



PARLIAMENT OF THE REPUBLIC OF FIJI

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15 September 2021

Hon. Alvick Maharaj
Chairman, Standing Committee on
Justice, Law and Human Rights
Parliament of Fiji
Government Buildings
Suva.

Dear Hon Maharaj,

Re: Bill No. 31 of 2021 on Climate Change

We are writing on behalf of the Opposition Caucus of both Opposition Parties, the National Federation Party and the Social Democratic Liberal Party (SODELPA) to share our **collective concerns** regarding the above-mentioned Bill.

At our joint workshop held Monday 13th September 2021, we discussed and deliberated on the Bill in its current form and unanimously agreed that there are **grey areas** in need of further extensive and meaningful consultation to ensure that the new law is relevant in the Fiji context.

We were also advised that your Standing Committee is still in the process of reviewing the Bill based on the limited submissions received from individuals and key stakeholders including political parties, received in the last 3 weeks since the Budget Sitting when the Bill was tabled under Standing Order 51.

At the end of our workshop, we unanimously resolved that our country needs a **holistic, practical** and **relevant** legal framework to support our national approach whereby all stakeholders and those affected by the law, are consulted and **take ownership** of the legislation, to ensure its effective and successful **implementation**.

More so, we recognise that the Bill when enacted will have far-reaching implications since climate change is a cross cutting issue and will impact all facets of our socio-economic development.

Some of the pertinent issues raised by Members of the Joint Opposition Caucus at the workshop include:

- (i) that we should not rush into passing a Bill which has far-reaching impact and cuts across all facets of social-economic development of our nation. Therefore, more time is needed for consultations to ensure clarity, simplicity, acceptability and most of all, the need for collective ownership which will facilitate effective implementation of the new law;
- (ii) the new law will have an impact on at least 40 other existing laws. Therefore, it is imperative that proper analysis be undertaken to ensure that there is better synergy and harmonisation between the Bill and these prior existing legislative framework. Further effective and meaningful consultations are necessary to address overlapping and to ensure consistency;
- (iii) the proposed Bill provides a wide range of powers to the responsible Minister and the Director, which need clarity. The Minister has power to issue “guidelines” to Ministers given ministerial responsibility under the Constitution, for these 40 existing laws, and to issue regulations as empowered in sections 9, 20, 43, 48, 84 and 111 of Bill No. 31 of 2021;
- (iv) there is a need for clarity on the definition of “carbon,” and the requisite formulas;
- (v) the importance of the proposed legislation to the price of energy as we depend on fossil fuel for transport and production;
- (vi) the implication of the proposed legislation to our resource owners since 91% of land is communally owned and a fair share of existing legislation relating to the rights of resource owners need to be addressed;
- (vii) there is a need for clarity and further consultation on issues relating to re-settlement of climate-displaced communities, particularly those living in coastal areas to ensure their rights are protected and not infringed; and
- (viii) whilst we appreciate the Government initiative to ensure that we have a law in place prior to the 26th Conference of Parties to the UN Framework Convention on Climate Change (UNFCCC COP26), we must ensure that it is practical and relevant in the Fiji context. Securing climate finance is important but the legislation must be robust and acceptable to our people.

We therefore request that your committee in its current deliberations on Bill No. 31 of 2021 on Climate Change, seek more time in which to receive public submissions that can further guide your work.

We also undertake to assist the Committee in its consultations to ensure that those making submissions are fully aware of the provisions that will affect them, given that

the Bill is in English, and comprises 112 clauses in 92 pages of legal language. The Bill must be simplified and translated for the majority of our people who are not native English speakers.

Whenever a country determines laws and regulations for its people, to future-proof and provide buffers from the devastation and tragedy of climate change and its impacts, the noblest endeavour that Parliament as the legislative arm of the State, must undertake is to consult widely and as far as possible with as many people who will be affected by the new law, as possible.

The Bill itself defines the process of "*Talanoa*" as "**the process of inclusive, participatory and transparent dialogue with the purpose of sharing stories, building empathy and making wise decisions for the collective good**", and we sincerely urge the Standing Committee to embody and undertake *Talanoa* with those who will be affected by the Bill.

At this point in time, it is our collective view that this Bill cannot be supported in its present form, and while we do not wish to pre-empt the good work of your Standing Committee, it is our view that your Committee must be given more time in which to meaningfully *Talanoa* and reach the people.

It is our intention to also share similar concerns with the Honourable Speaker.

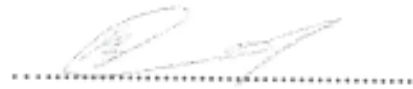
We humbly request that your Committee also seek more time with the Hon Speaker in order to work around current covid19 movement restrictions, and await the imminent opening of domestic containment borders in order that you may conduct genuine face-to-face *Talanoa* with the people, for the reasons set out above.

We thank you for this opportunity and look forward to hearing from you.

Respectfully,



Hon. Ratu N Lalabalavu
Leader of Opposition
Parliamentary Leader, SODELPA



Hon. Prof Biman Prasad
Party Leader
National Federation Party