

PARLIAMENT OF THE REPUBLIC OF FIJI



SEPARATION OF POWERS: LEGISLATIVE, EXECUTIVE AND JUDICIAL

The doctrine of separation of powers divides the institutions of government into three branches: legislative, executive and judicial. This is clearly defined in the Constitution of the Republic of Fiji. The Constitution contains the set of fundamental principles according to which a State or Nation is governed. The Constitution defines the role of Parliament, the Executive and the Judicial - the governance of our country.

Under the doctrine of 'separation of powers', the power to govern is distributed between the Legislative, the Executive and the Judicial to avoid one group having all the powers. In a democracy, no individual or group has absolute power to govern. These three groups work within defined areas of responsibility so that each keeps a check on the actions of the other.

HISTORY

The origins of the doctrine of separation of powers can be traced back as far as ancient Greece. It was made popular much later by French philosopher Charles de Montesquieu in 1748 in his work *L'Esprit des Lois* (the Spirit of the Laws). He wrote that a nation's freedom depended on the three powers of governance - legislative, executive and judicial - each having their own separate institution. This principle has been widely used in the development of many democracies since that time.

In Fiji, Ratu Cakobau tried to set up a unilateral Government, in 1871. This was followed by Fiji being ceded to Great Britain in 1874. There have been various experiences of the implementation of the doctrine of 'separation of powers' since 1871.

POWER, ROLE AND COMPOSITION

Parliament

The Parliament makes and amends the laws. Parliament (also referred to as the Legislature) is made up of elected members.

Executive

The Executive puts laws into action. The Executive is made up of the President, Prime Minister and Ministers. The President is the Head of State and has the executive authority to act only on the advice of Cabinet or a Minister or of some other body or authority prescribed by the Constitution.

Judicial

The Judicial is the system of courts that interprets and applies laws.

