



STANDING COMMITTEE ON FOREIGN AFFAIRS AND DEFENCE

Review Report on the Agreement Establishing the Advisory Centre on WTO Law (ACWL), 2001



PARLIAMENT OF THE REPUBLIC OF FIJI
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ACRONYMS

ACWL	Advisory Centre on WTO Law
CHF	Swiss Francs
OSG	Office of the Solicitor-General
WTO	World Trade Organisation

CHAIRPERSON'S FOREWORD

On behalf of the Standing Committee on Foreign Affairs and Defence, I am pleased to present the Committee's report on the review of the Agreement Establishing the Advisory Centre on WTO Law (ACWL), 2001. The Agreement was referred to the Committee pursuant to Standing Order 130 for detailed consideration and review.

The Committee recognises that the international trading environment is becoming increasingly complex, technical, and rules-based, creating significant challenges for small developing island states such as Fiji. In this context, the Committee considers Fiji's proposed accession to the Agreement as both timely and strategically important. The Agreement provides developing countries with access to specialised legal advice, dispute settlement support, and technical expertise relating to World Trade Organization (WTO) law at substantially reduced costs. The Committee notes that these services would strengthen Fiji's ability to safeguard its national trade interests and participate more effectively in international trade processes and negotiations.

During its review, the Committee consulted relevant stakeholders, including the Office of the Solicitor-General and the Ministry of Foreign Affairs and External Trade. The submissions received highlighted the increasing legal and regulatory challenges facing Fiji in areas such as sanitary and phytosanitary standards, technical barriers to trade, fisheries subsidies, and evolving environmental trade measures. The Committee notes that Fiji currently has limited specialised expertise in WTO law and dispute settlement matters and therefore considers that accession would significantly strengthen institutional capacity across Government.

The Committee further acknowledges the broader long-term benefits of accession through specialised training programmes, internships, secondments, and professional development opportunities offered under the ACWL framework. These initiatives would contribute toward strengthening Fiji's domestic expertise in international trade law, improving whole-of-government coordination on trade-related matters, and reducing reliance on costly external legal support.

Importantly, the Committee notes that Fiji's one-time accession contribution will be fully funded by the Governments of Australia and New Zealand. The Committee further notes that this funding arrangement will expire on 30 June 2026 and therefore considers it important for Fiji to accede to the Agreement within the available timeframe to avoid losing the benefit of this one-time opportunity.

While the Committee recognises the need for continued inter-agency coordination and investment in domestic trade expertise, the Committee is satisfied that the overall strategic, legal, and institutional benefits of accession outweigh the potential implementation considerations and associated risks. Accordingly, the Committee recommends that Parliament approve Fiji's accession to the Agreement Establishing the Advisory Centre on WTO Law, 2001.

On behalf of the Committee, I wish to acknowledge the stakeholders who contributed to the Committee’s review of the Agreement. I also acknowledge the Members of the Committee for their support in the preparation of this bipartisan report.

I therefore commend this report and its recommendation to Parliament for its urgent consideration.



.....
Hon. Lenora QEREQERETABUA
Chairperson

RECOMMENDATION

The Committee recommends that the Parliament of the Republic of Fiji approve that Fiji accedes to the Agreement Establishing the Advisory Centre on WTO Law (ACWL), 2001.

1.0 Committee Remit and Composition

Under Standing Order 109(2)(e) the Committee is mandated to investigate matters related to Fiji's relations with other countries, development aid, foreign direct investment, oversight of the military, and relations with multi-lateral organisations. The members of the Standing Committee on Foreign Affairs and Defence are as follows:



Hon. Lenora Qereqeretabua
Chairperson
*Deputy Speaker of Parliament Assistant
Minister for Foreign Affairs*



Hon. Rinesh Sharma
Deputy Chairperson



Hon. Ratu Isikeli Tuiwailevu
Member
Assistant Minister for iTaukei Affairs, Heritage and Arts



Hon. Penioni Ravunawa
Member
Assistant Minister for Health and Medical Services



Hon. Virendra Lal
Member



Hon. Taito Rokomatu
Member

1.1 Committee Secretariat Team

The Committee is supported by Parliament officers serving as the Committee Secretariat. These officers are appointed and delegated by the Secretary-General to Parliament by Standing Order 15(3)(i). The Secretariat officers are as follows:

- Ms. Tirisiane Logavatu – Senior Committee Clerk
- Mrs. Elesi Tabuyaqona - Deputy Committee Clerk

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2.0 Background and Terms of Reference

2.1 Referral of the Agreement

- 2.1.1 On 29 April 2026, the Acting Attorney-General moved a motion to refer the Agreement Establishing the Advisory Centre on WTO Law, 2001 (“Agreement”) to the Committee for review. In compliance with Standing Order 130(2), the Speaker of Parliament (“Speaker”) received copies of the Agreement and written analysis. Subsequently, pursuant to Standing Order 130(3), the Speaker referred the Agreement to the Standing Committee on Foreign Affairs and Defence for consideration and review, and to report to Parliament no later than 30 days from the date of referral.
- 2.1.2 The Committee is responsible for reviewing matters concerning Fiji’s international relations, development assistance, foreign direct investment, national security oversight, and engagement with multilateral organisations.

2.2 Procedure and Program

- 2.2.1 Following the referral, the Committee invited submissions from relevant government ministries and stakeholders with responsibilities relating to international trade law.
- 2.2.2 The Committee commenced its review on 5 May 2026 by considering the written analysis. During its deliberations, the Committee identified the relevant stakeholders to be consulted regarding the implications of Fiji’s potential accession of the Agreement, including anticipated benefits, obligations, and impacts on Fiji in relation to WTO Law.
- 2.2.3 The Committee requested the following stakeholders for submissions between 6 and 12 May 2026:
- a) The Office of the Solicitor-General;
 - b) Ministry of Foreign Affairs and External Trade; and
 - c) Ministry of Finance.
- 2.2.5 A summary of the submissions from the Office of the Solicitor-General and the Ministry of Foreign Affairs and External Trade are provided in a later part of this report, under the heading ‘Committee’s Deliberation and Analysis’. The submission from the latter can also be obtained from the online Appendices of the report, which can be accessed from the Parliament website: www.parliament.gov.fj

3.0 Review of the Agreement Establishing the Advisory Centre

3.1 Overview of the Agreement

The Agreement Establishing the Advisory Centre on WTO Law (ACWL) was adopted on 30 November 1999 during the Third Ministerial Conference of the World Trade Organisation (WTO) and entered into force in 2001. The ACWL is an independent international organisation established to assist developing and least-developed countries in understanding, applying, and enforcing WTO rules and obligations.

The Agreement establishes the ACWL as a legal and institutional mechanism to address the imbalance in legal expertise and financial resources between developed and developing WTO Members in dispute settlement proceedings. The Centre provides legal advice on WTO law, support in dispute settlement proceedings, training programmes, and technical assistance to developing countries.

The Agreement also establishes the governance structure of the ACWL, including the General Assembly, Management Board, and Executive Director, together with provisions relating to decision-making, funding arrangements, rights and obligations of Members, accession procedures, and operational rules. Fiji's accession would enable access to legal advisory and dispute settlement support under WTO law.

3.2 Amendments and Reservations

Article 11 of the Agreement governs amendments, withdrawal, and termination. Amendments to the Agreement require acceptance by all Members. Decisions on amendments follow the procedures established under the Agreement and generally require consensus or the prescribed voting threshold within the General Assembly.

The Agreement further provides that a Member may withdraw from the Agreement upon 30 days' written notice to the Depositary, being the Government of the Kingdom of the Netherlands. Withdrawal does not relieve a member from outstanding financial obligations owed to the Centre.

Article 14 expressly states that no reservations may be made in respect of any provision of the Agreement. Accordingly, Fiji would be required to accede to the Agreement in full without qualification or reservation.

3.3 Features of the Agreement

The Agreement establishes several key institutional and operational features of the ACWL, including:

- Provision of legal advice on WTO law to developing and least-developed countries;
- Legal representation and support in WTO dispute settlement proceedings;

- Capacity-building initiatives, including seminars, training programmes, and internships on WTO law and jurisprudence;
- A governance structure comprising the General Assembly, Management Board, and Executive Director;
- Funding arrangements through an endowment fund, Member contributions, service fees, and voluntary donations; and
- Preferential access and subsidised legal services for developing and least-developed country Members.

The Agreement also provides for legal personality, privileges, and immunities necessary for the ACWL to perform its functions internationally.

In addition, Annexes to the Agreement establish the categories of developing country Members, contribution requirements, and the schedule of fees applicable for legal services provided by the Centre. Fiji is classified as a Category C developing country Member.

3.4 Requirements for Implementation within a Signatory State

Following accession, Fiji's implementation requirements would primarily involve compliance with the Agreement's financial and procedural obligations. Fiji would be required to make a one-time contribution of CHF 43,000 to the ACWL Endowment Fund as specified under Annex II of the Agreement. This contribution has been offered in full by the Governments of Australia and New Zealand on Fiji's behalf.

Fiji would also be required to comply with the Centre's procedural requirements for requesting legal advice or dispute settlement support through designated national authorities. The Office of the Solicitor-General has confirmed that Fiji's existing legal and treaty-making framework is compatible with accession and that no legislative amendments or institutional changes are required for implementation.

In addition, Fiji would be responsible for paying service fees for legal support utilised under the ACWL fee schedule. However, training programmes and certain advisory services remain free for Members.

3.6 Benefits of the Agreement

- Accession to the ACWL would provide Fiji with access to specialised legal expertise on WTO law, including legal advice relating to market access, subsidies, trade remedies, sanitary and phytosanitary measures, technical barriers to trade, and intellectual property law. This would strengthen Fiji's capacity to understand and implement complex WTO obligations.
- The Agreement would also strengthen Fiji's ability to participate effectively in WTO dispute settlement proceedings by providing subsidised legal representation and litigation support before WTO panels and the Appellate Body. This would improve Fiji's ability to

safeguard national trade interests and defend key export sectors such as sugar, fisheries, bottled water, and tourism-related services.

- Further benefits include enhanced institutional capacity through training, internships, secondments, and knowledge-building initiatives provided by the ACWL. Fiji would also benefit from participation in the governance structures of the Centre and contribute to broader multilateral trade discussions affecting developing countries.

3.7 Potential Implementation Considerations

- While accession to the Agreement presents significant benefits, several implementation considerations remain relevant. Fiji may require continued institutional coordination among the Office of the Solicitor-General, the Ministry of Foreign Affairs and External Trade, and other relevant agencies to effectively utilise ACWL services and participate in WTO processes.
- Although Fiji's one-time accession contribution has been covered by Australia and New Zealand, Fiji would remain responsible for service fees associated with dispute settlement support and other specialised legal services utilised under the Agreement.
- Fiji will need to consider ongoing capacity-building within national institutions to maximise the benefits of ACWL membership, including strengthening technical expertise in WTO law and trade negotiations. Effective utilisation of the ACWL would depend on Fiji's ability to identify and manage complex trade-related issues in a timely and coordinated manner.
- In addition, Fiji would need to ensure continued engagement in WTO and multilateral trade processes to fully benefit from the legal, technical, and institutional support available through the ACWL.

4.0 Committee Deliberation and Analysis

4.1 Summary of Submission received

Below is a summary of the submissions received from stakeholders in relation to the Agreement.

4.1.1 Office of the Solicitor-General

The Office of the Solicitor-General (OSG) confirmed that there are no legal or procedural impediments to accession and that the legal and institutional framework in Fiji is fully compatible with accession to the Agreement. The OSG highlighted that no domestication legislation is required, as Fiji's accession relates primarily to access specialised legal assistance and capacity support within the existing WTO framework, rather than the assumption of new substantive obligations.

The OSG submitted that accession to the Agreement presents significant strategic advantages for Fiji, particularly in strengthening national capacity in international trade law and engagement within the WTO framework. The submission highlighted that Fiji would gain access to specialised legal advice and dispute settlement support at substantially reduced costs compared to private international legal services, thereby improving Fiji's ability to safeguard its trade interests and participate more effectively in WTO processes. The OSG further emphasised that affordable access to specialised trade law expertise is especially important for a small developing island state with limited in-house legal capacity in complex WTO matters.

The OSG further advised that accession would provide long-term institutional benefits through annual WTO law training programmes, professional placements in Geneva, and opportunities for Fijian legal officers and trade officials to develop specialised expertise in international trade law. It was submitted that these initiatives would strengthen institutional knowledge across Government and gradually reduce reliance on ad hoc or informal external legal support.

In relation to implementation considerations, the OSG advised that the potential disadvantages associated with accession were limited and manageable. These included modest future service fees for dispute-related legal assistance, the need to avoid over-reliance on external legal expertise, and additional coordination responsibilities across ministries and agencies. However, these considerations were minor when weighed against the substantial legal, technical, and institutional benefits available under the Agreement.

The OSG further noted that Fiji would participate in the ACWL as a Tier 2 Member following its graduation from Least Developed Country status. While Least Developed Countries receive priority access under certain provisions of the Agreement, it was advised that this was unlikely to materially disadvantage Fiji in practice.

The OSG also emphasised the importance of adopting a whole-of-government approach to maximise the benefits of ACWL membership. It was submitted that the benefits of accession extend beyond a single ministry and are relevant to agencies involved in trade, foreign affairs, agriculture, fisheries, biosecurity, customs, health, and other trade-related sectors. The OSG further advised that strengthened trade law expertise and improved policy coordination would indirectly benefit local exporters, importers, and small and medium enterprises through more informed trade policy and regulatory decision-making.

In conclusion, the Office of the Solicitor-General strongly supported Fiji's accession to the Agreement and submitted that the legal support, technical assistance, and capacity-building opportunities available under the Agreement significantly outweigh any potential disadvantages. The OSG further advised that accession would contribute meaningfully to strengthening Fiji's trade governance, international engagement, and long-term institutional capacity in WTO-related matters.

4.1.2 Ministry of Foreign Affairs and External Trade

The submission by the Ministry of Foreign Affairs and External Trade provides a comprehensive and strategically framed justification for Fiji's accession to the Agreement. The Ministry demonstrated that the proposed accession is principally aimed at strengthening Fiji's institutional and legal capacity within the increasingly complex global trading system while reducing the financial burden associated with international trade disputes and legal advisory services.

A key analytical theme emerging from the submission is the imbalance between the formal equality provided under the WTO system and the practical inequality experienced by small developing states such as Fiji. While WTO members possess equal legal rights under the multilateral trading framework, the Ministry highlights that developed economies maintain extensive in-house legal expertise, specialised trade lawyers, and significant financial resources to defend and advance their trade interests. In contrast, Fiji relies on limited institutional capacity and lacks specialised WTO legal practitioners, creating a structural disadvantage in negotiations and dispute settlement processes.

The submission further demonstrates that Fiji's increasing integration into global trade exposes the country to growing legal and regulatory risks. The Ministry identifies emerging challenges such as stricter sanitary and phytosanitary standards, technical barriers to trade, environmental trade measures, carbon border adjustment mechanisms, and evolving fisheries subsidy obligations. These developments indicate that international trade governance is becoming increasingly rules-based, technical, and legally demanding, requiring specialised expertise that Fiji currently lacks.

The Ministry's analysis also reflects a strong preventative governance approach. Rather than viewing the ACWL solely as a mechanism for dispute litigation, the submission positions accession as an early intervention and risk-management tool. The ability to obtain legal advice before implementing domestic trade-related policies or entering international negotiations would allow Fiji to minimise potential breaches of WTO obligations and strengthen the quality of national decision-making. This demonstrates a shift from reactive compliance toward proactive legal and institutional preparedness.

Another significant aspect of the submission is its emphasis on institutional sustainability and human resource development. The Ministry notes that Fiji currently depends heavily on general legal expertise from the Office of the Solicitor-General and trade policy expertise from relevant ministries but lacks specialised trade lawyers. Through ACWL membership, Fiji would gain access to training programmes, secondments, and professional exposure designed to build long-term domestic expertise in WTO law and trade negotiations. This is analytically significant as it addresses not only immediate legal needs but also broader public sector capability development and institutional resilience.

The submission also presents a compelling cost-benefit analysis. The Ministry contrasts the minimal or fully subsidised costs associated with ACWL membership against the substantial costs of engaging private international legal firms, which could amount to millions of Swiss francs in complex WTO disputes. Importantly, the accession fee itself would be funded by Australia and New Zealand, effectively removing immediate fiscal barriers to membership. This strengthens the argument that accession presents a financially prudent and low-risk opportunity for Fiji.

The submission further identifies significant risks should Fiji choose not to accede to the ACWL. The Ministry warns that Fiji would continue to face limited capacity to challenge unfair trade measures imposed by larger economies, despite having legal rights under WTO agreements. Without access to specialised legal support, Fiji may struggle to enforce its trade rights in practice, particularly in time-sensitive WTO dispute processes that require highly technical legal responses within strict procedural timelines.

The Ministry also notes that non-accession would likely result in delayed and weaker responses to trade disputes, reducing Fiji's effectiveness in defending its interests during consultations, negotiations, and dispute settlement proceedings. This would further weaken Fiji's negotiating leverage in international trade discussions and increase the likelihood of Fiji remaining a passive participant in WTO processes rather than actively shaping trade outcomes.

Financial risks were also identified. The submission highlights that failure to accede would require Fiji to continue relying on expensive private legal counsel and external consultants for

WTO-related advice, policy assessments, and dispute representation. The Ministry argues that these recurring costs would accumulate over time without contributing to sustainable in-house expertise or institutional development. In addition, Fiji would lose the current zero-cost accession opportunity funded by Australia and New Zealand, which the Ministry notes may not remain available in future.

The submission further suggests that non-accession may weaken Fiji's broader economic resilience and trade sovereignty. As global trade rules become more complex and interconnected with environmental, technical, and regulatory standards, Fiji risks becoming increasingly dependent on external actors for legal interpretation and policy guidance. This may limit Fiji's ability to independently safeguard national trade interests and effectively respond to emerging global trade developments.

The case studies referenced in the submission further reinforce the practical value of ACWL membership. Examples involving Antigua and Barbuda, Guatemala, and Brazil illustrate that smaller and developing countries can successfully challenge larger economies when supported by specialised legal expertise. These examples strengthen the Ministry's argument that legal capacity, rather than economic size alone, is critical in securing favourable outcomes within the WTO dispute settlement framework.

However, the submission also implicitly reveals broader structural challenges facing Fiji's trade governance framework. Discussions regarding weak domestic enforcement capacity, particularly in relation to product labelling standards and regulatory compliance, indicate that legal accession alone may not fully address institutional limitations. Effective utilisation of ACWL support would still require stronger inter-agency coordination, technical enforcement capability, and sustained investment in domestic regulatory systems.

Overall, the submission presents accession to the Agreement as a strategically important and economically justified initiative that would enhance Fiji's legal preparedness, strengthen institutional capacity, support export protection, and improve Fiji's ability to participate meaningfully in international trade governance. The analysis demonstrates that accession is not simply about dispute settlement support, but about positioning Fiji to operate more effectively and confidently within an increasingly complex global trading environment, while mitigating the significant legal, financial, and strategic risks associated with non-accession.

4.1.3 Ministry of Finance

The Committee notes that the Ministry of Finance provided its written response after the Committee had completed and finalised its report, despite earlier indications that the submission would be provided within the Committee's review timeframe. The Committee further notes that the Ministry of Finance had previously provided input to the Ministry of

Foreign Affairs and External Trade during ministerial consultations on the Agreement conducted in February 2026. The Committee considers that timely submissions remain important to support effective parliamentary scrutiny and informed deliberations during the review process.

4.2 Committee Analysis

The Committee finds that accession to the Agreement would provide significant legal, technical, and institutional benefits for Fiji as a small developing island state operating within an increasingly complex global trading system. The Committee notes that access to specialised WTO legal advice, dispute settlement support, and technical expertise at subsidised costs would strengthen Fiji's ability to protect its national trade interests and participate more effectively in WTO processes.

The Committee further notes that accession would strengthen national institutional capacity through specialised training, internships, and professional development opportunities in WTO law and trade negotiations. These initiatives would improve whole-of-government coordination on trade-related matters and gradually reduce reliance on external legal support.

The Committee also considers accession to be financially prudent, noting that Fiji's one-time accession contribution would be fully funded by the Governments of Australia and New Zealand, while the cost of ACWL services remains substantially lower than engaging private international legal counsel. The Committee further notes that the offer by Australia and New Zealand to fully fund Fiji's accession contribution will expire on 30 June 2026. The Committee therefore considers it important for Fiji to accede to the Agreement within the available timeframe to avoid losing the benefit of this one-time funding opportunity.

However, the Committee recognises that Fiji will require continued inter-agency coordination and investment in domestic trade law expertise to maximise the benefits of membership.

5.0 Sustainable Development Goals (SDG)

5.1 SDG 5 – Gender Equality

The Committee notes that accession to the Agreement may contribute indirectly to SDG 5 by expanding opportunities for women's participation in international trade governance, legal training, and institutional leadership. The Committee observes that the ACWL provides training programmes, internships, and professional development opportunities in WTO law and trade negotiations, which may support the advancement of women professionals within Fiji's public service, particularly in legal, trade, and foreign affairs sectors. Strengthening Fiji's trade governance and export sectors may also contribute to broader economic opportunities for women-owned businesses and women participating in trade-related industries. The Committee therefore considers that accession has the potential to support more inclusive participation in economic and governance processes.

5.2 SDG 16 – Peace, Justice and Strong Institutions

The Agreement strongly supports SDG 16, particularly Target 16.6 on developing effective, accountable, and transparent institutions and Target 16.8 on strengthening the participation of developing countries in global governance institutions. The Committee notes that accession would strengthen Fiji's institutional capacity in international trade law, improve legal and policy coordination across Government agencies, and enhance Fiji's ability to participate effectively in WTO processes and dispute settlement mechanisms. Access to specialised legal advice and dispute settlement support would improve evidence-based decision-making and strengthen Fiji's trade governance framework.

The Committee further notes that the training programmes, internships, secondments, and capacity-building initiatives available through the ACWL would contribute to long-term public sector capability development, particularly within the Office of the Solicitor-General, the Ministry of Foreign Affairs and External Trade, and other trade-related agencies.

6.0 Conclusion

The Committee concludes that accession to the Agreement would strengthen Fiji's legal, technical, and institutional capacity to participate more effectively in the global trading system. The Committee notes that access to specialised WTO legal advice, subsidised dispute settlement support, and capacity-building opportunities would enhance Fiji's ability to safeguard its national trade interests and strengthen trade governance across Government institutions.

The Committee further considers accession to be financially prudent, noting that Fiji's one-time accession contribution will be fully funded by the Governments of Australia and New Zealand.

While continued inter-agency coordination and investment in domestic trade expertise will remain important, the Committee is satisfied that the overall benefits of accession outweigh the potential implementation considerations and associated risks. Accordingly, the Committee recommends that the Parliament of the Republic of Fiji approve Fiji's accession to the Agreement Establishing the Advisory Centre on WTO Law (ACWL), 2001.

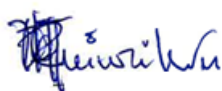
7.0 Committee Members' Signatures



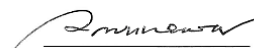
Hon. Lenora QEREQERETABUA
Chairperson



Hon. Rinesh SHARMA
Deputy Chairperson



Hon. Ratu Isikeli TUIWAILEVU
Member



Hon. Penioni RAVUNAWA
Member



Hon. Virendra LAL
Member



Hon. Taito ROKOMATU
Member

8.0 Annexure

Published evidence

Written evidence, transcripts, and supporting documents can be viewed on the Parliament website at the following link:

<https://www.parliament.gov.fj/committees/standing-committee-on-foreign-affairs-and-defence/>