questions that was sent, we were asked on what are the implications of Fiji ratifying the Convention when Fiji is not a member? I think I have alluded to that at the outset. Though not a member, there is reference in it in Article 32 (2), I quote:

“The Convention shall also be open for signature and by any other non-member State upon invitation...”

I do believe we may have been invited and that is the result.

I think I see it as a catalyst for us to begin the process of protecting the vulnerability of sport to sport manipulation corruption. We have had our little instances in match fixing, so I think we are kind of aware of how that can be.

It will be prudent for Fiji to determine and ascertain the legal, financial, social and cultural implications through the widest form of consultation of sporting bodies, those related to sports, the medicine people, the insurance people and all interested parties. And I think I saw in the newspaper yesterday a public call for responses, I think that already is addressing the widest form of our

consultation. This also gives us an opportunity to provide a lead role in the Pacific region for implementing such legislation.

The second question was on existing laws that need to be amended to conform to the Convention, if Fiji ratifies it? What are some of the laws?

The Gaming Act, Boxing and Wrestling Contests, Boxing Commission of Fiji Promulgation, as listed there and others include the Employment Act and maybe the Crimes Act, as part of it. These will need to be looked at because there are gaps.

Sport has runaway faster than the legislation has been able to keep up, so those looking at it will need to look at this. I am no lawyer but I am an information person so I found the legal document.

How long will the process take? Well, for ratification which is being approved under our internal procedures, I think you can make a decision quite quickly because that is what we wanted, we want to ratify that. However, in the process of approval and acceptance, we will have to take in the consultative process, the depth of research needed, people need to be reviewing the Acts, the examination of existing laws, the legal gaps and availability of people and finance always underpins the success of our completing this. So I think that is part of that sports legislation.

The sports legislation, what are the things that we need to look at? We need to identify the sports to be covered. The level of coverage, this really refers to national and international.

Will it spread to local and community? Maybe. We need to be constant with definitions, so the Convention provides the definitions for us.

Who will the legislation cover? The Fiji citizens participating in Fiji, those coming from outside participating in Fiji. We do have our cultural and traditional sports. Maybe one day, they will become the Pacific games, not for the Olympic sports but of the traditional sports. Then they might be saying, "I give you 10 coconuts for one *lovo* pack or something in exchange." It is just a thought, we should not leave out our traditional sports.

And our next question was, what are the existing laws that regulate betting? Very specific because that seems to be the area where it starts and we have two pieces of legislation that I found. And the Business Licensing Act only refers to the betting agents so it is quite limited and narrow.

What provisions of these laws would require change in order to comply with the Convention?

I think the Convention definitions compliance of Betting Sections 5(a) and (c). Sports betting operators, sports coverage, the Fiji Gaming Decree refers to mostly games of chance, such as lottery, blackjack, wheels of fortune, to the exclusion of the Olympic type sports.

I think something that we bear in mind is that, sports betting has been a key factor in the acquisition of new gaming customers, in particular millennial and young adults", I quote the President of the GMLS. "The more you make betting available, you have got a group within the country on whom it will impact.

There is e-sports also, something that is very real where children are playing games, which is e-sports.

What sports are covered by the Convention?

It was an interesting question. I really have to look through the Convention and do my searching and I found that the Convention Follow-up Committee is responsible for listing the sports, and they have yet to meet. They will meet in 2020, but I am sure we can safely assume that all Olympic and European competition sports, to which many of our national sports are linked, will be part of that.

What OSIC can do?

Of course, I am from the Oceania Sports Information Centre (OSIC). We are information people, so we can support any of the information needs that Government may have in leading to the ratification approval/acceptance of the Convention. I gave you a few examples of the kind of things that are very good search found.

In conclusion, OSIC recognises the unifying influence of sport and the universal principles on which this Convention is based and reiterating the importance that Government places on sport for national development and reaffirmed by Fiji's enhanced participation and reputation in sport on the national regional and international arena. We believe this is a firm basis for Fiji to ratify the Convention on the Manipulation of Sports Competitions. Thank you very much.

MR. CHAIRMAN.- Thank you, Elizabeth, for enlightening us on that particular Convention. Honourable Members, are there any questions from the floor?

HON. A. JALE.- Thank you, Mr. Chairman. Thank you very much for the presentation.

I am quite pleased that you raised this issue about the areas that we need to consider very seriously in terms of coverage of this Convention. You have mentioned about cultural and traditional sports. I think we need to consider that there has to be some exceptions or whatever. I am talking about canoe racing, one of the sport that we recognise here which is a traditional one. There may be few more because we are talking about sports here. This canoe racing, do you feel it is a sport or it is something else?

MS. E.R. FONG.- Yes, I believe it is a traditional sport, and I think what makes it even more important to include the traditional sports is, they tend not to be expensive, apart from a canoe, maybe, but that takes time. But really we use natural items, things that are available and in light of NCDs, if people are playing traditional sports in the villages or in urban centres or at their backyards, they do not require so much money and input. I think everyone benefits, it is a win-win situation. So that was part of my reason for including the reminder for traditional and cultural sports.

HON. L.S. QEREQERETABUA.- A question, Mr. Chairman. Ms. Fong, thank you, where would you see a whistleblowing policy fit in?

MS. E.R. FONG.- Quite naturally, I think. If you are in a sporting situation and you observed what is going on that is against the law, possibly against the principles and ethics of a sport, often times you are part of that sport and very a part of the friendships that come from sports so it could be very hard for you to raise it, so whistleblowing policy would assist in making sports clean. We are always talking about keeping sports clean, keep rugby clean, so that might be a way of enabling the detection of what is going on at a very early stage, perhaps. Thank you.

HON. A. JALE.- Do you think selection of team members would be something that we need to consider under this?

MS. E.R. FONG.- Possibly, yes. It has got to be open and transparent. I think when it comes to selection criteria, openness and transparency will remove the chances of manipulation, I think.

HON. DR. S.R. GOVIND.- My questions is to the Vice-Chancellor. Do you think that once Fiji ratifies this Higher Education, as I mentioned, and on successful implementation, will there be some ease in our graduates seeking appointment abroad be accepted without undergoing another level of examination or licencing?

PROFESSOR A. AHLUWALIA.- I think it will help because the accreditation have to be accepted by all the countries in the Convention. I think USP is very lucky in that because of our international accreditations. I can probably give you one example which comes to my mind straightaway is our accounting qualifications which are accredited and recognised by CPA Australia, which means that as soon as our graduates finish, they can write to CPA Exams while they are here but then those qualifications are recognised. Our Engineering Degrees are accredited by New Zealand, which means that there is an immediate recognition of those qualifications.

My only concern about all these recognitions is the braindrain, but we have a lot of accountants so we can afford a little bit of braindrain in that area. I would be more worried about certain areas where we do need expertise but I look at the Pacific as a region because we are a regional university and labour mobility is very important to some of our regional countries. We are very dependent on repatriation. Thank you.

MR. CHAIRMAN.- Vice-Chancellor, Sir, and your team, we wish to thank you, on behalf of the Standing Committee on Foreign Affairs and Defence, for acceding to our request. Should I say at this juncture that if we do have any other pressing questions that you will oblige through our Secretariat and if you have any departing comments, the floor is yours, Sir?

PROFESSOR P. AHLUWALIA.- Thank you, Mr. Chairman. On behalf of our team, I just want to say that we found this a very productive engagement. I think we were trying to remember if we were ever been asked before to come in on such a range of topics and I think the team found it very, very encouraging. We are very happy to be consulted and, of course, if there are any other questions, Jacob, please, do not hesitate to contact us.

Thank you, Mr. Chairman and Honourable Members.

MR. CHAIRMAN.- Thank you again.

The Committee adjourned at 10.34 p.m.

Interviewee/Submittee: Fiji Police Force (FPF)

In Attendance:

1. SSP Rajesh Krishna - Director Legal
 2. Mr. Pram S. R. - Legal Assistant
 3. Ms. Rishma K. - Legal Assistant
 4. Mr. Panam K. - Media
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The Committee resumed at 11.01 a.m.

MR. CHAIRMAN.- Thank you, Honourable Members. We have before us, Superintendent of Police Rajesh Krishna and his team, who are going to be presenting to us on the manipulation of sports competition. To you, Sir, thank you for acceding to our request to come before us this morning before the Standing Committee on Foreign Affairs and Defence.

(Introduction of Committee Members and Secretariat by Mr. Chairman)

With those few words Sir, a little introduction for your good self and the floor is yours for your presentation, thank you.

SSP R. KRISHNA.- Thank you, Sir. The Honourable Chairman and the Honourable Members of Parliament Standing Committee on Foreign Affairs and Defence.

Sir, on behalf of the Commissioner of Police, first of all, please accept our appreciation of being invited to this Committee to present the views of the Fiji Police Force. We are privileged to be sitting in front of the leaders of the nation and deeply honoured, personally, to be in front of our leaders.

Sir, I am the Director of Legal. I am Acting SSP Rajesh Krishna. With me, are the members of the Legal Unit; on my right is Sgt. Param and on my left is Women Police Constable Rishma. We have received the green light from the Commissioner to present the views of the Fiji Police Force to the Committee. Thank you very much, Sir, and with the permission of your good self, may I proceed, Sir.

Sir, initial to the Convention, I have the guidelines on the purpose and the objectives of the Convention. Looking at the purpose, if I may repeat the objectives and the purpose to your good self which I am sure your goodselves are aware of, the purpose is to compare the manipulation of sports and looking further down, the objective is to prevent, detect and sanction national or transnational manipulation of national and international sports. I took my queue from the objectives of the Convention.

Moving further on, Sir, as I did my research, we discovered that this is the only international instrument in the manipulation of sports where 38 countries have signed and six countries have ratified. And we are very pleased to be part of this venture where Fiji may be the first country in the Pacific to be ratifying this Convention.

Sir, whilst doing the research we found out and wish to share with your good selves, the reason why we are supporting the ratification of this Convention. Mr. Chairman, I had a chance to look at international cases where people were heavily involved in the manipulation of sports.

The first would be Mr. Tim Donaghy. He was heavily involved in the manipulation of National Basketball (NB) games, being a referee. Good for us that there was a case too where this person had been sent to prison for 15 months, where he was conspiring to engage in wire fraud and transmitting betting information through interstate commerce.

The second one, Sir, a cricketer. Mr. Mervyn Westfield manipulated the game by allowing 12 runs in one over, where he received 6,000 Pounds and then he was also sent to prison.

Closer to our nation, a very well-known gentleman, Mr. Chris Munce, who won the Melbourne Cup race that stopped the nation, as we always hear from the newspapers and the media. He was involved in giving tips to a gentleman from Hong Kong, whereby when he was arrested, he was found with \$250,000 and tips in relation to the betting. He had won the Melbourne Cup and other Cups as well.

Moving on, Sir, very much closer again to Fiji, because we are also involved with rugby league, this gentleman and I wish to say to your good selves, what had happened in this game. He had informed his friends that they can bet on a particular game where he will be playing, that the first score by the opposition will be through penalty and which would had been a big payout. So he deliberately gave away position and consider a penalty to the opposition near the goal post, so that another team can score through penalty and his friends, the people who had bet on that particular game, the way the points was scored, but unfortunately, the other team scored a try.

The betting agencies found some irregularities that was why 95 percent of the people placed the bet that the first score will be in this particular way through penalty, and they connected all those people to Mr. Ryan Tandy. Unfortunately, we lost him, he passed away, but those are some of the examples which I would like to share.

The latest one talked about is soccer. There had been issues about soccer, game fixing and manipulation of games by betting agencies and other prominent people.

The next thing which I would like to share, Sir, is rugby, which is the one game that I have find is the cleanest games, during my research. It was a stopping moment for Fiji when Fiji won the first Olympic Games Medal. It was like a stopper for the nation, we were all proud of it and happy that our boys won the gold for Fiji. But what if the game had been manipulated, it would have broken the hearts of all Fijians.

Moving on to the most serious incidents related to betting and gambling, this is one incident that happened in 1994. After the Soccer World Cup where Columbia lost to USA 2 to 1, the Captain of the Team, Andres Escobar, scored his own goal which was unfortunate for the Team, they lost but behind the scene, people, especially drug peddlers, betted on their teams to win. And a particular person who had heavily betted on Columbia to win, lost all his money. So when this gentleman returned to his country after a few days, he was shot dead.

Why I am emphasising on this one is that, what will happen to our own home-grown players who are playing in other countries? What about the life they are risking because it may not be so rife in Fiji but it is happening in other countries where people are at risk when the games are being betted on, when people try to manipulate the games and the end result is a security risk to our players and their families, who are playing in other countries, especially European countries?

To avoid all those, Sir, the FPF is supporting the Fiji Government's intention in the ratification of the Convention on the Manipulation of Sports Competition. Whilst in support of this

Convention, Sir, we will request that there should be a holistic approach to this ratification and further on, the legalisation or something to support the ratification by having domestic laws. If we are doing so, if all the Parties involved can get together in relation to forming the legislation which may follow after the ratification of this Convention.

Currently, we have some legislation but not directly connected to illegal betting or manipulation of sports competitions. Some of those legislations that can be connected to the manipulation are:

- Crimes Act;
- Criminal Procedure Act;
- Gaming Act;
- Illicit Drugs Control Act;
- Proceeds of Crime Act; and
- Cybercrime (it is a Bill at the moment but we are looking forward for it to be passed and approved as an Act).

Mr. Chairman, this is an area of concern to us. If the legislation is passed by the august body, we will then be looking as to which agency will be directed to be the enforcement agency to oversee the investigation of any manipulation of sports, whether it will be the Fiji Independent Commission Against Corruption (FICAC), FPF or an independent commission or we shall leave it to the individual sports associations.

Here, I am rather sceptical in relation to giving that authority to individual sports associations because we will not be able to have access to their investigations. There may be some barriers in us having any information as to what happened to their investigation. It may be kept behind doors, the results of their investigations.

Furthermore, Sir, we are requesting if the area of jurisdiction can be looked into, whether we should leave it to the sports association to have disciplinary cases or we shall ask for it to be investigated through civil investigations or criminal investigations. Then again, please, have a look at the border jurisdiction whether any person who was overseas can be prosecuted in Fiji or charges can be laid. So, if all those issues can be looked into.

In conclusion. Sir, we are requesting that if we ratify the Convention, we should be having a legislation on its own to look into the manipulation of sports competitions and we should be able to demarcate roles as to which agency is looking into which area in the particular legislation. For example, if I may share the Online Safety Act. We have two authorities looking into that Act; one is the Online Safety Commission headed by Ms. Dunn and the other one is the FPF. Whilst we are looking at criminal investigations, the Online Safety Commission is looking at the civil side of the Act. So, if the roles are demarcated as clearly as in the Online Safety Act, it will be helpful as to whichever enforcement agency would be responsible for investigating the cases.

Sir, we would request if the agency that is given the authority of enforcing that legislation be given that authority to be able to enforce those legislations. We would not like to have obstacles in the investigations, something like if we have to do a covert operation. I know the Constitution might come in, the rights to privacy, then again when you are looking at the damage that can be done if we are stopped from doing the investigations. That is why we are requesting to have enough powers or authority to be able to investigate and prosecute cases.

Lastly, Sir, we have seen in countries dedicated courts for certain type of cases, and if similar areas can be looked into in Fiji.

Sir, that is all from Fiji Police Force. Thank you once again for inviting us. Again, on behalf of the Commissioner, we appreciate being part of this venture by Government to ratify the European Convention on Manipulation of Sports. Thank you very much, Sir.

I am now obliged to answer any question from your goodselves or any queries, and if we are unable to, we will do our research and get back to the Standing Committee. Thank you, Sir.

MR. CHAIRMAN.- Thank you SSP Rajesh for your comprehensive submission on the Manipulation of Sports Competition from the Fiji Police Force and in particular, for myself, I was very much drawn to your submission on the manipulation of sports that you did show on those various sporting bodies - the rugby, cricket and horse racing, because it gives me the thought that we have quite a good number of overseas-based players, particularly in European countries, mainly rugby, but there are other sports which brings me to the thought that they are open to possible manipulation. For that matter, like the South African having returned home and his life taken, so immediately that is an inner feeling that I get, that these guys, their life are at stake, so to speak. I was very much interested in that and it throws some light to our players abroad again.

There must be some sort of legal document to safeguard them from that. But, again, that guy who got shot when he returned home, there is probably something like that in place but you just cannot avoid someone else trying to take one's life.

Honourable Members, do you have any statements or questions. Thank you.

HON. A. JALE.- Thank you, Mr. Chairman. Thank you very much Superintendent and Acting Assistant Commissioner for the presentation and I think it is very useful one. It really gives us a scope of what are the remedies and difficulties that could be encountered whilst observing and trying to enforce the provisions of this Convention. It is going to be a criminal issue, so your Department will be involved.

My question is, are you ready for the Government of Fiji to ratify this Convention in terms of delivering what is required for you to do in terms of bringing offenders under the Criminal Act or Criminal law into Court? Do you have the resources and the expertise to be able to do that? If you do not, what are your plans to try to bring up the structure and the capability of the Police Department to handle these things?

MR. RAJESH.- Thank you, Honourable Member, I am pleased with that question, Sir.

Sir, in relation to our capability, we are confident of the capabilities of our police officers and in relation to the particular Act, we have been looking forward to the Act which may have the provisions for the police officers as to how to deal with that particular incident.

For the resources, Sir, definitely we will be looking towards Government for assistance in relation to the resources and if we need any further resources, Sir, we will be looking forward to the Government's assistance. Thank you, Sir.

HON. L.S. QEREQERETABUA.- Through you, Mr. Chairman, thank you very much, Sir, and Madam for the presentation. I am sure there will be a lot of support from Interpol. I think Interpol has already got a handbook out. Have you had a chance to look at the Manipulation in Sports Handbook that Interpol has put out?

MR. RAJESH.-Yes, I did have a brief look at all the documents that was forwarded by Mr. Jacob to me. Once I looked at those, I was then able to come and present today.

MR. CHAIRMAN.- Honourable Members, if there are no more questions on the floor, Superintendent Rajesh, I thank you once again and your team for acceding to our request to come before us and present your submission on the Convention.

With those few words, I thank you once again and if you have any departing remarks, the floor is yours, Sir. Thank you.

MR. RAJESH.- Thank you, Mr. Chairman and Honourable Members. We are pleased to have been invited to this Committee, Sir, and please accept the apology of the Commissioner of Police.

Thank you very much, Sir, and wishing you all a blessed day.

MR. CHAIRMAN.- Thank you.

The Committee adjourned at 11.21 a.m.

The Committee resumed at 11.54 a.m.

Interviewee/Submittee: Consumer Council of Fiji (CCF)

In Attendance

1. Ms. Seema Shandil - Chief Executive Officer
2. Ms. Everlyn Sami - Manager, Research and Policy Analyst
3. Mr. Tevita Vuibau - Manager, Campaigns, Information and Media

MR. CHAIRMAN.- Honourable Members and members of the media, we have before us Ms. Seema Shandil, Chief Executive Officer of the Consumer Council of Fiji. Welcome Madam and your team and thank you for acceding to our request to come before the Standing Committee on Foreign Affairs and Defence in your submission on the Manipulation of Sports Competition in Fiji.

(Introduction of Committee Members and Secretariat by Mr. Chairman)

With those few words, Madam, a brief introduction from your good self and the floor is yours. Thank you.

MS. S. SHANDIL.- Good afternoon, Honourable Members of Parliament, Secretary to the Standing Committee, friends from the media and other guests who are here.

First of all, thank you very much for giving the Council an opportunity to make the submission on the Convention on the Manipulation of Sports Competition, together with the Kigali Amendment. I think it is an honour for us and just quickly around the table, Sir, as rightfully said, I am Seema Shandil from Consumer Council of Fiji. On my right is Manager Research, Ms. Everlyn Sami and on my left is Manager Campaigns, Mr. Tevita Vuibau. We will go directly into the presentation.

Looking at the presentation outline, we will talk a bit about:

- Consumer Rights;
- Objectives of the Convention;
- Problem and impact of sports manipulation;
- Existing laws regulation betting in Fiji;
- Why Fiji needs to ratify this Convention;
- What are some of the positive impacts on the people of Fiji by ratifying this Convention and;
- Council's Recommendations.

The right to redress is one of the most important consumer rights. It is designed to ensure that consumers get a fair and just compensation, if they are faced with any unfair dealings or are treated very unfairly in any marketplace.

Why does this matter here? We all know that Fiji is part of the global sports family, we are very much part of the international competitive sports and also betting. We take part in almost all the competitions in the world, be it rugby, netball, soccer, et cetera.

We are also aware that in this era, popular sports like rugby, boxing and football continue to be plagued by scandals, such as match-fixing, illegal betting which, sometimes is underground betting where people are not really aware what is going on behind the scene and as such, people lose millions of dollars and there is no platform to seek redress. So this also becomes very difficult for people or for any nations for that instant to fine or get redress for the consumers or the people who have actually lost because their national laws that do not give them an opportunity to seek redress because it may not apply necessary internationally.

Looking at the objectives of the Convention, potentially we know every country and every type of sports in the world is affected by manipulation of sports competition match-fixing. This is nothing new, we have had news about it and it is always there online if we go and read about sport, so it affects the sport fraternity a lot.

Its main objective, as we all know, is to get global response so that we can get together to fight this manipulation of sports competition.

It is also a legal-binding Instrument for countries to prevent, detect, punish and discipline the manipulation of sports competition and also enhances the exchange of data that can be used to indicate the level of manipulation of sports that is actually happening in the world. Also, for national and international co-operation between public authorities concerned and with sports organisations and other betting operators.

What are some of the problems? We know that the values in contemporary sports, values being fairness, equality, discipline, perseverance, is under serious threat and this is because of the development of match-fixing.

What are some of the reasons?

- Very clearly, we know that these are personal greed. Consumers or people make a lot of money by deceiving.
- Ineffective sports governance so because of lack of governance, this happens.
- Because we live in a digital world, there is expansion of online betting market. There is a lot of mobile Apps where people can actually go and bet.

What are the consequences of sports manipulation on a country?

It leads to money laundering.

It leads to betting addiction, and Fiji is no exception because we also do betting. Whenever we have horse racing, you will see a long line in front of the betting offices or the outlets in Fiji.

It leads to tax evasion. If there is illegal betting and underground betting, it leads to tax evasion and also other criminal activities.

So, we also know that there is an increase in the sporting businesses. A recent research showed that the sporting business or sporting industry contributes towards 2 percent of global GDP, which is expected to increase in future. With that, threats are also expected and that is why appropriate action and solutions are required at this stage and we need to take collective actions, we

need to do something or collective engagement is required so that the problem of sports manipulation is kept to some extent.

Again, why the need? It negatively influences the sports industry, sports clubs, betting companies, sponsors, media, private sponsors, because the concern is here. If, supposedly, private sponsors get into match-fixing, there is a lot to be lost in terms of the morale of the teams, the morale of any country who is participating in the sport. So, this is the reason why we need to be active, we need to take proactive steps.

Currently, in Fiji, we do not have any legislation or laws that regulates betting in Fiji. We have a Gaming Act 2009, but it does not specifically regulate the sports betting. It is more so towards outlining rules for the lotteries. Therefore, match-fixing, unethical conduct and manipulation of sports can become prevalent, moving forward.

Here, as I have said and I have reiterated before that we need to be proactive. We need to take preventative steps, so the answer is the Macolin Convention.

We, Fijians, love sports, we love to participate in almost all the sports in the world. So, there is also a need for Fiji to review the national and local sports policies in the world, in order to combat issues of manipulation.

Because there is an absence of regulations, the sports fraternity can be affected. And also the ratification of the Convention will allow Fiji to adopt and implement principles to avoid issues in the world of sports.

As rightfully said by the Permanent Secretary for Youth and Sports in one of his presentations last year, he said, "Fiji has already experienced sports manipulation issues in boxing, soccer, rugby, to name a few." He is also saying that this is the only legal binding international instrument that is specific to manipulation of sports competition and it will also provide indispensable common operational framework to strengthen the values of integrity and ethics in sports.

If Fiji signs the Convention, it will also bring about legislative measures with international groups, such as association with Keep Crime out of Sport Plus 2018-2020 (KCOOS+). This is a worldwide-reach programme, providing technical assistance to those countries who need it, on the principles of Macolin Convention. So, should we decide to ratify this, we will be provided with the technical assistance. Also, it will undertake those countries through the programme that is proposed to public authorities and national and international stakeholders, in the commitment to fight this manipulation of sports competition.

Also, the ratification will mean that Fiji will be the first Pacific Island nation to ratify this Convention, allowing other Pacific island nations to follow and as we always say, this is the hub of the Pacific Islands. Fiji is known as the hub of Pacific Islands. Most of the events are being held here, so ratification will provide a platform for Fiji to address sports-related issues internationally.

It will also promote accountability and transparency, hence, it will promote good governance in the sports arena.

Furthermore, it acts and ensures that the best interest of the players, organisers and stakeholders and their interests will be promoted. At the same time, it will strengthen our international relations.

What is the impact of consumers, if we look at it positively? It will promote trust and consumer confidence in getting services, and the integrity of sports. Manipulation of sports weakens the confidence and the trust, and this is why people get affected. So, if we sign or ratify this Convention, definitely, trust and confidence will be retained.

As I have already said, we take part in a lot of global competitive sports. We have national teams which can be vulnerable to the manipulation of sports, so these teams need adequate mechanisms to be in place, to ensure that any attempt to manipulate our players is caught and communicated and also punished in the right manner.

Also, it will provide safer market for sports betters, as it becomes widely accepted and those wanting to place bets can do so in legal establishments. It is not only safer, it will also be more controlled and it will provide more options to those who love betting for sports.

Recommendations; the Consumer Council of Fiji feels that, yes, we should ratify the Convention because we think if we do that, it will ensure that we will have clean sports, which will mean that in turn, it will safeguard the interest of people who actively participate in sports and also all the other stakeholders who are involved in the sports arena.

We also need to know that with the increased technology and with cross-border services, there comes the possibility of exploitation for undue gains. Money transfer happens across countries and we are also part of it. We normally transfer money using online services, organised crime syndicates targetting sports across continents, betting across countries, as I have already said, that happens online because of mobile Apps and introduction of more betting sites.

Those all need to be tackled now and we need to coordinate together so that the people or those involved can be identified and the offenders can be prosecuted. And we will be able to attack the plague at its source, so once again, this collective action and collective engagement of responsibilities are the only way forward.

We are also suggesting to establish a Fiji Sports Integrating Commission which is very similar to what Australia have and we can work in collaboration, seeking their assistance as they always provide to us whenever we seek assistance from them. That can be very impartial and then can promote our sports as well.

The most important thing is, it is important to provide awareness on manipulation because as we always say, the Consumer Council of Fiji and as an advocacy body, we see that awareness and advocacy is the crucial way to let people know, to make people aware of what happens worldwide, what can happen to them and some of the proactive steps they need to take so that they do not become victims. Signing or ratifying this would really assist us. Thank you.

This is all we have and we will invite questions, if Honourable Members have any, and to answer, we will try our best.

MR. CHAIRMAN.- Thank you Seema. Any questions from the floor before we move onto the Kigali Amendment?

HON. A. JALE.- Thank you, for the presentation. Your recommendation of setting up two bodies - the Fiji Sports Integrity Commission and the National Sports Disciplinary Commission, can these two bodies be the same, putting the two together, are you learning from the Australians?

MS. S. SHANDIL.- The only concern will be, there might be conflict of interest because the national sports body will have a different role, so this Integrity Commission will make sure if there is anything not right happening, they can take these people to task or decisions can be made. If you get both bodies together, there might be some form of conflict of interest when decisions are being made, because they will have two different roles and responsibilities.

MR. CHAIRMAN.- Thank you again, Ms. Shandil, and team for that comprehensive report. We heard earlier this morning from the University of the South Pacific, in particular the School of Engineering. Yes, I see it very much aligned from a consumer point of view, I can see the variance there. Having said that, are there any questions from the floor, Honourable Members?

Since there are none, thank you once again, Ms. Shandil, for acceding to our request to come before the Committee. If we do have any pressing questions once we are compiling the report to be presented to Parliament, we hope you will oblige willingly through our Secretariat and we wish to say thank you once again for joining us this afternoon. Thank you.

MS. S. SHANDIL.- Definitely, Sir, thank you so much.

The Committee adjourned at 12.28 p.m.

[VERBATIM REPORT]

STANDING COMMITTEE ON FOREIGN AFFAIRS AND DEFENCE

TREATIES

- 1. Kigali Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer**
- 2. 2011 Asia-Pacific Convention on the Recognition of Higher Education Qualifications**
- 3. Council of Europe Convention on the Manipulation of Sports Competition**

INSTITUTION: Ministry of Foreign Affairs
Office of the Solicitor-General

VENUE: Big Committee Room (East Wing)

DATE: Monday, 27th January, 2020.

VERBATIM NOTES OF THE MEETING OF THE STANDING COMMITTEE ON FOREIGN AFFAIRS AND DEFENCE HELD AT THE COMMITTEE ROOM (EAST WING), PARLIAMENT PRECINCTS, GOVERNMENT BUILDINGS, ON MONDAY, 27TH JANUARY, 2020 AT 9.50 A.M.

Interviewee/Submittee: Ministry of Foreign Affairs

In Attendance:

1. Ms. Keleni Seruvatu - Manager, Multilateral Division
 2. Ms. Melania Bada - Senior Foreign Service Officer
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MR. CHAIRMAN.- Honourable Members, we have before us the Officials from the Ministry of Foreign Affairs.

A very good morning and welcome, Keleni, the Manager; and Melania, the Senior Foreign Affairs Officer.

(Introduction of Honourable Members and Secretariat)

We do not have, unfortunately, the service of Honourable Dr. Salik Govind, who is away overseas on a very personal issue. Ladies, with that, a brief introduction of your good selves and the floor is yours for your submission. Thank you.

MS. K. SERUVATU.- *Vinaka vakalevu*, Mr. Chairman. First of all let me just convey the greetings of the Honourable Minister for Foreign Affairs to this Standing Committee and also the greetings of the Acting Permanent Secretary for Foreign Affairs. It is our pleasure this morning to come and address you very briefly on the three Conventions or Treaties that we will be speaking on this morning.

First of all, as you have rightly said, my name is Keleni Seruvatu, I hail from the Province of Kadavu and on my left is Melania. We both work for the Multilateral Affairs Division of the Ministry of Foreign Affairs. With those greetings, Mr. Chairman, I would like to request if we could just proceed straight to our submission this morning.

As you can see behind me is a PowerPoint, we prepared the PowerPoint for the purposes of our submission this morning. It is not too technical and it will not be too extensive for the purposes of just conveying our position on the issues that we have this morning.

If I may begin on our submission this morning, we note that we will be looking at the three proposed international laws or Conventions that are being proposed for Fiji to ratify or to become a member of. And we would like to begin with the Kigali Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer.

Mr. Chairman, as you will note, our Ministry plays a facilitative role in the issue of Treaties and Conventions. Rightfully, the implementing agency for the Kigali Amendment to the Montreal Protocol is the Department of Environment. But for the purposes of our submission this morning, we would like to just highlight a number of issues in terms of our position on this proposed Amendment.

The Kigali Amendment to the Montreal Protocol is basically an amendment that looks at clarifying or assisting Member States to the Montreal Protocol on their efforts to implement activities that will phase out the use of Ozone Depleting Substances (ODSs) in Fiji.

As you will note, Mr. Chairman, the Montreal Protocol is an old protocol. It is an old international law that was introduced in 1987 and Fiji has been a member for 32 years so 2019 was our 32nd year of being a State Member acceding to the Montreal Protocol.

The Kigali Amendment is just one of the amendments that have been made to this Protocol. Speaking on the legal basis of the Montreal Protocol, it deals with substances that deplete the ozone layer. You will note, Mr. Chairman, that Fiji's current leadership efforts on the global stage to combat climate change is complemented by protocols and amendments, such as the Kigali Amendment and the Montreal Protocol.

We would also like to say that the Department of Environment has also undertaken measures to implement or domesticate the Montreal Protocol through the Ozone Depleting Substances Act 1998. There are other mechanisms in place that have been implemented domestically to help Fiji commit or to phase out ODSs.

You will have seen, Mr. Chairman, that the Kigali Amendment is just one such amendment to the main Protocol that will assist us to coordinate better and to help us in completely phasing out ODSs as part of our agenda under the Agenda 2030 or the Sustainable Development Agenda.

The key benefits of this Protocol or this Amendment; it advances the national, regional and common interests on reducing climate vulnerability and amplifying our voices and leverage within the United Nations.

It contributes to sustainability goals consistent with the 2030 Agenda for Sustainable Development. It avoids up to 0.5 percent degrees of warming until the end of the century.

The implementation of the Kigali Amendment is made possible through financial and technical assistance provided by the Multilateral Fund. The Multilateral Fund, if I may speak on it very briefly, it is established under Article 10 of the Protocol and contribution is made to the Multilateral Fund Assistance to developing countries or Parties to the Montreal Protocol, whose annual per capita consumption and production of ODSs is less than 0.3 kilogrammes, to comply with the control measures of the Protocol.

Developing countries have demonstrated that with the right kind of assistance, they are willing, ready and able to be full partners in global efforts to protect the environment.

Mr. Chairman, respectfully, that is our submission on the first Protocol or first international law that we are dealing with or will be speaking to this morning. I request if there are any questions, that they be taken at the end of our presentation, if that is alright with the Honourable Members.

MR. CHAIRMAN.- Honourable Members, do you care to ask any questions?

HON. A. JALE.- Can I just clarify a point on the assistance to developing countries, how are we in terms of meeting that target of 0.3 kilogrammes to comply with the control measures of the Protocol, has Fiji met that requirement? You are talking about the Multilateral Fund and the assistance that we might be able to get, have we met that target?

MS. K. SERUVATU.- Mr. Chairman, if I may be allowed to consult with the Department of Environment on that issue and I will be happy to report back to the Secretariat.

HON. A. JALE.- Thank you, Mr. Chairman, because our report has mentioned the benefits of Fiji, if we ratify the amendment to the Montreal Protocol and one of it was the financial aspect of it.

Now, this is the targets 0.3 kilogrammes of ODS reduction, have we met it? And I am glad that you are going to give us that answer later.

MR. CHAIRMAN.- Yes, that is fine Ms. Keleni. If you could consult the Department or Ministry concerned and get back to us, we would appreciate that. Thank you. You may carry on now.

MS. K. SERUVATU.- *Vinaka*, Mr. Chairman.

To the next Convention, in 2011, the Asia Pacific Convention on the Recognition of Higher Education Qualifications. Mr. Chairman we note that this Convention deals with the recognition of Higher Education Qualifications and at the outset, we would like to state our support for this Convention. If I may retract a little bit Mr. Chairman, I beg your indulgence, we had not mentioned this point in terms of the first Convention which is Kigali Amendment, we

had not specifically reiterated our support for it, but, as you will note from the previous presentation that we have done so.

For this Convention as well, Mr. Chairman, we would like to convey our support, noting that this Convention deals directly with and has very relevant linkages with the Sustainable Development Goals, as well as Fiji's National Development Plans.

We note that education mobility is fundamental to regional prosperity, while equal access to quality higher education is essential for peace and stability. This is the recognition also given from UNESCO in terms of higher education and education overall.

This vision is also at the core of Sustainable Development Goal 4 on education. Fiji aligns with this vision through its National Development Plan that seeks to enhance and strengthen the support for Higher Education Institutions through the implementations of a National Accreditation Framework.

The benefits that we foresee with this Convention is that, it allows Fiji's Higher Education graduates and international graduates access to greater studies and work opportunities across the Asia-Pacific Region. It has the potential to increase the supply of well-trained, world-class professionals, who are equipped for job opportunities in the global market. As we speak, labour migration and Fiji's outreach into the world in terms of its graduates and its people, the world is now interconnected. Speaking of this Convention, it really adds to our aspirations to market Fiji and its people to the world, the specific skills and abilities that our graduates may be able to offer the global market which is before us, Mr. Chairman.

Mr. Chairman that is a very brief submission on the second Convention that we are seeing this morning, that is, on the Recognition of Higher Education Qualifications.

MR. CHAIRMAN.- Thank you, Ms. Seruvatu. Honourable Members, do you have questions on this?

If I may start, I have a question, it is to do with labour migration. From time to time, we have had some foreigners arrive into the country and, sort of, overstayed. I think as we speak, we have two brothers who are facing the court but that is duly immigration. If it is, what has the Ministry have in place in so far as, if they are to check on their employment status? What are their career past? If they are academics so to speak, can the country not make use of those? Just a thought, thank you.

MS. K. SERUVATU.- *Vinaka*, Mr. Chairman. In terms of the issue that you have rightfully highlighted would be with the ambit or the jurisdiction of the Department of Immigration, as well as the Ministry of Employment. But overall for the Ministry of Foreign Affairs, our role basically is to utilise the presence of our Missions in foreign countries, to do the

ground work for us in terms of liaising with our partner governments and seeking opportunities that we may be able to capitalise on.

Labour and migration is one such issue that is very, very significant in this day and age, given the interconnectivity of the world nowadays. Of course, the situations as you have already highlighted are bound to occur but our Ministry is playing an oversight facilitative role in terms of working with other line agencies that will govern these specific issues. Thank you, Mr. Chairman.

MR. CHAIRMAN.- Thank you, Ms. Seruvatu, for the explanation. Honourable Members, are there any other questions on the subject matter?

Ms. Seruvatu, you may proceed to your third item, thank you.

MS. K. SERUVATU.- *Vinaka*, Mr. Chairman, on the last item on our agenda this morning, the Council of Europe Convention on the Manipulation of Sports. For this item, Mr. Chairman, we would like to address specifically the process of ratification or accession to this Convention, noting that this is a Council of Europe Convention which would basically apply to European Union Member Countries.

At the outset, we will say that this Treaty is open for signature by Member States. Other State Parties to the European Cultural Convention, the European Union, the Non-Member States which have participated in its elaboration or are enjoying observer status with the Council of Europe and by other Non-Member States.

Participation in most Council of Europe Treaties is not exclusively limited to the Member States of the Council of Europe. The Treaties concerned are open to accession by Non-Member States, even Non-Member States, provided that they have been informally invited to accede by the Committee of Ministers of the Council of Europe.

It is customary for Non-Member States to request accession in a letter addressed to the Secretary-General of the Council of Europe, signed by a Minister for Foreign Affairs, or a diplomatic representative, acting upon instructions of his/her government.

Formal requests for accession are examined by a rapporteur group of the Committee of Ministers and, then, by the Committee of Ministers. The decision inviting the Non-Member State is usually taken at the level of the Ministers' deputies.

An invitation to accede to one of the Council of Europe Conventions is notified to the State concerned, which, prior to acceding, has to take the necessary measures to ensure that its domestic law allows the Convention to be implemented

It is customary for the Instrument of Accession to be deposited at the seat of the Council of Europe in Strasbourg, in the presence of a representative of the acceding State and of the Secretary General of the Council of Europe or his/her deputy. The representative of the acceding State brings with him/her the Instrument of Accession, and a procès-verbal of deposit is signed by both Parties. States having acceded to a Convention are entitled to accede to the Protocols thereto.

The implication of ratifying the Convention as a Non-member State; we wish to highlight that certain Council of Europe Conventions contain a provision on the financing of their follow-up mechanism by Non-Member States as in Article 32 of the Treaty which states, and I quote:

“A contracting party which is not a member of the Council of Europe shall contribute to the financing of the Convention Follow-Up Committee in a manner to be decided by the Committee of Ministers after consultation with that Party.”

Mr. Chairman, as we have highlighted before, there are no barriers or possibly if I may reword my earlier sentiment, this particular Convention is an open convention in which Non-Member States (Non-EU Member States) may be able to join or to accede to such Conventions. The implications, however, as we have stated here is the financial aspect of the membership of the Convention which would be decided after consultation between their Party, our member State and the Committee of Ministers under the Convention.

Mr. Chairman, with those few remarks, I would like to end our submission on the third issue of this agenda item and also overall our presentation this morning. *Vinaka*, Mr. Chairman.

MR. CHAIRMAN.- Thank you. Honourable Members, do you have any questions for the presenters?

HON. L.S. QEREQERETABUA.- Thank you, Mr. Chairman. *Vinaka vakalevu sara*, Keleni. I just wanted to check on point 4 of the last Treaty. For the domestic laws, have you checked on that? Do we have any domestic laws that could be an obstacle?

MS. K. SERUVATU.- Thank you, I have to revisit this, Madam. We will be happy to supply our research back to the Secretariat.

HON. L.S. QEREQERETABUA.- Thank you. *Vinaka vakalevu sara*.

HON. A. JALE.- Mr. Chairman, I take it that the European Union, the Council of Europe are different bodies. I am just inquiring, what are the sort of membership of this Council of Europe, if it is not the same as the European Union?

MS. K. SERUVATU.- If I may, Mr. Chairman, I could answer this question now but to be sure, I would like to do more research and get back to the Committee.

MR. CHAIRMAN.- We appreciate Keleni and Melania because I think it is probably put forward to you two to represent the Ministry this morning at the eleventh hour, but we do appreciate that Madam. We fully understand that and yes, if you do not mind taking note of those three questions, two on this particular one and the earlier question on the Kigali Amendment.

Yes, thank you very much for that. Thank you again for your presentation.

If we do have any other questions, if you would oblige by having reply to us through our Secretariat and we also, once again, thank you for availing yourselves and acceding to our invitation.

With those few words, Keleni, if you have any departing words, the floor is yours. Thank you.

MS. K. SERUVATU.- *Vinaka vakalevu*, Mr. Chairman. We are grateful for the experience to come and address this esteemed Committee this morning. *Vinaka*.

MR. CHAIRMAN.- Thank you again.

The Committee adjourned at 10.15 a.m.

The Committee resumed at 11.05 a.m.

Interviewee/Submittee: Office of the Solicitor-General

In Attendance:

1.	Ms. Seema Chand	-	Acting Principle Legal Officer
2.	Ms. Manisha Ali	-	Legal Officer
3.	Ms. Nazia Ali	-	Legal Officer
4.	Mr. David Solvalu	-	Senior Legal Officer
5.	Ms. Raumanu Pranjivan	-	Acting Principle Legal Officer
6.	Mr. Epi Rawalai	-	Communications Officer, Fiji Higher Education Commission (FHEC)

MR. CHAIRMAN.- Honourable Members, we have before us now the team from the Office of Solicitor General. A very good morning and welcome to you all. Welcome to you, Seema, and the rest of the team.

(Introduction of Honourable Members and Secretariat)

With those few words, the floor is yours Seema. Thank you.

MS. S. CHAND.- Good morning, Honourable Members, and Happy New Year to everyone. Thank you for giving us an opportunity to present on the various Conventions. I will just briefly introduce you to the team.

We have Nazia Ali and a colleague from FHEC, who will be presenting on the Convention to the Recognition of Higher Education Qualifications. I will be speaking on the Council of Europe Convention on the Manipulation of Sports. Mr. Solvalu, Ms. Ali and Mr. Pranjivan will be speaking on the first Convention, which is the Kigali Amendment. So I pass it to Mr. Solvalu and team to take us through that presentation.

MR. D. SOLVALU.- Thank you, Seema. As Seema has stated, we will be addressing the Standing Committee on the Kigali Amendment, the Montreal Protocol.

On 16th January, from the Standing Committee, we received the specific questions in relation to this Convention, so it is really up to the Committee on how you wish us to do this. Would you like us to specifically go through each question and answer them, or would you like to have, sort of, a conversation?

The issue for us on our end is that, a few of the questions are not very legal in nature, so there are questions that would be best answered by the enforcement agency. We have received answers from them as well, we have got everything on that, so we are aware of their capacity.

However, we are also aware that you have also spoken with the Department of Environment, and so we know that we have three Conventions today. How would you like us to do this, would you like us to only go to the questions with legal effect?

MR. CHAIRMAN.- I think that would be the way to go David. Just give us what you have and if you have consulted the agencies, the legality part of that, yes, we will go through that. All that sort of information will help us compile our final report.

MR. D. SOLVALU.- We will just zero in on Question 5 and Question 6 because from our perspective, these are the questions that have the most potential for legal implications. However, we have prepared copies of answers for the other questions and we are willing to distribute those to assist you with the report.

MS. R. PRANJIVAN.- Good morning, Honourable Committee Members. I will just take you through Question 5, the contents of the Kigali Amendment. What additional value difference from the original Montreal Treaty?

The Amendment is a binding legal agreement or Treaty which is intended to create rights and obligations in international law. It is designed to particularly, phasedown or reduce the production and consumption of HFCs frequently used in refrigeration and air conditioning systems. It is currently used as a replacement to ODSs.

HFCs are greenhouse gases which can have a high or a very high global warming potential, ranging from 12 to 14800 GWP, and I am pretty sure that the Committee has already heard from the technical perspective of what this means.

This Amendment creates the opportunity and the potential to avoid up to 0.5 Degree Celsius of warming by the end of the century.

The Amendment, in fact, adds new Annex F, which lists HFCs separated into two groups. Group 2 substances, only has HFC 23 for the time being, will be treated differently from Group 1 substances for the purposes of reporting on emissions and application of approved technology to emissions and destruction of substances. Generally this Amendment requires the phasedown of HFCs which are frequently used as substitutes of ODS and are powerful GWP gases. The two groups as annexed below, you can see that subheading one is Annex F – Group 1 and Annex F - Group 2.

This Amendment requires Parties to gradually reduce the use of HFCs by 80 percent to 85 percent by the late 2040s. Fiji is currently listed as a developing country in Article 5 of the Montreal Protocol, and is required as an Article 5 country to phasedown the production and consumption of HFCs listed in Annex F.

Upon ratification of this Amendment, Parties will begin to deploy new technologies in line with its requirements. Parties will also be able to gain competitive advantage in the world

market, technologies will be more cost-effective and lead to an improvement in the quality of end products, including improvement in overall energy efficiency.

This Amendment will allow Parties a degree of flexibility in implementing their obligation. It is designed to give Parties sufficient time and opportunities to phasedown HFCs in a way that suits their country need and interest, setting its own priority for particular HFCs, technologies and alternatives.

Through the Amendment, the Montreal Protocol takes responsibility for HFCs and plays a leading role in working towards an environmentally sustainable world where no one is left behind, consistent with the 2030 Agenda for Sustainable Development. Thank you.

MS. M. ALI.- I will take Question 6 which are the key benefits of ratification. Fiji has already ratified the Montreal Protocol and the Four Amendments to it so as you know, this is the Fifth Amendment, the Kigali Amendment.

Once Fiji ratifies this and if successfully implemented, the Amendment is anticipated to avoid up to 0.5 Degrees Celsius of global warming by 2100, a significant contribution towards the Paris Agreement's objectives.

There are trading control restrictions under the Montreal Protocol. Article 4 of the Montreal Protocol restricts Parties from trading controlled substances with States not a party to the Protocol. That Amendment enters into force on 1st January, 2033 and if we are not a party to that, States not Parties to the Montreal Protocol will not be able to trade with us.

In terms of financial and technical support, there are provisions in the Montreal Protocol for that as well. Article 10 of the Montreal Protocol establishes a financial mechanism to provide financial and technical co-operation, including the transfer of technologies to support Article 5 countries, like Fiji, which are developing countries, for their compliance. There will be financial support for enabling activities, institutional strengthening, import and export licensing and quota, reporting, demonstration projects and the development of national strategies for phasing down of HFCs.

Becoming party to the Amendment will also ensure that Fiji does not operate with technologies that are obsolete, and it will avoid situations whereby processors and facilities that are not updated begin to operate at an economic disadvantage. It will result in loss of market for non-party industries and the use of latest innovative technology in related field. So the ratification will reaffirm our existing commitment under the Montreal Protocol and also the Climate Change Conventions, the Paris Agreement.

In terms of cost there will not be much cost involved, there will be minimum costs involved because for attending Parties when normally they will become parties to Treaties, they have to attend meetings, but for this one, we are already attending meetings for the Montreal

Protocol and since this is an amendment to the Montreal Protocol, we will not have addition cost to attend these meetings.

As for technical officers, the Ministry already has these technical officers. If any, they would have just employ maybe one more officer, but it is not that if they do not employ this one officer, they will not be able to meet their obligations in this. They already have technical support, they already have existing, coordinating relationship with agencies like Fiji Revenue and Customs Services (FRCS), MITT, SG's Office and Department of Energy. So there are minimal costs involved and then we will get financial and technical assistance from Montreal Protocol. Thank you.

MR. CHAIRMAN.- Thank you. No other speaker on the subject matter?

MR. D. SOLVALU.- Also, Fiji has a long relationship with this Protocol and like Ms. Nazia said, we ratified the Protocol and all of its Amendments so far, and this is another one in the line of us sticking to our international commitments.

But also of particular note is that if we are to ratify this Amendment, we have an Ozone Depleting Substances Act 1998, the then Parliament saw fit to pass/enact domestic legislation to give greater reflect to our international commitments, and this Amendment will also lead to a review of that Act, to ensure that it is brought up to standard.

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

Honourable Members, do you have any questions on the Kigali Amendment?

Since there are none, Ms. Seema would you like to proceed to the next item which is the recognition of higher education qualifications. Thank you.

MS. S. CHAND.- Thank you, Mr. Chairman. I will pass it to my colleague, Ms. Nazia Ali, to present on that.

MS. N. ALI.- Thank you, Mr. Chairman, and good morning Honourable Members. I will be presenting on the 2011 Asia Pacific Convention on the Recognition of Higher Education Qualifications, which is more commonly known as the Tokyo Convention.

I believe that the Fiji Higher Education Commission (FHEC) has already presented to the Committee and taken the Committee through the Convention in each Article of the Convention. We do not intend to do that again, however, on 20th January, we received one question in particular from the Committee which was: Why Fiji did not ratify the Lisbon Convention and why do we intend to ratify the Tokyo Convention?

So for the purposes of our presentation this morning, we are going to expound on that question, and also Fiji's obligations under the Convention and its readiness from a legal perspective.

The first question: Why did not Fiji ratify the Lisbon Convention and why do we intend to ratify the Tokyo Convention?

As a way of history and background UNESCO has from a very long time tried to develop a Global Convention on the recognition of higher qualification. However, due to the lack of consensus among State Parties, this actually resulted in regional Conventions. So in total, we have six Regional Conventions on the Recognition of Higher Qualifications and these are for different regions, for example:

1. Latin America and the Caribbean;
2. Mediterranean Region;
3. Arab States;
4. African States;
5. Asia-Pacific; and
6. Lisbon Convention which is the European Region Convention.

The Lisbon Convention is predominantly for the European Region and its purpose is to facilitate the mobility of students and workers among the European countries. The countries that have ratified the Lisbon Convention are mainly the European countries, however, there are some non-European countries that has ratified the Lisbon Convention, and this includes, Australia and New Zealand.

Why they ratified the Lisbon Convention at that time, the Lisbon Convention actually came into effect in 1979. At that time, there was no Asia-Pacific Regional Convention to govern the mobility of students and workers in Asia and the Pacific. And at that time Australia and New Zealand was ready to ratify this Convention and undertake the obligations in a context of the European region.

Fiji, at that time, was not ready to comply with the obligations under that Convention. Now when Fiji is ready to undertake its obligations, we have a more relevant and appropriate Convention, that is, the Asia-Pacific Convention. So why we intend to ratify the Tokyo Convention is because it is more appropriate and relevant to the Asia-Pacific Region.

Honourable Chairman and Honourable Members, we have prepared documents that we will be referring to in our submissions, and we would like to distribute it to the Honourable Members.

(Documents were distributed to Honourable Members)

Fiji by ratifying the Tokyo Convention will not be losing out on not ratifying to any other regional Conventions because if you look at the preamble of the Tokyo Convention, it actually calls out for the State Parties to engage in active international collaboration at the global level with parties to other UNESCO regional Conventions.

As such, by ratifying the Tokyo Convention, Fiji will automatically affiliate itself with other regional Conventions. So there is no restriction by ratifying the Tokyo Convention to affiliate ourselves with other regional countries. By doing so we automatically will be liaising with other countries and it actually encourages State Parties to the Tokyo Convention to affiliate itself with other regional countries.

We move on to the obligations under the Convention from a legal perspective. Under the Convention, there are particularly three obligations that Fiji has to undertake.

The first one is the Recognition of Higher Qualifications itself. Article 3 for the Convention imposes an obligation on State Parties to recognise qualifications issued by other Parties that need the general requirements for access to respective higher education programmes, unless a substantial difference can be shown. So that is a bottom line obligation. The State Parties have to recognise the higher education qualifications received from other countries, unless a substantial difference can be shown in the standard that we have in Fiji when compared to the standards that is in other countries.

In assessing the substantial difference, that is where Fiji will need to undertake its assessment in accordance with principles and standards that we have domestically. To assess the qualification and application received by Fiji, the State Parties need to have a competent recognition authority. This is already in Fiji, that is, the Fiji Higher Education Commission. They are mandated under the Higher Education (Qualifications) Regulations 2010 to determine the criteria and processes for the assessment of foreign qualifications. So this obligation Fiji has in its place, we do not need to take undertake any further activities or to develop a separate Unit or an office to undertake this obligation.

The second obligation is the assessment itself. Articles 4 to 7 of the Convention mandates for State Parties to make appropriate arrangements for the assessment and recognition of qualifications that are transparent, coherent, reliable, fair, timely and non-discriminatory. This includes the assessment of partial studies as well. For example, if in Australia or New Zealand, a student has undertaken partial studies and was unable to complete its qualification and makes an application to Fiji to recognise its higher qualification, we have an obligation under the Convention to assess that partial studies and give a recognition, if it meets our criteria.

In 2012, the UNESCO Asia-Pacific Regional Bureau for Education established a technical working group which prepared a toolkit for the recognition of Foreign Higher Education Qualifications, and you can see the toolkit at Annexure I of the document that we had just handed over.

The goal behind the development of this toolkit was to provide a common reference guide for the Asia-Pacific Region in regards to assessing higher education qualification. These are the set of guidelines which is a standard guidelines that the State Parties need to take into account when carrying out the assessment in its own countries.

Fiji has, in its place, what is called the Fiji National Qualifications Framework (FNQF) and it can be seen at Annexure II of that document. The FNQF is mandated under the regulations and the Fiji Higher Education Act, and it creates a platform for different learning pathways and promotes learner mobility by clarifying how qualifications relate to each other within the National Education and Training System. The Framework includes a credit point system, which is used to compare provider qualifications with levels on the Framework for the accreditation of qualifications at the national level. The Framework is managed by the Fiji Qualification Council which is mandated under the regulation and the Act.

The Framework, as we have been informed by the Higher Education Commission, was revised last year, to align itself with the UNESCO toolkit. So, Fiji already has, in its place, a Framework to assess qualifications received by foreign countries. The FHEC has already been doing this where we have been receiving requests from foreigners to assess the qualification and that is the Framework that Fiji utilises to assess the qualifications that we receive in our country.

The third obligation is to establish a National Information Centre (NIC), which is under Article 8 which requires each country to establish a system, a unit or a centre that acts as a single point of contact which is called the National Information Centre, for providing information on qualifications and higher education systems. In 2013 the UNESCO Asia-Pacific Regional Bureau for Education established a technical working group to prepare the guidelines for National Information Centres for the recognition of foreign qualifications in higher education, and we have provided a copy at Annexure III.

The main purpose for the guidelines is to provide clarity to State Parties, that substantial administrative commitment is not necessary to establish and maintain the NIC. It does not require a separate infrastructure or statutory authority. It simply means, having a system in place, a single point of contact to provide information on a State Party's higher education systems.

Under Section 7(1) of the Higher Education Act, the FHEC is mandated to maintain a database of higher education information. The FHEC already maintains a NIC, that collates information about the Higher Education Institutions, the qualifications and the like information.

This can be expanded for the purpose of the Convention in line with the guideline. The guideline also provides for model systems from Australia, New Zealand and other countries, that Fiji can utilise as a guide on what type of information needs to be available on its database when other countries request for information.

The whole point of having a NIC is that, we have readily information available that can be provided timely when other countries or other higher institutions from other countries requests for such information, for the purpose of assessment of higher education qualification.

Under the Convention, Fiji has also obliged to appoint a member of its NIC to the network of National Information Centres established under the proposed Convention. So, each State Party will have to develop a NIC and there will be a point of contact person, who will liaise with each other to develop a database that will be for all regional parties and all the information will be deposited in that database.

For implementation purposes, Fiji does not need to enact any new legislation to implement this Convention domestically. There is no need to amend the existing legislations, there is no possible financial cost to Fiji of compliance with the Convention obligations, as there is nothing new that Fiji will need to perform that they are not already undertaking. So Fiji is ready at this stage to ratify the Convention. There is no legal implication and there is no extra financial implication on Fiji by doing so.

That is all from our Office, unless the Honourable Members have any further questions.

MR. CHAIRMAN.- Thank you, Madam, for that very comprehensive elaboration on the subject matter.

Honourable Members, do you have any questions on the subject matter right now that is before us?

Since there is none, Seema we go straight into the third and final subject, which is the Convention on the Manipulation of Sports. Thank you.

MS. S. CHAND.- Thank you, Mr. Chairman and Honourable Members. I understand that the Ministry of Youth and Sports made a presentation last week, so I wish to support their presentation and everything that they have furnished you in terms of their PowerPoint slides and any other written notes. So what I will do is, I will focus again on the legal aspects of the Convention, so not to go into things that the Ministry had already talked about.

I think one of the things that is really important to mention from the outset is, that the Convention is the only international legally binding Instrument that helps address manipulation in sports and provides a legal basis and framework for co-operation in this field between various other public authorities and private entities. It also provides structured mechanisms for the co-operation and for the co-ordination of actions within the framework of the Convention.

As outlined in Article 1 of the Convention, the purpose of the Convention is to combat the manipulation of sports competitions, in order to protect the integrity of sports and sports ethics. The objectives of which are to:

- prevent, detect and sanction national or transnational manipulation of national and international sports competitions;

- promote national and international co-operation against the manipulation of sports competitions between public authority is concerned; as well as
- organisations involved in sports and sports betting.

The Convention is guided by the principles of human rights legality, proportionality and the protection of private life and personal data, and these are all outlined in Article 2 of the Convention.

I will refer to some of the questions from the Standing Committee.

What is the status or the implications of Fiji ratifying this Convention, when Fiji is not a member of the European Union (EU)?

Honourable Members, there is no legal impediment with respect to ratification of the Convention, even though, we are not member of the European Union. The Convention essentially is a set of rules and procedures with respect to international best practice and standards in sports, and is open for countries to ratify on the invitation of the European Council.

I would just like to make a distinction between the European Council and the EU at this point. Unlike the EU, the Council does not make binding rule, but has powers to, therefore, select international agreements reached by European States in a range of topics. The best known body of the Council of Europe is the European Court of Human Rights, which enforces the European Convention on human rights.

The Council of Europe is an international organisation, whose purpose is to uphold human rights democracy and the rule of law in Europe and has 47 Member States. The Council works mainly through Conventions by drafting Conventions or international Treaties.

Common legal standards are set for each Member State, however, there are several Conventions that have also been opened up for signature to Non-Member States. Some of these are the:

- Convention on Cyber Crime;
- Lisbon Convention;
- Anti-Doping Convention; and
- Convention on the Conservation of European Wildlife and Natural Habitats.

So, these are some of the Conventions that via invitation, they have extended it to other countries that are not part of Europe. That is why with respect to Fiji, there really is no impediment for us to sign. If anything that we should sign up to it, given the practices and standards that are set out in the Convention.

With respect to laws that would need amendment, should we ratify the Convention and what are the existing laws that regulated betting, et cetera?

I would like to submit that, with respect to this Convention, of course, like any other Convention, we will have to do a thorough gap analysis to see where we are falling short and whether or not we need to make amendments to our current legislations, or whether we need to enact a standalone legislation, to give effect to various Articles of the Convention. This is something that we may need to look at.

However, the best thing about the Convention is, it promotes collaboration. Article 7 of the Convention, if you have a look through Article 7 on sports organisations and competition organisations, it basically is between the State and the private organisations. The State encourages these sports organisations to have their own internal procedures, internal policies in place, whether it is in respect to anti-doping or any, sort of, other manipulation in data what have you, to have those procedures in place.

When we sign up to the Convention, it is essentially the State encouraging these organisations and other groups to have rules and procedures within your organisation, that comply with the Articles of the Convention, given that Fiji is a party to the Convention, should we ratify it. So, essentially that is what the overarching legal framework looks like.

With respect to which sports are covered in the Convention, under the definition section of the Convention, sports competition is defined and it is encompassing of all sports. Unless the Committee has further questions, I will stop there.

MR. CHAIRMAN.- Thank you, Seema, for that very informative brief. Honourable Members, any other questions?

HON. A. JALE.- A point about traditional sports, like *veitau waqa ni viti*, and certain other sports and I am sure it is really competition, do you see that we need to include that in the scope of the Convention if we ratify that?

MS. S. CHAND.- The Convention is clear. I will just read out the definition of sports competition, so should it fall within that definition, then it will have to adhere to international standard. But, sports competition essentially means, as defined by the Convention, any sport organised in accordance with the rules set by a sports organisation listed by the Convention and recognised by an international sports organisation or where appropriate, another competent sports organisation. I hope that answers your question, Honourable Member.

MR. CHAIRMAN.- Thank you again, Ms. Seema.

We have heard from other stakeholders, like the FHEC but, yes, we now appreciate the fact that we know the legality of these Conventions and Amendments. We thank you for that.

If there are no further questions from Honourable Members, if I may request if we do have any other pressing questions in the time that we putting our report together to present to Parliament, if you would oblige and it will come through Jacob.

With those few words, I thank you once again, Seema, David and the team. If there is any parting comments, the floor is yours, Madam.

MS. S. CHAND.- On behalf of our team, Mr. Chairman and Honourable Members, thank you so very much for giving us the opportunity. We remain on standby, should you require any further information or clarification from our Office, and we will furnish the relevant documents and our answers to the Secretariat. *Vinaka*.

The Committee adjourned at 11.39 a.m.