Constitution Review Commission

Collated Written Submissions Received from Groups & Organisations

(Via Email Attachments, Email Body and Hard copies)

Prepared by the Legal and Policy Secretariat Team

10 July 2026

Summary

This document contains a compilation of written submissions received from Groups & Organisations until 30 June 2026 through the following channels:

(a) Email *attachments*;
(b) Submissions contained within the body of emails; and
(c) Hard copy submissions received by the Legal and Policy Secretariat Team.

This compilation does not include submissions presented by Groups & Organisations in person or virtually during public consultations conducted at Level 9, Suvavou House, which will be in a separate folder.

The information contained in this document has been compiled based on submissions received from members of the public and the records available at the time of preparation. While every reasonable effort has been made to ensure the accuracy and completeness of this compilation, there may be instances where a submission has been omitted or where the record does not fully reflect all submissions received.

Should any omissions or discrepancies be identified, a supplementary list where necessary may be prepared to ensure the record is as complete and accurate as practicable.

Written Submissions Received from Groups & Organisations

(Via Email Attachments, Email Body and Hard copies)

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Reserve Bank of Fiji

RESERVE BANK OF FIJI

Progressive and Resilient Central Bank, Trusted by Our People

Governor

Our Reference: D26/2544

24 April 2026

Mr Sevuloni Valenitabua
Chairperson
Constitutional Review Commission
Level 9, Suvavou House
Victoria Parade
SUVA

Dear Mr Valenitabua

re: INVITATION TO ATTEND CONSULTATIVE SESSION BEFORE THE CONSTITUTIONAL REVIEW COMMISSION

Thank you for your letter dated 21 April 2026 inviting the Reserve Bank of Fiji ('RBF') to a consultative session before the Constitutional Review Committee (CRC).

We respectfully wish to highlight at the outset, the critical importance of ensuring that the independence of the RBF as Fiji's central bank is explicitly protected within the constitutional framework of our nation. Central bank independence is a cornerstone of economic stability and public trust. When a central bank is free from undue political influence, it can focus on its statutory mandate of maintaining price stability, safeguarding financial integrity, and supporting sustainable economic growth.

We are therefore grateful that section 153(2) of the current Constitution provides that "**the Reserve Bank of Fiji must perform its functions independently and without fear, favor or prejudice**, but there must be regular consultation between the Reserve Bank of Fiji and the Minister responsible for finance."

Our only submission is that the independence of the RBF continues to be protected in the Constitution. As Fiji's central bank, our independence matters as it affects our credibility and confidence, ensures our resilience, and forces our fiscal discipline.

We respectfully seek that the Commission gives due consideration to our submission above as part of its review. Protecting the independence of the central bank is more than sound governance, it is a constitutional guarantee of economic sovereignty and resilience.

Thank you again for the invitation and we wish your Commission the very best.

Yours sincerely

Ariff Ali
Governor

Private Mail Bag, Suva, Fiji Tel: (679) 331 3611 Email: info@rbf.gov.fj Website: www.rbf.gov.fj

Confidential

Tikina o Raviravi, Beqa

RAVIRAVI TIKINA, BEQA ISLAND
Address: Lot 2 Kurusiga, Hunter Street off Rewa Street, Flagstaff, Suva. Phone:3311-715, Mobile:717-6499, email:jemesalave@gamil.com
GPO Box 16128 Suva

19/4/2025

Mr. Sevuloni R Valenitabua
The Chairperson
Constitution Review Commission
Suvavou House
Victoria Parade
Suva

Dear Sir

We, the people of Raviravi Tikina of Beqa Island submit our proposal to the 2013 Constitution Review Commission.

We refer to the global instrument align with the United Nations Declaration on the Rights of Indigenous Peoples (adopted 2007). It sets minimum standards for the survival, dignity, and well-being of Indigenous peoples—especially around **self-determination, land rights, culture, and consent**.

Against that benchmark, the Constitution of Fiji 2013 has several structural gaps and tensions. The 2013 Constitution was introduced to suite the Military authoritarian regime. Below is a disciplined, issue-by-issue comparison grounded in UNDRIP principles. At page 7 we present a summary of the issue discussed.

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1. Erosion of Distinct Indigenous Identity

UNDRIP standard

- Indigenous peoples have the right to **self-identify and maintain distinct political, legal, and cultural identity** (Articles 3, 5, 33).

Fiji 2013 issue

- The Constitution enforces a **single national identity ("Fijian")** for all citizens.
- It removes the exclusive constitutional recognition of **iTaukei (Indigenous Fijians)** as a distinct political category.

Why this is a flaw

This creates a **legal homogenization effect**—it promotes civic unity but dilutes **Indigenous juridical identity**, which UNDRIP explicitly protects.

□ Improvement:
Reintroduce **dual recognition**—equal citizenship *plus* explicit constitutional protection of iTaukei identity as Indigenous peoples.

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2. Weak Protection of Self-Determination

UNDRIP standard

- Indigenous peoples have the right to **self-determination** and to **autonomy or self-government** in internal affairs (Articles 3–4).

Fiji 2013 issue

- Governance is highly **centralized**.
- Traditional governance structures (chiefly systems, confederacies) have **no constitutional authority**.

Why this is a flaw

Customary governance is reduced to **cultural symbolism**, not **decision-making power**.

□ Improvement:

- Constitutionally entrench **customary governance roles** in:
  - land administration
  - resource management
  - local dispute resolution

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3. Absence of Free, Prior and Informed Consent (FPIC)

UNDRIP standard

- States must obtain **Free, Prior and Informed Consent (FPIC)** before:
  - development projects
  - resource extraction
  - relocation (Articles 10, 19, 32)

Fiji 2013 issue

- No explicit constitutional requirement for FPIC.
- The State retains **ultimate control over land-use decisions**, even on iTaukei land.

Why this is a flaw

Consultation can occur—but **consent is not legally binding**, which falls short of UNDRIP.

□ Improvement:

- Embed **FPIC as a constitutional obligation**, not just policy practice.

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4. Land Ownership vs. Control Paradox

UNDRIP standard

- Indigenous peoples have rights to **own, use, develop, and control** their lands (Articles 25–28).

Fiji 2013 issue

- iTaukei land ownership (~87%) is protected.
- However:
  - leasing and administration are mediated by state structures (e.g. iTaukei Land Trust Board)
  - landowners have **limited direct control over economic decisions**

Why this is a flaw

Ownership exists, but **economic sovereignty is diluted**.

□ Improvement:

- Increase **landowner decision rights** in leasing terms, pricing, and development approvals

- Allow **direct participation in equity-based land development models**

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5. Cultural Rights Are Symbolic, Not Operational

UNDRIP standard

- Strong protection for **language, culture, traditions, and institutions** (Articles 8, 11, 13).

Fiji 2013 issue

- Cultural rights are recognized—but:
  - not strongly enforceable
  - not embedded in governance, education, or legal systems

Why this is a flaw

Rights exist **in principle**, but lack **implementation architecture**.

□ Improvement:

- Constitutional mandate for:
  - Indigenous language in education and courts
  - protection of traditional knowledge systems
  - cultural impact assessments in policy decisions

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6. Removal of Indigenous Political Safeguards

UNDRIP standard

- Indigenous peoples have the right to **participate in decision-making through their own institutions** (Article 18).

Fiji 2013 issue

- Abolition of:
  - communal electoral representation

- institutional Indigenous political safeguards (e.g., Great Council of Chiefs previously)

Why this is a flaw

Political participation becomes **purely majoritarian**, not **structurally inclusive**.

□ Improvement:

- Introduce **hybrid representation models**, such as:
  - reserved advisory chambers
  - bicameral review with Indigenous oversight
  - constitutionally recognized councils

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7. State Supremacy Over Customary Law

UNDRIP standard

- Indigenous legal systems should be **recognized and respected** (Article 34).

Fiji 2013 issue

- The Constitution establishes **absolute supremacy of state law**, with minimal space for customary law.

Why this is a flaw

Customary law becomes **subordinate**, not **co-equal or complementary**.

□ Improvement:

- Recognize **customary law jurisdiction** in:
  - land disputes
  - family/community matters
- Provide **judicial integration frameworks**

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8. Process Legitimacy (How the Constitution Was Made)

UNDRIP standard

- Indigenous peoples must participate in decisions affecting them (Article 19).

Fiji 2013 issue

- The Constitution was promulgated **without broad national referendum or full Indigenous consent**.

Why this matters

Even a technically sound constitution can lack **legitimacy under UNDRIP standards** if the process excluded meaningful participation.

□ Improvement:

- Conduct a **constitution review process** involving:
  - nationwide consultation
  - Indigenous-led dialogue forums
  - referendum validation

Bottom Line (Strategic Assessment)

The Constitution of Fiji 2013 prioritizes:

- **individual equality**
- **national unity**
- **centralized governance**

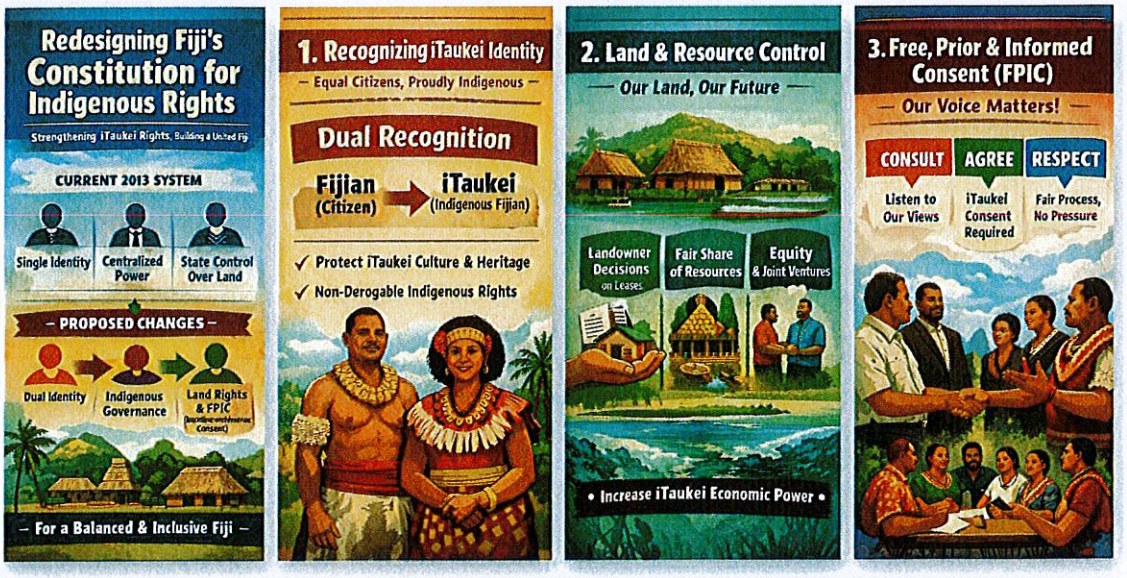
But UNDRIP requires a balance with:

- **collective Indigenous rights**
- **self-determination**
- **land and cultural sovereignty**

Yours sincerely,

Jemesa Lave Delana
Advisor to Raviravi Tikina of Beqa

Summary of our proposal



Sasa Village Elders, Macuata

SUBMISSION TO THE CONSTITUTIONAL REVIEW COMMISSION 2026

Kindly find stated below the submission by the Sasa village elders, Macuata.

1. **Great Council of Chiefs (Bose Levu Vakaturaga)**
Formally recognize and protect the role of the Great Council of Chiefs, as was in 1997
Retain the roles of GCC:

- Appointed the President and Vice-President
- Chose 14 Senators
- Served as a constitutional guardian of indigenous iTaukei interests
- Had major influence in national affairs

2. **Indigenous Political Representation**
Retain what was in the 1997 Constitution:

- Communal seats
- Ethnic-based voting arrangements
- Reserved parliamentary representation for iTaukei

Basically, this is to ensure indigenous political protection regardless of demographic changes.

3. **House of Senate**
Retain the House of Senate as well as composition of members, as was in 1997 Constitution.

- 14 of 32 Senators were appointed by the Great Council of Chiefs

This gives indigenous leadership a constitutional check over legislation.

4. **Explicit Institutional Protection of Indigenous Rights**
Restore the institutionalize of indigenous interests through:

- GCC powers
- Senate appointments
- Provincial structures
- Ethnic representation

5. **Provincial and Traditional Governance Influence**
Under earlier systems tied to the 1997 Constitution:
Provincial councils and chiefs had stronger constitutional and political influence.
Traditional leadership had more direct access to national governance.

6. **Teaching of iTaukei language and culture**
There is an urgent need to teach Hindi and iTaukei language and **CULTURE** in all primary schools.
Currently, language is taught, but not **culture.**
Make this compulsory as well as included as core subject.

Vinaka vakalevu.

Emosi Cabealawa

Tikina ko Moturiki

Gmail

Constitution Review Commission <commissioners2026@gmail.com>

VATUTU KI NA YAVU NI VAKAVULEWA.

1 message

Jone Loloya <joneloloya9628@gmail.com> Fri, May 22, 2026 at 6:57 PM
To: "commissioners2026@gmail.com" <commissioners2026@gmail.com>

VATUTU KINA YAVU NI VAKAVULEWA MAI NA KORO KO ULUIBAU, TIKINA KO MOTURIKI, YASANA O LOMAIVITI

1. Me boko laivi na Circular State

2. Me suka lesu na wai ni qoliqoli kei na qele vei ira na kena I taukei dina.

3. Me boko laivi na lawa vakakoloni

4. Me lesu tale mai na Corporal Punishment.
Vakatarai tale na nodra moku na gone.

Ministry of Environment and Climate Change

MINISTRY OF ENVIRONMENT AND CLIMATE CHANGE

Levels 1, 2 & 5, Bali Tower, 318 Toorak Road
P. O. Box 2109, Government Buildings, Suva, Fiji

26 May 2026

Mr. Sevuloni Valenitabua
Chairperson
Constitution Review Commission

Dear Mr Valenitabua,

Re: Submission on Strengthening Section 40 of the Constitution of the Republic of Fiji

The Ministry of Environment and Climate Change ('Ministry') respectfully makes this submission to the Constitution Review Commission regarding the strengthening of section 40 of the Constitution of the Republic of Fiji relating to environmental rights.

1. Climate change, biodiversity loss, and pollution present significant, urgent and potentially existential threats to the rights, wellbeing and future prosperity of the people of Fiji. The 'triple planetary crisis' is unlikely to abate on its own and is projected to intensify. As a large ocean state and one of the country's most vulnerable to the impacts of climate change, Fiji faces increasing threats from sea level rise, coastal erosion, stronger cyclones, ecosystem collapse, pollution, food insecurity, freshwater stress and displacement of communities.

2. The strengthening of section 40 would also be consistent with Fiji's longstanding diplomatic posture and leadership within regional and international climate and environmental fora. Fiji has consistently advocated at the global level for stronger climate action, protection of oceans, intergenerational equity, sustainable development and recognition of the existential threats facing small island developing States. Fiji's leadership within the Pacific Islands Forum, the United Nations climate negotiations, ocean governance initiatives and international environmental diplomacy reflect an enduring national commitment to environmental stewardship and climate justice. The Constitution should appropriately reflect and reinforce these national positions.

3. The proposed amendments are also underpinned by the culturally embedded concept of *vanua*, which recognises the inseparable relationship between people, land, oceans, ecosystems, identity, culture and spirituality. Within the Fijian context, the environment is not merely a resource for economic use, but forms part of the social, cultural and spiritual fabric of society. The protection of the environment is therefore inseparable from the protection of culture, identity, livelihoods and community wellbeing. Strengthening section 40 would give greater constitutional recognition to these deeply rooted cultural values and responsibilities owed to present and future generations.

4. While the 2013 Constitution was progressive in introducing environmental rights for the first time, the present wording of section 40 remains limited in scope and effect. The current provision recognizes a right to a clean and healthy environment and the protection of the natural world for present and future generations. However, it does not sufficiently articulate the obligations of the State, does not expressly recognize the environmental duties of citizens, does not adequately address climate change, biodiversity loss or ecosystem degradation, and does not provide clear constitutional guidance for future environmental governance.

5. The proposed amendments are intended to strengthen section 40 and are designed to be careful and measured rather than radical or transformative. The objective is not to constitutionalize every aspect of environmental management, but to provide a stronger constitutional framework within which future laws, policies and administrative actions must operate.

6. The proposed revisions also align Fiji's Constitution more closely with the Environment Management Act 2005 and the Climate Change Act 2021. The Environment Management Act already establishes frameworks for environmental impact assessment, pollution control, waste management, environmental reporting and environmental governance. The Climate Change Act recognizes climate crisis, intergenerational equity, resilience-building, adaptation and sustainable development principles. However, these important statutory protections are not sufficiently reflected within the Constitution itself.

7. The growing international practice of constitutional environmental protection also supports strengthening section 40. More than eighty constitutions worldwide now expressly recognize environmental rights in some form. Increasingly, constitutions impose obligations upon the State to prevent environmental degradation, protect biodiversity, promote sustainable development and safeguard the rights of future generations.

8. South Africa provides one of the strongest examples. Section 24 of the South African Constitution recognizes not only the right to an environment that is not harmful to health or wellbeing but also obliges the State to protect the environment through reasonable legislative and other measures that prevent pollution and ecological degradation, promote

conservation, and secure ecologically sustainable development. This is significant because it transforms environmental protection from a general statement of aspiration into an enforceable constitutional obligation.

9. Kenya adopts a similarly robust approach. Its Constitution guarantees every person the right to a clean and healthy environment and expressly links that right to obligations concerning environmental protection and enforcement. The Kenyan model demonstrates how environmental rights can operate both as substantive rights and as enforceable constitutional duties.

10. Tunisia's Constitution is particularly important in the climate context because it expressly recognizes the right to participate in climate protection. This reflects the increasing recognition internationally that climate change is inseparable from environmental rights and human rights protection.

11. Brazil's Constitution recognizes that everyone has the right to an ecologically balanced environment and places a duty on both the Government and the community to defend and preserve the environment for present and future generations. This recognition of both rights and duties is especially important because environmental protection cannot rest solely upon the State. Citizens, communities and private actors also have obligations toward environmental stewardship and sustainable resource use.

12. One of the most significant constitutional developments in modern environmental law emerged in Ecuador in 2008, when Ecuador became the first country in the world to constitutionally recognize enforceable rights of nature. The Ecuadorian Constitution fundamentally altered the traditional legal approach to the environment by recognizing nature not merely as property or a resource for human use, but as a rights-bearing entity entitled to legal privileges. Articles 71 to 74 of the Ecuadorian Constitution recognize the right of nature to exist, persist, regenerate and maintain its vital cycles and ecological functions, while also allowing any person or community to bring legal proceedings on behalf of ecosystems and the natural environment. The Ecuadorian framework is grounded in Indigenous concepts of harmony between people and nature, particularly the principle of sumak kawsay or "good living," which emphasizes coexistence and balance with the natural world rather than unlimited extraction and exploitation. While the proposed amendments to section 40 do not seek to fully constitutionalize rights of nature in the same manner as Ecuador, the inclusion of standing provisions allowing persons to protect the natural environment reflects an emerging global recognition that environmental protection extends beyond immediate human interests and encompasses broader obligations to ecosystems, biodiversity and future generations.

13. These developments demonstrate an important global shift in environmental governance. Modern constitutions no longer confine environmental provisions to symbolic declarations. Increasingly, constitutions impose enforceable obligations upon the State, recognize duties

toward future generations, constitutionalize sustainable development principles, acknowledge climate-related responsibilities, provide access to justice, and require active environmental stewardship.

14. The proposed revised section 40 therefore seeks to place Fiji within this modern constitutional framework while remaining appropriate to Fiji's own context as a large ocean state highly vulnerable to climate impacts.

15. Proposed Revised Section 40 on Environmental Rights:

40. (1) [Every person] [All persons] shall have the [inherent] [and indefeasible] [and inalienable] right to a clean and healthy environment, including clean air, [pristine water,] [safe and clean water,] [biodiversity,], [the preservation] [protection and restoration] of natural ecosystems, and a stable climate, free from degradation and depletion, for the benefit and enjoyment of present and future generations.

(1bis) Every person has the right to an environment that is not harmful to their health, wellbeing, livelihoods, culture or dignity, and to have the environment protected through reasonable legislative, administrative and other measures that prevent pollution, environmental degradation, biodiversity loss and climate harm.

(2) Actions of the State shall not infringe upon the environmental rights recognized in this section.

(2bis) The State, as trustee [and custodian] of the natural resources, ecosystems and environment of the Republic, must respect, protect, promote and fulfil the rights recognized in this section, and must take reasonable legislative, administrative and other measures to:

(a) prevent pollution, environmental degradation, biodiversity loss and the unnecessary depletion of natural resources;

(b) promote conservation, ecological restoration, climate resilience and sustainable development;

(c) protect marine and terrestrial ecosystems, including rivers, forests, reefs, coastal ecosystems, customary fishing grounds and other natural resources;

(d) prevent, reduce and respond to the adverse effects of climate change, including through adaptation, mitigation, disaster risk reduction, relocation planning where necessary, and resilience-building measures;

(e) ensure that environmental impact assessment, permitting, development approval,

resource management, waste management and pollution control processes are consistent with this section; and

(f) ensure that all written laws, policies, plans and administrative actions relating to environmental management, climate change, natural resources and sustainable development are interpreted and applied consistently with this section.

(2ter) All government actors shall refrain from any legislation, executive action, permitting decision, approval, omission or other conduct that unnecessarily causes, authorizes or encourages significant pollution, environmental degradation, biodiversity loss, climate harm or depletion of natural resources.

(3) The State shall maintain, conserve and protect the environment for the benefit of all people, including future generations.

(3bis) The State and every person exercising public power must not, without lawful and demonstrable justification, undertake, permit, approve, authorize or encourage any act or omission that causes or is likely to cause significant pollution, environmental degradation, biodiversity loss, climate harm, or unnecessary depletion of natural resources.

(4) Every person has a duty to protect, conserve and improve the environment, and to promote the sustainable use of natural resources for the benefit of present and future generations.

(4bis) Every person has the right—

(a) to reasonable access to environmental and climate-related information;

(b) to meaningful public participation in environmental and climate-related decision-making processes; and

(c) to access to justice and appropriate remedies for environmental harm, threatened environmental harm, or breach of this section.

(5) [Any individual person] [Any person] may institute proceedings to protect or enforce the rights and duties recognized in this section, including on behalf of affected communities, the public interest, present and future generations, [or the natural environment itself].

(5bis) Any person may defend [the rights of nature] [the rights recognized in this section] in a court of law.

(5ter) In any proceedings concerning environmental protection or interpretation of environmental rights, courts shall adopt the interpretation most consistent with environmental protection, ecological sustainability and the interests of present and future generations.

(6) A law or administrative action may limit, or authorize the limitation of, the rights set out in this section only to the extent that the limitation is necessary, reasonable and demonstrably justifiable, and does not derogate from the fundamental duty of the State to protect the environment for present and future generations.

16. The table below outlines the principal drafting options proposed for amendment of section 40 of the Constitution of the Republic of Fiji, including the legal purpose, comparative constitutional basis and broader policy implications of each provision. The options reflect evolving approaches in modern environmental constitutionalism internationally, including recognition of environmental rights, climate obligations, intergenerational stewardship, procedural environmental rights and optional rights of nature formulations

Provision	**Legal Purpose and Effect**	**Comparative / Legal Basis**	**Policy Implications**
Section 40(1)	Establishes a broader constitutional environmental right extending beyond pollution control to ecological balance, sustainability and climate stability.	Reflects constitutional approaches in South Africa, Brazil, Kenya and France recognising substantive environmental rights.	Strengthens constitutional grounding for biodiversity protection, climate action and sustainable development.
"Stable climate" language	Recognises climate change as a constitutional issue connected to human rights and intergenerational equity.	Reflects emerging climate constitutionalism and climate-related jurisprudence internationally.	Supports constitutional interpretation favouring adaptation, mitigation and resilience-building measures.
Section 40(1 bis)	Links environmental protection to health, wellbeing, livelihoods and dignity.	Closely aligned with South African constitutional drafting.	Broadens judicial interpretation of environmental harm.
Section 40(2)	Prevents State actions from	Consistent with	Limits arbitrary or

	infringing constitutional environmental rights.	rights-based constitutional protections internationally.	environmentally harmful State conduct.
Section 40(2 bis)	Establishes the State as trustee and custodian of the environment with affirmative governance obligations.	Reflects public trust doctrine principles and environmental constitutionalism in Brazil, Kenya and Ecuador.	Strengthens accountability for environmental governance and climate policy implementation.
Section 40(2 bis) (a)-(f)	Constitutionalises environmental management functions such as pollution control, conservation, climate resilience and environmental assessment.	Aligns with Fiji's Environment Management Act 2005 and Climate Change Act 2021.	Improves constitutional coherence between the Constitution and environmental legislation.
Section 40(2 ter)	Restricts State conduct that unnecessarily causes environmental degradation or depletion.	Reflects precautionary and stewardship approaches in environmental law.	Strengthens scrutiny of permitting, approvals and development decisions.
Section 40(3)	Recognises obligations toward future generations and long-term environmental stewardship.	Reflects constitutional approaches in Norway and Brazil.	Reinforces intergenerational equity and sustainability principles.
Section 40(3 bis)	Imposes enforceable duties upon public authorities exercising environmental powers.	Consistent with modern environmental governance models internationally.	Strengthens accountability of regulatory and decision-making bodies.
Section 40(3 ter)	Optionally recognises rights of nature and ecosystem protection.	Draws from Ecuador's constitutional rights of nature framework.	Introduces a more eco-centric approach to constitutional environmental protection.
Section 40(4)	Imposes environmental duties upon citizens and all persons.	Reflects constitutional	Reinforces environmental

		approaches recognising both environmental rights and duties.	stewardship as a shared societal responsibility.
Section 40(4 bis)	Recognises procedural environmental rights including information, participation and justice.	Reflects Rio Principle 10 and international environmental governance standards.	Strengthens transparency, participation and environmental accountability.
Section 40(5)	Expands standing to allow public interest environmental litigation.	Reflects broad standing approaches in Kenya, Ecuador and India.	Improves environmental access to justice and enforcement capacity.
Section 40(5 bis)	Allows legal proceedings to protect ecosystems or the natural environment directly.	Influenced by Ecuadorian rights of nature jurisprudence.	Broadens environmental protection mechanisms.
Section 40(5 ter)	Directs courts to favour environmentally protective interpretations where ambiguity exists.	Reflects precautionary and "in dubio pro natura" principles.	Encourages environmentally protective constitutional interpretation.
Section 40(6)	Limits restrictions on environmental rights to those that are necessary and justifiable.	Consistent with constitutional proportionality principles.	Prevents unreasonable limitation of environmental rights while preserving governance flexibility.

17. The proposed options seek to provide the Constitution Review Commission with a range of possible drafting approaches for strengthening section 40 of the Constitution. The options range from modest amendments clarifying environmental rights and State obligations through to more comprehensive constitutional environmental governance frameworks incorporating procedural rights, climate obligations, intergenerational stewardship and optional recognition of rights of nature principles. Each option may be adopted independently or combined with alternative provisions depending upon the preferred constitutional approach of the Commission.

Respectfully submitted for your consideration

Sincerely

Dr. Sivendra Michael
Permanent Secretary
Ministry of Environment and Climate Change

Mataqali Vunisalato

Mai qaravi oti na veivakararamataki e neitou itikotiko e Mataqali Vunisalato . E vica na yavudei e keitou sa soli vakasama yani kina ka Cau yani me rawa ni na mai sokumuni ena ika 19 -20 ni vula mai oqo ki Daku.

Vinaka saka vakalevu.

Date:	27/05/2026	Contact{Mobile # 8478491}
iTikotiko	Mataqali Vunisalato Kaba	District Bau
Yacamu:	F Qio	Gender-Male & Female
Ulutaga Bibi	Na veitaro eso?	Na neitou Vakaitavi- Cau , Vakatutu soli Vakasama
1.1. Na Dodonu kei na Galala	1.E taqomaki vakavinaka tiko beka na gacagaca ni veiqaravi ni Matanitu kei na kena Vakatulewa ?/ Cakacaka?	- E sega . 1. E sa sega ni ratou veirogoci vakalawa ko iratou na Duru e tolu ko Lotu , Matanitu kei Vanua me vaka e kilai Taumada e Viti ni yavudei ni Bula kei na veiqaravi. 2. Na lawa ni dodonu kei na Galala e sa vakatabaki dua ki vei ira na tamata yadudua ka sa yali na Vakatulewa levu . 3. Na veiqaravi kei na cakacaka esa sega tiko ni vinaka na yavudei ni veiqaravi vakaMatanitu ki vei ira na lewenivanua ena isau ni yaya e Voli tiko

	mai kei na veika erawa ga ni vakarautaki ga ena noda vanua.
2. E dodonu beka me vakuri tale eso na Dodonu vou? 3. Mvk :Taqomaki ni veivanua wavoliti keda? 4. Na noda Taqomaki kei na noda vanua.? 5. Noda ivakarau kei na itovo?	Io. 1. Nodra dodonu kei na galala na Turaga me na dikevi vata kei na dodonu kei na galala e soli tiko vei ira na Marama. 2. Nodra taqomaki noda iYaubula 3. Na dodonu kei na galala ni noda itovo bakaviti kei na noda Vosa 4. Me ra sa tabaki noda iTovo kei na iVakarau na veiTaukei ni veivanua eda sa bula vata tiko ena noda Viti. 5. Na vakalesui mai ni Yaca na Viti ka me sa vakasukai tale na Fiji ki Peritania kei Koloni.

	3.Sa dodonu ka vakaibalebale tiko beka na vanua e yalani kina na Dodonu ?	Sega- Me na dikevi tale na veivanua era yalani ka yaco kina na veidodonu kei na veigalala ni Tamata yadua.
1.2.Na iTuvatuva gacagaca ni veiqaravi ni Matanitu	1. E cakacaka vakavinaka tiko beka na gacagaca ni veiqaravi ni Matanitu	Sega- Na yavudei ni veiqaravi ni Matanitu e vakamavoataka tiko na yalodra na itaukei kei ira na lewenivanua ena gadrevi me sa na dikevi tale vakavinaka.
	2. E vakamatatataki tiko beka vakavinaka na Dui veiqaravi ni Palimedi ? Na Matanitu yaco? Kei na Mataveilewai?	Sega- Gadrevi me ratou na dikevi tale mada vakavinaka ni sa tiko talega na GCC, BKV(Koniveredi) Qirimiti /VKB

	3.E dodonu beka me vakayacori eso na veiveisau me vakavinakataka na veiqaravi ni Palimedi?	E sa Dodonu- E baleta ni sega ni matata nodratou veiqaravi lesu ki vei ira na Dauniveidigitaki. O ira me ra na Dau lesu ki vei ira na nodra dau ni veidigitaki Io oqo era sa mai Buli nodra vosa tikoga eso era saumi ka ra sega ni veidigitaki mai vei ira.
1.3.Na Palimedi kei na Buli Lawa	1.E matata ka vakatautauvata kece tiko beka na qaravi ni lewenivanua na noda Palimedi?	E Sega- E se levu sara tikoga esebera tikoga ni ra vakalivaliva se Vakadrodroi yani na Waini gunu vivinaka ni gunu kei na bula raraba savasava.
	2.E ra a buli beka na vei lawa oqo ena veisala Dodonu ka savasava?	E Sega- E sa na kerei raraba me sa na dikevi tale vakayalomatua na veilawa buli kece oqori.
	3.E dodonu li me caka	Io- A tamani veiqaravi me caka kina. E da sa via laki

	eso na veisau me vakavinakataki kina na veiqaravi ni Palimedi?	vakadadamuri ira mai valagi Io nodatou veitikotiko esega sara tikoga ni Matata. Gadreva na Dikevi.
1.4. Na iwalewale ni veidigidigi kei na kena Veimatataki .	1.E da sa okati kece tiko kina na lewe ni vanua ka veivakatautauvatataki na ivakarau ni veidigidigi ena gauna oqo?	E sega toka ni matata na ituvatuva oqo- E na yacada me veitalanoataki vakavinaka na Yavu ni veivakayacani- VITI Sega ni mai Fiji-E na veivakatokayacataki ni Koloni
	2.E solia vakatautauvata na matataki ni lewenivanua?	-E Sega- E na gadrevi na dikevi kei na vakamatatataki ni lewenivanua era sa tiko oqo ena noda vanua.

	3. E tiko beka eso na ivakatatao ka vakadredretaka nodra vakaitavi na lewenivanua?	Io- Dua na taro levu ya se cava era yalo mavoa tiko kina na lewenivanua. E sa levu sara era sega tu ni dau via vakaitavi ena veidigidigi. E vica tiko na vuna???
1.5 -Na Veiliutaki kei na Vakatautaki ni veiqaravi	1.E na dui tarogi ga ka vakatautaki ga vei ira na veiliutaki na nodra dui cakacaka?	E dodonu me na dikevi na tikina oqo
	2.E veiraurau beka na cakacaka oqori me valuta na cakacaka butobuto?	E sega Baleta sa qai levu saraga na cakacaka Butobuto?
	3.E dodonu beka me vaqaqacotaki na tabana e vakatulewataka na veiliutaki?	E dodonu sara ga- Me rawa ni kidava tiko na Veiliutaki nona veiqaravi.

1.6. Na Tuvataki koya ni Mataveilewai.	1 E galala beka na Mataveilewai mai na ile mai taudaku?	Io ,- Okoya kece oqori me na Dikevi vakavinaka Baleta era rau tiko oqori na Lotu kei na Vanua.
	2.E vakarawarawataki beka na nodra na rawata na lewenivanua na lewa dodonu ka sega ni yaraki se vakaberaberataki?	Io,-Me na dikevi talega me vaka na veilewai mai Monasavu kei Vatukoula. Na veivakacalai ni soli itukutuku vakavanua ? Me ra na dikevi kece mai.
	3.E ra Duavata ka vakabauta beka na lewenivanua ena lewa ni Mataveilewai ?	E sega- E levu sara ga na ka era sega tu ni matata tu qai sega ni dodonu na vakavakadewa taki ni lawa. Na sega ni veivakabauti sa kerei kina me na Dikevi tale .
1.7. Na dodonu ni vakarau Vakavanua kei na	1.E da se rokova tiko beka noda itovo kei na noda ivalavala	E sega sara- Na taro na cava era sega kina ni vakabibitaki me sa ra toqaivolataki.

iVakatakilakila Vakavanua	vakavanua ? 2. E na rawa vakacavame da taqomaka noda itovo se ivakarau vakavanua ? 3. E rau na qaravivata beka vakacava na Dodonu ni vakarau vakavanua kei na Dodonu ni Yavuni vakavulewa ?	-Me ra sa Vakalawataki kece noda veiliutaki vakavanua ka soli vei ira na Kaukauwa vakalawa me ra vakatulewataka ga na nodra Vanua. -E rawa ga ke wasei vakadodonu na nodrau Dui Yalayala - O Vanua kei Matanitu kei Lotu.
	1. E sa taqomaki vinaka tiko beka na dodonu ni Taukeni ni qele??	- E sega sara- E se sega ga ni matata mai na imatai ni Gauna se veilecayaki yarayara tu ga oqo na kena veiqaravi me yacova sara na kena taukeni.
	2. E dodonu beka me vakayacori na veisau ena kena mareqeti	Io- Me ra sa volai talega ena noda ivolaniKawaBula na noda yaca ni vei Qeleni Mataqali. Kei na noda

	kei na vakayagataki ni Qele ?	ivotavota yaca ni Wainiqoliqoli,
1.8.Na kena Taukeni na Qele	3. E na rawa vakacava me na vakaduavatataki na vakatoroicaketaki kei na mareqeti ni qele ?	Me sa na soli ga vei Sisa na ka enei Sisa soli vua na Kalou na ka e Nona na Kalou. Okoya na Vanua me qai raica na nodrau na rogoci tiko na Dui Domoe rua oqo.
1.9 -Na Kaukauwa ena gauna ni leqatubukoso	1. E ra matata tu beka ka rawarawa nodra na yalani na veikaukauwa kurabui oqori ?	E sega - Baleta esa ra tikoga na veiKabani Bisinisi lelevu Musu ivakacavacava lelevu era qitora tiko na Kaukauwa qori-
	2.E tu beka na itataqomaki me valuta na veiqaravi duidui?	- E sega - E dau sega tu ga ni vakacavari vinaka.
	3.E tu beka na ituvatuva me yadaravi kina na	E sega tiko ni Matata?- E ra veirerevaki taka tiko na

	vakayagataki ni kaukauwa oqo ?	Lawa na Liga ni veiliutaki veiqaravi.
1.0.Duavata kei na Veivakatautau vatataki ni Lewenivanua .	1. E tautauvata kece beka na nodra vakatulewataki na lewenivanua ena ruku ni lawa?	E sega- Oqo e na gadrevi kina na noda vakavinakataka mada noda veiwekani mai vale kei na noda veitikotiko- E laurai votu ena gauna ni sucu e dua kei na Mate e dua e duidui tu ga na veiQaravi eda dua qarava. Sa dua na duidui levu e da sa lako curuma tu na lewenivanua.
	2 E kaukauwa tiko beka na taqomaki ni lawa ni veivakaduiduitaki.?	E sega - Baleta na veivakaduiduitaki e caka tu ga ena veisiga.
	3. E rawa vakacava me rau vaqaqacotaki na bula ni veilomani kei na veimaliwai vinaka vakamatatamata ?	E na dodonu me na talevi me veisataki eso na veilawa kei na kedra ivakamacala vakavakadewa me rawati kina na veimaliwai vinaka kei na veilomani dina.

Veika tale eso ?	Noda Vosa?	-Na noda vosa me vakayagataki me Vosa ni Vanua ko Viti- National Language.
	Na noda veika vakavanua?	- Na noda veika vakavanua me sa na tovolei me sa toqaivolataki mai na noda veitikotiko vakaturaga.
	Noda wainiqoliqoli?	-E sa dodonu me suka mai vei keda na veiTokatoka e veiyanuyanu kei na veibaravi esega veikeda na Qele.
	Noda qele voli vakadua Freehold land?	-Me ra sa dikevi me caka kina edua na ka- (Me ra sa mai volai rawa tu ena noda VKB me ra wiliki talega me ra sa lewe ni vanua .
	Na yaca Fiji? Kei Na yaca Viti?	-Na yaca oqori esa vuni mai veitalia tiko kina ko Viti e dai. E kau mai na gauna ni Koloni na vakatokayaca oqori- FIJI me rawarawa nodra vakavakadewa vua na Marama na Ranadi. Me sa veitalanoataki na kena veisautaki tale.
	Na noda veiwekani kei na noda iyau bula ?	-Na noda iyaubula kece me ra sa na tauri vakacavacava talega .(Resource TAX to owners of Resources)

		Keitou sa vakadewataka tiko yani na neitou vakavinavinaka kei na vakanuinuivinaka ni dou na laki qarava na ituvatuva ni veivakadeitaki na Matabose ni ilovi ni Yavunivakavulewa ni Noda Matanitu. Mai na Mataqali e keitou sa gadreva me qaravi kina na Veisau.

Matanitu Kubuna Waila

Mai qaravi oti na veivakararamataki e neitou isoqosoqo ni Matanitu Kubuna . E vica na yavudei e keitou sa soli vakasama yani kina ka Cau yani me rawa ni na mai sokumuni ena ika 19 -20 ni vula mai oqo ki Nausori Hall.

Vinaka saka vakalevu.

Date:	28/05/2026	Contact{ 8478491
iTikotiko	Matanitu Kubuna (Waila Housing Church)	District Nausori
Yacamu:		Gender-Male & Female
Ulutaga Bibi	Na veitaro eso?	Na nomu Vakaitavi- Vakatutu / Vakasama
1.1. Na Dodonu kei na Galala	1.E taqomaki vakavinaka tiko beka na gacagaca ni veiqaravi ni Matanitu kei na kena Vakatulewa ?/ Cakacaka?	- E sega . 1. E sa sega ni ratou veirogoci vakalawa ko iratou na Duru e tolu ko Lotu , Matanitu kei Vanua me vaka e kilai Taumada e Viti ni yavudei ni Bula kei na veiqaravi. 2. Na lawa ni dodonu kei na Galala e sa vakatabaki dua ki vei ira na tamata yadudua ka sa yali na Vakatulewa levu . 3. Na veiqaravi kei na cakacaka esa sega tiko ni vinaka na yavudei ni veiqaravi vakaMatanitu ki vei ira na lewenivanua ena isau ni yaya e Voli tiko

	mai kei na veika erawa ga ni vakarautaki ga ena noda vanua.
2. E dodonu beka me vakuri tale eso na Dodonu vou? 3. Mvk :Taqomaki ni veivanua wavoliti keda? 4. Na noda Taqomaki kei na noda vanua.? 5. Noda ivakarau kei na itovo?	Io. 1. Nodra dodonu kei na galala na Turaga me na dikevi vata kei na dodonu kei na galala e soli tiko vei ira na Marama. 2. Nodra taqomaki noda iYaubula 3. Na dodonu kei na galala ni noda itovo vakaviti kei na noda Vosa 4. Me ra sa tabaki noda iTovo kei na iVakarau na veiTaukei ni veivanua eda sa bula vata tiko ena noda Viti. 5. Na vakalesui mai ni Yaca ni oViti me vanua Lotu VaKarisito.(Kautani na 'Secular State').me

		sa Christian State
	3.Sa dodonu ka vakaibalebale tiko beka na vanua e yalani kina na Dodonu ?	Sega- Me na dikevi tale na veivanua era yalani ka yaco kina na veidodonu kei na veigalala ni Tamata yadua.
1.2.Na iTuvatuva gacagaca ni veiqaravi ni Matanitu	1. E cakacaka vakavinaka tiko beka na gacagaca ni veiqaravi ni Matanitu	Sega- Na yavudei ni veiqaravi ni Matanitu e vakamavoataka tiko na yalodra na itaukei kei ira na lewenivanua ena gadrevi me sa na dikevi tale vakavinaka.
	2. E vakamatatataki tiko beka vakavinaka na Dui veiqaravi ni Palimedi ? Na Matanitu yaco? Kei na Mataveilewai?	Sega- Gadrevi me ratou na dikevi tale mada vakavinaka ni sa tiko talega na GCC, BKV(Koniveredi) Qirimiti

		/VKB
	3.E dodonu beka me vakayacori eso na veiveisau me vakavinakataka na veiqaravi ni Palimedi?	E sa Dodonu- E baleta ni sega ni matata nodratou veiqaravi lesu ki vei ira na Dauniveidigitaki. O ira me ra na Dau lesu ki vei ira na nodra dau ni veidigitaki Io oqo era sa mai Buli nodra vosa tikoga eso era saumi ka ra sega ni veidigitaki mai vei ira.
1.3.Na Palimedi kei na Buli Lawa	1.E matata ka vakatautauvata kece tiko beka na qaravi ni lewenivanua na noda Palimedi?	E Sega- E se levu sara tikoga e sebera tikoga ni ra vakalivaliva se Vakadrodroi yani na Waini gunu vivinaka bulabula ni gunu kei na bula raraba savasava. Sa levu na veimatavakabauta Kalou tani era sa

		vakatarai me ra sa mai qaravi e Viti.
	2.E ra a buli beka na vei lawa oqo ena veisala Dodonu ka savasava?	E Sega- E sa na kerei raraba me sa na dikevi tale vakayalomatua na veilawa buli kece oqori.
	3.E dodonu li me caka eso na veisau me vakavinakataki kina na veiqaravi ni Palimedi?	Io- A tamani veiqaravi me caka kina. E da sa via laki vakadadamuri ira mai valagi Io nodatou veitikotiko esega sara tikoga ni Matata. Gadreva na Dikevi.
1.4. Na iwalewale ni veidigidigi kei na kena Veimatataki .	1.E da sa okati kece tiko kina na lewe ni vanua ka veivakatautauvatataki na ivakarau ni veidigidigi ena gauna oqo?	E sega toka ni matata na ituvatuva oqo- E na yacada me veitalanoataki vakavinaka na Yavu ni veivakayacani- VITI Sega ni mai Fiji-E na veivakatokayacataki ni Koloni

	2.E solia vakatautauvata na matataki ni lewenivanua?	-E Sega- E na gadrevi na dikevi kei na vakamatatataki ni lewenivanua era sa tiko oqo ena noda vanua.
	3. E tiko beka eso na ivakatatao ka vakadredretaka nodra vakaitavi na lewenivanua?	Io- Dua na taro levu ya se cava era yalo mavoa tiko kina na lewenivanua. E sa levu sara era sega tu ni dau via vakaitavi ena veidigidigi. E vica tiko na vuna???
1.5 -Na Veiliutaki kei na Vakatautaki ni veiqaravi	1.E na dui tarogi ga ka vakatautaki ga vei ira na veiliutaki na nodra dui cakacaka?	E dodonu me na dikevi na tikina oqo
	2.E veiraurau beka na cakacaka oqori me valuta na cakacaka	E sega Baleta sa qai levu saraga na cakacaka Butobuto?

	butobuto?	
	3.E dodonu beka me vaqaqacotaki na tabana e vakatulewataka na veiliutaki?	E dodonu sara ga- Me rawa ni kidava tiko na Veiliutaki nona veiqaravi.
1.6. Na Tuvataki koya ni Mataveilewai.	1 E galala beka na Mataveilewai mai na ile mai taudaku?	Io ,- Okoya kece oqori me na Dikevi vakavinaka Baleta e rau tiko oqori na LotuvaKarisito kei na Vanua kei na nodrau veiliutaki.
	2.E vakarawarawataki beka na nodra na rawata na lewenivanua na lewa dodonu ka sega ni yaraki se vakaberaberataki?	Io,-Me na dikevi talega me vaka na veilewai mai Monasavu kei Vatukoula. Na veivakacalai ni soli itukutuku vakavanua ? Me ra na dikevi kece mai.
	3.E ra Duavata ka vakabauta beka na lewenivanua ena lewa	E sega- E levu sara ga na ka era sega tu ni matata tu qai sega ni dodonu na vakavakadewa taki ni lawa. Na

	ni Mataveilewai ?	sega ni veivakabauti sa kerei kina me na Dikevi tale .
1.7. Na dodonu ni vakarau Vakavanua kei na iVakatakilakila Vakavanua	1.E da se rokova tiko beka noda itovo kei na noda ivalavala vakavanua ? 2. E na rawa vakacavame da taqomaka noda itovo se ivakarau vakavanua ? 3. E rau na qaravivata beka vakacava na Dodonu ni vakarau vakavanua kei na Dodonu ni Yavuni vakavulewa ?	E sega sara- Na taro na cava era sega kina ni vakabibitaki me sa ra toqaivolataki. -Me ra sa Vakalawataki kece noda veiliutaki vakavanua ka soli vei ira na Kaukauwa vakalawa me ra vakatulewataka ga na nodra Vanua. -E rawa ga ke wasei vakadodonu na nodrau Dui Yalayala - O Vanua kei Matanitu kei LotuvaKarisito.
	1. E sa taqomaki vinaka tiko beka	- E sega sara- E se sega ga ni matata mai na imatai ni

	na dodonu ni Taukeni ni qele??	Gauna se veilecayaki yarayara tu ga oqo na kena veiqaravi me yacova sara na kena taukeni.
	2. E dodonu beka me vakayacori na veisau ena kena mareqeti kei na vakayagataki ni Qele ?	Io- Me ra sa volai talega ena noda ivolaniKawaBula na noda yaca ni vei Qeleni Mataqali. Kei na noda ivotavota yaca ni Wainiqoliqoli,
1.8.Na kena Taukeni na Qele	3. E na rawa vakacava me na vakaduavatataki na vakatoroicaketaki kei na mareqeti ni qele ?	Me sa na soli ga vei Sisa na ka enei Sisa soli vua na Kalou na ka e Nona na Kalou. Okoya na Vanua me qai raica na nodrau na rogoci tiko na Dui Domo e rua oqo.
	1. E ra matata tu beka ka rawarawa nodra na yalani na veikaukauwa	E sega - Baleta esa ra tikoga na veiKabani Bisinisi lelevu Musu ivakacavacava lelevu era qitora tiko na

1.9 -Na Kaukauwa ena gauna ni leqatubukoso	kurabui oqori ?	Kaukauwa qori-
	2.E tu beka na itataqomaki me valuta na veiqaravi duidui?	- E sega - E dau sega tu ga ni vakacavari vinaka.
	3.E tu beka na ituvatuva me yadaravi kina na vakayagataki ni kaukauwa oqo ?	E sega tiko ni Matata?- E ra veirerevaki taka tiko na Lawa na Liga ni veiliutaki veiqaravi.
1.0.Duavata kei na Veivakatautau	1. E tautauvata kece beka na nodra vakatulewataki na lewenivanua ena ruku ni lawa?	E sega- Oqo e na gadrevi kina na noda vakavinakataka mada noda veiwekani mai vale kei na noda veitikotiko- E laurai votu ena gauna ni sucu e dua kei na Mate e dua e duidui tu ga na veiQaravi eda dua qarava. Sa dua na duidui levu e da sa lako curuma tu na lewenivanua.

vatataki ni Lewenivanua .	2 E kaukauwa tiko beka na taqomaki ni lawa ni veivakaduiduitaki.?	E sega - Baleta na veivakaduiduitaki e caka tu ga ena veisiga.
	3. E rawa vakacava me rau vaqaqacotaki na bula ni veilomani kei na veimaliwai vinaka vakamatatamata ?	E na dodonu me na talevi me veisataki eso na veilawa kei na kedra ivakamacala vakavakadewa me rawati kina na veimaliwai vinaka kei na veilomani dina.
Veika tale eso ?	Noda Vosa? Na noda veika vakavanua? Noda wainiqoliqoli? Noda qele voli vakadua	-Na noda vosa me vakayagataki me Vosa ni Vanua ko Viti-National Language. Ia me na ciqomi talega na vosa vakavavalagi kei na veimataqali vosa duidui erawa ni vakayagataki. - Na noda veika vakavanua me sa na tovolei me sa toqaivolataki mai na noda veitikotiko vakaturaga. -E sa dodonu me suka mai vei keda na veiTokatoka e veiyanuyanu kei na veibaravi esega veikeda na Qele.

	Freehold land? Na yaca Fiji? Kei Na yaca Viti? Na noda veiwekani kei na noda iyau bula ? Na Noda Lotu?	-Me ra sa dikevi me caka kina edua na ka- (Me ra sa mai volai rawa tu ena noda VKB me ra wiliki talega me ra sa lewe ni vanua . -Na yaca oqori esa vuni mai veitalia tiko kina ko Viti e dai. E kau mai na gauna ni Koloni na vakatokayaca oqori- FIJI me rawarawa nodra vakavakadewa vua na Marama na Ranadi. Me sa veitalanoataki na kena veisautaki tale. -Na noda iyaubula kece me ra sa na tauri vakacavacava talega .(Resource TAX to owners of Resources) -Na Lotuvakarisito me yavudei ni Lotu e Viti.

Keitou sa mai Duavata na lewe ni 16 na Vuvale Matanitu Kubuna vakaitikotiko e Waila Housing Davuilelu Ward me sa veisautaki eso na lawa ena noda Yavunivakavulewa. Na kena esa tabaki toqai ka vakayagataki tiko oqo esa sega saraga ni salavata na vanua kei na Bula e na noda Viti. E kauta ga na levu mi Yaloca kei na Duidui ena noda vuvale Veiwekani kei na Matanitu. Na Matanitu sa mai cakava oti nona Matanigasau Ia , ese sega ga ni dikevi koya ena mataqali ivakarau torosobu ni veiqravi kei na veika vakaloloma ra sotava tiko na lewenivanua vakabibi oira na noda iTaukei ni Vanua.

Kaba – Yavusa Nautodua

Mai qaravi oti na veivakararamataki e neimami itikotiko e Kaba .Ko irau na koro erua Vatani kei Dromuna. Dabe sara na Yavusa ena ika 30 ni siga ,Vakarauwai ni vula ko Me, e vica na yavudei e keimami sa soli vakasama yani kina ka Cau yani me rawa ni na mai sokumuni ena ika 19 -20 ni vula mai oqo ki Daku.Ia , sa gole na vakanananu me liutaki yani na vakatutu kina MonaLivaliva vuni vakarautaki .

Vinaka saka vakalevu.

Date:	30/05/2026	Contact{ Komiti ni Vanua ; Vunivola
iTikotiko	Kaba -Yavusa Nautodua	District Bau
Yacamu:		Gender-Male & Female
Ulutaga Bibi	Na veitaro eso?	Na nomu Vakaitavi- Vakatutu / Vakasama
1.1. Na Dodonu kei na Galala	1.E taqomaki vakavinaka tiko beka na gacagaca ni veiqaravi ni Matanitu kei na kena Vakatulewa ?/ Cakacaka?	- E sega . 1. E sa sega ni ratou veirogoci vakalawa ko iratou na Duru e tolu ko Lotu , Matanitu kei Vanua me vaka e kilai Taumada e Viti ni yavudei ni Bula kei na veiqaravi. 2. Na lawa ni dodonu kei na Galala e sa vakatabaki dua ki vei ira na tamata

	yadudua ka sa yali na Vakatulewa levu . 3. Na veiqaravi kei na cakacaka esa sega tiko ni vinaka na yavudei ni veiqaravi vakaMatanitu ki vei ira na lewenivanua ena isau ni yaya e Voli tiko mai kei na veika erawa ga ni vakarautaki ga ena noda vanua.
2. E dodonu beka me vakuri tale eso na Dodonu vou? 3. Mvk :Taqomaki ni veivanua wavoliti keda? 4. Na noda Taqomaki kei na noda vanua.? 5. Noda ivakarau kei na	Io. 1. Nodra dodonu kei na galala na Turaga me na dikevi vata kei na dodonu kei na galala e soli tiko vei ira na Marama. 2. Nodra taqomaki noda iYaubula 3. Na dodonu kei na galala ni noda itovo vakaViti kei na noda Vosa 4. Me ra sa tabaki noda iTovo kei na iVakarau na veiTaukei ni veivanua eda sa bula vata tiko ena noda Viti.

	itovo?	5. Na vakalesui mai ni Yaca na Viti ka me sa vakasukai tale na Fiji ki Peritania kei Koloni.
	3.Sa dodonu ka vakaibalebale tiko beka na vanua e yalani kina na Dodonu ?	Sega- Me na dikevi tale na veivanua era yalani ka yaco kina na veidodonu kei na veigalala ni Tamata yadua.
1.2.Na iTuvatuva gacagaca ni veiqaravi ni Matanitu	1. E cakacaka vakavinaka tiko beka na gacagaca ni veiqaravi ni Matanitu	Sega- Na yavudei ni veiqaravi ni Matanitu e vakamavoataka tiko na yalodra na itaukei kei ira na lewenivanua ena gadrevi me sa na dikevi tale vakavinaka.
	2. E vakamatatataki tiko beka vakavinaka na Dui veiqaravi ni Palimedi ? Na Matanitu yaco? Kei na	Sega- Gadrevi me ratou na dikevi tale mada vakavinaka ni

	Mataveilewai?	sa tiko talega na GCC, BKV(Koniveredi) Qirimiti VKG /VKB E na rawa beka ni vakalesui mai na Seneti Upper House kei na Lower House . Na Mataveilewai me sa na rawa talega ni ratou qarava talega mai Vanua na veituraga ni Mataqali se iliuliu ni Yavusa.
	3.E dodonu beka me vakayacori eso na veiveisau me vakavinakataka na veiqaravi ni Palimedi?	E sa Dodonu- E baleta ni sega ni matata nodratou veiqaravi lesu ki vei ira na Dauniveidigitaki. O ira me ra na Dau lesu ki vei ira na nodra dau ni veidigitaki Io oqo era sa mai Buli nodra vosa tikoga eso era saumi ka ra sega ni veidigitaki mai vei ira.

1.3.Na Palimedi kei na Buli Lawa	1.E matata ka vakatautauvata kece tiko beka na qaravi ni lewenivanua na noda Palimedi?	E Sega- E se levu sara tikoga esebera tikoga ni ra vakalivaliva se Vakadrodroi yani na Waini gunu vivinaka ni gunu kei na bula raraba savasava.
	2.E ra a buli beka na vei lawa oqo ena veisala Dodonu ka savasava?	E Sega- E sa na kerei raraba me sa na dikevi tale vakayalomatua na veilawa buli kece oqori. Io- A tamani veiqaravi me caka kina. E da sa via laki vakadadamuri ira mai valagi Io nodatou veitikotiko esega sara tikoga ni Matata. Gadreva na Dikevi.
	3.E dodonu li me caka eso na veisau me vakavinakataki kina na veiqaravi ni Palimedi?	

1.4. Na iwalewale ni veidigidigi kei na kena Veimatataki .	1.E da sa okati kece tiko kina na lewe ni vanua ka veivakatautauvatataki na ivakarau ni veidigidigi ena gauna oqo?	E sega toka ni matata na ituvatuva oqo- E na yacada me veitalanoataki vakavinaka na Yavu ni veivakayacani- VITI Sega ni mai Fiji-E na veivakatokayacataki ni Koloni
	2.E solia vakatautauvata na matataki ni lewenivanua?	-E Sega- E na gadrevi na dikevi kei na vakamatatataki ni lewenivanua era sa tiko oqo ena noda vanua.
	3. E tiko beka eso na ivakatatao ka vakadredretaka nodra vakaitavi na lewenivanua?	Io- Dua na taro levu ya se cava era mavoa tiko kina na yalodra na lewenivanua. E sa levu sara era sega tu ni dau via vakaitavi ena veidigidigi. E vica tiko na vuna???

1.5 -Na Veiliutaki kei na Vakatautaki ni veiqaravi	1.E na dui tarogi ga ka vakatautaki ga vei ira na veiliutaki na nodra dui cakacaka?	E dodonu me na dikevi na tikina oqo
	2.E veiraurau beka na cakacaka oqori me valuta na cakacaka butobuto?	E sega Baleta sa qai levu saraga na cakacaka Butobuto?
	3.E dodonu beka me vaqaqacotaki na tabana e vakatulewataka na veiliutaki?	E dodonu sara ga- Me rawa ni kidava tiko na Veiliutaki nona veiqaravi.
1.6. Na Tuvataki koya ni	1 E galala beka na Mataveilewai mai na ile mai taudaku?	Io ,- Okoya kece oqori me na Dikevi vakavinaka Baleta era rau tiko oqori na Lotu kei na Vanua.

Mataveilewai.	2.E vakarawarawataki beka na nodra na rawata na lewenivanua na lewa dodonu ka sega ni yaraki se vakaberaberataki?	Io,-Me na dikevi talega me vaka na veilewai mai Monasavu kei Vatukoula. Oira na kauta tiko mai na wainimategaga ni veivakamatenitaki kaukauwa. Na veivakacalai ni soli itukutuku vakavanua ? Me ra na dikevi kece mai.
	3.E ra Duavata ka vakabauta beka na lewenivanua ena lewa ni Mataveilewai ?	E sega- E levu sara ga na ka era sega tu ni matata tu qai sega ni dodonu na vakavakadewa taki ni lawa. Na sega ni veivakabauti sa kerei kina me na Dikevi tale .
1.7. Na dodonu ni vakarau Vakavanua kei na iVakatakilakila Vakavanua	1.E da se rokova tiko beka noda itovo kei na noda ivalavala vakavanua ? 2. E na rawa vakacavame da taqomaka noda itovo se ivakarau	E sega sara- Na taro na cava era sega kina ni vakabibitaki me sa ra toqaivolataki. -Me ra sa Vakalawataki kece noda veiliutaki vakavanua ka soli vei ira na Kaukauwa vakalawa me ra vakatulewataka ga na nodra Vanua.Me yaga kina na

	vakavanua ? 3. E rau na qaravivata beka vakacava na Dodonu ni vakarau vakavanua kei na Dodonu ni Yavuni vakavulewa ?	nodra Buli vagunuvi ka lumuji. -E rawa ga ke wasei vakadodonu na nodrau Dui Yalayala - O Vanua kei Matanitu kei LotuvaKarisito.Na dodonu kei na galala kece me na vakararamataki yani ka vakadewataki vakadodonu ni ra vakaiyalayala ka tikovata na itavi ni vakarokoroko kei na veidokai. Eg, Kevaka ko sa via vakalevutaka na rorogo e nomu itikotiko io mo rokova ka doka tiko na dodonu kei na galala nei ratou na vakaitikotiko ena yasa ni nomuni itikotiko.
	1. E sa taqomaki vinaka tiko beka na dodonu ni Taukeni ni	- E sega sara- E se sega ga ni matata mai na imatai ni Gauna se veilecayaki yarayara tu ga oqo na kena

	qele??	veiqaravi me yacova sara na kena taukeni. E levu na bubului cala ka vakavu veivosaki tiko oqo ena noda dui vanua.
1.8.Na kena Taukeni na Qele	2. E dodonu beka me vakayacori na veisau ena kena mareqeti kei na vakayagataki ni Qele ?	Io- Me ra sa volai talega ena noda ivolaniKawaBula na noda yaca ni vei Qeleni Mataqali. Kei na noda ivotavota yaca ni Wainiqoliqoli,
	3. E na rawa vakacava me na vakaduavatataki na vakatoroicaketaki kei na mareqeti ni qele ?	Me sa na veiwaseitai vinaka na isolisoli ni Kalou vei keda ka me lomani duadua kina na Kalou.Na matanitu me na muria nona iyatu ni veiqaravi dodonu. Okoya na Vanua me qai raica na nodrau na rogoci tiko na Dui Domo e rua oqo, domo ni Lotu vakarisito kei na domo ni vakailesilesi vakamatanitu..

1.9 -Na Kaukauwa ena gauna ni leqatubukoso	1. E ra matata tu beka ka rawarawa nodra na yalani na veikaukauwa kurabui oqori ?	E sega - Baleta esa ra tikoga na veiKabani Bisinisi lelevu Musu ivakacavacava lelevu era qitora tiko na Kaukauwa qori- Vakaloloma na sega ni kila na lawa.
	2.E tu beka na itataqomaki me valuta na veiqaravi duidui?	- E sega - E dau sega tu ga ni vakacavari vinaka.E tu ga na duidui e na noda dui bula ena veisiga.
	3.E tu beka na ituvatuva me yadaravi kina na vakayagataki ni kaukauwa oqo ?	E sega tiko ni Matata?- E ra veirerevaki taka tiko na Lawa na Liga ni veiliutaki veiqaravi. Me na vaqarai tikoga na iwali ni leqa ni veivanua.
1.0.Duavata	1. E tautauvata kece beka na nodra vakatulewataki na lewenivanua ena ruku ni lawa?	E sega- Oqo e na gadrevi kina na noda vakavinakataka mada noda veiwekani mai vale kei na noda veitikotiko-Vanua kei na Lotu. E laurai votu ena gauna ni sucu e dua kei na Mate e dua e duidui tu ga na veiQaravi eda dua qarava. Sa dua na duidui levu e da sa lako

kei na Veivakatautau vatataki ni Lewenivanua .		curuma tu na lewenivanua.
	2 E kaukauwa tiko beka na taqomaki ni lawa ni veivakaduiduitaki.?	E sega - Baleta na veivakaduiduitaki e caka tu ga ena veisiga. Lotu kei na Vanua kei na veiqaravi ni Matanitu.
	3. E rawa vakacava me rau vaqaqacotaki na bula ni veilomani kei na veimaliwai vinaka vakamatatamata ?	E na dodonu me na talevi me veisataki eso na veilawa kei na kedra ivakamacala vakavakadewa me rawati kina na veimaliwai vinaka kei na veilomani dina. Dikevi kece na veimatatamata era tiko qo ena noda vanua , Vaqaqacotaki noda veiwekani na itaukei Mai na Yasana e tinikalima kei na Matanitu vanua e (3) Kubuna , Burebasaga kei Tovata.
	Noda Vosa?	-Na noda vosa me vakayagataki me Vosa ni Vanua ko Viti-National Language.Ka vakaivolatoqai taki kece noda vosa ,ivakarau kei na noda dui tovo yadudua na itaukei kei Viti.

Veika tale eso ?	Na noda veika vakavanua?	- Na noda veika vakavanua me sa na tovolei me sa toqaivolataki mai na noda veitikotiko vakaturaga.
	Noda wainiqoliqoli?	-E sa dodonu me suka mai vei keimami na veiTokatoka, Mataqali Yavusa e veiyanuyanu kei na veibaravi esega veikeimami na Qele. Ko Kaba e dau neimami iqoliqoli tu e vakatokai na Kaba waters ni bera ni laki vakatokai me Bau Waters ka sa mai Kubuna Waters sara tiko e dai.
	Noda qele voli vakadua Freehold land?	-Me ra sa dikevi me caka kina edua na ka- (Me ra sa mai volai rawa tu ena noda VKB me ra wiliki talega me ra sa lewe ni vanua . -Na yaca oqori esa vuni mai veitalia tiko kina ko Viti e dai.
	Na yaca Fiji? Kei Na yaca Viti?	E kau mai na gauna ni Koloni na vakatokayaca oqori- FIJI me rawarawa nodra vakavakadewa vua na Marama na Ranadi. Me sa veitalanoataki na kena veisautaki tale.
	Na noda veiwekani kei na noda iyau bula ?	-Na noda iyaubula kece me ra sa na tauri vakacavacava talega kina na itaukei ka me kua ni taura tikoga na noda Matanitu. .(Resource TAX to owners of Resources)

		Dou bula vinaka na Matabose. Sa keimami Duavata tiko kina na leweni Yavusa Nautodua kei na kena veiMataqali e (5) Lima- Mataqali Nukulau, Mataqali Nautodua Mataqali Muaikaba, Mataqali Korolevu kei na Mataqali Vunisalato Tuikabaera me sa dikevi ka veisautaki eso na Lawa ena Yavunivakavulewa 2013. Sa masu ni vanua ni dou na yaloqaqa tiko na Matabose ka nanuma tiko na nomuni vanua ko Kaba kei na kena Kawatamata me qaravi na nomudou itavi ena yalomatua kei na raiyawa. Dou Kalougata tiko ka vuavuwai ena veiqaravi sa dou kacivi ka nuitaki kina ena vuku I Viti.

Banaban Human Rights Defenders Network

Banaban Human Rights Defenders' Network submission to the Fiji Constitutional Review Commission

Oral submission:	**22/05/2026**	**Nuku, Rabi Island**
Written submission:	**01/06/2026**	commissioners2026@gmail.com

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Disclosure Statement on Case Studies Used in this Submission

The case studies presented in this submission are based on stories, experiences, testimonies, and concerns shared by members of the Banaban community on Rabi Island. They have been developed from recurring themes and issues identified over the years through community engagement, discussions, advocacy work, and lived experiences communicated to the Banaban Human Rights Defenders' Network (BHRDN).

The case studies also reflect the observations, community organising, social movement advocacy, and human rights work undertaken by BHRDN over the years in support of the rights, interests, and wellbeing of the Banaban people. As such, they represent both community experiences and issues consistently documented through BHRDN's community-based work.

To protect the privacy and confidentiality of community members, individual names and identifying details have been omitted. In some instances, specific experiences have been anonymised or presented as composite narratives that reflect common experiences reported by multiple community members.

These case studies are not intended to represent the experiences of any single individual. Rather, they illustrate broader patterns, concerns, and challenges affecting Banaban people living on Rabi Island. Their inclusion is intended to demonstrate how constitutional, legal, governance, and policy issues impact the daily lives of community members and to ensure that Banaban voices, perspectives, and lived realities are meaningfully reflected in this submission.

About the Submitter

Itinterunga Rae Bainteiti is a social worker, human rights defender and scholar who was born and raised in Rabi. He is a fourth generation Banaban raised in Rabi, Fiji and has traveled extensively in the Pacific for work and has lived in Kiribati for over ten years. He is currently based and commuting for work out of Rabi Island, Fiji, since 2021. He currently works as the Pacific Political Coordinator on Deep Sea Mining for Greenpeace Australia Pacific and serves as a coordinator for the Banaban Human Rights Defenders' Network (BHRDN) in a voluntary capacity. Rae holds a Diploma in Business Studies from the Fiji National University and a Bachelor of Social Work (Honours) from Massey University in Auckland, New Zealand. He is currently an Atlantic Fellow for Social Equity at the University of Melbourne, where he is studying towards a Master of Social Change Leadership on the topic of Banaban reparations and structural injustices. He shares this submission on behalf of the Banaban Human Rights Defenders' Network as an active community member of the Banaban community living in Rabi and a dedicated member of the BHRDN committed to advocating and defending Banaban rights who are living in Fiji and everywhere.

The views expressed in this submission are grounded in the Banaban perspectives of truth and firsthand experiences. They do not represent the official positions of Greenpeace Australia Pacific or any other affiliations.

Introduction

BHRDN submits this written submission to the Fiji Constitutional Review Commission. This document follows the oral presentation delivered to the Commissioners on Friday, 22 May 2026, in Nuku, Rabi Island. This submission outlines the lived experiences, historical realities, and contemporary challenges faced by the Banaban community residing on Rabi Island. It provides informed and constructive recommendations aimed at strengthening the protection of human rights, enhancing local governance mechanisms, safeguarding the constitutional rights and interests of the Banaban people, and advancing the formal recognition of the Banaban people within Fiji's constitutional and legal framework. BHRDN further emphasizes that the recognition of the Banaban people as an Indigenous community can and should be advanced through constitutional reform and through Fiji's legal and political institutions. Such recognition is essential to ensuring meaningful participation, equality, cultural protection, and the full enjoyment of collective and individual rights guaranteed under national and international human rights standards. BHRDN conveys its sincere appreciation to the Commissioners for providing this opportunity to ensure that the perspectives, concerns, and aspirations of Banaban human rights defenders are meaningfully considered and incorporated into the constitutional review process.

Background

BHRDN has played a significant role in amplifying the voices and rights of the Banaban people through grassroots advocacy, regional and international engagements, legal awareness, and community empowerment initiatives. Since its inception in 2021, the network has worked to address longstanding injustices arising from the dispossession and forced displacement of Banabans from Banaba (Ocean Island) in Kiribati to Rabi Island, Fiji following decades of destructive phosphate mining under British colonial administration. BHRDN has advocated strongly on issues of citizenship and legal recognition, including supporting the development of a Banaban Citizenship Handbook with its partner, the International Center for Advocates Against Discrimination (ICAAD) to clarify the complex citizenship status of Banabans in Fiji and Kiribati and raise awareness of their constitutional and human rights protections. The network has also consistently highlighted the chronic lack of development and basic services on Rabi Island and Banaba, including inadequate healthcare, unsafe drinking water, deteriorating infrastructure, and limited economic opportunities resulting from historical displacement and environmental devastation caused by phosphate mining.

Through submissions to Fiji's Universal Periodic Review (UPR) at the United Nations in July, 2024 and wider regional advocacy, BHRDN has elevated Banaban concerns onto the international stage, advocating for investigations into discrimination, protection for human rights defenders, restoration of democratic governance through the Rabi Council of Leaders (RCL), and recognition of Banabans' collective rights to culture, land, and self-determination. Central to its work is the promotion of reparative justice, cultural survival, and community-led decision-making, including resistance to renewed extractive activities on Banaba and calls for accountability from governments and institutions that benefited from phosphate mining.

BHRDN has also supported greater transparency and accountability in governance affecting Banaban affairs, particularly through public advocacy surrounding the court case *Itinterunga Rae v Rabi Council of Leaders (RCL)*. The case was significant because it sought to establish that the Rabi Council of Leaders functions as a public body and should therefore be subject to principles of transparency, accountability, and access to information in matters affecting the Banaban community. The proceedings arose from attempts by BHRDN, led by Itinterunga Rae, to obtain

documents relating to proposed phosphate exploration activities on Banaba involving an Australian mining company. The case also raised broader concerns regarding accountability over the management of the Banaban Trust Fund, including longstanding allegations of mismanagement and abuse that contributed to the dissolution of the Rabi Council of Leaders by the Fiji Government in 2013. Although the Fiji High Court ultimately held that matters relating to Banaba's governance primarily fell within Kiribati's jurisdiction, the case nonetheless highlighted important questions concerning the public responsibilities of the RCL, the rights of Banabans to participate in decision-making processes, and the broader principle of free, prior, and informed consent regarding activities affecting their ancestral homeland. The case also strengthened public discourse around democratic governance, financial accountability, and self-determination for Banabans across Fiji and Kiribati.

Recommendation 1: Amend the Preamble of the 2013 Constitution to Explicitly Recognise the Banaban People as a Distinct Indigenous Community of Fiji

BHRDN recommends that the following statement be inserted into the Preamble of the 2013 Constitution:

"RECOGNISING the Banaban people residing on Rabi Island, their unique history and identity, their culture, customs, traditions and language, and their enduring ownership, stewardship and connection to Rabi Island;"

The Banaban people are Indigenous to Banaba (Ocean Island) and were resettled to Fiji in 1945 after colonial phosphate mining devastated their ancestral homeland. Their relocation was not voluntary but resulted from environmental destruction, displacement, and colonial exploitation. Using their own phosphate royalties, Banabans purchased Rabi Island and rebuilt their lives while preserving their distinct identity, language, culture, and customary institutions.

Despite their nearly eighty-year presence in Fiji and their ownership of Rabi Island, the Banaban people are not expressly recognised in the Constitution. While the Preamble acknowledges the

Indigenous I-Taukei people, the people of Rotuma, and Indo-Fijians, it omits the Banaban community and its unique historical relationship with Fiji.

Constitutional recognition would acknowledge the Banaban people's history, contribution, and place within Fiji. It would affirm their dignity and identity while strengthening the constitutional principles of inclusion, equality, and historical justice. This amendment would ensure that Fiji's Constitution reflects the full diversity of its people and formally recognises the Banaban community as an enduring part of the nation's past, present, and future.

Case Study: The Cost of Invisibility – Why Constitutional Recognition Matters

Over eighty years after forced resettlement to Rabi Island from Banaba (Ocean Island), Kiribati in 1945, the Banaban people remain largely invisible within Fiji's constitutional and administrative frameworks. Generations of Banabans have since contributed to Fiji's social, cultural, economic, and political life while maintaining their distinct identity and heritage. Yet they remain absent from the Preamble of the 2013 Constitution.

This lack of recognition has practical consequences. Banabans are frequently categorised as "Others" in official forms, including school enrolment records, census data, immigration and other government documentation. Many community members report having to repeatedly explain who they are when interacting with public institutions, reflecting a broader lack of awareness and recognition of Banaban identity.

The absence of formal recognition also affects national data collection and policymaking. When Banabans are grouped into broad residual categories, it becomes difficult to accurately measure their population, needs, and development outcomes. As a result, the specific challenges facing the Banaban community and Rabi Island are often overlooked in government planning, resource allocation, and service delivery.

For many Banabans, this represents a second form of displacement. Having lost their ancestral homeland through colonial phosphate mining, they now experience a form of institutional

invisibility within the country they have called home for generations.

Constitutional recognition would help address this longstanding exclusion by affirming the Banaban people's unique history, identity, and contribution to Fiji. More than a symbolic gesture, recognition would support greater visibility in public institutions, improve data collection, and strengthen the inclusion of Banaban perspectives in national decision-making.

For the Banaban community, constitutional recognition is a matter of dignity, inclusion, and justice. It would affirm that Banabans are not "Others" but a recognised and valued part of Fiji's past, present, and future.

Recommendation 2: Urgent Reinstatement of Democratic Elections for the Rabi Council of Leaders

BHRDN submits that the immediate priority must be the conduct of free, fair, and transparent elections for the Rabi Council of Leaders. After more than a decade without elected representation, the Banaban people must be given the opportunity to democratically elect their councillors and restore democratic elected community governance.

The Government of Fiji has cited the need to review the Banaban Settlement Act 1970 as a reason for delaying RCL elections. However, BHRDN submits that democratic elections should not be indefinitely postponed pending legislative reform. If the Banaban Settlement Act requires review, the Government should allocate adequate resources to undertake both processes concurrently or, at a minimum, ensure that elections proceed without further delay.

BHRDN therefore recommends that sufficient funding be urgently allocated to conduct RCL elections as a matter of priority. The restoration of democratic representation should precede any substantive reform of the Banaban Settlement Act. Once elected, the new RCL should be empowered to lead and participate in a comprehensive review of the Act, ensuring that any future governance reforms are informed by a democratically elected body with a legitimate mandate from the Banaban people.

This approach would restore democratic governance while ensuring that any amendments to the Banaban Settlement Act are developed through community participation, accountability, transparency, and respect for the Banaban people's right to self-governance.

Case Study: Governance Instability on Rabi Following the Dissolution of the Rabi Council of Leaders

The dissolution of the Rabi Council of Leaders (RCL) in 2013 created a prolonged governance vacuum that continues to affect the Banaban community on Rabi Island. For more than a decade, the Banaban people have been governed by appointed administrators rather than democratically elected representatives, despite the Banaban Settlement Act providing for elected community leadership.

Community members have consistently raised concerns about the absence of democratic representation, transparency, and accountability in decision-making. The failure to hold elections has contributed to growing tensions within the community, disputes over governance authority, concerns regarding consultation processes, and increasing mistrust between community members and administrative leadership.

Recent controversies, including decisions relating to phosphate exploration on Banaba and administrative policies affecting access to Rabi Island, have highlighted the risks of concentrating governance powers in unelected structures without clear community mandates. These issues have generated significant disagreement within the Banaban community and exposed the need for representative institutions capable of ensuring community participation, accountability, and collective decision-making.

The prolonged absence of the Rabi Council of Leaders has also weakened local governance, delayed development priorities, and limited the Banaban people's ability to exercise their right to self-governance through their own elected institutions. Community organisations and leaders have repeatedly called for elections to be held and for the restoration of democratic governance on Rabi Island.

Recommendation 3: Establish a Clear Immigration and Citizenship Pathway for Banabans Returning to Fiji

BHRDN submits that the Government of Fiji must establish a clear, accessible, and timely pathway for Banabans returning to Fiji from Kiribati or anywhere around the world, to regularise their status and obtain citizenship.

Currently, many Banabans returning to live with their families on Rabi Island enter Fiji using Kiribati or other foreign passports and are generally permitted to remain in the country for only a limited period (four months). They are often advised to pursue naturalisation, a process that ultimately requires approval through government procedures and Cabinet discretion. In practice, these applications can take years to be processed.

As a result, many Banabans become overstayers through no fault of their own while waiting for decisions on their citizenship or naturalisation applications. During this period, they face significant barriers in accessing employment, education, healthcare, social welfare, banking services, and other forms of support essential to their wellbeing and integration into community life.

BHRDN submits that this situation is particularly unjust given the unique historical relationship between the Banaban people and Fiji. Unlike ordinary migrants, Banabans are members of a community that was resettled to Fiji through colonial displacement and has maintained a continuous presence on Rabi Island since 1945.

The current system creates unnecessary hardship, legal uncertainty, and social exclusion for Banaban families seeking to return to their community and rebuild their lives on Rabi Island.

BHRDN therefore recommends that:

- The Government of Fiji establish a dedicated registration and immigration pathway for Banabans returning to Fiji from Kiribati upon entry at the borders;
- Immigration officers receive clear guidance and training on the historical and legal status of the Banaban people;

- Banabans awaiting citizenship or naturalisation decisions be granted an interim legal status that protects them from becoming overstayers and allows access to essential services;
- Citizenship and naturalisation applications involving Banabans be prioritised and processed within reasonable timeframes; and
- The Government of Fiji implemented a one-off amnesty and regularisation programme for Banaban overstayers currently residing in Fiji as a result of delays in citizenship and naturalisation processes.

BHRDN submits that no Banaban should be rendered undocumented, excluded from services, or placed at risk of removal while waiting for government processes to determine their status. A fair and practical pathway is needed to recognise the unique circumstances of the Banaban people and ensure that those returning to their community on Rabi Island can do so with dignity, legal certainty, and full access to their rights.

Case Study: Returning Home but Left in Limbo

A recurring issue raised with BHRDN involves Banaban families returning from Kiribati to reunite with relatives and rebuild their lives on Rabi Island. In many cases, these families include children who were born in Kiribati and hold Kiribati passports, despite their parents, grandparents, and extended family having longstanding ties to Rabi Island and the Banaban community.

One such family returned to Rabi believing they were coming home. They settled with relatives, enrolled their children in school, and began the process of seeking legal recognition and citizenship status in Fiji. However, they soon discovered that there was no clear pathway specifically designed for Banabans returning from Kiribati.

After entering Fiji on Kiribati passports, the family was required to pursue naturalisation and citizenship processes that can take years to complete and are ultimately dependent on government approval. During this waiting period, their legal status became increasingly uncertain. As their temporary stay expired, they faced the risk of becoming overstayers despite

actively engaging with the required government processes.

The consequences extended beyond immigration status. Without regularised documentation, family members experienced difficulties accessing employment opportunities, opening bank accounts, obtaining government assistance, and securing other services necessary for their wellbeing. Parents lived with constant uncertainty about their future, while children who identified as Banaban and had returned to their ancestral community found themselves caught between two systems and without a clear sense of belonging.

Community members report that this is not an isolated case. Similar experiences have affected a number of Banaban families who have returned from Kiribati to Rabi Island over the years. Many have become overstayers not because they sought to avoid the law, but because there is no clear, timely, and accessible pathway that reflects the unique historical circumstances of the Banaban people.

Recommendation 4: Protection of Banaban Human Rights Defenders, Access to Information, and Access to Constitutional Justice

BHRDN recommends strengthening constitutional and legislative protections for Banaban human rights defenders, improving access to public information, and expanding access to constitutional justice for communities facing barriers to legal representation.

Banaban human rights defenders play an important role in advocating for recognition, equality, environmental justice, accountable governance, and the protection of community rights. However, this work is often undertaken in circumstances where access to information is limited, institutional engagement is uneven, and civic participation can be constrained.

In the course of its advocacy work, BHRDN and some of its members have been involved in civil legal proceedings initiated by state-linked and/or locally influential actors associated with governance structures on Rabi Island. While access to legal remedies is a legitimate aspect of the

rule of law, such proceedings can have a broader chilling effect on civic participation and public interest advocacy. Community members have reported increased reluctance to speak publicly on governance, accountability, and human rights issues due to concerns about potential legal consequences.

BHRDN therefore supports the call by the Fiji Women's Rights Movement (FWRM) to restore the 1997 Constitution standard requiring that any limitation on constitutional rights be **"reasonably justifiable in a free and democratic society."** BHRDN also supports retaining the full jurisdiction of the courts over constitutional matters and ensuring that there are no constitutional barriers to judicial review.

These safeguards are particularly important given the Banaban community's experience with governance instability and executive overreach following the dissolution of the Rabi Council of Leaders in 2013. Strong constitutional oversight mechanisms are essential to protecting democratic participation, accountability, and the rule of law.

BHRDN further recommends that Section 44 of the Constitution be amended to allow non-governmental organisations, civil society organisations, and community-based organisations to bring constitutional proceedings on behalf of individuals and communities who face financial, geographic, procedural, or other barriers to accessing justice. Such a reform would significantly improve access to constitutional remedies for vulnerable and marginalised communities, including Banabans living on Rabi Island.

In addition, BHRDN recommends strengthening the independence, powers, and resources of the Fiji Human Rights and Anti-Discrimination Commission to:

- Receive and investigate complaints submitted by civil society organisations and community groups;
- Initiate investigations into systemic human rights concerns;
- Monitor the protection of human rights defenders;
- Receive complaints relating to discrimination, exclusion, and governance issues affecting minority communities; and

- Report directly to Parliament on matters of public importance relating to human rights and constitutional compliance.

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PAP Office, Savusavu

CONSTITUTIONAL REVIEW COMMISSION SUBMISSION BY PAP OFFICE SAVUSAVU ON 1 JUNE 2026

Compiled by PAP Office Savusavu, Phone: 9930130 - papsavusavuoffice@gmail.com

Summary:
Our submission contains our views and recommendations on the following critical matters for our People:

1. **Preamble on the 2013 Constitution**
2. **Christian Faith - Not Negotiable**
3. **Fijian Identity - Not Negotiable**
4. **Land & Qoliqolis - Not Negotiable**
5. **Electoral boundaries & Constituencies - Negotiable**
6. **Reinstatement of the Senate (Upper House) - Not Negotiable**
7. **Republic of Fiji Military Forces (RFMF) – Section 131(2) – No Military Coups (Non Negotiable)**
8. **Republic of Fiji Military Forces – (RFMF) Section 131(7) – Addition**
9. **Corporal Punishment for Children in School and Adults in Villages – Negotiable**
10. **Procedure from Hospital Birth to Record of Birth Certificate at BDM - Negotiable**
11. **Village By-Laws Implementation – Negotiable**
12. **Vernacular languages - Negotiable**
13. **Inclusion of GCC or VKB in 2013 Constitution – Not Negotiable**
14. **Inclusion of GCC members in Elections so that they can compete in the general election Process and become Parliamentary members – Not Negotiable**

1. PREAMBLE ON THE 2013 CONSTITUTION:

We the CBM people believe that there are a lot of contradiction points in the 2013 Fiji Constitution, as enclosed at the end of our ten page submission. The contradiction is where the Constitution promises full ownership on paper, but takes it away in practice.

The Supreme Court in its August 2025 judgement made a very conflicting decision by stating "While the Court reaffirmed that the 1997 Constitution was never lawfully abrogated, it noted that 'events has moved on', and that the 2013 Constitution has been the practical framework of governance for over a decade (13 years)".

Right now we are governed by a set of rules that was concocted by three individuals and imposed unto the people of Fiji. This act is a constitutional mutiny and a clear demonstration of constitutional weaponization, by the government than. It is treasonous in nature and deserves the harshest penalty upon those who were involved.

No proper consultation was carried out for the 2013 Constitution, as they had taken Professor Yash Ghai, Fiji Constitutional Consultation Process in 2012 and used it as the 2013 consultation process.

To simply state that the reason we couldn't reinstate the 1997 Constitution was because "Events have moved on" is a "lazy judgement" and a direct insult to our Fijian Chiefs and to our people.

2. CHRISTIAN FAITH – (2013 Constitution Section 4 – Secular State & Bill of Right Section 22 – Freedom of Religion, Conscience & Belief)

The 1997 Constitution clearly acknowledges the advent of the Christian Faith in its acceptance by the Fijian Chiefs beginning on the 12th October 1835. While it clearly states the importance of God in our Nation, it fell short of declaration of the Nation of Fiji being a Christian Nation.

The 2013 Constitution Section 4, took away any mention or acknowledgement of God in its preamble. It promoted a Godless or secular constitution. This secularism displays a total disregard to the faith of the Fijian people, who being influenced by the love promoted through the Christian faith, welcomed and received visitors into our land. The act is tantamount to that of a backstabber. While the Fijian people allowed the visitors to enter our Land and we took great care of them, they in turn backstabbed us by giving no recognition to the very faith that allowed you into our Land in the first place.

While declaring Fiji as a Christian Nation, Section 22 does not limit the rights of the people to practice their own religion. Only on one condition: that any religion or religious sect found to have in its holy book doctrines of (i) forced conversion or face death, or (ii) doctrines of forced conversion or forced to pay tributes, will not be allowed in this Country. Such religion and religious sects are acting under the cover of Freedom of Religion when it is indeed a terrorist movement.

Fiji has a 75% population Christian majority and in democracy country, majority counts. As such the will of the majority should be taken into consideration. The few that wrote the constitution were the decisive change in this matter and as such made it a Secular State in Section 4, as to being a Christian Nation.

RECOMMENDATION:

a) Fiji to be declared once again as a **Christian Nation** and the words "**Secular State**" in Section 4 to be replaced by the words "**Christian Nation**".
b) A religion or religious sect that refers to a holy book which contains doctrines of forced conversion or face death, or forced conversion or forced to pay tributes will be declared as a terrorist movement and will not be allowed in this Country.
c) Section 22 - **Freedom of Religion, Conscience & Belief** is to remain, as it gives a very good description of what is required as your right.

3. FIJIAN IDENTITY (2013 Constitution Section 5 – Citizenship)

For one reason or other, the authors of the 2013 Constitution really emphasized on the need to take away the ethnic identity of the Fijian people and enforced on all the Citizens of Fiji. Unfortunately, there are some people who doesn't want to be called Fijians. Case in point: the Rotumans are adamant that the ethnic identity of Fijian rightfully belongs to the Fijian people, and they no way want to change their identity from Rotuman to Fijian.

The greatest insult to the Fijian people was the imposition of a new ethnic identity by the three authors of the 2013 Constitution, a term called "iTaukei". The term Taukei is an abstract noun and does not refer to anything. It floats in the air. However, it will only have meaning when you add something to it to make it a proper noun; like taukei ni bai-ni-toa, taukei ni koli, taukei ni sitoa, taukei ni vuaka, or taukei ni bulumakau. On its own it is in fact meaningless. Perhaps that was the objective of the proponents of this term. Our identity as Fijian is anchored in our land called Fiji.

Fijians are known, as those that arrived firstly into the Fijian Islands, with their traditional culture and ways. They are not to be mixed and named together with the later arrivals such as the Girimatias and other races. The Fijians are the ones that are recorded in the Fijian Affairs Vola ni Kawa Bula (VKB), with Fijian land allocation within the clan in Yasana, Tikina, Mataqali and Tokatoka.

RECOMMENDATION:

a) All citizens of Fiji whether you reside in Fiji or abroad are called the common term of "**Fiji Citizen**". That term was used widely in the 1997 Constitution.

b) The ethnicities of every "Fiji Citizen" must reflect their own ethnic origin; Fijian refers explicitly to the indigenous Fijians. Indo-Fijians refer to Fiji Citizens of Indian ethnic origin. Chinese-Fijians refer to Fiji Citizens of Chinese ethnic origin. Euro-Fijians or Europeans refer to Fiji Citizens of European or Caucasian ethnic origin. Rotumans refer to Fiji Citizens of Rotuman ethnic origin. The term Fijian includes Part-Europeans or Kai-Lomas. Anyone who has a drop of Fijian blood in them are accorded the Fijian ethnic identity. It is possible that some Part-European may opt not to be called Fijian, and they prefer, instead, to be called Europeans or Euro-Fijians.

4. QOLIQOLIS & NATIVE LAND – (Section 28 Rights, 29 Protection & 30 Minerals Ownership)

It states that ownership of all iTaukei land stays with the customary owners, is protected and only if required by the State could be acquired undersection 27. Section 30 states that all minerals in or under any land or water, are owned by the State. The owner shall receive only a fair share of royalties or money paid to the State.

RECOMMENDATION:

All ownership of Qoliqolis to revert from the State to the Rightful Traditional Owners. The Taukei Land Trust Board to be given the powers to act as Trustees for the Qoliqoli Traditional Owners. The TLTB will be responsible for the proper administration of the boundaries, the setting up of the appropriate levy royalties, the levy collection, and the distribution of the royalties to the Rightful Owners of the Qoliqolis.

The TLTB shall or is to create a VKB land and sea accounting process whereby it is accountable to the Turaga ni Mataqali and signed for, and making it current or updated always. It shall work hand in hand with the NLTB mapping section and all pegs marked in GPS, GIS recorded points accordingly.

The 1997 Constitution clearly states the need for compensation for the Land acquired for State use. I refer specifically to all Road and Bridges Infrastructure in the Country. Legislation must be drawn up for the documentation of Leases and appropriate annual lease rental payments to the Landowners where their land has been acquired for the profit of the general public on the use of these land for Roads and Bridges infrastructure.

Government to recoup these lease rentals by imposing a small road toll tax added on to the Annual Wheel Tax through the LTA. It will be wise to setup a Trust Fund for these Landowners and for these lease rental money to be directed to these Trust Fund to be invested. Dividends to be used for Education, Housing, and Health purposes by these Landowners.

5. ELECTORAL BOUNDARIES & REINSTATEMENT OF CONSTITUENCIES (Section 53 - (1) Proportional representation system)

The present system doesn't give a fair division of power or responsibilities to the voters all over Fiji. It is based on a one vote and one candidate based only.

1. ***Fiji (2013 Constitution)***
In the ***2013 Constitution of the Republic of Fiji***, election boundaries are addressed in
Section 53.
* ***Key Provision:*** Section 53(1) states that "for the purposes of the election of members of Parliament, ***Fiji shall be a single national constituency***."
* ***Significance:*** This means that under the 2013 Constitution, there are ***no internal electoral boundaries*** or districts; the entire country votes as one single block.

RECOMMENDATION:

a) Redraw the Electoral & Constituent Boundaries for the Parliamentary Seats (Lower House). Membership will do away with the Electoral Rolls based on Ethnicities, as was the case in the 1997 Constitution. Constituent boundaries to be as of the 1997 Constitution.

6. REINSTATEMENT OF THE SENATE OR THE UPPER HOUSE

The authors of the 2013 Constitution had the audacity to remove the voice of the major Stakeholders of this Land called Fiji, and that is by the removal of the Senate or the Upper House. The Senate was protected under the 1997 Constitution and the 1970 Constitution.
What is the significance of the Senate or Upper House? The best way to illustrate the importance of the Senate is by drawing a parallel to a Company.

For every Company, you need the following:
i) Shareholders
ii) Board of Directors
iii) Executive Management
iv) Employees

The Shareholders are the ones who invested their money into the Company. Some Companies have only 1 investor, and some can have 20,000 investors.
How do the Shareholders protect their investment in the Company? It is through their representation on the Board of Directors. They dictate the Policies and Statutes of the Company.
The Board of Directors then appoints the Executive Management.
The Executive Management appoints other lower management team and these lower management team then hires the Employees of the Company.

For a Country to exist we need the Land. Without the Land you cannot found a Country.
In the case of Fiji the contribution as shares for the founding of our Country is the Land.
The Shareholders are the owners of the Land:
90% owned by Fijian Landowners
7% owned by the Government
3% owned by Freehold Landowners
The composition of the Board of Directors must accurately reflect the Landownership proportion of Fiji.

The Senate or Upper House protects the say and rights of the Landowners. In the 2013 Constitution they did away with the Senate and by doing so they have deliberately quieted the Voice and the Rights of the Landowners of Fiji.
Shareholders Landowners
Senate represents the interest of the Landowners
Parliament Executive Management
Public Servants Employees

His most significant achievement was the creation of the *Native Land Trust Board (NLTB)*, now known as the iTaukei Land Trust Board (TLTB), in 1940. Before this, land dealings were chaotic and often disadvantaged the iTaukei (Indigenous Fijians).

* Sukuna traveled across the islands, convincing chiefs to surrender the administration of their land to a central body.
* This ensured that *land ownership stayed with the iTaukei* while providing a legal system to *lease land to non-indigenous people* (mostly Indo-Fijian farmers). This compromise prevented the mass dispossession of indigenous land seen in other colonized nations.

2. The "Three-Legged Stool" Philosophy

Ratu Sukuna is credited with the vision of Fiji as a multiracial society. He famously used the metaphor of a *"three-legged stool"* to describe how Fiji's stability depended on three pillars:

* The *iTaukei* (Indigenous Fijians)
* The *Indo-Fijians* (Indian community)
* The *General Electors* (Europeans, Chinese, and other Pacific Islanders)

He believed that if one leg was broken, the stool (Fiji) would fall. This philosophy of coexistence remains a central theme in Fijian politics.

3. **Military Heroism**

Ratu Sukuna was a distinguished soldier. During *World War I*, when the British initially refused to allow "natives" to fight, he joined the *French Foreign Legion*. He was wounded and awarded the Médaille Militaire and the Croix de Guerre.

Later, he was instrumental in recruiting Fijian soldiers for *World War II*, establishing the reputation of the Fiji Military Forces as world-class jungle fighters.

4. Bridging Tradition and Modernity

Sukuna was the first Fijian to graduate from university, studying at *Oxford University* and qualifying as a high court lawyer in London. He used his Western education to navigate the British colonial system while simultaneously upholding traditional chiefly systems.

* He helped reform the *Fijian Administration*, giving iTaukei communities a formal voice in their own governance during the colonial era.
* He paved the way for Fiji's eventual independence (which occurred in 1970, 12 years after his death).

5. National Unity

By celebrating Ratu Sukuna Day, Fiji aims to promote national unity. The holiday is used to reflect on his leadership style, which emphasized *humility, education, and respect for all races*.

Why was it reinstated?

The holiday was brought back in 2023 by the Coalition Government to restore the recognition of traditional leadership and to encourage younger generations to learn about the history of Fiji's transition from a colony to a modern state. The week leading up to the holiday is usually filled with educational programs, traditional ceremonies, and public lectures about his life.

Ratu Sir Lala Sukuna was born on *April 22, 1888*, in the chiefly village of Bau, Fiji.

While his actual birthday is April 22nd, the public holiday in Fiji—**Ratu Sukuna Day**—is typically observed on the Friday at the end of May (around the anniversary of his death on May 30, 1958) to allow for a week of celebrations and reflections on his legacy.

RECOMMENDATION:

Add the Section 131(7) does not include anything about the Naval Division, Territorial Forces Battalion, the Reserve Battalion and Ex-Servicemen and Women. A dedicated Fiji Public Remembrance day to be allocated annually for all return Services plus the Ex-Servicemen and Women, which would also be the Ratu Sukuna Day. This is in Remembrance to those that fought and served in the Malayan Campaign, Christmas Island, Solomon Island, UNIFIL, Rhodesia, MFO, UNDOF, UNAMSIL, MINUSTAH, MINUSMA and UNMISS plus WW1 and WW II veterans.

9. CORPORAL PUNISHMENT FOR CHILDREN IN SCHOOL AND ADULTS IN VILLAGES – Negotiable

Section 41 (1) (d) states that: "Ever child has the right to be protected from abuse, neglect, harmful cultural practices, any form of violence, inhumane treatment and punishment,"

RECOMMENDATION:

The village believes that children's teacher to be given rights to carry out corporal punishment to students with the attendance or presences of the parents be present when child is disciplined.

10. PROCEDURE FROM HOSPITAL BIRTH TO RECORD OF BIRTH CERTIFICATE AT BDM - Negotiable

Under Rights of Children – Section 41 (1) a – Every child has the right (a) "to be registered at or soon after birth, and to have a name and nationality;"

All iTaukei children that are supposed to be written in the Vola ni Kawabula (VKB) are missed out if they don't visit the Itaukei Affairs Office first before they visit BDM Office and register the child birth.

RECOMMENDATION:

All Itaukei parents to visit the VKB Office first, get the child's detail as to what Mataqali, Tokatoka and Village he or she belongs too, before proceeding to the BDM Office, for Birth Certificate registration.

11. VILLAGE BY-LAWS IMPLEMENTATION – Negotiable

Authorized the protection of Indigenous interest (Section 29) This matter links onto the iTaukei Affairs Act known as the iTaukei Affairs Regulation – Village By Laws (Draft Copy) of 2016.

RECOMMENDATION:

The PAP Savusavu Office would like that the Draft Copy to be implemented as it was done in 2016 by last Govt and remains a Draft Copy till now. All villages need the By Laws as the regulation structure and we could add on additional matters to suit the village situation. Ten years now and nothing has been done by iTLTB on this matter.

12. VERNACULAR LANGUAGES - Negotiable

Section 31(3) Rights to Education – "Conversational and contemporary iTaukei and Fiji Hindi languages shall be taught as compulsory subjects in all primary schools".

RECOMMENDATION:

It is still yet to be followed or complied at the Primary School and the Ministry of Education to better see that this matter is fully carried out and implemented, as per 2013 Constitution.

13. INCLUSION OF GCC OR VKB IN 2013 CONSTITUTION – Not Negotiable

Great Council of Chiefs (GCC) **—also known in iTaukei as the **Bose Levu Vakaturaga (BLV) **—is **not mentioned in the Fiji 2013 Constitution.

The 2013 Constitution intentionally removed all constitutional roles and recognition of the GCC, which had previously been included in the 1970 and 1997 Constitutions. This removal was part of the then-government's "equal citizenry" agenda, which sought to shift Fiji away from communal-based political structures.

Key points regarding its status:
* ***De-establishment:*** The GCC was formally disestablished by decree in 2012, shortly before the 2013 Constitution was promulgated.
* ***Recent Reinstatement:*** While the GCC was reinstated by the Fijian government in 2023, it currently exists as a statutory body (under the iTaukei Affairs Act) rather than a constitutionally mandated one.

* ***Current Debate:*** There are ongoing discussions and proposals from the GCC to amend the 2013 Constitution to restore its constitutional recognition and legal status.

RECOMMENDATION:

THE INCLUSION OF GCC OR VKB IN 2013 CONSTITUTION - Not Negotiable

14. INCLUSION OF GCC MEMBERS IN THE ELECTIONS SO THAT THEY CAN COMPETE IN THE ELECTION PROCESS AND BECOME PARLIAMENTARY MEMBERS – Not Negotiable

Based on current Fijian law and recent developments following the reinstatement of the Great Council of Chiefs (GCC/BLV) in 2023, the answer is:

Yes, but not while active members of the Council.

Here are the specific conditions and rules:

1. ***Resignation is Required:*** Under the ***Political Parties (Registration, Conduct, Funding and Disclosures) Act 2013***, "public officers" are prohibited from being members of political parties or contesting elections. Because the GCC is a statutory body (re-established under the iTaukei Affairs Act), its members must resign from the Council if they wish to stand for a seat in Parliament.

2. ***Maintaining Neutrality:*** The Fijian government and the GCC leadership have emphasized that the Council should remain an apolitical body. This is intended to ensure the GCC serves the interests of all iTaukei, regardless of the political party in power.

3. ***The "Two-Year" Rule Debate:*** Recent reports (as of early 2024) indicate that the GCC has officially called for the removal of certain restrictions—specifically a rule that requires members to wait a certain period (often cited as two years) after leaving the Council before being eligible to run for public office. The GCC is currently advocating for changes to the law to make it easier for chiefs and council members to transition into national politics without such a long "cooling-off" period.

4. ***Chiefly Status vs. Council Membership:*** It is important to distinguish between being a ***Chief*** (a traditional title) and being a ***Member of the GCC*** (a formal position). While a Chief can run for election (provided they are not in a prohibited public office), they cannot sit in the GCC and Parliament simultaneously.

Present in summary, a member of the GCC/BLV must resign from their seat on the Council to contest a government election, and there are ongoing legal debates regarding how much time must pass between that resignation and their candidacy.

RECOMMENDATION

The GCC or BLV members are to resign from the GCC/BLV as per ***Political Parties (Registration, Conduct, Funding and Disclosures) Act 2013*** a month before the Election Day proper and be eligible be a Political member and be able to compete in the General Election.

End of Submission by PAP Office Savusavu as compiled by IL Naduva on 1 June 2026

Lautoka Market Vendors Association

CONSTITUTION REVIEW SUBMISSION

BY: FILOMENA DITUKANA

PRESIDENT

LAUTOKA MARKET VENDORS ASSOCIATION

ADVISORY COUNCILLOR

INTRODUCTION

I work at the grassroot level with communities and in the market with vendors from across the western division. Every week I meet young itaukei youth students who have dropped out of school. Many of them are landowners. They drop out because they lack intelligence. They drop out because our education system only values one type of success – academic success.

From year 1, we test these children on subjects that don't connect to their real strengths. We lose future farmers, carpenters, fisherman, artists, mechanics, and business owners before year 10. When they inherit their land, how can we expect them to develop it if the school system ***never*** developed them. So, I am here to propose a change and ask the Constitution Review Committee to consider it seriously.

YOUTHS & EDUCATION

- *Develop an education system for the first 3 years of schooling which focuses on 3 things:* ***basic literacy, basic numeracy and discovering a child's skills and talents.*** *Less pressure on exams more hands-on learning like fixing things, artist, music, etc.*
- *Create 2 strong pathways that leads to qualification and respect that is:* ***academic and technical/vocational.*** *From year 4 teachers and parents can gauge each child's capabilities.*
- *Our education system version* ***must be for Fiji*** *– it must protect our vanua and at the same time build our economy.*

WHY IT BELONGS TO THE CONSTITUTION

- *Our constitution promises the right to education. But I believe it should promise the right to an education that develops the **full potential** of every child – not just their academic potential.*
- *We are losing our children to a **one-size fits all** system. And land without skills is land we cannot develop. If we get this right, we are not just reforming education. We are nation-building.*

Recommendation: *a national taskforce on early-years skill-based education to be designed.*

Our children deserve a system that sees their worth before it measures their marks.

BILL OF RIGHTS – INFORMAL SECTOR WOMEN

- ***Strengthen Section 26 –*** *to say the state cannot discriminate based on 'form of employment or economic activity'. Remove the legal excuse to treat informal work as lesser work.*
- ***Strengthen Section 33 –*** *to guarantee equal access to credit, training, and social protection for* ***all*** *workers, formal and informal.*
- ***Direct the State*** *to include informal sector women in national awards, boards, and policy-making. If we can measure GDP from their sales, we can celebrate their success.*

FORMAL AND INFORMAL SECTORS

- *The Bill of Rights in section 26 says there shall be no unfair discrimination. But we draw a line between **formal** and **informal** sectors. That line hurts women most. We say women have Rights but look at the gap. The gap exists because we designed our systems only for formal sector. When govt training comes, it goes to hotels and offices. When scholarships are announced , they require academic marks, not 15 years of business experience. We are telling our daughters that success only counts if it happens in a building with air conditioning. We want the Constitution to see what we already see at the grassroots: **that a woman selling dalo is no less a nation-builder than a woman running a boardroom**.*
- *The Bill of Rights should not stop at the market gates.*

Ministry of Strategic Planning, National Development and Statistics

MINISTRY OF STRATEGIC PLANNING, NATIONAL DEVELOPMENT AND STATISTICS

Subject: Consultation Submission on the Review of the 2013 Constitution of the Republic of Fiji
Presented To: Constitution Review Commission 2026
Presented By: Permanent Secretary for Strategic Planning, National Development and Statistics
Date: June 2026

This submission responds to an invitation from the Constitution Review Commission 2026 (CRC) through the Office of the Prime Minister for a consultation session on the review of the 2013 Constitution of the Republic of Fiji (**Annex 1**). The Ministry notes with careful consideration the role of the CRC as an independent entity tasked with the primary mandate of independently reviewing the 2013 Constitution through a transparent and inclusive consultation process nationwide. The Ministry welcomes the opportunity to deliberate on its submission before the CRC at an opportune time.

In summary, this submission presents four critical areas in the 2013 Constitution that must be prioritised during the review process, based on the Ministry's perspective. Of the four areas, three relate to the review of existing provisions within the 2013 Constitution and one proposes the introduction of a new provision. They are as follows:

1. elevate and institutionalise national development planning through the Constitutional by mandating the formulation of a National Development Plan and establishing a National Planning Commission *(new provision)*

2. review the systemic embedding of Cabinet Ministers into the decision-making authority of Permanent Secretaries on matters relating to appointments, removals and disciplinary actions of civil servants (*reference Section 127 of the Constitution*);

3. review the short-term contractual employment (3-year term) of magistrates and judges (*reference Section 104 of the Constitution*);

4. review the systemic embedding of executive actors, namely the Attorney General into appointment and renumeration matters of the Judiciary (*reference Chapter 5 Sections 104, 106, 107, 113, 114, 115, 116, 117, 119, 120, 120, 121 of the Constitution*)

Proposal 1: Elevate and institutionalise national development planning through the Constitution by mandating the formulation of a National Development Plan and establishing a National Planning Commission.

This proposal aims to strengthen the legal foundation of national development planning in Fiji. In executing the proposal above, we are of the view that the Constitution must:

i. first explicitly reference a commitment by the State towards achieving long term national development;
ii. establish requirements for the formulation of a National Development Plan as a framework to guide and link national, sectoral and municipal level policy planning and coordination;
iii. establish a National Planning Commission as an independent body to oversee national development planning framework (this includes the formulation of the National Development Plan and monitoring & evaluating its implementation).

A. Overview

Presently, there is no reference nor requirement in the 118-page 2013 Constitution for the State to undertake

national development planning or establish a national development framework. The closest reference Fiji has to a national development framework in its laws is at the regulation level. The Finance Instruction (FI) 2010 is a regulation under the Financial Management Act 2005 and Part 2 Section 6 of the regulation requires that *'each budget agency ensure that their budget submissions are clearly linked to the policy objectives in the National Development Plan'*.

Fiji has had a longstanding history on national development planning. It has operated a National or Central Planning Office since pre independence and has had a National Development Plan since the 1940s. Since colonial rule, Fiji has embraced a strategic process that sets out the long term development vision, goals and priorities of the nation on various socio-economic issues such as access to clean water and reliable energy, poverty alleviation and social protection, education and training, healthcare and economic empowerment to name a few. This strategic process has not only necessitated the systemic allocation of resources but has also called for a collective approach by stakeholders in addressing these socio-economic issues. This highlights the importance of having a national development plan and a national planning body to oversee the initiation and realisation of this strategic process on a daily basis.

In the two tables below, an overview is provided of Fiji's past national development plans and national planning bodies.

Table 1: Overview of Fiji's National Development Plans (Past-Present)
Source: Ministry of Strategic Planning, National Development and Statistics (*Unpublished*)
(Note: Separated into two categories the first focusing on a period when Fiji's approach began with 'comprehensive development planning' and the latter focusing on a period when Fiji transitioned to 'strategic development planning', which is being maintained today)

Title	Year	Constitution
Fiji's Comprehensive Development Plans		
Fiji's First Development Plan (DP1)	1946-1950	Colonial Rule
Fiji's Second Development Plan (DP2)	1951-1955	
Fiji's Third Development Plan (DP3)	1956-1960	
Fiji's Fourth Development Plan (DP4)	1961-1965	
Fiji's Fifth Development Plan (DP5)	1966-1970	
Fiji's Sixth Development Plan (DP6)	1971-1975	1970 Constitution
Fiji's Seventh Development Plan (DP7)	1976-1980	
Fiji's Eighth Development Plan (DP8)	1981-1985	
Fiji's Ninth Development Plan (DP9)	1986-1990	
Fiji's Strategic Development Plans		
Development Strategy for Fiji: Policies & Programs for Sustainable Growth	1997	1990 Constitution
A Strategic Plan for the New Century: Policies & Strategies for the Sustainable Development of Fiji	1999	1997 Constitution
Fiji Strategic Development Plan	2003-2005	
Fiji Strategic Development Plan	2007-2011	
Fiji's 5 & 20 Year National Development Plan	2017-2036	2013 Constitution
Fiji National Development Plan 2025-2029 & Vision 2050	2025-2029	

Fiji has witnessed several transitionary changes and reforms within this space over the decades and these have been largely influenced by changes that have taken place within the political and social systems, legal frameworks and government administration to name a few. However, since the release of Fiji's first national

development plan DP1 in 1946, historically all four Constitutions of Fiji from 1970 to 2013 have not been able to elevate or institutionalise the concept of national development planning at the constitutional level. Therefore, over the years the practice of having a National Development Plan has been limited to an administrative exercise with the sole intent of capturing the executive's or government's policy direction for the nation. While this is an important process for any developing country to undertake, there is value in strengthening this system through a legal angle in order to realize its full potential and achieve its intended outcome. Today, our office continues to be confronted with conversations around this topic, signaling the need for policy consistency and strengthening accountability in our collective effort as a nation to address issues that directly impact the economic and social development of all Fijians.

Table 2: Overview of Fiji's National Planning Body (Past - Present)
Source: Ministry of Strategic Planning, National Development and Statistics (*Unpublished*)
(Note: Information is yet to be confirmed prior to 2009 subject to access & sighting of official documents)

Government Portfolio	Year Active	Reporting Line
Central Planning Office	*To be confirmed*	*To be confirmed*
Ministry of Strategic Planning, National Development & Statistics	2009-2014	Minister for Strategic Planning, National Development & Statistics
Ministry of Finance (Strategic Planning Office)	2015-2016	Minister for Finance
Ministry of Economy (Budget & Planning Division)	2017-2023	Minister for Economy
Ministry of Finance, Strategic Planning, National Development & Statistics (Strategic Planning Office)	2023-Nov 2025	Minister for Finance, Strategic Planning, National Development & Statistics
Office of the Prime Minister (Strategic Planning Office)	Nov 2025-Jan 2026	Prime Minister
Ministry of Strategic Planning, National Development & Statistics	Jan 2026-Present	Prime Minister and Minister for Strategic Planning, National Development & Statistics

Historically, the role of Fiji's national planning body has been to undertake evidence-based policy formulation for the economic and social development and progress of Fiji. This office takes a lead role in coordinating development efforts through policy formulation and the effective implementation and monitoring of Government's capital investments. The mandate of this office includes:

- formulate and coordinate the implementation of National Development Plans and Strategies;
- provide policy advice on macroeconomic, sectoral and human resource issues;
- undertake economic aggregate forecasting;
- formulate the medium term Public Sector Investment Programs;
- coordinate the implementation of the Integrated Human Resource Development Program;
- coordinate the Government's reform agenda;
- coordinate manpower planning particularly in the identification of priority areas for training; and
- chair and provide secretariat services to Government forums and committees.

Today, this office is known as the Ministry of Strategic Planning, National Development and Statistics - a new Ministry established under the portfolio of the Prime Minister in January 2026. Prior to this, there was period of almost 10 years in which this Ministry was dissolved. Therefore, it can be noted that this office has been subjected to several transitional changes and reforms over the years, depending on the directive of the Government of the day and this has greatly impacted the stability and consistency of policy coordination and the effectiveness of resource allocation over the years.

B. Justification

As the supreme law of the land, the foundation of the Constitution in guaranteeing fundamental human rights for all Fijians and in establishing the structure, principles and rules that govern the three branches of the state (legislature, judicial and executive arms) is duly acknowledged. The Constitution is the governing law of the State by which all legislation and regulation must align and there is value in entrenching a developmental approach in this vital document.

In essence, we maintain that national development should be treated as a matter of constitutional significance rather than mere government policy or administrative practice. Past experience has shown how vulnerable and malleable Fiji's national development planning system can be, especially in the absence of a strong legal foundation. Our Ministry's proposal to introduce this for the first time through Fiji's Constitution stems mainly from the following viewpoint(s):

- to ensure that policy priorities and frameworks remain consistent despite changes in the executive administration or government leadership;
- to ensure that resource allocation by the state is effective, consistent and connected with national development goals (annual budgets must connect with the national development plan and public investment programme);
- to strengthen accountability and coordination amongst stakeholders especially state funded agencies; and
- to ensure the legitimacy and independence of the state's planning arm in carrying out its functions holistically (from formulation to implementation to monitoring, evaluation & learning).

C. Global Examples

While this approach may be unusual in our region including our developed neighbors Australia and New Zealand, globally this approach has been explored and even employed by several countries. Research has shown several countries with different backgrounds (whether developed or otherwise) resorting to this measure as a way of safeguarding the stability and consistency of national development and planning. Some of these countries differ drastically from Fiji in terms of size, geography, economic composition, governance structure and political system to name a few, however, it can be noted that the four viewpoints identified above are not exclusive to Fiji's experience alone but are also mutually shared by many of these countries that have employed this approach. Some of these countries have either:

1. refenced a commitment by the State towards national development (either long term, integrated or sustainable) at the Constitution level;
2. established requirements by the State to formulate a National Development Plan or National Development Strategy on a periodic basis at the Constitution level;
3. established linkages between the National Development Plan, the Annual Budget and the Capital Investment Programme at the Constitutional level;
4. established the creation of an entity commonly referred to as the National Planning Commission or National Development Planning Commission or National Planning Council to oversee 1-3 above.

Research cites few countries across the South American, African, Asian and European continent as prominent examples of constitutionally entrenched national planning systems. Like Fiji, most of these countries cited are also developing economies by classification of the World Bank and follow a centralized national planning system where the national government holds primary responsibility of setting macro level goals and priorities for economic and social development and undertakes majority of decision making, especially when it comes to the allocation of resources. Of these countries cited - Colombia, Ghana and Ecuador stand out as prominent examples of constitutions that require the formulation of a National Development Plan or/and creation of a National Planning Commission/Council. Outside of these countries, we find that the approach differs. For example, Brazil's Constitution may not explicitly reference the formulation of an NDP or the creation of a national planning body but is considered one of the best examples globally of countries that link national development planning, budgeting and expenditure frameworks through their constitution. On the other hand,

countries like China emphasize through their constitution the role of the State in the formulation and implementation of plans for national economic and social development. China is also a prime example of countries that have adopted dedicated legislation on national development planning apart from the constitution. In the table below an overview is provided on some of these examples and a more detailed summary is available in the enclosed **Annex 2**.

Table 3: Overview of Prominent Global Examples
Source: Desktop Research (Unpublished)

Country	Constitution (Active)	Summary
		South America
Republic of Colombia **Status:** Developing Country – Upper Middle Income Economy	Political Constitution of Columbia 1991	• establishes requirements for the formulation of a National Development Plan *(reference Article 339)* • establishes the creation of an entity known as the National Planning Council by the President *(reference Article 340)* **Note:** Colombia follows a centralized national planning system guided by a medium term (4 year) National Development Plan. Colombia operates a National Planning Department that reports directly to the President.
Federative Republic of Brazil **Status:** Developing Country – Upper Middle Income Economy	1988 Constitution of the Federative Republic of Brazil	• establishes requirements and linkages between national development planning, budgeting and expenditure frameworks *(reference Article 165 & 174)* **Note:** Brazil follows a de-centralized national planning framework that links federal directives with state and municipal autonomy. Brazil has a medium term (4 year) plan known as the Plano-Pluriannual which serves as the main national development framework and the Government operates a Ministry of Planning and Budget that reports to the President through the Minister for Planning and Budget.
Republic of Ecuador **Status:** Developing Country – Upper Middle Income Economy	Constitution of the Republic of Ecuador 2008	• references a commitment by the State to national development *(reference Article 3)* • mandates national planning under the exclusive jurisdiction of the central State *(reference Article 261)* • references planning as a foundation for territorial management and compulsory for all de-centralized governments *(reference Article 241)* • establishes the creation of a National Planning Council that shall be chaired by the President *(reference Article 279)* • establishes requirements for the formulation of a National Development Plan *(reference Article 280)* • established linkages between the NDP and the

		General State Budget *(reference Article 293)* • establishes requirements for the President to submit a proposal for the NDP to the National Planning Council *(reference Article 147)* **Note:** Ecuador follows a centralised national planning system guided by a medium term (5 year) National Development Plan serving as the main development framework. Ecuador also has a Secretariat of National Planning operating as an executive arm of Government and a National Planning Council of Ecuador chaired by the President.
		Africa
Republic of Ghana **Status:** Developing Country – Lower Middle Income Economy	1992 Constitution of the Republic of Ghana	• establishes the creation of an entity known as the National Development Planning Commission reporting to the President *(reference Article 86)* • tasks the NDPC with development planning functions, including the formulation of multi-year rolling plans *(reference Article 87)* **Note:** Ghana follows a hybrid development planning system with planning responsibilities shared amongst the central and local government(s). Ghana also has a long term (40 year) National Development Plan serving as the main development framework and also operates a National Development Planning Commission that reports to the President.
Republic of South Africa **Status:** Developing Country – Upper Middle Income Economy	Constitution of the Republic of South Africa 1966	• entrenches a developmental approach in the Constitution which provides the foundation for the establishment of a National Planning Commission and the formulation of a National Development Plan (*reference sections 26-29, 41, 152, 153, 195, 214*) **Note:** South Africa follows a hybrid development planning system with planning responsibilities shared amongst the central and local governments. South Africa also has a long term (20 year) National Development Plan and operates a National Planning Commission that reports to the President.
Republic of Rwanda **Status:** Developing Country – Lower Income Economy	Constitution of the Republic of Rwanda 2003	• entrenches a developmental approach in the Constitution **Note:** Rwanda follows a hybrid national planning system where macro-level goals and priorities are set by the

		central government while execution/implementation is decentralized to the local government level. Rwanda also has a long term (30 year) National Development Plan which is overseen by the National Development Planning and Research Department under the Ministry of Finance and Economic Planning.
		Asia
People's Republic of China **Status:** Developing Country – Upper Middle Income Economy	Constitution of the People's Republic of China 1982	• references requirements for the State to formulate plans for national economic and social development *(reference Article 62,67 and 89)* **Note**: China follows a centralized national planning system guided by a medium term framework known as the Five Year Plans and overseen by the National Development Reform Commission. The NDRC reports to the Congress through the State Council. Recently in March 2026, China also adopted a National Development Planning Law which formalises decades of five-year planning into a strict, legally binding framework to ensure plans are implemented effectively.

D. Recommendation

Stemming from our proposal above, we recommend that the CRC in its review of the 2013 Constitution consider the inclusion of a developmental approach in Fiji's constitution through the introduction of the following provisions:

Recommendation 1: Introduce a new provision within Chapter 4 and 6 that explicitly references a commitment by the Government to provide resources and implement the national development plans through its full tenure. More specifically, a constitutional provision regarding the requirement for a 'whole of government monitoring and evaluation framework' to be implemented by the Ministry responsible for Strategic Planning and National Development.

Recommendation 2: Introduce a new provision within Chapter 6 that mandates the formulation of a National Development Plan as the framework to guide and link national, sectoral and municipal level policy planning and coordination.

- The Plan must outline the long term vision and goals for the development of the nation and set the medium to short term policy objectives and priorities across each sector of the economy.
- The Plan must be a result of evidence based planning and inclusive consultations.
- The Plan must guide resource allocation of the state, which is typically facilitated through the annual national budget.
- The Plan must be reviewed every 5 years and its duration should be commensurate with a government's term in office.

Recommendation 3: Introduce a new provision within Chapter 6 that mandates the establishment of an independent national planning body known as the National Planning Commission.

- To ensure its independence in undertaking assessments and in providing policy advice, the Commission

should be established and should function as a Constitutional Office.

- The Commission should be responsible for overseeing the formulation of the National Development Plan and monitor and evaluate its implementation by all state funded entities (including Government Ministries & Agencies, Statutory Bodies and Constitutional Offices).
- The Commission should play a lead role in terms of national, sectoral and municipal policy and project planning.
- The Commission through its Chairman or Chief Executive Officer should also report to the Prime Minister.

E. References

1. 2013 Constitution of the Republic of Fiji (www.laws.gov.fj)
2. Fiji National Budget Estimates (www.finance.gov.fj)
3. Fiji National Development Plans (National Archives of Fiji)
4. Global Constitution Repository (Constitute Project Org)

Trans Affirmative Action Guild

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Constitution Review Commission <commissioners2026@gmail.com>

Formal Submission to the Constitution Review Commission – Trans Affirmative Action Guild (TAAG)

Ratu Eroni Ledua Dina <eroni.dina@taagfiji.org> Sat, Jun 13, 2026 at 3:09 PM
To: "commissioners2026@gmail.com" <commissioners2026@gmail.com>
Cc: "amasaijeke93@gmail.com" <amasaijeke93@gmail.com>, benjaminpatel686 <benjaminpatel686@gmail.com>, "milianaiga@gmail.com" <milianaiga@gmail.com>, "paul.volau09@gmail.com" <paul.volau09@gmail.com>

Dear Honorable Commissioners,

I hope this email finds you well as you undertake the vital responsibility of guiding our nation's constitutional path.

On behalf of the Trans Affirmative Action Guild (TAAG), I am writing to formally present our comprehensive submission to the Constitution Review Commission. TAAG operates locally, regionally, and internationally to advocate for the dignity, safety, and self-determination of marginalized communities, with a primary focus on the human rights of Vakasa, Sian, Trans, and Non-binary (VST+) individuals in Fiji.

As the Commission reviews the many viewpoints surrounding the future of our nation, our submission offers concrete, line-by-line textual recommendations to strengthen the Fiji 2013 Constitution. We ground these recommendations firmly in international best practices, while ensuring they respond directly to our unique domestic realities.

Our submission encompasses:

- **SOGIESC & Bodily Autonomy:** Expanding Section 26 to include "sex characteristics" and establishing pathways for Legal Gender Recognition to protect vulnerable minorities.
- **An Intersectional Women & Girls Lens:** Proactively addressing gender-based violence (GBV) and introducing constitutional mechanisms to ensure gender parity in public leadership.
- **National Areas of Key Interest:** Aligning our supreme law with the modern realities of climate justice, digital rights, and data privacy.
- **Democratic Counter-Analysis:** Providing evidence-based justifications to protect the secular state, social cohesion, and unified civic identity against regressive proposals publicized in recent media.

Crucially, we have attached an **Appendix: Understanding VST+ Identities in the Fijian Context**. This brief details how our advocacy is rooted in ancient, pre-colonial histories—specifically honoring the balanced feminine and masculine lines of both the **iTaukei** (*Vakasalewalewa* and *Vakasagane*) and **Rotuman** (*Sian-han* and *Sian-fa*) cultures. We invite the Commission to view these protections not as foreign imports, but as a restoration of traditional Pacific values of *veidokai* (mutual respect), *loloma* (love), and communal inclusion.

We would be deeply grateful for the opportunity to provide testimony or further technical assistance to the Commission during your upcoming sessions.

Thank you for your time, dedication, and steadfast commitment to fostering a fair, inclusive, and modern democratic Fiji.

Respectfully submitted,

Ratu Eroni Ledua Dina
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"Justice is what love looks like in public." — Cornel West

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2 attachments

FORMAL SUBMISSION TO THE CONSTITUTIONAL REVIEW COMMISSION.docx
28K

APPENDIX.docx
18K

FORMAL SUBMISSION TO THE CONSTITUTIONAL REVIEW COMMISSION

To: The Constitution Review Commission (CRC)

From: The Trans Affirmative Action Guild (TAAG)

Date: June 13, 2026

Subject: Counter-Analysis and Comprehensive Recommendations: Preserving and Advancing SOGIESC Rights, Gender Parity, Climate Justice, and Democratic Protections under the Fiji Constitution

1. Context and Purpose of this Submission

The Trans Affirmative Action Guild (TAAG) submits this addendum and comprehensive brief to the Constitution Review Commission. As an organization championing the human rights and dignity of all Fijians especially marginalized Vakasa, Sian, Trans, and Non-binary (VST+) communities in Fiji, we write to provide the Commission with essential, human-rights-aligned logic to counter highly publicized, controversial narratives currently circulating in local media.

Specifically, we address the highly public submissions made by certain traditional bodies, political factions, and religious institutions that advocate for rolling back fundamental liberties. The Commission has recently stated via media channels like *fijivillage* that "the number of submissions received on a particular issue will not automatically decide constitutional changes" and that the CRC is firmly guided by the principles of **democratic governance, separation of powers, social cohesion, and national unity**.

In strict alignment with that democratic mandate, TAAG urges the Commission to flatly reject proposals that disenfranchise minority groups or compromise Fiji's commitments under international law. This submission contrasts those regressionist proposals with human rights alternatives, pairing them with line-by-line amendments and global best practices.

2. Rebuttal of Controversial Submissions & Counter-Proposals

The table below directly pairs public, controversial proposals that threaten human rights with TAAG's evidence-based, democratic counter-proposals.

Public / Media Proposal	Potential Human Rights Impact	TAAG's Counter-Proposal & Democratic Justification
Deleting "Gender" and "Sexual Orientation" from Section 26(3)	Stripping these protections renders VST+, trans, and queer Fijians legally invisible, stripping away protections against discrimination, arbitrary violence, and workplace firing.	**Maintain and expand Section 26(3).** True democratic governance requires protecting the most vulnerable from majoritarian overreach. Removing protected classes fragments social cohesion.
Repealing the Secular State Provision	Threatens religious freedom for non-Christian minorities, indigenous spiritualities, and non-religious citizens, creating a stratified legal hierarchy.	**Retain Section 4 (Secular State).** A secular framework ensures that state apparatuses treat every Fijian equally, separating religious dogma from civil law to foster absolute national unity.
Amending Children's Rights to Allow Corporal Punishment	Reintroducing institutionalized physical violence contradicts global child safety data and increases rates of domestic and community trauma.	**Uphold Section 41 (Children's Rights).** Maintain full protection from physical abuse, replacing regression with structural support for progressive parenting and educational methodologies.
Monopolizing the National Term "Fijian"	Restricting national identity along strictly ethnic lines creates institutionalized civic segregation between indigenous and non-indigenous citizens.	**Uphold a unified, inclusive civic identity.** The term "Fijian" belongs to all citizens as a marker of shared national belonging, while *iTaukei* identity remains distinct and robustly protected under Section 28.

3. Comprehensive Line-by-Line Amendments

To counter regressive narratives, the Commission must affirmatively strengthen the text of the Constitution to prevent future regressions. Below are the precise, line-by-line textual edits TAAG proposes.

A. Section 26: Protecting SOGIESC & Bodily Autonomy

In direct response to proposals calling for the removal of protections based on sexual orientation and gender identity, TAAG proposes *broadening* the text to fully encompass modern protections for intersex and gender-diverse people.

- **Current Text (Section 26(3)(a)):**

"A person must not be unfairly discriminated against, directly or indirectly on the grounds of his or her [...] sex, gender, sexual orientation, gender identity and expression, birth, primary language..."

- **Proposed Text Change:**

  "A person must not be unfairly discriminated against, directly or indirectly on the grounds of **their actual or perceived** sex, gender, sexual orientation, gender identity, gender expression, **sex characteristics,** birth, primary language..."

- **Global Best Practice Reference: Malta's** *Gender Identity, Gender Expression and Sex Characteristics Act (2015)* and **Yogyakarta Principle 2** establish that explicitly naming "sex characteristics" is necessary to close protection loopholes for intersex citizens.

B. Section 11: Protecting Children and Minorities from Bodily Interventions

To counteract arguments that suggest loosening protections around bodily punishment or parental/teacher corrections, the text must strictly declare bodily and mental integrity as absolute rights.

- **Current Text (Section 11(1)):**

  "Every person has the right to freedom from torture of any kind... and from cruel, inhumane, degrading or disproportionately severe treatment or punishment."

- **Proposed Text Change (Insert New Sub-clause 11(4)):**

  "No person shall be subjected to medically unnecessary surgeries, treatments, or interventions on their sex characteristics without their prior, fully informed, and personal consent. In the case of minors, such interventions must be deferred until the individual can provide their own informed consent, except in cases of documented, life-threatening medical necessity."

- **Global Best Practice Reference: Greece and Germany** have explicitly banned non-consensual surgeries on intersex infants and children, aligning with rulings by the UN Committee Against Torture that classify non-emergency surgeries on children as cruel and degrading treatment.

C. Legal Gender Recognition (New Sub-clause)

To ensure that non-discrimination translates into lived reality, trans and non-binary individuals require an administrative process to secure proper documentation.

- **Proposed Text Insertion (New Section under Chapter 2):**

  "Every person has the right to legal recognition of their self-identified gender. The State shall ensure that procedures for amending name and gender markers on all official administrative and identification documents are accessible, prompt, transparent, and based solely on the self-determination of the applicant, without pathologizing medical or psychological requirements."

- **Global Best Practice Reference: Argentina's** *Gender Identity Law (2012)* remains the gold standard, decoupling legal transition from forced sterilization, surgeries, or psychiatric diagnoses (Yogyakarta Principle 31).

4. Integrating the Women & Girls Lens

A holistic democracy cannot separate minority rights from the rights of women and girls. In contrast to conservative proposals that seek to restrict family rights and bodily autonomy, TAAG calls for active structural changes to dismantle gender-based violence (GBV) and unequal representation.

A. Section 26: Enshrining Gender Parity in Public Leadership

- **Proposed Text Change (Insert New Sub-clause 26(9)):**

  "The State shall take active legislative and temporary special measures, including the implementation of quotas, to ensure that neither gender occupies more than two-thirds of elective or appointive positions in Parliament, constitutional bodies, state-owned enterprises, and local government boards."

- **Global Best Practice Reference: Kenya's** "two-thirds gender rule" (Article 81b) and **Rwanda's** 30% constitutional quota for women (Article 10) prove that proactive legislative architecture is vital to establishing equitable public representation.

B. Section 38: Comprehensive Sexual and Reproductive Health and Rights (SRHR)

- **Current Text (Section 38(1)):**

  "Every person has the right to health."

- **Proposed Text Change:**

"Every person has the right to health, **which explicitly includes the right to comprehensive, accessible, and affordable sexual and reproductive healthcare, family planning resources, age-appropriate health education, and full bodily autonomy."**

- **Global Best Practice Reference: South Africa's** Constitution (Section 27(1)(a)) explicitly protects reproductive healthcare, ensuring women's reproductive rights remain secure from changing political landscapes.

C. Section 11: Eradication of Private and Public Gender-Based Violence

- **Proposed Text Change (Insert New Sub-clause 11(5)):**

  "Every person, particularly women, girls, and gender minorities, has the right to bodily and psychological integrity, which includes the right to be free from all forms of public and private gender-based violence, domestic abuse, sexual exploitation, and harmful traditional or cultural practices."

- **Global Best Practice Reference: Tunisia's** Constitution (Article 46) explicitly obligates the state to eliminate violence against women, extending legal protections past public areas directly into private residences.

5. Addressing National Priorities: Climate, Digital Rights, & Traditional Governance

A forward-thinking constitution must adapt to the modern challenges facing contemporary Fiji. We suggest expanding protections into climate justice, digital literacy, and inclusive governance to ensure that marginalized groups are not left behind.

A. Section 40: Climate Justice & Intergenerational Equity

- **Current Text (Section 40(1)):**

  "Every person has the right to a clean and healthy environment, which includes the right to have the environment protected for the benefit of present and future generations..."

- **Proposed Text Change:**

  "Every person has the right to a clean, healthy, **and sustainable** environment... **The State shall proactively protect communities from climate-induced displacement and guarantee the equitable, transparent distribution of adaptation resources, prioritizing women, youth, and marginalized groups who are disproportionately impacted."**

- **Global Best Practice Reference: Ecuador** explicitly protects the *Rights of Nature* (Pachamama). Regionally, **Vanuatu's** climate diplomacy mirrors this, treating climate safety as an enforceable human right tied directly to cultural and physical survival.

B. Section 25: Digital Rights, Literacy, and Online Safety

Digital access is now fundamental to achieving socio-economic mobility, building digital literacy, and participating in modern democracy.

- **Proposed Text Change (Insert New Sub-clause 25(5)):**

  "Every person has the right to affordable, reliable access to the internet and digital infrastructure. The State shall actively promote digital literacy to ensure socio-economic inclusion, while establishing robust protections for data privacy and safeguards against online gender-based violence, cyber-bullying, and digital harassment."

- **Global Best Practice Reference: Estonia** established internet access as a basic human right in 2000. In 2021, **Chile** became the first nation to amend its constitution to protect data privacy and "neuro-rights" from algorithmic and digital harms.

C. Section 28: Inclusive Traditional Governance & Collective Rights

To maintain national unity and social cohesion, traditional customary structures must be balanced with universal human rights to protect women, youth, and VST+ individuals within indigenous systems.

- **Proposed Text Change (Insert New Sub-clause 28(6)):**

  "In exercising customary laws, traditional governance, and land stewardship, traditional councils and decision-making bodies shall ensure the meaningful representation, participation, and leadership of women, youth, and diverse community members, in harmony with the universal human rights guaranteed in this Constitution."

- **Global Best Practice Reference:** The **United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)**, specifically Article 22, guarantees that indigenous women and youth are fully protected from discrimination, creating a blueprint for blending collective indigenous rights with universal individual freedoms.

6. Conclusion: A Call for Democratic Progress

As the Commission continues its nationwide consultations, TAAG urges the commissioners to remain steadfast against regressive proposals that seek to divide Fiji along religious, gender, or ethnic lines. True national unity and social cohesion cannot be built by stripping away the rights of minority communities.

By adopting these recommended amendments, the Commission will help transform Fiji's Constitution from a defensive legal text into a powerful, forward-looking roadmap for an equitable, inclusive, and modern democratic nation.

Respectfully submitted,

Ratu Eroni Ledua Dina

Co-Foundress & CEO

The Trans Affirmative Action Guild (TAAG)

APPENDIX: UNDERSTANDING VST+ IDENTITIES IN THE FIJIAN CONTEXT

To Accompany the Submission by the Trans Affirmative Action Guild (TAAG)

To support the Constitutional Review Commission in its mandate to foster true national unity, social cohesion, and the preservation of our diverse indigenous heritages, this appendix provides a precise cultural and linguistic breakdown of the **VST+** framework.

In Fiji and across our islands, gender diversity is an ancient, pre-colonial reality woven into our diverse indigenous histories. Acknowledging these terms allows the Commission to draft a constitution that honors international human rights standards while remaining deeply rooted in both **iTaukei** and **Rotuman** ancestral traditions.

The VST+ Framework: Reclaiming Our Dual Indigenous Heritages

The **VST+** framework brings together traditional language markers from both the iTaukei and Rotuman cultures alongside contemporary identifiers, reflecting a balanced continuum of gender diversity that spans across feminine, masculine, and fluid expressions.

V – Vakasa (The iTaukei Ancestral Continuum)

The root *Vakasa* denotes a traditional way of being, living, and embodying a gender expression that aligns with one's internal spirit rather than Western biological assignments. In pre-colonial iTaukei society, this manifests as two beautifully recognized, reciprocal dualities:

- **Vakasalewalewa:** Refers to individuals who were assigned male at birth but embody, live, and fulfill the social, cultural, and spiritual roles traditionally associated with women (*yalewa*). Historically and currently, *Vakasalewalewa* individuals are deeply integrated into communal lineage systems (*veiwekani*), holding specialized responsibilities in domestic leadership, traditional arts, and ceremonial practices.
- **Vakasagane:** The ancestral counterpart to the feminine expression. It refers to individuals assigned female at birth who embody, live, and fulfill the social, cultural, and leadership roles traditionally associated with men (*tagane*). Historically, *Vakasagane* individuals participated in spheres of land stewardship, warriorhood, and traditional governance with full communal recognition.

S – Sian (The Rotuman Ancestral Continuum)

The term *Sian* belongs fundamentally to the unique, indigenous culture and language of **Rotuma** within the nation of Fiji. It represents an ancient, pre-colonial line of gender diversity that is

grammatically and culturally anchored in the Rotuman language through its distinct gendered dualities:

- **Sian-han:** Refers to gender-diverse, trans-feminine Rotumans. The suffix is rooted in the Rotuman word for woman/female (*hạni* or *hàn*), denoting those who embody and express the feminine spirit and fulfill vital social and cultural roles within Rotuman communal structures.
- **Sian-fa:** Refers to gender-diverse, trans-masculine Rotumans. The suffix is rooted in the Rotuman word for man/male (*fā*), ensuring that trans-masculine individuals and trans men are explicitly visible, honored, and recognized as part of an ancient Rotuman heritage.

T – Trans (Transgender)

- **Global & Codified Meaning:** An international umbrella term for individuals whose gender identity or expression differs from the sex they were assigned at birth.
- **Constitutional Relevance:** Using "Trans" alongside *Vakasalewalewa*, *Vakasagane*, *Sian-han*, and *Sian-fa* ensures that Fiji's Constitution remains legible to global human rights bodies, treaty frameworks, and international law mechanisms, perfectly bridging local indigenous realities with global protections.

+ (The Plus Sign) – Fluid and Non-Binary Identities

- **Inclusive Scope:** Captures the full spectrum of diverse identities that sit outside rigid binary boxes, including non-binary, gender-fluid, and intersex individuals (those born with natural variations in sex characteristics).
- **Constitutional Relevance:** This ensures that the text remains forward-looking, protecting every citizen who navigates life between or beyond binary legal markers.

Direct Guidance for the Commission

When evaluating controversial submissions that claim SOGIESC protections are "un-Fijian" or "contrary to traditional values," the Commission is urged to recognize that **homophobia, transphobia, and rigid gender binaries are the actual foreign imports** introduced during the colonial era.

Both iTaukei and Rotuman ancestral structures recognized and accommodated both feminine and masculine expressions of gender diversity as vital, contributing parts of the collective whole. Protecting VST+ individuals under Section 26 does not undermine local traditions. Instead, it protects and restores the foundational Pacific values of **veidokai (mutual respect), loloma (love), and the historic, balanced inclusion of gender-diverse individuals within the communal fabric of our nation.**

Monotolu Pte Ltd

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Sovereign Infrastructure | Institutional Finance | Environmental Stewardship

SUBMISSION TO THE

PARLIAMENTARY CONSTITUTIONAL REVIEW COMMITTEE

Republic of Fiji

PROPOSED AMENDMENTS TO THE MINING ACT (CHAPTER 146)

Amendment I: Equal Ownership of Subsurface Minerals & Qoliqoli Areas (Section 3)

Amendment II: Introduction of the Special Sustainable Mining Licence (MIN 30 / MIN 37)

Submitted in confidence for parliamentary review. Not a finalised legal instrument.

Date: 11/06/26 Reference: MON-NVC-PARL-2025-001

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1. EXECUTIVE SUMMARY

Monotolu Pte Limited and NoviCodex (together, 'the Submitters') respectfully present this submission to the Parliamentary Constitutional Review Committee of the Republic of Fiji. This document proposes two targeted, interconnected amendments to the Mining Act (Chapter 146), each designed to address a fundamental inequity in the current legal framework while simultaneously opening a pathway to sustainable, intergenerational national wealth.

AMENDMENT I

Amend Section 3 of the Mining Act (Cap 146) to recognise equal ownership rights of native Fijian landowners — both iTaukei and other affected communities — in all mineral resources situated six feet below the surface of any land they hold, as well as in all coastal and qoliqoḷi (fishing ground) areas.

AMENDMENT II

Add a new licence category — the Special Sustainable Mining Licence (SSML) — to the existing framework governing Special Prospecting Licences (MIN 30) and Special Mining Licences (MIN 37), enabling a non-damaging, technology-assisted verification process and a sustainable extraction methodology, to be piloted across a minimum of four mines over an initial term of five to ten years.

These proposals are not speculative. They are grounded in constitutional principles, comparative international law, and the practical mechanics of sovereign wealth generation. They align with Fiji's existing commitments under its Constitution, the iTaukei Land Trust Act, and international frameworks including the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

The Submitters are available to provide oral evidence, technical briefings, or supplementary materials at the Committee's request.

2. INTRODUCTION & BACKGROUND

2.1 Context: The Mineral Ownership Gap

The Mining Act (Chapter 146) is the primary legislative instrument governing mineral exploration and extraction in Fiji. In its current form, the Act vests ownership of all minerals — including those embedded in land that is customarily owned by indigenous Fijians or held within defined qoliqoli boundaries — exclusively in the Crown (the State).

This historical position, inherited from colonial legislation, creates a structural inequity: the very communities whose land hosts Fiji's mineral wealth receive only short-term lease payments or royalties, while the enduring financial value of those resources is captured by the State or foreign corporate interests. The communities themselves remain excluded from the capital upside of their own land.

This submission argues that the time has come to correct this imbalance — not to undermine the State's legitimate interest in national resources, but to establish a co-ownership model that is constitutionally sound, economically sustainable, and socially just.

2.2 Context: The Environmental & Verification Gap

The existing licensing framework under the Mining Act offers two primary instruments for those wishing to explore or extract mineral resources at a significant scale: the Special Prospecting Licence (MIN 30) and the Special Mining Licence (MIN 37). Neither instrument, however, contemplates a non-damaging, technology-assisted verification process — that is, one that confirms the presence, extent, and viability of mineral deposits without requiring physical excavation or surface disturbance.

Advances in geoscientific technology — including ground-penetrating radar, hyperspectral aerial surveying, electromagnetic scanning, and seismic tomography — now make it possible to obtain highly reliable data on subsurface mineral concentrations without breaking ground. Fiji's current legislative framework contains no licence type adapted to this reality.

The proposed Special Sustainable Mining Licence (SSML) is designed to fill this gap, creating a structured, government-supervised pathway for verified, low-impact resource assessment and, where approved, carefully managed sustainable extraction.

3. AMENDMENT I — SECTION 3, MINING ACT (CAP 146): EQUAL MINERAL & QOLIQOLI OWNERSHIP

3.1 Current Legislative Position

Section 3 of the Mining Act (Cap 146) currently provides, in effect, that all minerals whether on, in, or under any land in Fiji are the property of the State, regardless of who holds the surface title or customary rights to that land. This applies equally to:

- All iTaukei customary land held collectively by indigenous Fijian mataqali (landowning units);
- All privately freehold land;
- All State land; and
- All coastal, reef, and qoliqoli areas vested in, or used by, customary fishing communities.

The consequence is that native landowners who occupy, cultivate, fish, and hold sacred connection to land containing mineral wealth receive no proprietary entitlement to the sub-surface value of those resources. Their involvement in the mining process is limited to:

- Receiving lease payments for surface access (which may be modest);
- Benefiting from statutory royalty distributions (which are subject to government discretion and are often delayed); and
- Participating in community consultation processes that do not carry binding force on licence decisions.

This framework is out of step with Fiji's Constitution (2013), which affirms the protection of iTaukei interests; with international obligations under UNDRIP; and with the evolving consensus in resource law that indigenous peoples must be recognised as stakeholders — not merely consultees — in the extraction of wealth from their lands.

3.2 The Constitutional & Social Case for Reform

The Submitters submit that the following constitutional and policy foundations support the proposed amendment:

Legal / Policy Basis	Relevance to Amendment I
Section 26, Constitution of Fiji (2013)	Protects the rights of iTaukei people over their lands and resources. Mineral co-ownership is a natural extension of this protection.
iTaukei Land Trust Act	Recognises collective ownership of customary land. Amendment I extends this principle to the sub-surface dimension of the same land.
UNDRIP — Articles 25 & 26	Affirm indigenous peoples' rights to maintain and strengthen their distinctive spiritual

Legal / Policy Basis	Relevance to Amendment I
	relationship with traditionally owned lands and resources.
Fiji National Development Plan	Expressly promotes equitable distribution of national wealth and reduction of social inequality — both of which are directly served by Amendment I.
Pacific Islands Forum Principles	Regional commitments to sovereign resource stewardship and community benefit-sharing frameworks.

Beyond legal principle, the social case is compelling: Fiji's rural and coastal communities — the very custodians of land and sea over which mineral wealth sits — remain among the country's most economically marginalised. Equal ownership is not a radical proposition; it is the correction of an historical anomaly that has systematically excluded these communities from the capital value of their own heritage.

3.3 Proposed Amendment — Drafting Language

The Submitters propose that Section 3 of the Mining Act (Cap 146) be amended by the addition of the following subsections (in addition to, or as a replacement of, existing subsection(s) as the Committee determines appropriate):

PROPOSED SECTION 3(2)	Notwithstanding subsection (1), all mineral resources located at a depth exceeding six (6) feet below the surface of any iTaukei customary land, or any land subject to native lease, shall be deemed to be jointly owned in equal shares by: (a) the State; and (b) the registered iTaukei landowning unit (mataqali) or, where applicable, the relevant customary landowning community, as represented through the iTaukei Land Trust Board or such other body as the Minister may by order designate.
PROPOSED SECTION 3(3)	All mineral resources located within, under, or in the subsoil of any qoliqoli area (customary fishing ground) as defined under the Fisheries Act or any successor legislation, shall be deemed to be jointly owned in equal shares by: (a) the State; and (b) the registered customary holders of the relevant qoliqoli, as represented through the iTaukei Fisheries Commission or such body as the Minister may by order designate.
PROPOSED SECTION 3(4)	For the avoidance of doubt, 'equal shares' in subsections (2) and (3) shall be taken to mean an entitlement to: (a) fifty percent (50%) of all royalties, proceeds, licence fees, and other economic benefits arising from the exploration, verification, extraction, or commercialisation of any mineral resource to which those subsections apply; (b) co-decision-making rights in the grant, renewal, variation, suspension, or cancellation of any licence relating to such resources; and (c) representation on any oversight,

[redacted] governance, or management body established in connection with the relevant resources.

3.4 Implementation Principles

The Submitters acknowledge that translating co-ownership into operational reality requires careful institutional design. We recommend the following principles be embedded in any implementing regulations:

1. Benefit-sharing agreements to be negotiated and executed prior to the grant of any licence affecting jointly owned resources;
2. Establishment of community trust structures to hold, manage, and distribute the community's share of resource proceeds for the long-term benefit of current and future generations;
3. Mandatory free, prior, and informed consent (FPIC) of the relevant landowning or qoliqoli community before any licence is granted;
4. Quarterly reporting obligations on all licensees to both the State and the relevant community representatives;
5. Dispute resolution mechanisms accessible to community holders without the need for litigation;
6. Sunset review of the co-ownership framework after ten (10) years, with community input.

4. AMENDMENT II — SPECIAL SUSTAINABLE MINING LICENCE (SSML)

4.1 Legislative Gap Analysis (MIN 30 / MIN 37)

The current Mining Act provides for the following principal licence categories relevant to this submission:

Existing Licence	Key Features & Limitations
Special Prospecting Licence (MIN 30)	Permits exploration and prospecting activities over a defined area. Typically involves surface disturbance, drilling, and physical sampling. Does not contemplate non-damaging remote or geoscientific verification methods. No mechanism for transitioning to sustainable extraction.
Special Mining Licence (MIN 37)	Permits full-scale mining operations following the prospecting phase. Predicated on conventional, large-scale extraction methodology. No provision for minimised-impact or technology-assisted sustainable mining approaches. Does not incorporate community co-governance requirements at the licence level.

The gap is clear: there is no licence in the current framework that:

- Enables non-damaging verification of sub-surface mineral deposits using modern geoscientific technology;
- Allows for the development and piloting of genuinely sustainable mining methodologies;
- Provides a structured transition from verification to sustainable extraction within a single, coherent regulatory instrument;
- Embeds community co-governance and benefit-sharing at the licence-condition level; or
- Operates on a medium-term pilot basis (5-10 years) specifically designed to test, refine, and evaluate new approaches before broader application.

The SSML is designed to address every one of these gaps.

4.2 Proposed SSML Framework

4.2.1 Purpose & Objectives

The Special Sustainable Mining Licence (SSML) shall serve the following primary objectives:

1. To authorise, regulate, and supervise the use of non-damaging geoscientific and technological methods to verify the presence, extent, location, and estimated commercial value of mineral resources on or below the surface of any land subject to the licence;
2. To permit the licensee — upon satisfaction of prescribed conditions following the verification phase — to conduct carefully controlled, low-impact mineral extraction using methods approved by the Director of Mines and consistent with the environmental management plan submitted as a condition of the licence;
3. To pilot these approaches across a minimum of four (4) designated mine sites over an initial term of five (5) to ten (10) years; and
4. To generate empirical data sufficient to inform a broader, national sustainable mining policy framework for Fiji.

4.2.2 Permissible Verification Technologies

For the purposes of the non-damaging verification phase, the SSML shall, subject to Director of Mines approval, permit the use of the following technologies (this list to be updated by the Minister by gazette notice as technology evolves):

- Ground-penetrating radar (GPR) surveys;
- Airborne hyperspectral and multispectral imaging;
- Electromagnetic (EM) geophysical scanning;
- Seismic tomography and reflection surveys;
- Gravity and magnetic surveys;
- LiDAR (Light Detection and Ranging) surface and sub-surface mapping;
- Controlled, minimal-footprint core sampling where no surface alternative is technically feasible, subject to specific approval and environmental conditions.

No physical excavation, blasting, or large-scale soil or vegetation disturbance shall be permitted during the verification phase without specific written consent from the Director of Mines, and the free, prior, and informed consent of the relevant landowner.

4.2.3 Transition to Sustainable Extraction

Following successful completion of the verification phase, and subject to:

- A positive assessment report from an independent geoscientific expert approved by the Director;
- An approved Environmental and Social Impact Assessment (ESIA);
- A fully executed Community Benefit-Sharing Agreement with the relevant co-owners under proposed Section 3(2)/(3); and
- Approval of a Sustainable Extraction Methodology Plan by the Director of Mines,

the SSML may be extended to authorise a sustainable extraction phase. Sustainable extraction under an SSML shall be characterised by:

1. Minimum surface disturbance: only the footprint strictly necessary for verified, targeted extraction;
2. Closed-loop waste management: no discharge of processing by-products into waterways, reefs, or qoliqoli areas;

3. Progressive rehabilitation: concurrent restoration of any disturbed land during (not merely after) extraction;
4. Real-time environmental monitoring: continuous automated data collection shared with the government and community representatives;
5. Zero extraction in designated no-go zones: including areas of cultural, ecological, or customary significance identified through community consultation.

4.3 Pilot Programme Structure

The SSML shall be initially operated as a pilot programme, governed by the following structure:

Pilot Parameter	Proposed Specification
Number of pilot sites	Minimum four (4) mines; geographically distributed across Fiji's main island groups to ensure data diversity
Licence term	5 to 10 years (initial term); renewable for a further 5-year period subject to satisfactory performance review
Site selection criteria	Existing mine sites (active or dormant); sites identified by the Mineral Resources Department as high-priority; sites nominated by iTaukei communities under the proposed co-ownership framework
Oversight body	A dedicated SSML Pilot Oversight Committee comprising: Director of Mines (Chair); a representative of the iTaukei Land Trust Board; a representative of the Fiji Commerce & Employers' Federation; an independent environmental scientist; and a community representative from each pilot site
Reporting frequency	Quarterly operational and environmental reports to the Director; annual public report tabled in Parliament
Success criteria	Defined in each licence; assessed at Year 2, Year 5, and end of term; to include financial performance, environmental compliance, and community benefit metrics
Post-pilot outcome	Findings to inform a national Sustainable Mining Policy; successful SSML holders eligible to apply for permanent status under new framework

4.4 Eligibility, Conditions & Governance

4.4.1 Eligibility Criteria for SSML Applicants

Any entity applying for an SSML must demonstrate, at the time of application:

1. Legal incorporation in Fiji or registration as a foreign company operating in Fiji under the Companies Act;
2. Technical capacity: demonstrated experience in the use of the proposed verification technologies, either directly or through a formally retained specialist contractor;

3. Financial capacity: sufficient financial resources to meet the costs of the verification phase, environmental monitoring, community benefit-sharing commitments, and rehabilitation obligations, evidenced by audited accounts or a performance bond acceptable to the Director of Mines;
4. Environmental credentials: no material breaches of environmental law in Fiji or in any other jurisdiction in the preceding ten (10) years;
5. Community endorsement: a signed letter of support from the relevant mataqali or qoliqoli community (or their authorised representative), acknowledging the application and confirming engagement in consultation;
6. No outstanding royalty or fee arrears to the Mineral Resources Department.

4.4.2 Mandatory Licence Conditions

Every SSML shall include, as conditions precedent and continuing obligations, the following:

- Execution of a Community Benefit-Sharing Agreement prior to commencement of any field activity;
- Maintenance of a performance bond of not less than FJD [amount to be prescribed] for the duration of the verification phase, and increased to FJD [amount to be prescribed] upon commencement of the extraction phase;
- Appointment of an independent environmental compliance monitor, approved by the Director, at the licensee's cost;
- Prohibition on sub-licensing or assignment of the SSML without the written consent of the Director and the relevant community co-owners;
- Compliance with all applicable iTaukei land access protocols;
- Immediate suspension of all activities upon receipt of a written directive from the Director or from the SSML Pilot Oversight Committee, pending investigation of any reported breach.

4.4.3 Community Co-Governance Provisions

In recognition of the equal ownership principle established by proposed Section 3(2) and 3(3), every SSML shall provide for:

1. A Community Advisory Board at each pilot site, comprising not fewer than three (3) community representatives appointed by the relevant mataqali or qoliqoli;
2. A right of the Community Advisory Board to attend and receive minutes of all operational review meetings;
3. A community veto right on any proposed change to the approved Sustainable Extraction Methodology Plan;
4. Quarterly community benefit payments commencing from the first month of field activity (not deferred to the extraction phase);
5. An annual community assembly at which the licensee must present its performance report and respond to community questions.

5. SOVEREIGN WEALTH INTEGRATION

The Submitters submit that the proposed amendments should not be considered in isolation from Fiji's broader aspiration to build a durable, intergenerational sovereign wealth platform from its natural resource base. Monotolu Pte Limited and NoviCodex have separately proposed — and remain committed advocates for — the establishment of a Fiji Sovereign Wealth Fund (FSWF) capitalised in part by the State's fifty-percent share of revenues arising from SSML and other mining activities under the amended Act.

This submission therefore recommends that the Committee note, and ideally affirm, the following sovereign wealth linkage principles:

1. All State-share revenues from SSML licences to be ring-fenced from general fiscal appropriation and directed to a dedicated Fiji Natural Resource Sovereign Reserve Account, pending the formal establishment of the FSWF;
2. Community-share revenues to be held in independently managed community trust structures, governed by community-elected trustees and subject to independent audit;
3. A proportion of both State and community-share revenues to be allocated to environmental rehabilitation, preservation of qoliqoli areas, and climate resilience initiatives — recognising that environmental stewardship is itself a form of sovereign wealth accumulation;
4. The SSML pilot programme to serve as the empirical foundation for Fiji's first National Sustainable Mining Policy, to be developed collaboratively between government, communities, and the private sector by the end of the pilot programme's initial term.

The Submitters are prepared to provide detailed modelling of projected revenue flows, fund governance structures, and community trust design frameworks to the Committee upon request.

6. CONCLUSION & CALL TO ACTION

The amendments proposed in this submission are, in the Submitters' respectful view, among the most significant reform opportunities currently before the Constitutional Review Committee. They offer Fiji a chance to:

- Correct a longstanding injustice by giving iTaukei communities and qoliqoli holders a genuine, legally enforceable stake in the mineral wealth beneath their land and sea;
- Pioneer a new model of responsible, technology-led mineral verification and sustainable extraction that positions Fiji as a global leader in ethical resource stewardship;
- Generate sustained, compounding national and community wealth without the environmental destruction and community displacement that have historically accompanied conventional mining; and
- Lay the legislative groundwork for a Fiji Sovereign Wealth Fund that will protect and grow the nation's resource endowment for generations yet to come.

REQUESTED ACTIONS

1. Receive this submission formally and enter it into the Committee's record. 2. Invite Monotolu Pte Limited and NoviCodex to present oral evidence at a session of the Committee's choosing. 3. Commission independent legal drafting of the proposed Section 3 amendments for Committee review. 4. Direct the Mineral Resources Department to prepare a feasibility assessment for the SSML pilot programme. 5. Include the SSML and mineral co-ownership principles in the Constitutional Review Committee's interim recommendations to Parliament.

The Submitters remain fully available to assist the Committee, the Mineral Resources Department, the iTaukei Land Trust Board, and any other relevant stakeholder body in advancing these proposals. We are committed to a process that is transparent, constitutionally sound, community-led, and in the long-term best interest of the Republic of Fiji and all its people.

7. ABOUT THE SUBMITTERS

Monotolu Pte Limited

Monotolu Pte Limited is a Fijian-registered company engaged in the development of sovereign economic frameworks, indigenous wealth participation models, and sustainable natural resource strategies for Pacific Island nations. Monotolu's work is guided by the principle that natural resources should be managed as intergenerational sovereign assets — not depleted for short-term gain. They presently represent four goldmine communities whose lands are in the mining

NoviCodex

NoviCodex is an institutional systems architecture firm specialising in the design of regulatory-compliant digital infrastructure, tokenisation frameworks, and governance systems for sovereign wealth and natural resource management. NoviCodex brings international expertise in ESG-aligned finance, blockchain-based audit and compliance systems, and institutional capital market access.

Together, Monotolu and NoviCodex are committed to partnering with the Government of Fiji, iTaukei communities, and Pacific regional bodies to develop resource frameworks that are constitutionally grounded, environmentally responsible, and economically transformative.

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ANNEXURE A — COMPARISON: EXISTING VS PROPOSED LICENCE REGIMES

Feature	MIN 30 / MIN 37 (Current) vs. SSML (Proposed)
Verification method	Physical drilling, sampling, excavation | Non-damaging geoscientific technology (GPR, EM, hyperspectral, seismic)
Surface disturbance	High — routine and expected | Minimal / zero during verification phase
Community ownership	Not recognised at licence level | Equal co-ownership under proposed S.3(2)/(3)
Community consent	Consultation only; not binding | FPIC required; community veto on methodology changes
Community benefit	Royalty share (post-extraction) | Quarterly payments from commencement of field activity
Licence term	Varies; no pilot framework | 5-10 years (pilot); renewable
Environmental monitoring	Periodic inspections | Real-time automated monitoring; independent compliance officer
Sovereign wealth link	None specified | State-share revenues ring-fenced for FSWF/Sovereign Reserve Account
Parliamentary oversight	Standard reporting | Annual report tabled in Parliament; Pilot Oversight Committee
Post-licence pathway	Ad hoc | Findings inform National Sustainable Mining Policy

ANNEXURE B — ILLUSTRATIVE PILOT MINE CRITERIA

The following criteria are proposed for the initial selection of the minimum four pilot mine sites under the SSML programme. Final site selection shall be the responsibility of the SSML Pilot Oversight Committee in consultation with the Mineral Resources Department and relevant communities.

Selection Criterion	Rationale
Geographic diversity	At least two sites from each of: Viti Levu, Vanua Levu, and one outer island group — to ensure the SSML framework is tested across varying geological, environmental, and community contexts
Mineral type diversity	Sites should collectively cover at least two distinct mineral types (e.g., gold, copper, bauxite, silica) to generate broad empirical data
Community readiness	Relevant mataqali or qoliqoli must have completed at least one formal consultation session with the applicant and expressed written willingness to participate
Geological data availability	Preference for sites with existing baseline geological data (Mineral Resources Department surveys, historical prospecting records) to allow comparison between new SSML verification methods and prior data
Existing mine vs greenfield	Minimum two (2) pilot sites shall be at currently active or recently dormant mine sites, to test the SSML's application in an operational context
Environmental sensitivity	At least one pilot site shall include a qoliqoli-adjacent or coastal zone component, to test the framework's application to Fiji's maritime resource base
ITaukei co-ownership applicability	All four pilot sites must be on iTaukei customary land or qoliqoli areas, ensuring the co-ownership provisions of proposed Section 3(2)/(3) are tested in practice from the outset

Submitted on behalf of Monotolu Pte Limited and NoviCodex

By: Mitchell J Snodgrass | Title: Interim CEO | Date: 11/06/26

Reference: MON-NVC-PARL-2025-001

Turaga na Roko Tui Viwa

SUBMISSION TO THE FIJI CONSTITUTION REVIEW COMMISSION

Date: June 15, 2026

To: The Chairman and Commissioners

Fiji Constitution Review Commission

Subject: Comprehensive Constitutional Submission on National Reform and Restructuring

EXECUTIVE SUMMARY & TIMELINE REQUEST

We express our gratitude for the opportunity to fulfill our civic duty and moral obligation through active participation in this vital process.

Urgent Preliminary Request

We firmly submit that the Constitutional Review process must be fully completed, and the resulting constitutional amendments enacted, before the conduct of the 2026 General Election. This ensures the upcoming elections are held under a legitimate, consensus driven framework.

1.0 THE STATE

1.1 Secular State

Abolish the designation of Fiji as a "Secular State." It is recommended that Fiji be constitutionally declared a **Christian State**.

The introduction of secularism has correlated with a rise in social ills, whereas the foundation of modern Fiji is deeply rooted in the historical arrival of the Lotu (Christianity).

1.2 National Identity

The Constitutional term "Fijian" must be reserved exclusively for the itaukei people in Fiji.

2.0 BILL OF RIGHTS

2. 1 Rights and Responsibilities

Rights cannot exist in a vacuum; they must always be balanced with corresponding civil, social and moral responsibilities.

The Constitution must explicitly state that rights are bound by responsibility to Community and State.

2.2 International Indigenous Instruments

We must incorporate the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the international Labour Organisation (ILO C8 169/ ILO 169) directly into the text of the Bill of Rights.

2. 3 Customary Law

Explicitly recognize and entrench itaukei Customary Law as a valid, enforceable source of Law within Fiji's judicial framework. ***"Tuivaga case – SCC vs Market vendors"***

2. 4 Deed of Cession (1874)

Legally bind the instruments and spirit of the 1874 Deed of Cession into the Constitution, recognizing historical precedents where indigenous land ownership rights were protected and reversed to the itaukei such as Queen Victoria's 1883 directives and the Great Council of Chiefs' query at Lomaloma in 1880 and the colonial despatch (81/69) replied by Lord Kimberly in 1881.

This must align with modern indigenous title jurisprudence (example - Mabo 1 and 2 vs Queensland principles and the Treaty of Waitangi).

2. 5 Proposal for Life Membership in the Great Council of Chiefs for Descendants of the Deed of Cession Signatories

We, the people of Viwa, Bau Tailevu respectfully submit that the descendants of the Chiefs who signed the Deed of Cession on October 1874 should be accorded life membership in the Great Council of Chiefs (GCC).

The Deed of Cession remains the foundation document upon which modern Fiji was established.

Rationale

The chiefs who signed the Deed of Cession exercised wisdom, courage and leadership in making a decision that has influenced Fiji's political, social and economic development for more than 180 years. The signatory chiefs acted not only on behalf of their own people but also in the interests of future generations of all Fijians.

We therefore propose that:

The descendants of the Deed of Cession signatories be recognized as Honorary Life members of the Great Council of Chiefs;

Their membership be preserved for future generations as a mark of respect, sacrifice and gratitude;

They be entitled to participate in discussion concerning Fiji's history, culture, traditions and the protection of itaukei interests; and

Their recognition be protected by law.

This proposal does not in any way diminish the rights or representation of other chiefs. Rather, it acknowledges the unique role played by the signatories and ensures that their legacy remains part of Fiji's national identity.

3.0 PARLIAMENT

3.1 The Senate

Re-establish a bicarmel legislature (Upper House) by reintroducing the Senate. The primary functions of the senate will be to safeguard itaukei aspirations and rights.

The tenure of Senators must mirror the standard Parliamentary term.

3.1.1 Term limits

Introduce a strict constitutional cap of two (2) terms maximum for all Parliamentarians and Senators. A review of eligibility can only occur after a full term has lapsed outside of the legislature.

3.2 Electoral System Reform

Replace the current single National Constituency System with a Mixed System incorporating Provincial Constituencies and proportional representation. (D'hornt rule adjustments)

3.2.1 Provincial Alignment

Establish a Provincial Open Listing System. (Example – Allocating number of Provincial seats based on their population distribution).

3.2.2 Party Requirement

Political Parties contesting the election must field candidates for 100% of the seats being contested.

3.2.3 Threshold and Ethnicity

Retain the 5% electoral threshold. All ethnic groups must be accommodated within specific provinces where they reside.

3.2.4 Voter Flexibility

Allocation of Provincial seats will be based on overall population data, but voters must not be restricted to voting only within the physical Constituency they reside in: they must be permitted to vote back to their provinces or whom they intend to vote.

Rationale:

The pure national D'hornt system has historically disabled minority Parliamentary representation. A Provincial Constituency model empowers localised representation and allows voters to maintain political links to their ancestral provinces and at the same instance maximise voter partcipation.

3.2.5 Ballot Paper Formats

Abolish the confusing use of numbers with the candidate's face, their Political Party Logo and acronym/ abbreviation.

3.2.6 Awareness

The Government must immediately allocate resources for nationwide voter awareness and outreach regarding these changes, bound by strict timelines.

4.0 THE EXECUTIVE

4.1 Appointment of the President of the Republic of the Fiji Islands

This appointing role must be constitutionally reverted back to the Great Council of Chiefs.

The President should also be the Chair of the iTaukei Land Trust Board

5.0 THE JUDICIARY

5.1 Independence of the Office of the Attorney General

Remove the Attorney General (AG) from the Executive arm of Government. The AG must return to being a non – political, independent civil servant.

This ensures the office acts as an impartial advisor without contradicting or compromising the separation of powers between the Legislature, Executive and the Judiciary.

5.2 Independence of the Constitutional Offices Commission (COC)

The Prime Minister and the Attorney General must be Constitutionally excluded from membership or influence in the COC.

The Office of the Solicitor General must ensure this independence and that of the PSC and JSC.

6.0 STATE SERVICES AND ITAUKEI ADMINSTRATION

6.1 Native Lands Commission (NLC)

Constitutionally mandate that the Chairperson of the NLC must possess formal legal qualifications.

Currently, unresolved land and customary disputes sent back to Communities frequently end up in protracted, fractured litigation in Court.

6.1.1 Traditional Succession Criteria

Insert formal constitutional criteria requiring that Leadership and Traditional appointments within indigenous structures strictly respect seniority by bloodline and age.

6.2 Restructuring iTaukei Adminstartion

Place the Great Council of Chiefs (GCC) at the apex of itaukei administration within the Provincial, District and Community office framework.

Structurally shift the iTaukei Affairs Board (TAB) to serve directly as the Secretariat to the GCC.

7.0 REVENUE AND EXPENDITURE

7.1 Corporate Tithing

Introduce and enforce a corporate tithing tax mechanism for all registered business entities as a dedicated, constitutionally sanctioned revenue stream earmarked for state development social welfare programs and reforms.

8.0 ACCOUNTABILITY

8.1 Abolition of FICAC

Abolish the Fiji Independent Commission against Corruption (FICAC).

All its personnel, investigative infrastructure and budgetary resources must be fully redirected to the Fiji Police Force.

Rationale:

FICAC duplicates the core constitutional role of the Police, holds disproportionately broad powers, yet experiences limited success in securing efficient prosecutions.

Streamlining these resources into the Police Force will better equip law enforcements to combat rising money laundering, human trafficking, illicit drug trafficking and associated social ills.

9.0 EMERGENCY POWERS

9.1 Removal of Sections

Completely excise and remove Emergency Power provisions from the text of the Constitution.

Rationale:

These sections have historically been weaponised and misused by usurpers to unlawfully overthrow democratically elected government. (Example – the event of 2006 involving the Qarase government)

9.2 Penalties of Usurpers

Introduce absolute penalties for any individual who unlawfully usurps or attempts to overthrow an elected government. They must face three (3) clear constitutional consequences:

1) Permanent Exile, alongside a lifetime ban from participating in or holding space on any political or public platform;
2) Death by hanging; and
3) Death by firing squad.

9.2 Judicial Rectification

The Judicial outcomes, rulings and precedents arising from the 2006 removal of the Qarase Government must be formally expunged from Fiji's legal records.

11.0 AMENDMENT OF THE CONSTITUTION

11.1 Amendment Threshold

We acknowledge and respect the judicial guidance reducing the Constitutional amendment threshold from 75% to an absolute majority of 51%.

This 51% threshold should also apply to Parliamentary votes regarding amendments.

11.2 Continuous Review

Constitutional evaluation should not be a rare crisis response; it must become an ongoing, cyclical national exercise.

11.3 Referendums:

Remove the restrictive requirement or national referendums to pass constitutional amendments, relying instead on parliamentary mechanisms and continuous public review consultations.

12.0 COMMENCEMENT, INTERPRETATION, REPEALS AND TRANSITIONAL

All transitional provisions must be explicitly drafted to bridge the transition seamlessly from the 2013 Constitution framework to this reformed Constitution, ensuring that no State apparatus, civic protection, or indigenous right is left unprotected prior to the 2026 General Elections.

Vunuku, Tavuya and Nukui

FORMAL SUBMISSION

To the Fiji Constitution Review Commission

REGARDING THE REVIEW OF THE 2013 CONSTITUTION

SUBMITTED BY:

VUNUKU, TAVUYA, AND NUKUI

INTRODUCTION & CORE PRINCIPLES

This submission outlines comprehensive proposals for the amendment and restoration of Fiji's constitutional framework. It seeks to address the perceived discriminatory effects of the 2013 Constitution on the iTaukei people and advocates for the restoration of essential protections, group rights, and institutional structures that were present in the widely consulted 1997 Constitution.

The central premise of this submission is the necessary integration of **Lotu, Vanua, and Matanitu** into the foundational text of the Constitution. We propose explicitly recognizing Fiji's Christian heritage and historical foundations, ensuring that the Matanitu (Government) formally acknowledges the Lotu (Church) and Vanua (Land/People) from the outset. This will establish a constitutional identity where indigenous citizens are recognized as being simultaneously modern and traditional.

PART I: DISCRIMINATORY EFFECTS OF THE 2013 CONSTITUTION

The 2013 Constitution introduced several provisions that have undermined the rights, governance, and cultural identity of the iTaukei people. The table below outlines the specific constitutional provisions and their respective negative impacts.

CONSTITUTIONAL PROVISION	DISCRIMINATORY EFFECT ON ITAUKEI
Preamble	Declares all citizens as "Fijians" united by common and equal citizenry, unilaterally changing the nationality from "Fiji Islander" to "Fijian" while relegating indigenous identity to the term "i-Taukei". The 1997 Constitution clearly and respectfully laid out both nationality and ethnic identities.
Chapter 1: The State (Section 1)	Established a secular state, removing the recognition of Christianity and the acknowledgment that the biblical "worship and reverence of God are the source of good government and leadership" that existed in the 1997 Constitution (Section 5).
Chapter 2: Bill of Rights (Section 26)	Introduced anti-discrimination protections including sexual orientation, gender identity, and gender expression, which are viewed as undermining traditional cultural and religious values.
Chapter 2: Bill of Rights (Section 28)	While protecting iTaukei land from permanent alienation, it removed the requirement for prior informed consent from landowners before their natural resources are used for development programs.
Chapter 3: Parliament	Abolished all communal constituencies reserved for indigenous Fijians and established a single national constituency with open-list Proportional Representation, severely diluting guaranteed iTaukei parliamentary representation.
Chapter 4: The Executive	Abolished the Great Council of Chiefs (GCC) entirely, removing the GCC's constitutional role in appointing the President and Vice-President (1997 Constitution, Sections 90-91). This 136-year-old institution was abolished by the interim military regime in 2012.

CONSTITUTIONAL PROVISION	DISCRIMINATORY EFFECT ON ITAUKEI
Chapter 6: State Services	Removed the dedicated chapter on group rights (1997 Constitution, Chapter 13), including affirmative action, recognition of customary rules, and the principle that the composition of the state service should reflect the ethnic composition of the population (Section 140(d)). The previous allocation of 50% of scholarships, civil service roles, and grants to iTaukei was eliminated.
Chapter 8: Accountability	Removed the requirement for laws to establish affirmative action and social justice programs to secure effective equality of access for iTaukei and Rotuman people to education, training, land, housing, commerce, and public service (1997 Constitution, Section 44).
Chapter 11: Amendment of Constitution	Lowered the amendment threshold from three-quarters (1997) to two-thirds, removing special protections that required iTaukei communal members to hold a veto over constitutional amendments affecting their interests.
General Provisions	Removed recognition of customary law as a formal source of law (1997 Constitution, Section 186). Furthermore, it removed the Compact provisions establishing the "paramountcy of Fijian interests as a protective principle" and Section 185 protections requiring key indigenous Bills to be supported by at least 9 of the 14 GCC-appointed Senators.

PART II: COMPREHENSIVE PROPOSED AMENDMENTS

Preamble

Restore the unique place of indigenous Fijians and Rotumans while affirming the equal value of all communities. Recognize the Deed of Cession of 10 October 1874 and the conferral by the High Chiefs of Fiji of their blessings and approval on this Constitution.

Restore the nationality of "Fiji Islander" for all citizens while retaining "iTaukei" as the ethnic identity of indigenous Fijians, mirroring the respectful framework of the 1997 Constitution.

> *Me volai ena iqi ka me tawa-taqusi rawa na veisemati kei na veiwekani ni Lotu, Vanua kei na Matanitu. Meda sa Fiji Islanders kece na lewenivanua (citizens to be Fiji Islanders) ia meda 'Fijian' ga na iTaukei (iTaukei to be Fijians). E na vakamatana ga ni da iTaukei ka Fijian kevaka eda TAUKENA na koula, siliva kei na varasa mai na veidelana, na waiwai mai na boto ni sauloa, na ika mai na wasawasa, kei na iyau bula kece sara e vakalougatakai keda tu kina na Kalou levu o Jiova, na luvena o Jisu Karisito kei na Kalou na Yalo Tabu.*

Chapter 1: The State

Declare Fiji as a sovereign democratic state founded on Christian Values to replace the current secular framework. Insert explicit language acknowledging indigenous paramountcy as a protective principle to ensure the interests of the iTaukei community are not subordinated to the interests of other communities (1997 Constitution, Section 6(j)). Restore the acknowledgment that "worship and reverence of God are the source of good government and leadership" (1997 Constitution, Section 5).

> *Me yavutaki na Matanitu o Viti ena vatu era a cata na Matai ni vale. Na vatu ka tauyavutaka kina o Pita na Lotu oya na Lotu Vakarisisto. Na qai dina kina na Rerevaka na Kalou ka doka na Tui ka koto ena noda 'Coat of Arms' yavutaki ena* ***1 Pita 2:17.***

Chapter 2: The Bill of Rights

Remove equality protections based on sexual orientation and gender identity. Amend sections 28-30 to ensure a larger, fairer share of mineral and natural extraction royalties flows directly to traditional landowning units (mataqali), with ownership of minerals reverting to landowners.

Restore the right of iTaukei to have their customs applied to the holding, use, or transmission of land and fishing rights (1997 Constitution, Section 38(8)). Mandate prior informed consent of landowners before their natural resources are used for development.

> *Me sa vakasukai na taukeni ni qele, qoliqoli kei na iyau bula mai na veidelana, ki na veibuca me yaco ki na boto ni sauloa ka vakadeitaki ni ra taukena na iTaukei. Me sa dua ga na Tabacakacaka ni Qele ka me sa dua ga na kena Minisita ni Qele... Na Minisitiri ni iTaukei me sa qarava vakatabakidua na veika vaka-iTaukei sega ni okata na qele kei na iqoliqoli. Na veiqaravi kece eda raica ena noda veiyasani koro ni cakacaka... e dodonu me drodrovi keimami talega ena veikoro vaka-iTaukei baleta ni keimami taukei ni qele, qoliqoli kei na Vanua.*

Chapter 3: Parliament

Replace the single national constituency system with localized geographical constituencies and reinstate communal seats to ensure iTaukei representation is not diluted (1997 Constitution, Sections 50-51).

Restore the requirement for GCC appointment of 14 Senators and mandate that any Bill altering critical land and indigenous acts (Fijian Affairs Act, Native Lands Act, Native Land Trust Act, Rotuma Act, etc.) must be supported by at least 9 of the 14 GCC-appointed Senators (1997 Constitution, Section 185).

> *Me sa na cegu toka mada na veidigidigi yacova ni sa qaravi oti ka vakacavari na ilovi lesu ni Yavu ni Vakavulewa 2013 kei na kena vakaduri (se bokoci) na vei-Komiti kece vaka-yavunivavulewa. Me vakasukai mai na veidigidigi vaka-uma-tamata me rawa ni wasei vakatautauvata na idabedabe ena vei-mata-tamata kei na veitikina ena loma ni veiyasana.*

Chapter 4: The Executive

Repeal the 2012 abolition of the Great Council of Chiefs (GCC). Mandate a formal, constitutional role for the reinstated GCC within the executive branch, specifically restoring

its right to appoint the President and Vice-President (1997 Constitution, Section 90). The GCC should also play a formal advisory role in government formation.

> *Me sa yavutaki vaka Yavu ni Vakavulewa na BLV ka me kua ni vakadromuci tiko ena Regulation. Ena digitaka na Peresitedi na BLV ka na vakatututaka talega e levu duadua (majority) ni lewe ni Seneti (14) ka na vakadeitaki ka vakabau na lawa ni iTaukei k era vakadonuya na lewe ni Seneti me vaka e a tiko ena Yavu ni Vakavulewa ni 1997.*

Chapter 5: Judiciary

Restructure judicial appointments to eliminate executive overreach and ensure absolute independence. Ensure judicial appointments reflect the ethnic and gender balance of the community (1997 Constitution, Section 134). Critically, restore the recognition of customary laws and traditional dispute resolution processes (1997 Constitution, Section 186).

> *Me sa tosoi cake na lewe ni Turaga ni Lewa iTaukei ka bakabibitaki na lawa vaka-iTaukei kei na veitotogi kece sara e vakatauci ena loma nib ula vakoro, kei na vaka-Vanua.*

Chapter 6: State Services

Draw a strict line between military and civilian policing by banning joint operations. Ensure civil service appointments by the Public Service Commission (PSC) are strictly merit-based, while also restoring affirmative action and social justice programs. Restore the principle that state service composition at all levels should reflect the ethnic demographic of the population (1997 Constitution, Section 140(d)).

Chapter 7: Revenue and Finance

Establish strict constitutional ceilings on government borrowing, tighter spending limits, and mandatory fast-tracked timelines for the Auditor-General to submit reports to address national debt. Ensure equitable sharing of economic and commercial power so that all communities fully benefit from the nation's progress.

> *Me vasaqarai na gaunisala me kauta mai vei keda na lewenivanua na bula sautu (sustainable development) ka vakatubu I lavo me valuti kina na bula dravudravua (fiscal space) vakauasivi na Sovereign Wealth Fund.*

Chapters 8 & 9: Accountability, Transparency & Emergency Powers

Constitutionally mandate the immediate operationalization and enforcement of the Accountability and Transparency Commission, Code of Conduct, and Freedom of Information frameworks. For emergency powers, formulate stricter parameters ensuring non-derogable human rights cannot be suspended during political crises, and explicitly protect iTaukei land, culture, and governance structures.

Chapter 10: Immunity

Completely remove or drastically narrow sweeping immunity shields for past coup architects. Legally link immunity clauses to the Truth and Reconciliation Commission (TRC) to mandate open testimonies.

> *Me sa bokoci na imuniti vei ira era sa lako curuma na na Komiti ni Dina kei na Veivosoti (TRC) me vaka ni ra sa lewe lailai sara era kovuti ena tiki ni lawa qo vakauasivi mai na 1987.*

Chapter 11: Amendment of Constitution

Lower the parliamentary vote threshold from "three-quarters" to "two-thirds" and remove the referendum requirement entirely to establish a feasible approach to updating the text. **However**, restore the three-quarters majority requirement and the special veto power (GCC-appointed Senators) specifically for any amendments affecting iTaukei rights, land, or customary institutions (1997 Constitution, Sections 191-192).

Chapter 12: General Provisions & Sovereign Wealth Fund

Resolve legislative inconsistencies and protect all laws relating to iTaukei land, fishing rights, and customary governance from repeal. Restore the Compact provisions establishing the paramountcy of Fijian interests.

New Proposal: Establish a *Sovereign Wealth Fund* for the iTaukei. The opening deposit is to be formulated by the State as compensation for historical resource use.

> *Me qai tauyavutaki e dua na tobu (Sovereign wealth Fund) me qai nimati ni oti e 20 se 30 na yabaki me ilavo maroroi tudei ni kawa i-Taukei me i vakayaga ni nodra solia tu na nodra iyau bula kece sara. Me sa i dola ni tobu oqo e dua na compensation me na vakatawana (deposit) kina na Matanitu ena kena gauna totolo duadua, ka me fikataki ena dua na fomula.*

PART III: SUMMARY OF CONSTITUTIONAL RESTORATIONS

The following table summarizes the foundational principles removed by the 2013 Constitution and the proposed measures to restore them, aligning primarily with the rights enshrined in the 1997 Constitution.

PROTECTION / SUBJECT	STATUS UNDER 2013 CONSTITUTION	PROPOSED RESTORATION MEASURE
Nationality & Ethnic Identity	Nationality: "Fijian" Ethnic: "i-Taukei"	Restore 1997 distinction: "Fiji Islander" for all citizens; "iTaukei" as the ethnic identity.
Paramountcy of iTaukei Interests	Removed	Re-insert into Chapter 1 as a foundational protective principle.
Christian Foundation	Secular state	Restore acknowledgment of Christian heritage ("worship and reverence of God").
Group Rights	Removed	Restore dedicated chapter on group rights (equivalent to 1997 Ch 13).
Great Council of Chiefs (GCC) Role	Abolished	Re-instate GCC with constitutional mandate.
GCC Appointment of President	Removed	Re-insert into Chapter 4.
GCC Senate Representation	None	Restore 14 GCC-appointed Senators.
Protection of Land Acts	Removed	Re-insert requirement for 9 out of 14 GCC Senators' support to amend land laws.
Affirmative Action	Removed	Re-insert with strengthened protections and access.

PROTECTION / SUBJECT	STATUS UNDER 2013 CONSTITUTION	PROPOSED RESTORATION MEASURE
Customary Law Recognition	Not explicitly recognized	Explicitly restore as a formal source of law.
Communal Seats	Abolished	Restore to ensure iTaukei parliamentary representation.
Compact Provisions	Removed	Restore as foundational principles (equitable sharing of power).
Amendment Threshold (Indigenous Rights)	Lowered to Two-thirds	Restore three-quarters threshold and Senate veto for indigenous rights amendments.

Ministry of Local Government

Ministry of Local Government

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22 June 2026

Mr Sevuloni R. Valenitabua
Chairperson
Constitution Review Commission
Suvavou House
Victoria Parade
Suva

Dear Chairperson

Submission by the Ministry of Local Government on the Constitutional Recognition Local Government and Local Government Elections

I am pleased to submit, for the consideration of the Constitution Review Commission, the Ministry of Local Government's submission on the proposed inclusion of Local Government and Local Government Elections in the Constitution of the Republic of Fiji.

The Ministry considers that constitutional recognition of local government would strengthen democratic governance, enhance accountability and citizen participation at the municipal level, and provide constitutional certainty regarding the existence and continuity of elected local authorities.

The submission proposes the inclusion of broad constitutional principles recognising local government as a democratic institution and providing for regular local government elections, while leaving the detailed operational, administrative and electoral arrangements to be prescribed through written law. This approach would ensure constitutional protection of the fundamental principles of local democracy while preserving the flexibility necessary for Parliament to legislate on matters relating to the establishment, powers, functions and administration of local government authorities.

The Ministry further proposes that the Constitution include a transitional provision requiring that the first local government elections following the commencement of the amended Constitution be held within 6 months of its commencement. This would provide a clear constitutional pathway for the restoration of elected municipal governance and facilitate an orderly transition from existing administrative arrangements.

The Ministry appreciates the important work being undertaken by the Constitution Review Commission and trusts that this submission will assist in its deliberations on strengthening democratic governance and public participation in Fiji.

Should the Commission require any clarification or further information regarding the submission, the Ministry would be pleased to provide any additional information required.

Please accept the assurances of my highest consideration.

Yours sincerely

SSharma.

Seema Sharma
Permanent Secretary for Local Government

Encl: Ministry of Local Government Submission on the Constitutional Recognition of Local Government and Local Government Elections.

SUBMISSION BY THE MINISTRY OF LOCAL GOVERNMENT TO THE CONSTITUTION REVIEW COMMISSION

ON THE INCLUSION OF LOCAL GOVERNMENT AND LOCAL GOVERNMENT ELECTIONS IN THE CONSTITUTION OF THE REPUBLIC OF FIJI

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1. INTRODUCTION

The Ministry of Local Government respectfully submits this paper to the Constitution Review Commission for consideration of the inclusion of Local Government and Local Government Elections within the Constitution of the Republic of Fiji.

The Ministry is of the considered view that constitutional recognition of local government is necessary to strengthen democratic governance, improve accountability and service delivery at the municipal level, and provide constitutional certainty for the existence, continuity and democratic legitimacy of municipal councils in Fiji.

The submission further proposes that while the Constitution should establish the broad principles relating to local government and local government elections, the operational and administrative details should continue to be provided through written law, including the Local Government Act and electoral legislation.

2. BACKGROUND

Local government plays a critical role in the delivery of essential municipal services, including—

- town planning and development control;
- public health and sanitation;
- waste management;
- public drainage;
- municipal markets;
- recreational facilities;
- environmental management; and
- community wellbeing and local economic development.

Municipal councils are the level of government closest to the people and are essential institutions for participatory democracy, responsive governance and sustainable urban management.

Local government is often the most visible and direct form of government experienced by citizens in their daily lives. Through the delivery of municipal services, regulation of the built environment, public health functions and community facilities, local government provides a tangible connection between citizens and democratic governance. As such, it serves as an important foundation of democratic participation, accountability and public confidence in government institutions.

Historically, Fiji maintained elected municipal councils until the suspension of local government elections in 2008. Since then, municipalities have been administered

through appointed Special Administrators under Section 9A of the Local Government Act 1972.

While the current legislative framework allows for municipal administration, the absence of constitutional recognition means that local government institutions and local government elections do not presently enjoy constitutional protection or constitutional continuity.

The Ministry considers that constitutional recognition would align Fiji with modern democratic constitutional practice and reinforce the constitutional values of good governance, transparency, accountability and citizen participation already recognised under the Constitution.

3. JUSTIFICATION FOR CONSTITUTIONAL RECOGNITION

3.1 Strengthening Democratic Governance

Local government is a fundamental component of democratic governance.

Constitutional recognition would ensure that governance is not limited to national institutions alone, but extends to democratic participation at the local level.

Constitutional recognition would:

- reinforce democratic representation;
- enhance citizen participation in local decision-making;
- strengthen public accountability; and
- promote responsive municipal governance.

Constitutional recognition of local government would acknowledge the important role of municipal councils as the sphere of governance closest to communities. It would reinforce the principle that democratic participation should extend beyond national institutions and be reflected in local decision-making processes that directly affect the daily lives, wellbeing and economic opportunities of citizens.

3.2 Certainty and Continuity of Municipal Governance

Constitutional recognition would provide certainty regarding:

- the existence of local government institutions;
- the requirement for elected municipal councils; and
- the continuity of local democratic governance.

Constitutional recognition would also provide institutional stability by ensuring that local government remains a recognised component of Fiji's democratic governance framework irrespective of future changes in government, policy direction or administrative arrangements.

This would reduce uncertainty regarding the future status of municipal councils and ensure consistency in local governance arrangements.

3.3 Alignment with International and Comparative Constitutional Practice

Many democratic constitutions around the world expressly recognise local government and local government elections, including:

- South Africa;
- India;
- Kenya;
- Philippines;
- Uganda;
- Zimbabwe; and
- Brazil.

These constitutions generally:

- recognise local government as a democratic institution;
- require regular local elections;
- provide constitutional protection for local government institutions; and
- leave operational and administrative details to ordinary legislation.

Importantly, a number of these constitutions also preserve the authority of national governments to regulate, supervise and, where necessary, intervene in local government affairs in accordance with the law.

For example, the Constitution of South Africa recognises local government as a distinct sphere of democratic government while permitting provincial and national intervention in circumstances prescribed by legislation to ensure effective governance and service delivery. Similarly, the Constitution of Kenya recognises devolved local governance structures while preserving mechanisms for oversight and accountability through national legislation.

These examples demonstrate that constitutional recognition of elected local government and legislative oversight are complementary principles rather than competing objectives. The Ministry considers this balanced approach suitable for Fiji.

3.4 Promotion of Good Governance and Accountability

The Constitution of Fiji already recognises:

- good governance;
- transparency;
- accountability; and
- public participation
-

as foundational constitutional values.

Entrenching local government within the Constitution would further strengthen these principles by ensuring elected representation and accountability at the municipal level.

Constitutional recognition should not, however, be interpreted as limiting Parliament's authority to establish mechanisms for oversight, monitoring, intervention, suspension or dissolution of councils where necessary and in accordance with written law. Rather, constitutional protection should operate alongside a legislative framework that promotes accountability, integrity, sound administration and the public interest.

4. PROPOSED CONSTITUTIONAL APPROACH

The Ministry proposes the insertion of a new Chapter or Part within the Constitution dealing with Local Government.

The constitutional provisions should establish:

- the recognition of local government;
- the democratic nature of municipal councils;
- the requirement for regular local government elections; and
- the authority of Parliament to legislate on detailed operational matters, including governance, accountability, oversight and intervention mechanisms where necessary.

The Ministry recommends a principles-based constitutional approach rather than an overly prescriptive framework.

5. PROPOSED PRINCIPLES FOR INCLUSION IN THE CONSTITUTION

The Ministry proposes that the Constitution should provide for the following principles:

(a) Recognition of Local Government

The Constitution should recognise local government as a system of democratic governance at the municipal level and as an important institution for democratic participation, accountability and service delivery.

(b) Democratically Elected Councils

The Constitution should provide that local government authorities shall ordinarily consist of democratically elected councils established in accordance with written law.

(c) Regular Local Government Elections

The Constitution should require free, fair and regular local government elections.

(d) Universal Suffrage

Eligible citizens should have the right:

- to vote in local government elections; and
- to contest for election as councillors, subject to qualifications prescribed by written law.

This would be consistent with the political rights provisions already contained in section 23 of the Constitution.

(e) Administration by Electoral Authorities

The Constitution should provide that local government elections be conducted by:

- the Electoral Commission; and
- the Supervisor of Elections.

This would promote consistency and integrity within Fiji's electoral framework.

(f) Powers and Functions

The Constitution may broadly recognise that local government authorities are responsible for municipal governance and service delivery functions as prescribed by written law.

(g) Public Participation and Accountability

The Constitution should require local government authorities to operate in a transparent, accountable and participatory manner.

(h) Legislative Flexibility

The Constitution should expressly provide that Parliament may enact laws relating to:

- municipal boundaries;
- electoral systems;
- qualifications and disqualifications of candidates;
- terms of office;
- powers and functions;
- financial management;
- dissolution or suspension of councils;
- oversight, monitoring and intervention by the Minister or another competent authority in accordance with written law; and
- all other operational matters relating to local government.

This approach would preserve flexibility for future reforms through legislation while ensuring constitutional protection of the fundamental democratic principles of local government.

6. TRANSITIONAL ARRANGEMENT FOR FIRST LOCAL GOVERNMENT ELECTIONS

The Ministry further proposes that the Constitution include a transitional provision requiring that, if there are non-elected administrators managing the Council, when the amended Constitution comes into effect, then the:

"the first local government elections following the commencement of the constitutional amendment shall be held within 6 months from the date of commencement of the amendment."

This provision would:

- provide constitutional certainty;
- establish a clear implementation timeline;
- allow sufficient time for legislative and administrative preparations; and
- facilitate an orderly transition to elected municipal governance.

The Ministry also proposes that existing municipal administrative arrangements continue until elected councils assume office.

7. SUGGESTED CONSTITUTIONAL DRAFTING APPROACH

The Ministry respectfully suggests that the Constitution Review Commission may consider constitutional wording along the following lines:

"Local government is recognised as a system of democratic governance at the municipal level and as an important institution for democratic participation, accountability and service delivery."

"Local government authorities shall ordinarily consist of democratically elected councils established in accordance with written law."

"Local government elections shall be free, fair and regular."

"Parliament shall enact legislation governing the establishment, powers, functions, administration and elections of local government authorities, including provisions relating to oversight, monitoring, intervention, suspension, dissolution and other measures necessary for the effective administration, accountability and good governance of local government authorities."

"The first local government elections following the commencement of this amendment shall be held within six (6) months from the commencement date."

8. CONCLUSION

The Ministry of Local Government respectfully submits that constitutional recognition of local government and local government elections would:

- strengthen democratic governance;
- improve accountability and citizen participation;
- reinforce constitutional values of transparency and good governance;
- recognise local government as the level of governance closest to the people and the most visible expression of democratic governance in citizens' daily lives;
- provide certainty for municipal governance;
- provide institutional stability and continuity for local government; and

- align Fiji with modern constitutional practice.

Constitutional recognition would also provide institutional certainty and continuity for local government irrespective of future changes in government, policy direction or administrative arrangements. By establishing local government as a constitutionally recognised democratic institution, the Constitution would provide a stable foundation for municipal governance while allowing Parliament the flexibility to enact legislation necessary for effective administration, accountability and public oversight.

The Ministry further submits that a principles-based constitutional framework, supported by detailed implementing legislation, would provide an appropriate balance between constitutional protection, democratic representation and legislative flexibility, while preserving Parliament's authority to provide for oversight and intervention where necessary in the public interest.

The Ministry therefore respectfully recommends that the Constitution Review Commission consider the inclusion of provisions relating to local government and local government elections in the Constitution of the Republic of Fiji.

Pacific Disability Forum

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22 June 2026

The Chairperson
Fiji Constitution Review Committee
Suva, Fiji

Dear Sir,

Disability-Inclusive Constitutional Reform: Submission to the Fiji Constitution Review Committee.

We respectfully submit two submissions for the consideration of the Fiji Constitution Review Committee. These submissions bring together recommendations relating to:

1. constitutional protection from violence, abuse, neglect and exploitation,
2. constitutional reforms to strengthen equal participation in political and public life, of persons with disabilities.

Fiji has made significant progress through its ratification of the Convention on the Rights of Persons with Disabilities (CRPD), the Rights of Persons with Disabilities Act 2018, and practical initiatives promoting accessibility and inclusion. However, important constitutional gaps remain.

We respectfully urge the Committee to consider the recommendations contained in these two submissions to strengthen Fiji's Constitution so that it fully reflects the dignity, equality, safety, autonomy, and participation rights of persons with disabilities.

We would welcome the opportunity to provide further information.

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Yours Sincerely,

Sainimili Tawake
Chief Executive Officer
Pacific Disability Forum

A partnership of Pacific organisations of and for persons with disabilities

Pacific Disability Forum

Submission One.

Submission to the Constitution Review Committee on the Bill of Rights, Chapter 2, Section 42 of the Constitution of the Republic of Fiji 2013.

Subject: Proposed addition of subsection (d) to Section 42(1) to strengthen constitutional protection for persons with disabilities from harmful and degrading treatment, torture, abuse, neglect, exploitation and all forms of violence.

1. Introduction.

This submission respectfully requests the Constitution Review Committee to recommend the inclusion of a new subsection under the Bill of Rights, Chapter 2, section 42(1) of the Constitution of the Republic of Fiji 2013. The proposed amendment is intended to give clearer and stronger constitutional recognition to the right of persons with disabilities to live free from harmful and degrading treatment, torture, abuse, neglect, exploitation and all forms of violence in every setting.

2. Proposed Constitutional Wording.

PDF propose that section 42(1) be supported by the following additional provision:

(d) The State must take appropriate legislative, administrative, policy, social, educational and other measures to prevent, identify, investigate, respond to and provide remedies for harmful and degrading treatment, torture, abuse, neglect, exploitation and all forms of violence against persons with disabilities, including through accessible reporting mechanisms, disability-inclusive protection services, independent monitoring of all settings where persons with disabilities live, learn, work, receive care or are detained, and effective recovery, rehabilitation and reintegration support that respects the dignity, autonomy, safety and will and preferences of the person.

3. Rationale for the recommendation.

The current protection in section 42 is an important constitutional foundation for the rights of persons with disabilities. The **proposed subsection** strengthens that foundation by making clear that protection from abuse, neglect, exploitation and violence is not only a general right, but also requires positive action by the State. This is necessary because persons with disabilities may experience heightened risk of harm in homes, schools, workplaces, church institutions, health-care settings, evacuation centres, places of detention and community settings, especially where there are barriers to communication, mobility, information, support, justice and independent oversight.

The amendment would align Fiji's Constitution with the purpose and principles of the Convention on the Rights of Persons with Disabilities, including respect for inherent dignity, non-discrimination, full and effective participation and inclusion, accessibility, equality between men and women, and respect for the evolving capacities of children with disabilities and especially on Article 15 on Freedom from torture or cruel, inhuman or degrading treatment or punishment.

The proposed amendment would also support Fiji's existing national commitment to disability rights and inclusion by ensuring that constitutional protection is practical, enforceable and responsive to lived experience.

4. Key elements to be recognised.

Prevention: The State should be constitutionally guided to prevent abuse, neglect, exploitation and violence before harm occurs, including through awareness, education, safeguards, accessible information and inclusive support services.

Accessible reporting and response: Persons with disabilities must be able to report harm safely and effectively, using accessible formats, communication support, sign language, Braille, plain language, assistive technology and trusted support where required.

Independent monitoring: All facilities and programmes involving persons with disabilities should be subject to effective and independent monitoring to reduce the risk of hidden abuse and institutional neglect.

Accountability and remedies: Harmful conduct must be identified, investigated and, where appropriate, prosecuted, and victims must have access to justice and effective remedies.

Recovery and reintegration: Survivors with disabilities should have access to protection, recovery, rehabilitation and reintegration services that uphold dignity, autonomy, safety, privacy and individual choice.

5. Recommendation

It is respectfully recommended that the Constitution Review Committee support the inclusion of subsection 42(1)(d) as proposed above, or wording to similar effect, so that the Constitution expressly recognises the duty of the State to protect persons with disabilities from harmful and degrading treatment, torture, abuse, neglect, exploitation and all forms of violence, and to ensure accessible, disability-inclusive prevention, protection, accountability and recovery measures.

6. Conclusion

The inclusion of subsection 42(1)(d) would affirm that persons with disabilities in Fiji are entitled not only to access, communication and reasonable adaptation, but also to safety, dignity, bodily and mental integrity, justice and protection in all aspects of life.

This amendment would strengthen the Bill of Rights and help ensure that the Constitution reflects the lived realities, rights and aspirations of persons with disabilities and their families, carers and communities.

END.

Pacific Disability Forum

Submission Two.

Submission to the Constitution Review Committee on Chapter 3, Part B, Section 55 of the Constitution of the Republic of Fiji 2013.

1. Introduction

This submission recommends constitutional and related electoral reforms to guarantee the equal and effective participation of persons with disabilities in Fiji's democratic processes. Fiji has made important progress through its ratification of the Convention on the Rights of Persons with Disabilities (CRPD), the Rights of Persons with Disabilities Act 2018, and practical accessibility measures led through the Fiji Elections Office and the Election Disability Access Working Group (EDAWG). However, the Constitution and electoral laws still contain exclusionary language and gaps that can restrict the rights of persons with disabilities to vote, stand for election, hold office, and participate fully in public life. The Constitution Review Commission is urged to ensure that Fiji's supreme law reflects a rights-based, inclusive, and non-discriminatory approach consistent with Fiji's international human rights obligations.

The right to participate in political and public life is fundamental to citizenship, equality, and democratic legitimacy. For persons with disabilities, this right includes the right to register and vote, vote independently and secretly, receive assistance where requested, stand as candidates, hold public office, participate in political parties, and engage in public decision-making. Fiji ratified the CRPD in 2017, and Article 29 of the Convention requires States to guarantee political rights to persons with disabilities on an equal basis with others. This submission focuses on reforms needed in the Constitution and connected electoral laws to remove discriminatory barriers and ensure meaningful inclusion.

2. Constitutional and Legal Context

Fiji has taken positive steps toward disability-inclusive elections. The Election Disability Access Working Group (EDAWG), convened with the Fiji Elections Office and organizations of persons with disabilities, has supported practical reforms such as Braille voter guides, accessible voter information, polling-staff training, accessible communication, and consultation with disability stakeholders.

The 2013 Constitution and the Rights of Persons with Disabilities Act 2018 recognize important rights for persons with disabilities, including equality, non-discrimination, accessibility, dignity, and participation in public life. These protections should be reflected consistently in all constitutional and electoral provisions.

3. Key Constitutional Concern: Exclusionary Language and Legal Capacity

Chapter 3, Part B, Section 55 of the 2013 Constitution provides that a person does not have the right to be registered as a voter if, under a law in force in Fiji, the person has been adjudged or declared to be of "unsound mind". It also provides that a registered voter ceases to be registered if later adjudged or declared to be of "unsound mind".

This language is outdated, stigmatizing, and inconsistent with a rights-based approach to disability. It is also reinforced in electoral legislation, including provisions that disqualify a person from voter registration where a court has declared the person to be of unsound mind. Such provisions risk excluding persons with psychosocial or intellectual disabilities from political participation solely because of disability-related status or assumptions.

Fiji's obligations under the CRPD require equal recognition before the law and equal participation in political and public life. Article 12 recognizes legal capacity on an equal basis with others, and Article 29 protects the right of persons with disabilities to vote and be elected without discrimination. Constitutional provisions that remove voting rights on the basis of disability or perceived mental capacity are therefore inconsistent with Fiji's international human rights obligations.

A central problem is the confusion between mental capacity and legal capacity. Mental capacity refers to a person's decision-making ability in a particular situation and may fluctuate. Legal capacity refers to recognition as a rights-holder before the law and the ability to exercise rights. Legal capacity is universal and must not be denied on the basis of disability.

The Constitution should protect, not restrict, the equal legal capacity and political participation of persons with disabilities.

The CRPD Committee's General Comment No.1[1] confirms that legal capacity is a universal attribute and that support in decision-making must not be used to limit fundamental rights, including the right to vote.

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[1] General Comment No. 1 serves as a crucial framework for understanding the rights of persons with disabilities under the CRPD, particularly regarding their legal capacity and recognition before the law. It provides essential guidance for States to ensure that these rights are upheld and implemented effectively, promoting the full inclusion and participation of persons with disabilities in society.

Accordingly, Fiji should remove or amend constitutional and legislative provisions that permit blanket disqualification from voting based on disability, psychosocial disability, intellectual disability, or court findings expressed through the language of "unsound mind".

4. Key Issues Requiring Reform

4.1 Discriminatory constitutional and legislative language

Terms such as "unsound mind" are unclear, discriminatory, and incompatible with the dignity and equality of persons with disabilities. They should be removed from the Constitution and related electoral laws and replaced with rights-based language that protects universal and equal suffrage.

5. Recommendations to the Constitution Review Commission

5.1 Guarantee universal and equal suffrage

We recommend that the CRC,

Amend the Constitution and related electoral laws to **remove discriminatory language, including "unsound mind"**, and guarantee that no person is denied the right to vote, register as a voter, stand for election, or hold public office on the basis of disability, psychosocial disability, intellectual disability, perceived capacity, or substituted decisionmaking status.

Discriminatory language under the 2013 constitution that is proposed to be removed, Section 55 (2) A person who - **(b) is under a law in force in Fiji, adjudged or declared to be of unsound mind;** and (3) A person who is registered as a voter and who, after his or her registration as a voter **(b) is under a law in force in Fiji, adjudged or declared to be of unsound mind.**

5.2 Align the Constitution with the CRPD

Ensure that constitutional provisions on voting, candidacy, public office, equality, nondiscrimination, and disability rights are interpreted and applied consistently with the CRPD, particularly Articles 12 and 29.

Proposed wording for Chapter3, Part B, Section 55 (1)***: "Every citizen who is and will be 18 years and over on or before the date of the issue of the writ for the next election of members to Parliament , has the right to register as a voter, vote by secret ballot, stand for election, hold public office, and participate in political and public life on an equal basis with others. No person shall be disqualified from exercising these rights on the basis of disability, psychosocial disability, intellectual disability, perceived capacity, or any status related to supported decision-making."***

5.3 Provide reasonable accommodation for candidates and office-holders with disabilities

Introduce constitutional and legislative safeguards requiring reasonable accommodation for persons with disabilities throughout political participation, including voter registration, nominations, campaigning, political-party activities, public debates, parliamentary work, and public-office functions. This should include accessible communication, transport support, assistive technology, personal assistance, and flexible procedures where required.

End.

Nadroga Navosa Provincial Council

NADROGA/NAVOSA PROVINCIAL COUNCIL

P.O. Box 267, Sigatoka, Fiji. **Phone:** 650 0004/7766004

E-mail:nadroganavosapcoffice@gmail.com

25th June 2026

The Chairperson
Standing Committee on Justice, Law and Human Rights
Parliament of the Republic of Fiji
P.O. Box 2352
Government Buildings
Suva

Subject: Submission of Nadroga Navosa Provincial Council Resolution on Constitutional and Legislative Matters

Dear Sir/Madam,

On behalf of the Nadroga Navosa Provincial Council, I have the honour to submit the Council's resolutions concerning the ongoing constitutional and legislative review process for your consideration.

During the Nadroga Navosa Provincial Council Meeting held on **10th –11th June 2026**, the Provincial Council deliberated on matters relating to the constitutional review and associated legislation. Following extensive discussion, the Council unanimously **endorsed Resolution No. 3**, supporting the submission to Parliament on three key legislative matters.

The Council agreed to submit its support for the following:

1. **Implementation of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP);**
2. **The Commercial Use of Marine Areas (CUMA) Bill;** and
3. **The restoration of ownership rights over customary land and customary fishing grounds to the traditional owners, together with a premium-sharing arrangement allocating 25% to the iTaukei Land Trust Board (TLTB) for administration and 75% to the customary fishing-right owners.**

These resolutions reflect the collective views of the traditional leaders and Provincial Council members of Nadroga and Navosa. The Council respectfully requests that the Standing Committee on Justice, Law and Human Rights take these resolutions into consideration during its deliberations on the relevant Bills.

Please find attached a copy of the **Nadroga Navosa Provincial Council Meeting Resolution (10–11 June 2026)** for your reference.

Should you require any further information or clarification, please do not hesitate to contact the office.

Yours faithfully,

Levi Nayacalevu

For: Roko Tui Nadroga/Navosa

Cc:

- Deputy Chief Executive Officer, iTaukei Affairs Board
- File

PC MEETING RESOLUTIONS 10–11 JUNE 2026

No.	Meeting Resolution	Explanation	Responsible Department
1.	The Council has received the report from the Provincial Administrator (PA) for Nadroga/Navosa.	A Talanoa Session was held during which questions raised by members of the Provincial Council were answered by the Commissioner Western, the Provincial Administrator (PA) for Nadroga/Navosa, and government officials.	Provincial Office / PANN
2.	The Council has endorsed the report from the Kalevu regarding the three resolutions passed at the Nolevu meeting on 13 May 2026 at Nakuruvarua House, Cuvu.	The 24 traditional chiefs who are members of the Bose Vanua ni Yasana will officially open the 2026 Adi Nadroga Festival, with each chief contributing FJ$5,000.	Provincial Office/Adi Committee
3.	The Council has endorsed the Constitution Review Committee Submission.	The Council supported proposals relating to the implementation of UNDRIP, the Commercial Use of Marine Areas (CUMA) Bill, the restoration of ownership rights over customary land and fishing grounds to traditional owners, and a premium-sharing arrangement allocating 25% to TLTB (administration) and 75% to customary fishing-right owners.	iTaukei Affairs / Parliament Steering Committee
4.	The Provincial Council endorsed Dr. Wini Nainoca's presentation and approved the development of the Nadroga Navosa Provincial Sustainable Development Plan (SDP) to guide the province's future development and sustainability initiatives.	Four members of the Provincial Council, together with the Chairperson of the Provincial Council, be appointed to serve on the Provincial Think Tank Committee for Nadroga Navosa. This committee will be responsible for developing the Province's Sustainable Development Plan (SDP).	Provincial Office
5.	The Council has received the Fiji Water Foundation presentation.	Explained the Foundation's Friendship, Community Grant and Classroom Grant programmes. Since 2007 it has distributed about FJ$47 million in community assistance.	Provincial Office
6.	The Provincial Council received and accepted the presentation by	Representatives of the Republic of Fiji Military Forces (RFMF) presented	Provincial Office

	the Republic of Fiji Military Forces on measures to combat illicit drugs within the province.	on the importance of collaboration between local communities and the Military through a **Joint Task Force** to combat the growing threat of illicit drugs, which is having a significant negative impact on the lives of young people in the province.	
7.	The Council has approved the three submissions from the Staff & Finance Committee.	1. Approved the 2024–2025 financial report, 2. The 2025–2026 financial report (to April 2026), and 3. The 2026–2027 budget estimates.	Provincial Office / Staff & Finance Committee
8.	The Council has approved the submission from the Education Committee	1. Assign the Nadroga Navosa Education Trust Fund **(Incorporated)** to manage the Investment Fund that was approved by the Council in 2022, amounting to $20,000, to be invested annually for growth. 2. Progressively transfer the responsibilities and functions of the **Education Committee** to the **Nadroga Navosa Education Trust Fund** (NNETF). 3. Include the **Nadroga Navosa Technical Institute** as a beneficiary, in the same way that annual allocations have previously been provided to **Nadroga Navosa High School**	Provincial Office / Education Sub-Committee
9.	The Council has received the Provincial Company report.	Progress updates were presented on the Provincial Company's planned activities.	Nadroga Navosa Provincial Company Ltd
10.	The Council resolved to hold a special Provincial Council Meeting on 9th July 2026.	The Provincial Office will present the 2025 Adi Nadroga financial report, expenditure details, and the proposed 2026 Adi Nadroga budget.	Provincial Office / Adi Nadroga Committee

Onilau Development Committee

ONOILAU DEVELOPMENT COMMITTEE
(The Development Arm of the Onoilau Tikina)

10 Ratu Dovi Road, Nadera
Phone: (679) 999 1865

P.O. Box 5828, Valelevu
Nasinu, Fiji

RECEIVED : 25/06/26
By: LEIGHTON FATEAKE
Sign :
Time: 11.30am

23 June, 2026

Chairman
Constitutional Review Commission
Suva

Dear Sir,

Subject: Submission to The Constitutional Review Commission– Onoilau Development Committee

1. Following the Supreme Court decision allowing for the amendment of the 2013 Constitution of the Republic of Fiji by Parliament and a referendum by a percentage of voters registered in the Electoral Roll, the Constitutional Review Commission (CRM)was appointed to consult the people of Fiji and to submit its finding and report to His Excellency, the President. The Commission has allowed until the 30th of August, 2026 for submissions to be received by its office.

2. The Onoilau Development Committee (ODC), the development arm of the Tikina of Onoilau in the Province of Lau, met on Friday 24th April, 2026 to deliberate on its submission to the CRM. The ODC comprises of representatives of the five villages in the Tikina of Onoilau (Nukuni, Lovoni, Matokana, Doi, Vatoa) which also include women and youth representatives. The list of names of those that attended the meeting is attached. Na Turaga Na Tui Ono, Filipe Raturaga, and Tui Lovoni, Asaeli Biutiviti, were both at the meeting. The two titles - Tui Ono and Tui Lovoni are the senior traditional Vanua leaders of Onoilau. We understand that the attempt by the CRM to visit the islands of Onoilau, was aborted due to inclement weather condition in the Lau waters. Hence, the significance of this formal submission from the Tikina of Onoilau.

3. This submission contains the issues of concern to the Tikina of Onoilau, the most remote and isolated maritime islands of Fiji. We hope that the submission will be of assistance to the Commission in finalising its report to HE President.

Qualification and Appointment of the President

4. Sections 83 & 84 of the Constitution deal with the qualification and appointment of the President of Fiji. We propose that The President should be appointed by the Bose Levu Vakaturaga (BLV) from a list of Fijians (refer to section 5 below) that meet the criteria put together by the BLV. We also propose that the position of President be confined to the first people of Fiji who are the Fijians. The powers vested in the members of Parliament

to elect the President has politicised the appointment to this very high office, regarded as the Head of State. This could incite disagreement and division between the people of Fiji. The power of the President may also need to be strengthen. However, prior to the endorsement of anything which will impact on the future direction of Fijian customs and values, religion land etc. the President needs to receive the written advice of relevant bodies and authorities favorable to such.

Term 'Fijians'

5. Section 5 of the Constitution stipulates that 'All citizens of Fiji shall be known as Fijians'. We do not agree with a common name for all people in Fiji. The name 'Fijian' is what the first people have been known and referred to by adventurers, missionaries, and writers who visited Fiji in the 16th and 17th centuries, well before, other ethnic group found Fiji as their home. Documentaries, books and literature in libraries and archives in Fiji and countries around the world prove this point. The name 'Fijian' should be reserved for the first people of Fiji and the others 'Fiji Islanders' as they were referred to in previous Constitutions. This is a matter of identity. It is a right recognised under the United Nations Declaration on the Rights of Indigenous Peoples.

The Senate

6. Fiji should revert to a bicameral parliament where we have a House of Representatives and a Senate as in previous Constitutions. The 'Senate' shall have members appointed by the BLV. Any laws or legislations, dealing with the right and interests of Fijians, should require the vote of the majority members appointed by the BLV to pass in the Senate.

Qoliqoli

7. 'Wai Ni Qoliqoli' ownership should be restored back to the Fijians. Although attempts have been made in the past to address the concern by the Fijians, the return of the ownership of the Wai Ni Qoliqoli is still pending. We support the re-introduction of the Qoliqoli Bill, drafted by the Qarase Government, to Parliament as soon as possible. The mechanics on how the 'wai ni qoliqoli' be administered, for the benefit of Fijians, be the responsibility of the Bose Levu Vakaturaga and to be approved by Parliament.

Composition of Civil Service

8. The Civil Service Act introduced in 2001 had stipulated that the allocation of jobs in the civil service should reflect closely the ethnic composition of the population of Fiji. This initiative was for good reasons. The Fijians now constitute more than 60% of the total population of Fiji. The trend in the civil service, in the last decades, shows that an increasing number of civil servants of the other ethnic groups, mostly Indo Fijian, have left Fiji and migrated to other countries in the world. As a consequence, Fiji had lost

millions invested in their training and permanent loss of manpower causing severe skill drain in sectors of the economy. Through all these, the faithful Fijian civil servants remain in Fiji to serve their country and the citizens of Fiji. A good proportion of Government institution are built on Fijian land given as a goodwill by the Fijian owners. Indian owned companies, in all sectors, tend to employ Indian workers as preference over other ethnic groups. It is only right that the majority of jobs in the civil service be for qualified Fijians. The merit-based selection criteria for those entering higher education institutions like FSM and teachers' colleges need to be improved. Currently civil servants of Indo Fijian origin are averse to rural postings after graduation. It may be prudent to include signed undertakings by applicants as criterion that they will take up mandatory 3 years postings upon graduation.

First right to jobs

9. Fiji citizens be given the first right to jobs in all economic sectors in Fiji. Non-citizens should only be considered to job vacancies after the vacancies have been advertised in the local media and that the vacancies cannot be filled locally. Due consideration needs to be given to those in rural settings when construction etc. works are to be carried out in their locale e.g. during post cyclone rebuilding.

Affirmative action for Rural Maritime dwellers

10. The Eastern Division is the poorest of all Divisions in Fiji according to recent Household Income and Expenditure Survey (source). Most of the provinces in the Division are maritime provinces and are faced with irregular transportation coupled with exorbitant travel costs that include passages, freight and airfares. Economic opportunities are limited resulting in rural to urban drift. The population of villages in the provinces have been falling for sometimes and increasing number of homes are left vacant. This is a serious concern for the provinces in the Division and solutions be found to reverse the situation. We propose that the Government puts in place tax incentives and pay rural dwellers an allowance monthly to help with their living cost in the hope of slowing down the urban drift by rural maritime dwellers. There is also a need for government regulations to be in place to control the cost of freight. Currently, boat owners arbitrarily determine freight costs. Further, a huge amount of what is given by government for construction improvement works in the maritime communities is chewed up in freight.

Reintroduction of communal and open seats in Parliament

11. Section 53 establishes a Proportional Representative System for general elections to the House of Representatives. This system of national election is unfair, establishes only one constituency and lacks accountability to the voters since the whole of Fiji is the only constituency. We support the reintroduction of the communal and national constituencies as in the past. The element of accountability of the members of the House

of Representatives to those that voted them in is an important responsibility lacking in the current voting system.

Excessive Powers of the Attorney General

12. The powers vested in the Office of Attorney General places it as the most powerful Office in any Government in power. The Office has been given powers under Sections 104, 106, 114 and 119 amongst others in the Constitution. The Attorney General (AG), under Section 119, is the Chairperson of the Mercy Commission. A lay person with necessary experience and qualification is more appropriate for the role. The Constitution should restrict the AG from holding any other Ministerial position since the AG is the principal legal adviser to the government and the issue of conflict of interest comes to question.

Re-introduction of controlled corporate punishment in Schools

13. Principals and Head Teachers be empowered to mete out controlled corporal punishment to students in schools. The deterioration of student behaviour and discipline in schools is a concern not only to teachers, but parents and the public. The current drug problem does not help the situation. Students have been caught trafficking drugs in school and other areas where people converge. Although Fiji has ratified Conventions specifying the rights of children, its implementation should be reviewed to address the issues raised above. This concern has also been raised by the Fijian Teachers Association and other provinces in Fiji. Fiji needs to maintain its sovereignty. Any declaration/rights determined externally needs a thorough analysis and revision to suit the Fiji context prior to adoption eg the rights of children in place in Fiji, is a far cry from what our context wants.

Christian State

14. Section 4, Secular State. We strongly propose that Fiji be declared 'A Christian State'. Christianity arrived in Fiji in 1835. At that time Fijians were worshiping other Gods. Infighting between tribes were common and cannibalism was practiced widely in the Fiji Islands. The introduction of Christianity to areas in Fiji, converting chiefs and warlords to be Christians resulted in the restoration of peace amongst the people of Fiji. Cannibalism and polygamy were discarded. Lives were spared through the name of Jesus Christ. The Fijians were Christians well before other ethnic groups came to settle in Fiji for various reasons. The Fijians comprise the majority of the population of Fiji and most are Christians. The Fijians have the right, as the first people of Fiji, to declare Fiji a Christian State and we recommend to the CRC to support our proposal.

Tikina representation to Provincial Councils

15. All Tikina members whether living and residing at the villages or in urban areas be entitled to represent their Tikinas in their respective Provincial Councils. This was the practice before the Bainimarama government restricted Fijians, living and residing in urban areas

by law, to represent their Tikinas to their respective Provincial Councils. It is a fact that most well educated Fijians reside and live in urban areas in Fiji and their involvement in the affairs of the Provincial Councils will benefit the welfare of Fijians through their experience, skills and professionalism. Any Fijian (registered in the Vola Ni Kawa Bula) irrespective of their residence can represent their people in any forum whether public or private. Power to represent to be the prerogative of the Tikina.

Fair Share of Mineral Extraction

16. Section 30. Right of Landowners to Fair Share of Royalties for Extraction of Mineral. The Section has not specified what it means by 'fair share'. We propose that the landowners should receive 50% of the net profit acquired from the extraction of mineral from their land and not to leave the matter open to be manipulated by others.

Right of 'Vasu' registered in the VKB

17. The Rights of those registered as 'Vasu' in the Vola Ni Kawabula (VKB) to be the same as other members of Tokatoka or Mataqali especially for Vasu in the same Mataqali. At a Tribunal hearing in the month of March, 2026 to hear and decide the dispute on the title of Tui Ono, the Chairperson of the three- member Tribunal ruled that the two brothers who are the sons of someone registered as 'vasu' could not participate in the hearing. If the ruling was legally based, then the Constitution should address the rights of the 'vasu' since we feel it is unfair and is an insult to the rights of a Fijian. Vasus have contributed a lot to the welfare of Tokatoka and Mataqali and Yavusa throughout Fiji.
We sincerely hope that the CRC will consider the above issues and we wish you well in your deliberations.

We would be grateful for an acknowledgement of our submission.

Yours faithfully,

Inoke Luveni
Chairperson

Tikina Qio-i Lau
* Mata ni Bosi ni Ka Vakavanua Lau Qio-i-Lau

Jikina Ono Vakatutu – Constitution Review Committee

(Submission Deadline – 30th August, 2026)

Lewe ni Veivosaki (List of Participants)

1. Tui Ono
2. Tui Lovoni
3. Anare Jale
4. Setoki Mataitoga
5. Biu Mika
6. Setoki Mafi
7. Setareki [Matokana]
8. Asaeli Jirimaidoka
9. Musu
10. Suka [Viro]
11. Ledua Filipe
12. Risiate Meke
13. Baleisaala Vakarorogo
14. Susana Yalikanacea
15. Mere Vakatalai
16. Enele Gauna
17. Sera Kolinisau
18. Bogi Luveni
19. Wati Walwala
20. Lavinia Dranivasa
21. Kesaia Marama
22. Asena Taro
23. Jijilia Serukeibau
24. Vakamoce Waqavakatoga

Kalo Exploration Pte Ltd

CONSTITUTION REVIEW COMMISSION OF FIJI

Submission by Kalo Exploration Pte Ltd

Section 30 of the Constitution — Mineral Ownership

The case for retaining State ownership of all minerals in or under any land or water in Fiji

Kalo Exploration Pte Ltd | Vanua Levu, Fiji | June 2026

Executive Summary

POSITION OF KALO EXPLORATION PTE LTD

Section 30(1) of the 2013 Constitution vests all minerals in the State — a principle that is sound in law, consistent with global norms, and essential for investor confidence.

Kalo Exploration Pte Ltd strongly opposes any amendment to Section 30(1) that would transfer mineral ownership to customary landowners. Such a change would be constitutionally disruptive, practically unworkable, and would put mineral exploration and mining investment in Fiji at serious risk.

Landowners are not without protection. The Constitution already guarantees them a fair share of royalties (s.30(1)), and the Fair Share of Mineral Royalties Act 2018 gives effect to this by directing 80% of the royalties the State receives to landowners — risk-free, from the first ounce extracted.

About Kalo Exploration Pte Ltd

Kalo Exploration Pte Ltd is a gold exploration company holding Special Prospecting Licences on Vanua Levu, Fiji. The company has made substantial capital commitments in Fiji's mineral sector, employing local workers, engaging iTaukei communities, and supporting the local economy through wages, local procurement, and the licence and statutory fees it pays to the State. Our investment is premised on the legal certainty that minerals are owned by the State and that exploration and mining rights are granted by the State through a transparent regulatory framework.

We make this submission to the Constitution Review Commission in good faith, and with respect for the rights and aspirations of iTaukei landowners. The issue of mineral ownership is not a contest between investors and landowners — it is a question of which legal framework best serves all Fijians, including landowners, over the long term.

The Current Constitutional Position

Section 30(1) of the 2013 Constitution provides:

CONSTITUTION OF THE REPUBLIC OF FIJI — SECTION 30(1)

"All minerals in or under any land or water, are owned by the State, provided however, that the owners of any particular land (whether customary or freehold), or of any particular registered customary fishing rights shall be entitled to receive a fair share of royalties or other money paid to the State in respect of the grant by the State of rights to extract minerals from that land or the seabed in the area of those fishing rights."

This provision does two things simultaneously. First, it vests absolute ownership of all minerals in the State. Second — and critically — it enshrines the right of landowners to receive a fair share of royalties as a constitutional guarantee. The landowner right is not dependent on mineral ownership; it is expressly preserved alongside State ownership.

The Fair Share of Mineral Royalties Act 2018 gives effect to Section 30(1) by directing 80% of the royalties paid to the State to the relevant landowners. An 80% share of the State royalty is among the most generous landowner royalty entitlements of any mining jurisdiction. For completeness, this is 80% of the royalty payable to the State — currently 5% of value for gold (and 3% for bauxite and iron ore) under the Mining Regulations 1966 — rather than 80% of the value of the minerals themselves.

The TLTB's Publicly Stated Position and Why It Should Not Be Adopted

Kalo Exploration Pte Ltd is aware that the iTaukei Land Trust Board (TLTB) has publicly stated its position that mineral ownership should be returned to iTaukei landowners and qoliqoli owners, and has indicated it has made submissions to this Commission to that effect. We respectfully submit that this position should not be adopted. Our reasons are set out in full below.

We acknowledge the genuine frustration of landowners who see mineral extraction occurring beneath their ancestral lands and who wish to have greater control over their resources. These concerns are legitimate and deserve to be addressed. However, transferring mineral ownership is the wrong solution — and one with serious consequences for Fiji's economy and for landowners themselves.

1. State Mineral Ownership Is the Global Norm — No Amendment Is Needed

State ownership of subsoil minerals is not a peculiarity of Fiji's constitutional arrangements. It is the overwhelmingly dominant model across the world. The following table illustrates how Fiji's Section 30(1) aligns with its regional neighbours and major mining jurisdictions globally:

Jurisdiction	Mineral Ownership Framework
Papua New Guinea	All minerals vested in the State under the Mining Act 1992
Solomon Islands	Minerals vested in the people and Government; directly comparable to Fiji
Australia	All minerals owned by the Crown (State or Territory); no private mineral ownership
Canada	Minerals owned by the Crown on most land; private freehold mineral titles exist only in specific provinces (Alberta, Saskatchewan) on pre-Crown grant land
South Africa	Minerals custodianship vested in the State under the Mineral and Petroleum Resources Development Act 2002
Brazil, Chile, Peru, Mexico	All constitutionally vest subsoil mineral resources in the State or nation
Philippines	All natural resources owned by the State under Article XII of the Constitution
United States	The primary global exception — a historical anomaly of frontier settlement policy. No comparable jurisdiction has adopted this model since.

The case for State mineral ownership in Fiji does not need to be argued from first principles. Fiji is already aligned with global consensus. The Commission would need extraordinary justification to depart from a framework shared by virtually every comparable jurisdiction. None has been provided.

2. Private Mineral Ownership by iTaukei Groups Is Practically Unworkable

Even if the Commission were persuaded that landowner mineral ownership was desirable in principle, it faces an insurmountable practical problem: iTaukei land tenure is communally held through mataqali (land-owning units), tokatoka and yavusa. A single mineral deposit may underlie land held by multiple mataqali, with overlapping and sometimes disputed boundaries.

Consider a practical scenario. A gold exploration company identifies a viable orebody on Vanua Levu. The orebody sits beneath land held by three mataqali. Under a private mineral ownership model:

- Which mataqali owns the minerals? All three? In proportion to overlying land area?
- What if the boundaries are disputed or unclear — a common situation in Fiji?
- Who has the authority to negotiate? The Turaga ni mataqali? The full mataqali assembly? The TLTB?
- What happens if one mataqali refuses to grant access while the others agree?
- How does an investor obtain a single, clear title to proceed?

Under the current State ownership model, these questions do not arise. The State grants exploration and mining rights through a single, transparent regulatory process. Landowners are protected through constitutionally guaranteed royalties, surface access rights, and the consultation framework under the Mining Act. This model works. Private mineral ownership would introduce a degree of fragmentation and uncertainty that would make mineral investment in Fiji extremely difficult to underwrite.

3. Landowners Are Already Constitutionally Protected and Generously Compensated

The TLTB's publicly stated position characterises the current regime as inadequate. Kalo Exploration respectfully disagrees. Landowners under the existing framework receive:

Landowner Protection	Detail
Constitutional royalty right	Section 30(1) enshrines the right to a fair share of royalties — this cannot be reduced by ordinary legislation
80% of the State royalty	The Fair Share of Mineral Royalties Act 2018 directs 80% of the royalties paid to the State to landowners — among the highest landowner royalty shares of any jurisdiction
Income from Year 1	Royalties commence with first production — landowners bear zero financial risk while receiving guaranteed income throughout the mine life
Surface access rights	Landowners retain full rights to their land surface and must provide consent for surface disturbance
Consultation rights	Mandatory community consultation is required at each stage of exploration and mining under the Mining Act

Using the financial model for a representative gold mine on Vanua Levu modelled over a 38-year project life, Kalo Exploration's analysis demonstrates that landowners would receive a total of approximately USD 223 million in royalty payments — every dollar of it risk-free, guaranteed from first production, requiring zero capital contribution from landowners.

By contrast, the investing company must commit approximately USD 263 million in exploration, development and capital expenditure before a single dollar of revenue is received. On Kalo Exploration's modelling, the company does not recoup its cumulative investment until Year 28 of the project, earning an average annual return below the rate of inflation across the full project life.

The landowner is the best-positioned party in the mining relationship: guaranteed income, zero risk, constitutional protection, no capital requirement.

Transferring mineral ownership would not improve this position. It would add complexity, uncertainty and legal cost — while deterring the very investment that generates landowner royalties in the first place.

4. Investor Confidence Depends on Constitutional Certainty

Mineral exploration is a long-cycle, high-risk business. A company commencing exploration in Fiji today will not reach production for 10 to 25 years, if ever. During that period, it must raise capital from international investors who will assess — among many factors — the legal stability of the jurisdiction in which they are investing.

Constitutional certainty over mineral ownership is foundational to this assessment. International investors will not commit hundreds of millions of dollars to a jurisdiction where the ownership of the underlying resource is subject to amendment, dispute or fragmentation. A constitutional change to Section 30(1) — regardless of its final form — would signal to the international investment community that Fiji's resource framework is unstable.

To illustrate with a real-world example: in 2017, Tanzania moved sharply towards resource nationalism — imposing a ban on the export of unprocessed mineral concentrates, issuing a retrospective multi-billion-dollar tax demand against its largest gold producer, and enacting new mining laws that raised royalties, asserted greater State control, and curtailed access to international arbitration. The consequences were immediate and severe. Acacia Mining — the country's largest gold producer — lost roughly two-thirds of its market value over the course of 2017, and exploration investment collapsed. The dispute was resolved only years later, through a settlement under which (after Barrick Gold acquired Acacia) a joint venture was formed giving the Tanzanian Government a 16% free-carried interest. Tanzania eventually recovered some revenue, but it did so through years of confrontation and investment collapse rather than stable, growing production.

Fiji cannot afford to repeat that experience. The country's mineral sector is at an early stage of development. **The pipeline of exploration projects that could generate future royalty income for landowners — and broader government revenue — depends entirely on investor confidence that the rules will not change.**

5. Windfall Inequality Would Arise Between Landowners

A further consequence of private mineral ownership — rarely discussed in the debate — is the extreme inequality it would create among iTaukei landowners. If mineral ownership is vested in the mataqali or land-owning unit whose land sits above a mineral deposit, the financial benefit flows exclusively to that group.

Under the current framework, royalties flow to all of Fiji via the State (20%), and to the directly affected landowners (80% of the royalties the State receives). The State component enables national investment in infrastructure, services and communities across Fiji. Under a private ownership model, the full mineral value flows to one group — in some cases a single small mataqali — while neighbouring communities, whose land was simply unlucky enough not to sit above a deposit, receive nothing.

This outcome is difficult to reconcile with any principle of equity or national unity. The Constitution already achieves the right balance: it ensures that directly affected landowners receive the largest share of royalties, while the State retains a portion to benefit all Fijians.

6. The Constitution Already Addresses the Underlying Concern

The underlying concern driving the TLTB's publicly stated position — and the broader landowner movement on this issue — is that iTaukei communities do not receive sufficient benefit from the extraction of minerals beneath their lands. Kalo Exploration takes this concern seriously and does not dismiss it.

However, the correct response is not to transfer mineral ownership. The correct response is to ensure that the royalty framework operates as the Constitution intends: delivering a fair share, promptly, transparently and without leakage, to the landowners whose land is affected.

If the Commission wishes to strengthen landowner protections, Kalo Exploration would support the following measures — all of which can be implemented without altering Section 30(1):

- Strengthening the royalty distribution framework to ensure timely and transparent payment to the correct landowner groups

- Improving the consultation framework so that landowners are meaningfully engaged at each decision point
- Establishing a community development fund mechanism, funded by a proportion of mining company contributions, to deliver long-term benefits to affected communities beyond the royalty stream
- Clarifying the definition of 'fair share' in the Constitution to provide stronger guidance to Parliament and the courts

None of these measures requires amending Section 30(1). They are enhancements to the existing framework — not replacements for it.

Summary of Positions

Issue	TLTB Proposal	Kalo Exploration Position
Mineral ownership under s.30(1)	Transfer to landowners / mataqali	**Retain in the State — no amendment**
Royalty share to landowners	Increase / full ownership	Current 80% share is appropriate; strengthen delivery mechanisms
Investor certainty	Not addressed	Constitutional stability is essential; amendment would deter investment
Consultation framework	Strengthen	Agreed — improve consultation without altering ownership
Landowner equity between groups	Not addressed	Private ownership creates windfall inequality; current model distributes benefit more equitably

Conclusion

Section 30(1) of the Constitution of the Republic of Fiji reflects a carefully balanced and internationally consistent framework. It vests mineral ownership in the State — the global norm in every comparable jurisdiction — while providing landowners with a constitutionally guaranteed right to a fair share of royalties, implemented through the Fair Share of Mineral Royalties Act 2018 at one of the highest landowner royalty shares of any mining jurisdiction.

Kalo Exploration Pte Ltd respectfully urges the Constitution Review Commission not to amend Section 30(1). The current framework:

- Is consistent with the constitutions and mining laws of Australia, Papua New Guinea, Solomon Islands, the Philippines, and virtually every other comparable jurisdiction;
- Provides landowners with constitutionally entrenched rights to 80% of the royalties the State receives, risk-free and from first production;
- Enables investor confidence by providing legal certainty over the ownership of the resource being developed;
- Avoids the fragmentation, inequality and unworkability that private mineral ownership by communal iTaukei groups would create; and
- Is susceptible to enhancement — including stronger consultation, better royalty delivery, and community development fund mechanisms — without any change to the constitutional text.

Kalo Exploration Pte Ltd also draws the Commission's attention to the parallel review of Fiji's Mining Act, before which proposals to increase the mineral royalty rate have also been advanced. The Commission should be aware that these two issues are connected: a change in mineral ownership *and* a significant increase in the royalty rate would each, independently, be capable of ending Fiji's mineral exploration and mining industry. Together, the risk compounds. Landowners and the State alike should consider carefully what that outcome means in practice: if there is no investment, there is no production; if there is no production, there are no royalties. One hundred percent of nothing is nothing. The current framework — State mineral ownership and a competitive royalty rate — is not a concession to investors. It is the foundation upon which landowner royalty income, government revenue, and Fiji's long-term economic development all depend.

FINAL POSITION

The landowner is already the best-compensated, zero-risk party in Fiji's mining equation. The Constitution got this right. The appropriate response to landowner concerns is to improve delivery of existing rights — not to alter the constitutional framework, or increase the royalty burden, in ways that would put investment in Fiji's mineral sector at risk. One hundred percent of nothing is nothing.

Kalo Exploration Pte Ltd thanks the Constitution Review Commission for the opportunity to make this submission and welcomes further engagement on any of the matters raised herein.

Kalo Exploration Pte Ltd
Special Prospecting Licences, Vanua Levu, Fiji
June 2026

Ministry for Women, Children and Social Protection

30 June 2026

The Chairman
Constitution Review Commission
Level 9, Suvavou House
Suva.

Dear Chairman Valenitabua,

It gives me great pleasure to submit proposed recommendations by the staff of the Fiji Ministry for Women Children and Social Protection (MWCSP) with regards to your call for Submissions to the Constitution Review Commission (CRC).

The Constitution should continue to protect fundamental rights while ensuring that governance structures, legislative frameworks and independence of the three arms of government remain practical, effective, and responsive to Fiji's evolving social, economic, and security challenges. Constitutional reform should therefore focus not only on the recognition of rights but also on creating the legal and institutional conditions necessary for those rights to be meaningfully realised in practice. The MWCSP reaffirms its committement to protecting the most vulnerable, economic empowerment of our people and providing equity, equalitu and a human rights approach for persons in Fiji.

Please contact the undersigned Ms Selina Kuruleca via email Selina.kuruleca@justice.gov.fj or 998 1767 or Mr Thomas Bali via email thomas.bali@mwcsp.gov.fj or 802 0583

Yours Respectfully

MS SELINA KURULECA

A/PERMANENT SECRETARY

Ministry for Women Children Social Protection

WRITTEN SUBMISSION ON THE

REVIEW OF THE CONSTITUTION OF THE REPUBLIC OF FIJI 2013

Introduction

This submission is dividied into 4 parts.

Part 1: General Recommendations on Bill of Rights

Part 2: Constitutional Amendments to Strengthen the Protection of All Children, with Particular Emphasis on Children with Disabilities

Part 3: Submission to CRC on Women Participation - TSM

Part 4: Submission on Social Cohesion

Part 1: General Recommendations on the Bill of Rights

Part 1 submission focuses on the Bill of Rights and commitment to equality. These recommendations are opportunities to further enhance effectiveness, clarity, and enforceability to better respond to current socio-economic challenges.

The following are proposed changes for the CRC to consider on the review of the 2013 Fiji Constitution:

Chapter	Proposed Change	Justification
Right to Personal Liberty Chapter 2, Section 9 (1) A person must not be deprived of personal liberty except (h) for the purpose of the person's care or treatment or for the protection of the community if he or she is, or is reasonably suspected to be, of unsound mind, addicted to drugs or alcohol, or a vagrant; or	remove vagrant	The term "vagrant" is commonly understood to refer to a person experiencing homelessness. Its inclusion suggests that individuals who are homeless may be excluded from the full protection of personal liberty under the Constitution. This raises human rights concerns, as it implies unequal treatment based on socio-economic status.
Right to equality and freedom from discrimination Chapter 2, Section 26 (3) A person must not be unfairly discriminated against, directly or indirectly on the grounds of his or her	include- parental status and family responsibilities	Discrimination may arise on various grounds, including parental status and family responsibilities. No person shall be treated unfairly or subjected to any disadvantage on the basis of being a parent,

Chapter	Proposed Change	Justification
(a) actual or supposed personal characteristics or circumstances, including race, culture, ethnic or social origin, colour, place of origin, sex, gender, sexual orientation, gender identity and expression, birth, primary language, economic or social or health status, disability, age, religion, conscience, marital status or pregnancy; or	(a) actual or supposed personal characteristics or circumstances, including race, culture, ethnic or social origin, colour, place of origin, sex, gender, sexual orientation, gender identity and expression, birth, primary language, economic or social or health status, disability, age, religion, conscience, marital status, pregnancy, parental status or family responsibilities; or	including being a single parent, or due to responsibilities for the care of a family member.
Chapter 2, Section 26 (5) Every person has the right of access, membership or admission, without discrimination on a prohibited ground, to shops, hotels, lodging-houses, public restaurants, places of public entertainment, clubs, education institutions, public transportation services, taxis and public places.	include work or employment Every person has the right of access, membership or admission, without discrimination on a prohibited ground, to work/ employment, to shops, hotels, lodging-houses, public restaurants, places of public entertainment, clubs, education institutions, public transportation services, taxis and public places.	This right is essential as it guarantees equal access to employment opportunities, enabling all individuals to earn a livelihood and participate fully in society without discrimination. It promotes fairness and inclusion in the labour market, helps reduce poverty, and upholds human dignity by ensuring that no person is excluded from work on the basis of irrelevant or unjust grounds.

Additional considerations to include:

- Section 6 (5) (a,b,c) could be open to interpretation that could unreasonably limit someone's rights. It is saying that our rights under Chapter 2 are not exclusive even though we have rights, they are subject to limitations as authorized or permitted by another written law. Constitution should be the supreme law of the land.
- Incorporate provisions for disaster-responsive social protection payouts;
- Introduce a clause mandating equitable access to rural infrastructure and services across all divisions, including rural and maritime areas.

Part 2: Constitutional Amendments to Strengthen the Protection of All Children, with Particular Emphasis on Children with Disabilities

Fiji ratified the CRC in 1993 and the CRPD in 2017. Under international law, the state must align its supreme domestic law with these commitments. Incorporating these amendments will bridge the gap between international rhetoric and domestic enforcement, positioning Fiji as a regional leader in human rights

Part 2 outlines urgent amendments required in Chapter 2 (Bill of Rights) of the 2013 Constitution of Fiji. While the current text provides a baseline for human rights, it relies heavily on "progressive realization" and lacks intersectional focus. This leaves children with physical, intellectual, developmental, and psychosocial disabilities highly vulnerable to systemic exclusion, institutional neglect, and abuse.

To fulfill Fiji's obligations under the United Nations Convention on the Rights of the Child (CRC) and the United Nations Convention on the Rights of Persons with Disabilities (CRPD), the Constitution must move from a framework of conditional welfare to enforceable, immediate rights.

Issue 1: Lack of Intersectional Visibility for Disabled Children

- Current Provision: Section 41 (Children) outlines general rights but fails to recognize that children with disabilities experience distinct, compounding forms of vulnerability.
- The Problem: Without explicit mention, public policy and resource allocation routinely overlook the specialized care required for disabled minors.
- *Recommended Amendment: Amend Section 41(1) by inserting a new subsection (e):*

  "41.—(1) Every child has the right—
  (e) to specialized care, protection, and assistance tailored to their specific physical, intellectual, or developmental needs, ensuring their full and dignified integration into society."

Issue 2: Weak Definition of "Best Interests of the Child"

- Current Provision: Section 41(2) dictates that a child's best interests are the paramount consideration in every matter concerning the child.
- The Problem: The term "best interests" is ambiguous and frequently interpreted without considering the environmental and communication barriers faced by disabled children.
- *Recommended Amendment: Amend Section 41(2) to read:*

  "(2) A child's best interests are the paramount consideration in every matter concerning the child. For children with disabilities, this must legally include the mandatory provision of reasonable accommodation, adaptive technologies, and specialized support services across all public institutions."

Issue 3: Absence of Enforceable Inclusive Education Mandates

- Current Provision: Section 31 guarantees the right to early childhood, primary, and secondary education, but does not specify access criteria for children with unique learning needs.
- The Problem: Mainstream schools routinely turn away children with disabilities due to a lack of infrastructure, forcing them into underfunded, segregated special education facilities.
- *Recommended Amendment: Amend Section 31 by inserting a new subsection (6):*

  "(6) The State must guarantee an inclusive education system at all levels. No child shall be denied admission to a local mainstream educational institution on the basis of disability, and the State shall ensure the provision of accessible learning materials, sign-language instruction, and braille resources."

Issue 4: Budgetary "Progressive Realization" Loopholes for Minors

- Current Provision: Section 42(2) permits the State to delay the implementation of disability rights based on "available resources" and "progressive realization."
- The Problem: Children have a narrow window of development; waiting decades for progressive realization causes permanent, irreversible developmental damage.
- *Recommended Amendment: Amend Section 42(2) by adding a strict proviso:*

  "(2) To the extent that the rights guaranteed in this section... require societal resources, the State must take reasonable legislative and other measures... Provided that these limitations shall not apply to children. The provision of accessible healthcare, early intervention, and educational support for children with disabilities is an immediate, binding obligation of the State."

Issue 5: Ubiquity of Corporal Punishment and Abuse Risks

- Current Provision: Section 11 protects individuals from cruel, inhumane, or degrading treatment, but does not explicitly criminalize physical discipline in all spheres.
- The Problem: Children with communication barriers or intellectual disabilities are at a disproportionately higher risk of severe corporal punishment and hidden abuse in domestic and institutional settings.
- *Recommended Amendment: Insert a new subsection (4) into Section 11:*

  "(4) Corporal punishment is strictly prohibited in all settings, including homes, schools, and care institutions. Any form of physical discipline or violence perpetrated against a child, particularly a child with a disability, shall be deemed an aggravated violation of human dignity."

Part 3: Submission to CRC on Women Participation - TSM

1. The Electoral System

- The Problem: Fiji uses a Single National Constituency with an Open-List Proportional Representation (PR) system. Because there are no geographic or regional districts, voters choose from one massive ballot paper, making it incredibly difficult for individual women candidates to stand out without immense nationwide funding and backing.

- *Recommendation: Reform the system into a Representative Constituency Model. A multi-member or split-seat constituency system should be introduced where each district elects a set number of candidates, with a legislated mandate that a specific number of those seats are reserved strictly for women. Consideration for amendment to allow for the creation of special sub-constituencies or a "Reserved Seat" framework without violating the principle of proportional representation. A clause must be added giving the Electoral Commission the explicit power to adjust and designate specific parliamentary seats exclusively for women until parity is achieved.*

2. Political Party Regulations

- The Problem: Political party selection processes in Fiji are traditionally patriarchal, informal, and lack transparency. Parties voluntarily choose candidates, often prioritizing male candidates who are perceived to have higher traditional or financial social standing.
- *Recommendation: Amend the Political Parties (Registration, Conduct, Funding and Disclosures) Act to mandate Legislated Party Quotas. Political parties must be legally required to field a candidate list that contains a minimum threshold (e.g., 30% to 50%) of women, utilizing a "zipper system" (alternating male and female names) to ensure women are placed in winnable positions on the ballot.*

3. Political Financing & Campaign Support Systems

- The Problem: Running a nationwide political campaign in Fiji is prohibitively expensive. Women have statistically less access to independent capital, land ownership equity, and large corporate donors compared to their male counterparts.
- *Recommendation: Establish state-funded campaign subsidies and logistical support specifically ring-fenced for registered women candidates. This should include legal caps on campaign spending to level the playing field and financial penalties for political parties that fail to allocate equitable campaign resources to their female candidates.*

4. The Judiciary and Legal Interpretation Framework

- The Problem: There is a lingering legal misinterpretation that TSMs or quotas violate the absolute anti-discrimination clauses of Fiji's legal architecture, creating institutional hesitation from legal officers including the office of the solicitor general.
- *Recommendation: Standardize the formal integration of international human rights treaties into domestic legal drafting. The state must explicitly train state legal officers and judicial bodies to harmonize domestic law with the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). This includes formalizing CEDAW General Recommendation No. 25, which clarifies that TSMs are a mechanism to accelerate de facto equality, not a form of unlawful discrimination.*

5. Local Governance & Municipal Systems

- The Problem: Local government and municipal councils (which feed directly into the national leadership pipeline) have historically operated without mandated structures ensuring equal representation, reducing the number of women gaining early executive political experience.
- *Recommendation: Introduce mandatory TSMs into municipal and provincial regulations. For example, local town councils and provincial boards should be legally restructured to require a 30% minimum floor for women leaders, serving as a vital pipeline for future national parliamentary leadership.*

6. Right to Equality and Freedom from Discrimination

- The problem: Section 26 provides a robust guarantee of equality before the law and strictly prohibits discrimination on the basis of gender, sex, and other grounds. However, unlike the 1997 constitution, it lacks highly explicit, unassailable language protecting gender-targeted affirmative action in political spheres.
- *Recommendation: An explicit savings clause or proviso must be added to Section 26 stating that temporary special measures, electoral quotas, or affirmative action policies designed to accelerate gender equality in political and national leadership do not constitute a breach of the right to equality or non-discrimination.*

Part 4: Submission on Social Cohesion

Strengthening social cohesion in Fiji requires addressing constitutional mechanisms that govern representation and national reconciliation. To foster unity, Fiji can amend provisions related to the electoral system, the protection of Indigenous and minority rights, and historical coup immunity.

Specific sections of the Fiji 2013 Constitution that would need to be amended to reflect strengthened Social Cohesion include:

1. Reforming the Electoral System
   - Section to Amend: Section 53
   - Recommended Amendments: Currently, Section 53 establishes an open-list proportional representation system using a single, multi-member national constituency.
     - *Recommended Change: Amend Section 53 to restore a constituency-based or hybrid electoral model. This would ensure that Members of Parliament are directly accountable to localized community regions rather than relying solely on a nationwide party list, which many civil society groups argue dislocates local representation.*

2. Protecting Cultural and iTaukei Institutions
   - Section to Amend: Chapter 1 and Section 53.
   - Recommended Amendments: The 2013 constitution removed explicit provisions that guaranteed iTaukei, Rotuman, and Banaban customary rights.
     - *Recommended Change: Introduce constitutional clauses that recognize and protect traditional Indigenous governance structures (such as the Bose Levu Vakaturaga, or Great Council of Chiefs), as well as customary land and resource ownership, to provide cultural stability and bridge the gap between ethnic and national identities.*

3. Addressing Historical Grievances and Coup Immunity
   - Section to Amend: Chapter 10
   - Recommended Amendments: Chapter 10 historically entrenched blanket immunity for those involved in past political upheavals and coups.
     - *Recommended Change: Review and amend the immunity provisions to ensure accountability for human rights violations and to foster a culture of truth and reconciliation. Restoring faith in the justice system is critical for long-term community cohesion.*

4. Broadening National and Religious Identity
   - Section to Amend: Chapter 1 Section 5 and Chapter 2
   - Recommended Amendments: The 2013 constitution mandates that all citizens are known as "Fijians".
     - *Recommended Change: Balance this broad national identity with explicit constitutional recognition of Fiji's multi-ethnic, multi-lingual, and multi-religious diversity. This can be strengthened by enshrining protections for minority language and religious practices into the Bill of Rights.*

Conclusion & Call to Action

Social cohesion and national development are impossible if our most vulnerable citizens are left behind. True protection requires a constitutional framework that

leaves no room for state complacency or budgetary excuses when it comes to the safety and development of a child, persons with disability, women and all vulnerable. We urge the Commission to adopt these specific recommendations in the interest of justice, economic empowerment, protection of the most vulnerable and national unity.

Ministry of Justice

29 June 2026

The Chairman
Constitution Review Commission
Level 9, Suvavou House
Suva.

Dear Chairman Valenitabua,

It gives me great pleasure to submit proposed recommendations by the staff of the Fiji Ministry for Justice with regards to your call for Submissions to the Constitution Review Commission (CRC).

The Constitution should continue to protect fundamental rights while ensuring that governance structures, legislative frameworks and independence of the three arms of government remain practical, effective, and responsive to Fiji's evolving social, economic, and security challenges. Constitutional reform should therefore focus not only on the recognition of rights but also on creating the legal and institutional conditions necessary for those rights to be meaningfully realised in practice.

Please contact the undersigned Ms Selina Kuruleca via email Selina.kuruleca@justice.gov.fj or 998 1767 or Ms Treta Sharma via email treta.sharma@justice.gov.fj or 923 4171

Yours Respectfully

MS SELINA KURULECA

PERMANENT SECRETARY

Ministry for Justice

CONSTITUTION REVIEW COMMISSION SUBMISSION

BY THE MINISTRY OF JUSTICE

1. Section 16 – Executive and Administrative Justice

Section 16 currently excludes companies registered under the Companies Act 2015 from invoking the constitutional right to executive and administrative justice.

We submit that this exclusion is not consistent with the principles of the rule of law, good governance, and economic stability. While the intention may be to prevent corporations from using constitutional litigation to frustrate legitimate public-interest regulation, a blanket exclusion removes important protections against arbitrary administrative action, abuse of power, and corruption.

Businesses contribute significantly to employment, investment, economic growth, and national development. Government decisions affecting companies can have direct consequences for employees, shareholders, creditors, and communities. Accordingly, companies should have access to constitutional protections where the nature of the right is capable of applying to a legal person.

Furthermore, companies already have standing to seek judicial review of administrative decisions. Given the availability of judicial review remedies, the constitutional exclusion appears inconsistent and unnecessary. Consideration should therefore be given to extending Section 16 protections to legal entities where the nature of the right permits.

2. Right to Legal Identity

There is currently no explicit constitutional right to legal identity in the Constitution of Fiji.

Although elements of legal identity are indirectly protected through provisions relating to citizenship, equality, registration, and legal recognition, the Constitution does not expressly guarantee this right.

We support the introduction of an explicit constitutional right to legal identity. As Fiji progresses toward a National Identification (NDID) System, constitutional recognition of legal identity would provide a strong legal foundation for ensuring that every person is recognized before the law and can access government services, healthcare, education, financial services, and other rights.

An express constitutional provision would also align Fiji with emerging international standards concerning identity management, digital governance, and inclusion.

3. Section 27 - State Reversion Clauses and Compulsory Acquisition

Section 27 provides that land acquired by the State for a public purpose must revert to the original customary owners once it is no longer required for that purpose.

While the protection of customary land ownership is important, the automatic reversion requirement may create practical challenges for long-term national development and infrastructure planning. Future public projects may require the same land or surrounding areas, and reversion can create uncertainty, additional negotiations, and delays.

Where land is no longer required for its original public purpose, consideration should be given to allowing the State to retain ownership or utilise the land for other public purposes, subject to appropriate safeguards, transparency requirements, and compensation mechanisms.

Any reform should seek to balance the protection of customary land rights with the need for efficient economic development and public infrastructure delivery.

4. Socio-Economic Rights – Implementation and Operationalization (cross cutting issues for Ministry of Justice)

The Constitution contains several important socio-economic rights, including the right to health, children's rights, rights of persons with disabilities, and the right to education.

While these rights are commendable and reflect Fiji's commitment to human dignity and social justice, there remains a significant gap between constitutional guarantees and practical delivery.

(a) Right to Health – section 38

The constitutional right to health should be supported through adequate funding, infrastructure, staffing, medical equipment, and service delivery mechanisms. Particular attention should be given to ensuring equitable access across rural, maritime, and remote communities.

(b) Rights of Children – section 41

The constitutional protections afforded to children should be accompanied by strengthened implementation measures, including support for families, schools, child protection services, and community-based programmes.

(c) Rights of Persons with Disabilities – section 42

Greater investment is needed in accessible infrastructure, transportation, education, healthcare, employment opportunities, and public services to ensure the effective realization of constitutional rights for persons with disabilities.

(d) **Right to Education – section 31**

The constitutional commitment to free education should be progressively expanded to include universal access to quality early childhood education. This may require the establishment and support of government-funded early childhood centres throughout Fiji.

Overall, constitutional rights must be matched by institutional capacity, sustainable funding, effective governance, and measurable implementation frameworks. The work to be done must reflect the guarantees proposed to be embedded in the Constitution.

5. Electoral Reform and Referendum Legislation

We support a review of Fiji's electoral framework and recommend consideration of the following reforms:

(a) Increased Representation of Women

Legislation should provide mechanisms to increase women's representation in Parliament, including consideration of reserved seats, candidate quotas, or minimum representation thresholds. Temporary Special Measures (TSM) should not be reserved only for establishing quotas but must be embedded in all systems that are to promote women participation in national domestic leadership and women participation and inclusion in political leadership.

Increasing women's participation in political leadership would promote diversity, strengthen decision-making, and ensure that the perspectives and concerns of women are more effectively represented in national policymaking.

(b) Constituency-Based Representation

Consideration should be given to introducing constituency-based electoral representation.

Such a system would:

- Ensure every community has a clearly identifiable Member of Parliament responsible for representing local interests.

- Strengthen accountability by allowing citizens to directly engage with and assess the performance of their local representative.

- Encourage elected representatives to maintain regular engagement with their communities throughout their term of office rather than only during election periods.

- Improve representation of rural, remote, and geographically isolated communities.

- Ensure local development priorities receive consistent attention within Parliament and Government.

For example, where critical infrastructure such as roads, bridges, schools, or health facilities require attention, communities would have a dedicated representative responsible for advocating on their behalf.

6. Constitutional and Legislative Consistency

References to Decrees in the constitution and provisions relating to the financial year ending on 31 December should be reviewed to ensure consistency with current legal and administrative arrangements.

(We are not sure whether that has been corrected or not in so far as the constitution is concerned; however we thought to raise it here for drafting purposes)

7. Emerging National Security and Financial Crime Challenges

Consideration should be given to including constitutional recognition of the State's responsibility to combat emerging threats such as:

- Money laundering;
- Terrorist financing;
- Cybercrime;
- Cybersecurity threats;
- Transnational organised crime; and
- Digital fraud and financial crimes.

While these matters are currently addressed through legislation, constitutional recognition would elevate their importance and provide a stronger framework for national coordination, resilience, and security.

Any such provisions should balance national security objectives with constitutional protections relating to privacy, due process, human rights, and the rule of law.

Social Empowerment Education Programme

Fiji 2013 Constitution Review

Social Empowerment Education Programme Submission

2026

About SEEP

The Social Empowerment Education Programme (SEEP) is a local organisation founded on social justice and empowerment principles. Its vision is of a Fiji that is just, inclusive, and peaceful, and whose people have equal opportunity.

There are two main goals:

1. That marginalised people and communities (with a focus on women and youth) will adopt the ability to make decisions and take proper actions that will result in them reaping a fruitful future.

2. That our nation is focused on genuine sustainable people-centred policies and practices.

These goals are guided by our principles: people-centred, community voice, rights-based, equality, strength-based, Fijian and integrated practices of democracy, and solidarity and coalitions.

Contact Person:

Name: Ms. Chantelle Khan.

Position: Executive Director-SEEP.

Address: 61 Richards Road, Domain, Nasese.

Contact details: (679) 3100170/ **email:** coordinator@seep.org.fj.

1.0. Introduction

The Social Empowerment Education Programme (SEEP) is a people-centred organisation that has worked alongside communities across Fiji; listening to their struggles, witnessing their resilience, and supporting their ability to speak out on the issues that affect their daily lives. We do not claim to speak for communities; rather, we accompany them, amplify their voices, and create platforms where their concerns can be heard by those in power.

It is from this foundational commitment to grassroots empowerment that SEEP welcomes the opportunity to present this submission to the Constitutional Review Commission. We thank the Government of the day for initiating this constitutional review process and acknowledge the establishment of an independent Commission to travel across the country, hold open public consultations, and receive written submissions from individuals, communities, government institutions and civil society organisations. [1]

Fiji's constitutional journey has been long and complex. The 2013 Constitution was formally signed into law by the President on 6th September 2013 under the Fiji Constitutional Process (Adoption of Constitution) Decree 2013 (Decree No. 12 of 2013) and came into effect immediately.[2] That decree effectively bypassed the broader public participation and endorsement processes typically associated with constitution-making. As a result, the Constitution was imposed from above rather than chosen by the people. The Supreme Court of Fiji has since acknowledged this *"democratic deficit"*, noting that the Constitution's origins in a military-led process stand in tension with its own declared democratic values.[3]

SEEP recognises that no constitution is perfect, and that the 2013 document contains important advances particularly in its Bill of Rights and its rejection of ethnicity-based voting. However, we also believe that a constitution which emerges without the genuine consent of the people carries a legitimacy gap that no court decision can fully heal. That is why this review is so important. It is not an act of rejection; it is an act of completion. It is an opportunity to transform a document written by decree into a living compact forged by the people.

This submission reflects decades of SEEP community engagement, and careful analysis of the 2013 Constitution as it operates in real life. We have drawn not only on the formal constitutional text but also on the lived experiences of ordinary Fijians, those who try to claim their rights, those who face eviction without alternative housing, those whose children experience violent discipline at school, and those who wonder whether their vote truly matters when a party with 4.9% of the national vote wins no seats at all.

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[1] Constitutional Review Commission (2026). Our Constitution, Our Voice: A guide to the constitutional review process.
[2] ABC News (2013). President signs long-awaited Fiji constitution into law.
[3] Chand, A (2025). Supreme Court recognises 2013 constitution as legally effective despite democratic deficit.

Our submission is structured around the chapters of the 2013 Constitution, following the framework used by the Commission in its public guidance.[4] For each issue, we identify the problem as it exists today, explain why change is necessary from a people-centred perspective, and offer concrete, practical recommendations for amendment. We have focused on issues where the gap between constitutional promise and daily reality is widest because a constitution that cannot be felt in the life of a rural mother, an informal settlement dweller, or a person with a disability is not yet a constitution that serves all Fijians.

Before turning to specific provisions, SEEP wishes to state clearly the principles that guide our analysis. We believe that a good constitution must:

- Be owned by the people, not imposed by decree. It must emerge from genuine public participation and remain open to amendment when the people's needs change.[5]
- Protect fundamental rights effectively, not merely declare them. A right that cannot be enforced in court or that is qualified by endless resource limitations is not a right, it is a policy aspiration.
- Limit power rigorously, ensuring that no branch of government, no political leader, and no institution is above the law. This includes clear separation of powers, independent courts, and meaningful accountability mechanisms.
- Recognise and respect Fiji's diversity; including iTaukei, Rotuman, Banaban, Indo-Fijian, and all other communities without entrenching discrimination or ethnic privilege.
- Empower communities, including through strong local government, Free, Prior and Informed Consent (FPIC) for resource extraction, and constitutional protection for whistleblowers and anti-corruption bodies.
- Remain flexible enough to be amended through a realistic and democratic process, not frozen by impossible thresholds that push frustrated citizens toward extra-constitutional action.

Following this introduction, our submission addresses specific constitutional issues arranged by chapter tabulated below:

Chapter	Key Issues Identified
Chapter 1 – The State	Secular State-Retain Section 4 (secular state). No religion shall be promoted or preferred by the State. A non-preferential recognition clause may acknowledge Christianity's historical significance without granting legal privilege; Citizenship.
Chapter 2 – Bill of Rights	Weak socio-economic rights; incomplete protection of iTaukei, Rotuman and Banaban lands; limited enforcement powers of the Human Rights and

[4] Constitutional Review Commission (2026). Our Constitution, Our Voice: A guide to the constitutional review process.
[5] Constitutional Review Commission (2026). Our Constitution, Our Voice: A guide to the constitutional review process.

	Anti-Discrimination Commission; problematic appointment of NHRI Commissioners; unenforceable right to a healthy environment; absence of Free, Prior and Informed Consent (FPIC); inadequate protection of children from corporal punishment; undefined reasonable accommodation for persons with disabilities; evictions without alternative housing; missing right to internet access; State ownership of mineral resources on customary land, broad wording of arbitrary acquisition of property in national interest.
Chapter 3 – Parliament	MPs lose seats for disobeying their party; 5% threshold disenfranchises smaller parties; dual citizens standing for Parliament; lack of constitutional recognition of political party funding; executive-dominated appointment of the Secretary-General to Parliament; executive-dominated appointment of the Electoral Commission and Supervisor of Elections; proportional representation (PR) system; re-establishment of the Upper House/Senate
Chapter 4 – The Executive	Unelected Attorney-General; President's lack of reserve powers; waiting period after a failed no-confidence vote; Presidential term.
Chapter 5 – Judiciary	Political involvement in judicial appointments; Attorney-General as chairperson of the Mercy Commission; inadequate constitutional protection for FICAC's independence; Judicial Services Commission consultation with the Attorney-General; political consultation in appointment of the Director of Public Prosecutions.
Chapter 6 – State Services	Prime Ministerial control over senior civil service appointments; military's "guardian" role; lack of provision for local government; executive dominance of the Constitutional Offices Commission; ministerial direction over the Commissioner of Police; retirement age and delegation framework for the Commissioner of Corrections; re-establishment and empowering of the GCC constitutionally
Chapter 8 – Accountability	Absence of a Code of Conduct in the Constitution; unenacted Right to Information Act; undefined role of the Reserve Bank Governor; lack of constitutional guarantee of whistleblower protection.
Chapter 10 – Immunity	Permanent, unamendable immunity for the 2006–2013 period.
Chapter 11 – Amendment of the Constitution	Constitutional amendment threshold
Chapter 12 – Transitional Provisions	Court-stripping provision of judicial review.

We understand that the Constitutional Review Commission will prepare a report with recommendations, but that any amendment ultimately requires approval by at least two-thirds of all members of Parliament and then approval by a majority of registered voters in a national referendum.[6] SEEP welcomes this final safeguard: placing the decision in the hands of the people is the only way to cure the democratic deficit of 2013 constitution. Our submission is offered as a contribution to that national conversation not as a demand, but as a respectful and carefully considered set of proposals grounded in the voices of the communities we serve.

Fiji stands at a historic moment. We can move beyond a constitution imposed by decree and toward a constitution that truly belongs to all Fijians, one that reflects our shared values, protects our most vulnerable, limits power effectively, and earns the loyalty of

[6] Constitutional Review Commission (2026). Our Constitution, Our Voice: A guide to the constitutional review process.

every citizen through its fairness and legitimacy. SEEP commits to walking this path with humility, honesty, and an unshakeable focus on the people whose Lives the Constitution is meant to serve.

Chapters in the 2013 Constitution that needs to be amended in the review

2.0. Chapter 1: The State

2.1. Secular State (Section 4)

The 2013 Constitution declares that *"religious liberty, as recognised in the Bill of Rights, is a founding principle of the State"* and that *"religion and the State are separate"* (section 4). It further provides that *"religious belief is personal" and that the State "must treat all religions equally" and "must not prefer or advance, by any means, any particular religion over another, or over any non-religious belief".*[7]

Some submissions to the Commission, including those from the Great Council of Chiefs, have called for the repeal of section 4 and for Fiji to be declared a Christian State.[8] The Fiji Labour Party has described this demand as "alarming" and noted that "all previous Constitutions, including the 1990 constitution, provided for freedom of worship and religion and this should be maintained".[9]

SEEP believes the Secular state should be retained, the following points explain why section 4 must be retained and why a Christian State provision would be contrary to Fiji's democratic and human rights commitments.

First, a secular State is the only framework that guarantees equal religious freedom for all Fijians. In a secular State, *"religion is a matter for people to decide for themselves, not for the State to decide for them".*[10] The State *"cannot subscribe to a religious belief, force a religious belief on others, or regard a particular religion as the official religion of the State".* This ensures that the full range of religious beliefs; Christian, Hindu, Muslim, Sikh, Baha'i and others, as well as non-religious beliefs, are equally respected. As the then Prime Minister stated in 2013, "nowhere in the 2013 Constitution is there any limitation on expressing religious belief publicly, individually or in a group".[11] Indeed, section 22(2) expressly guarantees the right to *"manifest and practise their religion or belief in worship,*

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[7] Government of Fiji (2013). 2013 Constitution of the Republic of Fiji.
[8] Tora, I (2026). Chief calls for consultation on 'Fijian 'identity debate.
[9] Chand, A (2026). Labour criticizes GCC submissions on Constitution review.
[10] Government of Fiji (2013). Statement from the Fijian Prime Minister in Response to the Catholic Archbishop.

[11] Government of Fiji (2013). Statement from the Fijian Prime Minister in Response to the Catholic Archbishop.

observance, practice or teaching" in public or in private.[12] A secular State is therefore not a *"religion-free"* State; it is a State that protects the religious freedom of all equally.

Second, declaring Fiji a Christian State would violate the principle of non-discrimination and likely breach international human rights law. Article 18 of the Universal Declaration of Human Rights and Article 18 of the International Covenant on Civil and Political Rights (ICCPR) guarantee the right to freedom of thought, conscience and religion, including the right to manifest one's religion in public or private.

I). Universal Declaration of Human Rights (UDHR):

Article 18 states: "Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance."[13]

II). International Covenant on Civil and Political Rights (ICCPR)

1. Article 18 states: Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.
2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.
3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.
4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

The UN Human Rights Committee has consistently held that a State may not give official preference to one religion over others. If Fiji were to adopt a constitutional provision naming Christianity as the State religion, it would constitute discrimination against non-Christian citizens, contrary to Article 26 of the ICCPR (equality before the law) and Article 2(1) of the same Covenant (non-discrimination).[14] Such a provision would also be inconsistent with section 26 of the 2013 Constitution, which prohibits unfair discrimination on grounds including religion and conscience.[15]

Third, a secular State supports democratic governance. Democracy requires that all citizens, regardless of their beliefs, have an equal voice in public affairs. When the State

[12] Government of Fiji (2013). 2013 Constitution of the Republic of Fiji.
[13] United Nations (n.d). Universal Declaration of Human Rights.
[14] United Nations Human Rights Office of the High Commissioner (2026). International Covenant on Civil and Political Rights.

[15] Government of Fiji (2013). 2013 Constitution of the Republic of Fiji.

aligns itself with a particular religion, it inevitably marginalises those who do not share that faith, undermining the principle of equal citizenship. This is especially important in a religiously diverse nation like Fiji, where Christians, Hindus, Muslims and others live side by side. The current section 4 of the 2013 constitution recognises *that "religious belief is personal"* that is, it is a matter for individual conscience, not a matter for the State to dictate or to privilege.[16] This separation of religion from the State is a cornerstone of modern democratic constitutionalism.

Fourth, many stable democracies have either a secular constitution or a system that guarantees equal treatment of all religions while maintaining a clear separation between religion and the State. Examples include India (a secular republic with huge religious diversity)[17], the United States (First Amendment establishment clause)[18] and South Africa (section 15 of the 1996 Constitution)[19]. Conversely, States that declare an official religion often face ongoing social conflict, discrimination against religious minorities and restrictions on religious freedom.[20] Fiji's history of ethnic and political tensions underscores the importance of maintaining a neutral State that does not favour anyone, community, religious or ethnic.

Fifth, those who argue that a Christian State would better reflect Fiji's majority Christian population overlook the fact that constitutional rights are designed to protect all citizens, including minorities. As one Fijian Diplomat has observed, *"the question is not what label we put on the State. The question is this: why do you have dignity?"*.[21] A constitution that grounds human dignity in a shared foundation accessible to all rather than in a particular religious doctrine is more durable and more inclusive. As the same writer notes, rights that rest *"solely on political agreement alone"* can be overthrown when that agreement breaks down. By contrast, a secular State that guarantees religious freedom for everyone provides a stable, neutral framework that can withstand political changes.

2.1.1: SEEP's Recommendation

For these reasons, SEEP believes that section 4 (Secular State) should be retained without amendment. The Commission should reject any proposal to declare Fiji a Christian State or to otherwise give preference to any religion in the Constitution.

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[16] Government of Fiji (2013). 2013 Constitution of the Republic of Fiji.
[17] HT Editorial (2021). Celebrating the Republic.

[18] US Congress (n.d). Amdt 1.2.1 Overview of the Religion Clauses (Establishment and Free Exercise Clauses).

[19] Ellerbeck, D & Mahkuntsu, L (2025). Your Right to Live out your beliefs in Public.

[20] United Nations General Assembly (2013). Report of the Special Rapporteur on Freedom of religion or belief.

[21] Chand, A (2026). Why do you have dignity? Tarakinikini reframes Constitution debate.

At the same time, a non-preferential recognition clause may be added to the amending of the constitution in this chapter, drawing on the wording of the 1997 Constitution:

"The State acknowledges the historical and cultural significance of Christianity to many Fijians, while equally respecting Hinduism, Islam, Sikhism, Baha'i, all other religions, and non-religious beliefs. This recognition shall not confer any legal privilege, advantage, or preference upon Christianity or any other religion, nor shall it affect the separation of religion and the State under subsections (1) to (5) of this section".

Furthermore, State must have a set of secular moral values, a *"moral compass"* should be embedded in the Constitution:

"The State is founded on the universal moral values of human dignity, equality, mutual respect, integrity, compassion, and social justice. These values shall guide the interpretation of this Constitution and the exercise of public power".

They are rooted in Fiji's diverse cultural, religious, and philosophical traditions and in international human rights standards. Nothing in this subsection shall be interpreted to establish or favour any religious doctrine. Together, these additions retain the strict neutrality of the secular State while accommodating symbolic recognition and a shared ethical foundation.

2.2. Citizenship and the definition of Fijians (Section 5)

The 2013 Constitution establishes a single, inclusive national identity. Section 5(1) provides that *"all citizens of Fiji shall be known as Fijians"*, and section 5(2) guarantees that *"all Fijians have equal status and identity"* and are equally *"entitled to all the rights, privileges and benefits of citizenship"* and subject to the *"duties and responsibilities of citizenship"*. The Preamble reinforces this vision, declaring that *"we are all Fijians united by common and equal citizenry"*.[22]

In recent submissions to the Constitutional Review Commission, some have proposed that the term *"Fijian"* be reserved exclusively for indigenous *iTaukei*. SEEP believes such a proposal, while reflecting genuine concerns about indigenous identity, would undermine the foundational principle of common and equal citizenry and should not be adopted.

However, SEEP has raised a nuanced consideration:

"Nationally we all are Fijians as we are born here. However, further identity one would be a Fijian because of birth, what happens to the other half of one's identity, our ethnic identity. If 'Fijians' is to be reserved to the indigenous population, alternatively others could be Fiji Islander."

[22] Government of Fiji (2013). 2013 Constitution of the Republic of Fiji.

This observation highlights the legitimate desire of some *iTaukei* to have a distinct ethnic marker, while also offering a potential compromise using *"Fiji Islander"* for non-indigenous citizens if the term *"Fijian"* were ever reserved. SEEP does not endorse that alternative but acknowledges the underlying concern for ethnic recognition.

SEEP believes a common national identity is essential for national unity in a multi-ethnic society. Fiji is a diverse nation comprising *iTaukei*, Rotuman, Indo-Fijian and other communities. As one academic study observes, assigning the word *"Fijian"* to all citizens, irrespective of ethnic background, may be a bridging tool to national identity and contributes significantly to unity underpinned by nation-building efforts. It also dilutes ethnic tensions and divisions" and strengthens social interconnection and collaboration.[23] By contrast, reserving *"Fijian"* for only one community would reintroduce the very ethnic divisions that past constitutions have sought to overcome.

As former Prime Minister Mahendra Chaudhry has warned, such a move *is divisive and discriminatory* and a *rebuff to the people of other races who also are citizens of Fiji*[24]. National Federation Party Leader Professor Biman Prasad similarly cautions that calls to reserve the term "*Fijian*" exclusively for *iTaukei* "*are divisive and risk undermining national cohesion*".[25] Prime Minister Sitiveni Rabuka has also affirmed that "*every citizen of Fiji is Fijian*" and that this principle "*should guide national identity debates*".[26]

2.2.1. SEEP's Recommendation

SEEP therefore firmly advocates that the term *"Fijian"* must remain a shared national identity for all citizens, regardless of their ethnic or cultural background. At the same time, the distinct status of *iTaukei* as the indigenous people of Fiji should continue to be recognised through the term *"iTaukei"* and through the existing constitutional protections for *iTaukei* lands, culture and traditions. We reject any proposal to reserve *"Fijian"* exclusively for iTaukei, as such a change would fracture the unity Fiji has worked hard to build, contradict the constitutional promise of common and equal citizenry under section 5, and undermine Fiji's commitments to non-discrimination.

Second, the inclusive definition reflects Fiji's obligations under international human rights law. The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), to which Fiji is a party, requires States to prohibit and eliminate racial discrimination in all its forms.[27] The Convention defines *"racial discrimination"* as any distinction based on race, colour, descent, or national, or ethnic origin that has the

[23] Singh, A (2024). Blend and Bond: Multiculturalism under the Radar. The Journal of Multicultural Society. Vol.14, No.1, pp. 76-87.

[24] Rabonu, I (2026). Divisive and discriminatory: Labour hits back at GCC constitutional proposals.
[25] Raqio, M (2026). Identity cannot be imposed: Parsad.
[26] Wise, J (2026). PM: Every citizen is Fijian.

[27] Bureau Report (2025). Fiji grapples with rising racial discrimination as 100,000 Indo-Fijians gave reportedly left the country.

purpose or effect of nullifying the equal enjoyment of human rights and fundamental freedoms.[28] Reserving the term *"Fijian"* exclusively for one ethnic group would create a legal distinction between citizens based solely on ethnicity, thereby violating the principle of non-discrimination enshrined in ICERD.

The right to equality and freedom from discrimination is also protected by section 26 of the 2013 Constitution, which prohibits unfair discrimination on grounds including race, culture and ethnic origin.[29] A constitutional amendment that excludes any citizen from the common national identity would be inconsistent with that provision.

The inclusive definition strengthens democracy. A democratic state rests on the principle that all citizens are equal before the law and enjoy the same political rights. Section 5(2) guarantees that all Fijians are equally *"entitled to all the rights, privileges and benefits of citizenship".*[30] The right to vote, to stand for public office and to participate in the political life of the nation must be exercised based on citizenship, not ethnicity. By making *"Fijian"* a purely civic concept, the 2013 Constitution affirms that every citizen, regardless of origin, has an equal stake in the country's democratic future. As one editorial rightly notes, *"citizenship is the basis of equal nationhood. It ensures that all citizens are treated equally under the law and feel they belong to the same country".*[31]

Moreover, the inclusive definition does not deny indigenous identity; it complements it. The Constitution already gives distinct recognition to the *iTaukei* and Rotuman as indigenous communities, protects their land rights under sections 28 and 29, and preserves their customs, traditions and language.[32]

> Former senior civil servant Jioji Kotobalavu has correctly observed that "Fiji must clearly separate ethnic identity from national identity", adding that while *"iTaukei accurately reflects indigenous history, land ownership and cultural rights"*, the term *"Fijian"* represents *"citizenship and equality".*[33]

In practice, therefore, an inclusive national identity can coexist with strong protections for indigenous culture and land.

3.0. Chapter 2: Bill of Rights

3.1. Incomplete Protection of Itaukei, Rotuman and Banaban Lands (Section 28)

Section 28 of the 2013 Constitution provides that;

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[28] United Nations Human Rights Office of the High Commissioner (2026). International Convention on the Elimination of All Forms of Racial Discrimination.
[29] Government of Fiji (2013). 2013 Constitution of the Republic of Fiji.
[30] Government of Fiji (2013). 2013 Constitution of the Republic of Fiji.
[31] Koroi, N (2026). Editorial: One name matter: National Identity debate puts units and belonging to the test.
[32] Government of Fiji (2013). 2013 Constitution of the Republic of Fiji.
[33] Turner, R (2026). 'Fijian 'should remain a shared identity: Kotobalavu.

"The ownership of all iTaukei land shall remain with the customary owners of that land and iTaukei land shall not be permanently alienated, whether by sale, grant, transfer or exchange, except to the State in accordance with section 27".

Similar protections are extended to Rotuman and Banaban lands.[34] While this provision appears to offer a strong guarantee of indigenous land rights, SEEP notes that the Constitution itself contains an escape clause. Section 27 gives authority for the State to acquire any property, including indigenous land, when *"necessary for a public purpose".* The term *"public purpose"* is not defined in the Constitution, leaving its interpretation to the executive and the courts. In practice, this has allowed the government to justify land acquisition for economic development projects such as; mining, tourism infrastructure, or forestry concessions, even when such projects directly conflict with the interests of customary landowners.

As former MP Niko Nawaikula bluntly stated, Section 28 "does not give them full land right" and is a "blatant lie therefore preaching that Section 28 protects ownership and guarantees".[35]

Indeed, a critical analysis of the 2013 Constitution notes that any law granting mining licences over *iTaukei* land without landowner consultation could be justified by the State on the ground of "economic wellbeing", which would likely pass the constitution's necessity test.[36]

The proposed Wainikoroiluva hydro-dam project in Namosi provides a clear example of how the "national interest" rationale can be used to justify development on customary land. The project, officially intended to strengthen Fiji's energy security and economic wellbeing by providing support to the nation's electricity and reducing fossil fuel imports, has been met with strong opposition from the Namosi Landowners Committee, Lomani Au Maroroi Au (LAMA). Representing 18 clans, LAMA argues that the project has advanced without their Free, Prior and Informed Consent (FPIC) and that the government has failed to conduct meaningful consultations with affected communities. [37]The committee has consistently asserted that "national benefit cannot override local rights" and that consultation must precede decisions, not follow them[38]. This reflects the constitutional concern that laws permitting land acquisition for "economic wellbeing" could pass a necessity test, thereby legitimising actions that marginalise customary landowners. LAMA has also expressed concern that the legal framework, particularly the Mining Act, may supersede other protections and leave communities vulnerable[39]. Compounding these grievances, community members have criticised the presentation of lengthy and inaccessible Environmental Impact Assessment (EIA) reports, which they believe do not adequately address their social, cultural, and livelihood concerns[40]. Despite the project's stated purpose of national development, the process has deepened perceptions that landowner rights are being sacrificed in the name of national progress.

[34] Government of Fiji (2013). 2013 Constitution of the Republic of Fiji.
[35] Nasiko, R (2017). Nawaikula refutes the PM's land claim.
[36] Citizens Constitutional Forum (2013). An Analysis: 2013 Fiji Government Constitution.

[37] Waqairadovu, E (2026). Landowners oppose hydro deal, question consent process.
[38] Wise, J (2025). Villagers against plan.
[39] Talebula, W (2019). Namosi Villagers Against Hydro Dam Project. Business and Human Rights Centre.
[40] SEEP (2019). Mining Realities: Assessing State Compliance on the Rules of Engagement.

Second, the Constitution does not define the phrase *"permanent alienation"*. This omission creates a dangerous loophole: long-term leases of 99 years or more are not considered "alienation" because legal ownership nominally remains with the customary owners. However, a lease of 99 years effectively transfers control of the land for generations, stripping landowners of any meaningful decision-making power or benefit from the land during that period. We are all aware that land is a major issue here and it is leading to a drop in the economy. It has been coming up regularly, especially the Indo-Fijians do not feel secured at all in relation to minimal years of land leases. If it is increased to 99 years, there would be land security which would have a positive impact on production, whether it is sugarcane or other agricultural produce, or even constructions.

The Land Use Decree (36/2010) explicitly allows the Prime Minister to designate *iTaukei* land for a lease term of 99 years and contains an *"ouster clause"* that prohibits any court challenge to such a designation.[41] Because the 2013 Constitution's transitional provisions immunise decrees enacted between 5 December 2006 and the first sitting of the new Parliament from judicial review, these decrees *"trump section 28"* and effectively permit the very "permanent alienation" that Section 28 purports to forbid.[42]

The cumulative effect is that Section 28 provides only a weak, formalistic protection. Land can be taken for a *"public purpose"* under Section 27 and can be leased for nearly a century under the Land Use Decree without any meaningful consent or recourse for landowners. As the Citizens' Constitutional Forum concludes, "section 28 provides little real protection for land rights other than providing that the land must, eventually, return to its owners".[43]

Considering these gaps, a range of submissions to the Constitutional Review Commission have called for stronger constitutional protections for indigenous landowners. Many have urged that customary landowners should receive equitable benefits not only from land leases, but also from minerals, forestry, fisheries, water resources, quarries, carbon credits and even surf breaks operating within traditional boundaries.[44] Others have argued that constitutional protections for *iTaukei*, Rotuman and Banaban land rights must extend to land beneath the surface and maritime areas, including shorelines and parts of the economic zone.[45] These calls reflect a broader consensus that the current constitutional framework does not adequately secure the economic and cultural interests of indigenous communities.

The deficiencies in Section 28 must be assessed against Fiji's obligations under international human rights law, particularly the UN Declaration on the Rights of Indigenous Peoples (UNDRIP). Fiji has not ratified UNDRIP as a treaty, but the

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[41] Citizens' Constitutional Forum (2014). Fiji in Transition: Towards a Sustainable Constitutional Democracy.
[42] Citizens' Constitutional Forum (2014). Fiji in Transition: Towards a Sustainable Constitutional Democracy
[43] Citizens' Constitutional Forum (2014). Fiji in Transition: Towards a Sustainable Constitutional Democracy.
[44] Korobiau, S (2026). Provincial council challenges Fiji's land wealth imbalance.
[45] Qomate, V (2026). Calls to expand land rights.

government has repeatedly stated that its *"strong and salient provisions"* are recognised in the Constitution.[46]

Article 26(1) of UNDRIP states:

"Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired."

Article 26(3) adds that:

"States shall give legal recognition and protection to these lands, territories and resources, with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned".[47]

Article 28 of UNDRIP further provides that indigenous peoples have the right to redress for lands, territories and resources that have been taken without their free, prior and informed consent.[48] The Declaration's emphasis on *"legal recognition"* and *"protection"* goes beyond mere formal title; it requires States to establish effective mechanisms that allow indigenous peoples to exercise genuine control over decisions affecting their lands.[49]

In addition, the UN Committee on the Elimination of Racial Discrimination (CERD) has consistently called on States to recognise and protect indigenous land rights. In its General Recommendation No. 23 (1997), the Committee stated that *"the rights of indigenous peoples to own, develop, control and use their communal lands, territories and resources"* must be fully respected. The Committee has also urged States to ensure that indigenous peoples are not removed from their lands without their free, prior and informed consent, and that *"just and fair compensation"* is provided where removal is unavoidable.[50]

A constitution that merely prohibits *"permanent alienation"* but allows indefinite leases and compulsory acquisition for vaguely defined "public purposes" does not meet the threshold of effective legal protection under international law.

SEEP considers that the current formulation of Section 28 fails to give indigenous landowners genuine security of tenure. A constitutional guarantee that does not define *"permanent alienation"*, that does not prohibit indefinite effective control by the State or third parties through long-term leases, and that does not require the free, prior and informed consent of landowners for extraction projects, is not a genuine protection. The

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[46] United Nations General Assembly (2020). Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy, and sustainable environment on his visit to Fiji.
[47] United Nations General Assembly (2025). Rights of Indigenous Peoples.
[48] United Nations (2007). United Nations Declaration on the Rights of Indigenous Peoples.
[49] United Nations (2007). United Nations Declaration on the Rights of Indigenous Peoples.
[50] United Nations Office of the High Commissioner for Human Rights (1997). General Recommendations No.23: Indigenous Peoples.

protection of *iTaukei*, Rotuman and Banaban lands must be more than a symbolic statement; it must be a legally enforceable right that empowers communities to say "yes" or "no" to projects that affect their lands and livelihoods.

3.1.1. SEEP's Recommendation

(I). **Amendment to Section 27 (Compulsory acquisition)**

The proposed amendment to Section 27 of the Constitution would do two things. First, it would clearly define "public purpose" limiting it to include public infrastructure (such as roads, schools, hospitals, water, sanitation, and electricity grids), public health and environmental protection (flood control, waste treatment, and conservation areas), and national security or emergency response. It would explicitly exclude economic development projects that primarily benefit private entities like tourism resorts, industrial parks, private housing, or extractive concessions unless a transparent social impact assessment proves a clear, direct, and majority public benefit. Second, any compulsory acquisition or long-term lease exceeding ten years would require the free, prior, and informed consent (FPIC) of the affected land-owning unit (mataqali) for *iTaukei*, Rotuman, or Banaban land and those indigenous and non-indigenous communities downstream. This consent must be sought before any formal process begins, obtained through customary decision-making, and documented voluntarily, with the land-owning unit retaining the right to refuse without retaliation.

(II). **Amendment to Section 28 (Protection of *iTaukei*, Rotuman, Banaban lands)**

SEEP proposes amending Section 28 of the Constitution to strengthen protections for *iTaukei*, Rotuman, and Banaban land and resources. First, it would define "permanent alienation" to include any lease of 50 years or more (including renewable leases that can cumulatively reach that term) as well as any lease that effectively transfers control for a generation. For example, by granting rights to develop, sublease, or mortgage the land without ongoing landowner approval. Second, conflicting decrees would lose their immunity under Chapter 12, making any decree that permits long-term alienation or control in a way inconsistent with the amended Section 28 null and void. Third, constitutional protection would extend to subsurface resources (minerals, geothermal energy, groundwater), maritime areas and seabed within customary marine boundaries, iqoliqoli (traditional fishing grounds), freshwater resources within customary land boundaries, and carbon credits or other ecosystem service credits from these lands or marine areas. Finally, the minimum share of resource revenues returned to landowners would rise from 20% to 40% for all revenues derived from the extraction, use, or exploitation of those resources on or under their land.

3.2. Mineral Resources -State Ownership and the Absence of Free, Prior and Informed Consent (Section 30)

Section 30 of the 2013 Constitution establishes a dual-layer framework that places the State at the centre of mineral wealth while relegating customary landowners to a secondary, passive role. Subsection (1) declares:

"All minerals in or under any land or water, are owned by the State."

Landowners whether customary *iTaukei,* Rotuman or Banaban owners, or freehold title-holders are entitled only to *"a fair share of royalties or other money paid to the State"* in respect of extraction rights. Subsection (2) leaves the calculation of what constitutes a *"fair share"* entirely to ordinary written law, with no constitutional floor or guarantee.

This means that even though Section 28 recognises indigenous ownership of land, the State claims absolute ownership of everything beneath the surface, a model often described as a colonial relic where the central government controls subsoil resources without recognising full customary ownership. Under the 2013 Constitution, land ownership extends to both the surface and subsurface, yet the State retains ownership of all minerals found in or under any land or water, as defined by Section 30 of the Constitution and the Mining Act.

The second, and equally serious gap is that the Constitution does not guarantee the right to Free, Prior and Informed Consent (FPIC) for indigenous communities whose land, water or resources are affected by mining, logging, large-scale development or environmental projects. Section 30 speaks only of royalties, not of consent. It reduces communities to recipients of a share of State-collected revenue rather than recognising them as decision-makers with the power to say yes or no before any project begins. The absence of an FPIC clause leaves customary landowners with no legal power to reject a project that could destroy their environment, their traditional fishing grounds *(iqoliqoli)*; essentially, their way of life.

The combined effect of these two constitutional deficits is a system where the State controls subsoil resources and sets royalty rates unilaterally on the one hand, while communities bear the environmental and social costs of extraction; polluted rivers, damaged crops, health problems, loss of fisheries without any meaningful voice or fair return on the other.

SEEP's 2019 research report, Mining Realities: Assessing State Compliance on the Rules of Engagement, documented the lived consequences of this constitutional framework across multiple mining sites, including the Namosi proposed copper mine in Naitasiri/Namosi and the Votua iron sand mine in Ba. The research found that community consultations were consistently absent or inadequate. Ninety-five percent of respondents from all sites were unaware of discussions prior to environmental impact assessments (EIAs), during EIAs or after EIAs; communities were not given copies of EIA reports, and feedback on EIA findings was not shared with the communities. [51]

The report also documented that under the Mining Act, the only formal mechanism for community objection is a 30-day window to object in writing to a mining tenement application, and a complaints

[51] Social Empowerment Education Programme (2019). Mining realities: Assessing State Compliance on the Rules of Engagement.

register located at the developer's office, a system that is *"not user-friendly, certainly not to Community members who can be intimidated in such an environment"*. Moreover, *"processes and deadlines are not known to communities"*. The research concluded that the lack of effective mechanisms for public complaints left communities without any means to challenge projects that destroyed their resources.[52]

The research captured the voices of affected communities. In Votua, Ba, residents reported that *"water had turned murky, lesser fish and shellfish found within the immediate work area. Women can no longer use nets in shallow coastal waters because of the lack of fish, and they must go further into the mangrove to catch crabs which have retreated inland."* Despite these impacts, "only chiefs and elders of Votua village were part of the consultations and discussions", leaving other villages that fish within the same iqoliqoli excluded from decision-making. In Namosi, communities expressed concerns about the long-term impacts of copper mining on freshwater species and food security, yet they were not meaningfully engaged in the consultation process.[53] These findings illustrate that the absence of constitutional protection for subsoil ownership and the lack of an FPIC requirement lead directly to environmental degradation, economic exclusion, and procedural disempowerment of indigenous communities.

Three international instruments: UNDRIP, ILO Convention 169, and the UN Guiding Principles on Business and Human Rights (UNGPs), focuses on indigenous land and resource rights, mineral ownership, and the requirement of Free, Prior and Informed Consent (FPIC).

Table 3.2.1. UNDRIP, ILO Convention 169, and the UN Guiding Principles on Business and Human Rights (UNGPs).

Instrument	Legal Status	Key Provisions	Relevance to Mineral Ownership & FPIC
UN Declaration on the Rights of Indigenous Peoples (UNDRIP)	UN General Assembly Declaration (non-binding but politically authoritative). Fiji has consistently supported it.	– Article 26: Indigenous peoples have the right to the lands, territories and resources they have traditionally owned, occupied or used. – Article 32(2): States shall consult and cooperate in good faith with indigenous peoples to obtain their free and informed consent prior to approval of any project affecting their lands, territories or other resources, particularly in connection with mineral, water or other resources.[54]	Establishes that indigenous peoples have rights not only to land but also to the resources on and under that land. Requires FPIC for any extractive project, not merely consultation.
ILO Convention No. 169 concerning Indigenous and Tribal Peoples in	Legally binding treaty. Fiji ratified on 3 March 1998 – the only Pacific ILO member	– Article 15(1): The rights of indigenous peoples to the natural resources pertaining to their lands shall be specially safeguarded, including the right to participate in the use, management and conservation of those resources.	Accepts that the State may own subsoil minerals but imposes a binding duty of prior consultation in good faith, with the objective of achieving agreement

[52] Social Empowerment Education Programme (2019). Mining realities: Assessing State Compliance on the Rules of Engagement.
[53] Social Empowerment Education Programme (2019). Mining realities: Assessing State Compliance on the Rules of Engagement.
[54] United Nations Human Rights Office of the High Commissioner for Human Rights (2007). United Nations Declaration on the Rights of Indigenous Peoples.

Independent Countries	State to have done so.	– Article 15(2): Where the State retains ownership of mineral or sub-surface resources, governments shall establish procedures to consult indigenous peoples, with a view to ascertaining whether and to what degree their interests would be prejudiced, before undertaking or permitting any exploration or exploitation of such resources.[55]	or consent. Consultation must be a genuine dialogue, not a mere information meeting, and that the more severe the potential impact, the stronger the requirement to obtain consent.
UN Guiding Principles on Business and Human Rights (UNGPs)	Endorsed by the UN Human Rights Council (non-treaty but globally recognised authoritative framework).	– Principle 1: States have a duty to protect against human rights abuse by business enterprises, including mining companies, through effective policies, legislation and adjudication.[56] – OHCHR interpretive guidance: The requirement to seek the free, prior and informed consent of indigenous peoples is engaged where projects have significant impacts on their lands and resources. – UN Working Group on Business and Human Rights (2025): Any extraction of critical minerals from indigenous lands must align with FPIC; consent obtained from a government or individual landowners does not equate to consent of the indigenous community as a collective.[57]	Reinforces the State's duty to regulate corporate extractive activities. Explicitly links business respect for human rights to the requirement of collective FPIC of indigenous communities, not merely individual or governmental consent

SEEP holds that the current Section 30 entrenches a colonial resource model that treats indigenous landowners as mere surface tenants while the State claims ownership of all subsoil wealth. This is neither consistent with international indigenous rights standards nor with the constitutional promise of common and equal citizenry. Landowners must have a genuine say in the exploitation of resources beneath their feet, and they must receive a meaningful, constitutionally guaranteed share of the revenues.

3.2.2. SEEP's Recommendation

SEEP recommends to the Constitutional Review Commission regarding Section 30 (Mineral resources), are as follows:

- Need for group rights recognising indigenous peoples, with an entrenched amendment safeguard: The Constitution must include a dedicated chapter or clause that recognises the collective rights of indigenous peoples (iTaukei, Rotuman, Banaban, and other customary communities) to their lands, resources,

[55] Mandat International (2026). Indigenous and Tribal People's Convention, n. 169, ILO, 1989. https://www.whatconvention.org/en/convention/102.
[56] United Nations Human Rights Office of the High Commissioner (2011). Guiding on Business and Human Rights.
[57] United Nations (2023). Permanent Forum on Indigenous Issues: Report on the twenty-second session. https://documents.un.org/doc/undoc/gen/n23/127/22/pdf/n2312722.pdf.

cultural practices, and customary laws. Within that chapter, it must be explicitly provided that any constitutional amendment affecting the rights or interests of indigenous peoples shall be valid only if Parliament has consulted indigenous peoples through their representative structures and at least 75% of indigenous people have agreed to such changes. This super-majority consent requirement ensures that the group rights of indigenous peoples cannot be unilaterally diminished by ordinary parliamentary majorities.

- Recognise joint ownership of subsoil resources between the State and customary landowners, explicitly stating in the Constitution that customary landowner communities hold co-ownership rights over minerals, oil, gas, and other subsurface resources found beneath their customary land.
- Constitutionally guarantee Free, Prior and Informed Consent (FPIC) for any exploration or extraction activities on indigenous lands, requiring that no exploration license, mining lease, or extraction permit be granted without the express, documented consent of affected customary landowner communities, obtained through transparent, culturally appropriate decision-making processes.
- Set a constitutional minimum royalty share of 40% of gross revenues from mineral extraction, mandating that this percentage be calculated on gross revenues (not net profits) and paid directly to customary landowners, bypassing any intermediary state or corporate accounts, with payment mechanisms and timelines clearly defined.
- Guarantee community access to Environmental Impact Assessment (EIA) reports before any project approval, requiring that EIA reports (at least in summary) be provided in plain language (non-jargon) and local languages to affected landowners, with a mandatory waiting period for community review and feedback.
- Establish public interest standing for judicial review in environmental and resource extraction matters, ensuring that any customary landowner, community representative, or indigenous organization has automatic legal standing to challenge exploration or extraction decisions, EIA approvals, or royalty payment disputes before the courts, without prohibitive cost or procedural barriers.
- Align constitutional interpretation of Section 30 with ILO Convention 169 and UNDRIP, incorporating explicit provisions that courts and tribunals must interpret the rights to subsoil resources, FPIC, royalties, and environmental access consistently with these international instruments, and that any ambiguity be resolved in favour of indigenous and customary landowner rights.

3.3. Weak Socio-Economic Rights (Sections 31-38)

Sections 31 (education), 32 (economic participation), 33 (work), 34 (transportation), 35 (housing), 36 (food and water), 37 (social security) and 38 (health) are all drafted with a uniform qualified structure:

"The State must take reasonable measures within its available resources to achieve the progressive realisation of the right."

Although section 31(5) places the burden of proof on the State to demonstrate lack of resources, in practice courts remain extremely reluctant to second-guess budgetary decisions.[58] A family living without clean water in a rural settlement, or a child unable to access primary education because of cost, cannot sue the government because a court will likely defer to a claim of limited resources, no matter how inadequate the State's efforts have been. This undermines public trust in the Constitution and perpetuates cycles of deprivation.

As the 2026 constitutional review guide asks directly: *"Are these rights properly protected in real life?"* For most Fijians; especially those in rural areas or informal settlements, the answer is no.

Fiji has ratified several core international human rights instruments that impose legally binding obligations to respect, protect and fulfil economic, social and cultural rights.

Table 3.3.1. The conventions supported by Fiji.

Instrument / Treaty	Date of Ratification / Accession	Key Obligation / Provision
International Covenant on Economic, Social and Cultural Rights (ICESCR)	16 August 2018	Take steps "to the maximum of its available resources" to progressively achieve full realisation of economic, social and cultural rights.
Convention on the Rights of the Child (CRC)	13 August 1993	Reinforces minimum core obligations specifically for children's rights.
Convention on the Rights of Persons with Disabilities (CRPD)	7 June 2017	Article 28: Guarantees an adequate standard of living and social protection for persons with disabilities, without discrimination.
Convention on the Elimination of All Forms of Racial Discrimination (CERD)	11 January 1973	Requires elimination of racial discrimination in the enjoyment of economic, social and cultural rights.
UN Guiding Principles on Business and Human Rights (UNGPs)	(Endorsed by UN Human Rights Council 2011)	Principle 1: States must protect against human rights abuse by business enterprises through effective policies, legislation, and adjudication.

[58] Government of Fiji (2013). 2013 Constitution of the Republic of Fiji.

SEEP believes that a constitution that promises rights but renders them unenforceable undermines public trust in the entire constitutional order. The 2026 constitutional review provides an opportunity to transform socio-economic rights from aspirational policies into legally enforceable entitlements. The right to emergency medical treatment is already partially secured by section 38(2), which provides an unqualified guarantee. The same must be done for other core rights such as free, compulsory primary education. For the remaining rights, the Constitution must go beyond vague "progressive realisation" clauses and establish concrete accountability mechanisms.

3.3.2. SEEP's Recommendation

Social Empowerment Education Programme (SEEP) to the Constitutional Review Commission regarding Sections 31–38:

- **Upgrade free and compulsory primary education to an unqualified right**

  The Constitution should be amended to remove any qualification or limitation such as *"subject to available resources"*, that is currently attached to free and compulsory primary education. It should expressly state that every child has a directly enforceable right to free, compulsory, and quality primary education, which the State must provide immediately and unconditionally. Finally, the Constitution must mandate that the State ensure adequate numbers of trained teachers, safe infrastructure, and accessible learning environments for all children, including those with disabilities and those living in remote or marginalized communities.

- **Guarantee essential primary health care for children and pregnant women / vulnerable persons, without resource qualification**

  Fiji's Constitution should guarantee every child from birth to 18 years old, and every pregnant woman, a right to essential primary health care without any fine print about whether the government can afford it. This care must include prenatal and postnatal checkups, skilled help during childbirth, emergency services for mothers, vaccinations, treatment for common childhood illnesses, nutrition support, and basic mental health first aid.

  The same unconditional guarantee should also apply to other vulnerable groups, such as elderly people with no family support, persons with severe disabilities, and victims of gender-based violence. To make this right real, the Constitution must require the government to set aside enough money for these health services as its very first budget priority before spending on anything else that is not essential.

- **Specify minimum core obligations for other socio-economic rights (work, housing, food, water, social security)**

  For each socio-economic right, the Constitution should define a set of minimum core obligations that the State must fulfil immediately and without any

resource-related excuse. For housing, the minimum core includes protection from forced evictions without a lawful court order, the provision of adequate alternative shelter or relocation, and the provision of emergency shelter for homeless persons. For food, it includes ensuring no one suffers from acute hunger or malnutrition, providing direct food assistance or vouchers to those unable to feed themselves, and maintaining a national strategic food reserve. For water, the minimum core means providing a basic daily minimum quantity of safe, accessible and affordable drinking water (for example, 25 litres per person per day) free for those who cannot pay. For work, it includes the prohibition of child labour and forced labour, equal pay for equal work, a legally mandated minimum wage, and unemployment assistance for able-bodied adults actively seeking work. For social security, the minimum core requires a basic old age pension, a disability grant, and a child support grant for the poorest households.

- **Enable direct court enforcement and public interest standing**

  Make all socio-economic rights in the Constitution directly enforceable in court, so anyone can bring a case without needing a separate law. Allow people or groups to sue on behalf of the public interest, even if they are not personally harmed, if they act in good faith. Remove barriers like having to pay court costs if you lose, unless your case is clearly frivolous. Give courts power to order real solutions like forcing the government to provide services, build facilities, or pay damages for serious violations. And if the government claims it lacks money, it must provide a public, honest explanation showing it has used all available resources to meet the most basic needs first.

3.4. Right to a Healthy Environment-No Right to Action (Section 40)

Section 40(1) of the 2013 Constitution provides:

"Every person has the right to a clean and healthy environment, which includes the right to have the natural world protected for the benefit of present and future generations through legislative and other measures."

Section 40(2) allows for limitations by law.[59] While this provision is an important constitutional recognition of environmental rights, it suffers from a critical defect: it does not explicitly give individuals or communities the right to bring legal action to enforce this right. The provision is drafted as a positive right of the person, but the enforcement mechanism is unclear. Without an explicit cause of action, the constitutional environmental right remains a policy statement rather than a justiciable guarantee.

[59] Government of Fiji (2013). 2013 Constitution of the Republic of Fiji.

In Fiji, mining and other extractive activities have caused documented environmental harm, yet communities affected by such harm have found themselves without effective legal recourse.

SEEP's 2019 research report, Mining Realities: Assessing State Compliance on the Rules of Engagement, documented that communities affected by mining activities in Namosi, Votua (Ba) and Bua consistently reported a lack of access to justice when their environment was damaged. The report found that 95 per cent of respondents from all three sites were unaware of discussions prior to environmental impact assessments (EIAs), during EIAs or after EIAs; communities were not given copies of EIA reports, and feedback on EIA findings was not shared with the communities. The research also found that community members lacked the technical knowledge and legal empowerment to challenge environmental harm through formal legal processes. As the report concluded, "community members do not have the financial means nor the knowledge of the specificities of Section 50 of EMA on civil claims."[60] This evidence demonstrates that even where legal frameworks theoretically provide remedies, without a clear, constitutionally guaranteed right of action, communities remain effectively excluded from enforcing their environmental rights.

The 2026 constitutional review guide poses a direct question: *"Should new rights be added (for example, privacy, the environment, or access to information)?"*[61] Notably, the environment is already in the Bill of Rights. The more pressing question is not whether to add a new right, but rather how to make the existing right justiciable and enforceable in practice. A constitutional right to a healthy environment that cannot be enforced in court is of little value to the communities whose rivers are polluted, whose mangroves are destroyed, and whose agricultural lands are damaged by unsustainable development.

Why must this change?

Environmental rights are inherently difficult to enforce without a clear cause of action. Unlike many civil and political rights, environmental harm often affects entire communities, can be diffuse and cumulative, and may require expert evidence that is expensive to obtain. Without explicit constitutional standing, affected individuals and/or communities (indigenous and non-) face procedural barriers that can defeat their claims even before the merits are considered.

The absence of an explicit right of action in Section 40 creates a gap in Fiji's environmental governance framework. Under the Environment Management Act (EMA) 2005, certain mechanisms exist for public participation and complaint, such as the requirement that mining tenement holders maintain complaints register and the opportunity for members of the public to inspect an EIA report within 21 days after submission. However, SEEP's research found that these mechanisms are "not user-friendly, certainly not to Community members who can be intimidated in such an environment".[62] Moreover, *"processes and deadlines are not known to communities".*

[60] Social Empowerment Education Programme (2019). Mining realities: Assessing State Compliance on the Rules of Engagement.
[61] Constitutional Review Commission (2026). Our Constitution, Our Voice: A guide to the constitutional review process.
[62] Social Empowerment Education Programme (2019). Mining realities: Assessing State Compliance on the Rules of Engagement.

The EMA's reliance on administrative complaints does not provide a direct judicial remedy for environmental harm. The Mining Act (Cap 146) similarly gives precedence to mining developers, with landowner rights being secondary, and provides no effective private right of action for communities suffering environmental damage beyond surface damage to land.[63]

International law increasingly recognises that a right to a healthy environment must be accompanied by an enforceable remedy. The UN Human Rights Council, in Resolution 48/13 (8 October 2021), explicitly recognised that a clean, healthy and sustainable environment is a human right.[64] The Resolution calls upon States to adopt policies to protect the environment and to ensure access to effective remedies for violations of environmental rights. Regional human rights bodies have similarly affirmed the justiciability of environmental rights.

SEEP contends that a constitutional environmental right without an explicit cause of action is merely a policy statement. Communities that suffer environmental damage; polluted rivers, destroyed mangroves, poisoned agricultural land, must be able to approach the courts directly, without having to rely on a government official's discretion to act. The current Section 40 places enforcement at the discretion of the State, which historically, has been reluctant to enforce environmental laws against powerful commercial interests. The State's own environmental compliance record, as documented in SEEP's 2019 research, shows persistent gaps: the Department of Environment lacked technical expertise, environmental inspectors were not appointed, and monitoring was largely reactive, acting only when complaints were received.[65] To leave enforcement of environmental rights to such a State apparatus is to deny communities effective protection.

SEEP further believes that the right to a healthy environment must be enforceable not only by individuals directly affected, but also by environmental defenders, civil society organisations, and any person acting in the public interest. Environmental harms affect entire communities, and individual members of those communities may lack the resources, legal knowledge, or confidence to bring claims. Allowing public interest standing ensures that environmental rights can be vindicated even when affected individuals are unable or unwilling to act.

This approach also aligns with the UN Guiding Principles on Business and Human Rights, which require States to provide effective remedy for business-related human rights abuse, including environmental harm caused by extractive industries.[66]

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[63] Government of Fiji (n.d). Mining Act 1965 (Cap 146).
[64] United Nations General Assembly (2021). Resolution adopted by the Human Rights Council. https://digitallibrary.un.org/record/3945636?v=pdf#files.
[65] Social Empowerment Education Programme (2019). Mining realities: Assessing State Compliance on the Rules of Engagement.
[66] United Nations Human Rights office of the High Commissioner (2011). Guiding Principles on Business and Human Rights.

3.4.1. SEEP's recommendation

- **Explicitly confer a right of action for any person, group, or organisation acting in the public interest**

  The Constitution must clearly state that any person, community group, NGO, or association can bring a court case to enforce the right to a clean and healthy environment. This right applies both when environmental laws are violated and when the State or private parties fail to protect or restore environmental quality. The provision must cover preventive actions such as stopping pollution before it causes harm as well as remedial actions, like seeking restoration or compensation after damage has occurred.

- **Include a clear constitutional explanation of standing – no need to prove personal loss or direct harm**

  The Constitution must explicitly state that anyone can enforce environmental rights without having to show personal injury, property damage, or any direct harm. Even if a person lives far from the affected area or has no ownership interest in the environment, they may still bring a claim if it serves the public interest in protecting the environment. For clarity, the provision should give examples: a national environmental NGO can challenge a mining permit affecting a distant river basin, a student can sue over air pollution in another city, and a community can act on behalf of future generations.

- **Public interest standing must be available for any concerned person(s)**

  The right to bring public interest in environmental cases should be open to anyone with a genuine concern for Fiji's environment; not just citizens, but also residents and stateless persons. No special court permission, government consent, or security for costs should be required before filing a claim; the only permissible fee is a minimal, non-discriminatory filing charge that does not block access to justice. The Constitution must specifically forbid any requirement to obtain the approval of the Attorney General, any ministry, or any administrative body before starting proceedings.

- **Narrowly drawn limitation clause – restrictions permissible only if strictly necessary and proportional**

  Any limit on the right to a clean and healthy environment or on public interest standing must be justified under a narrowly written limitation clause. Restrictions are allowed only if three conditions are met: they are set out in a law that applies generally to everyone; they serve a legitimate aim expressly listed in the Constitution, such as public safety, national security during a declared emergency, or the rights of others; and they are both strictly necessary (no less restrictive alternative exists) and proportional (the benefits of the restriction outweigh any harm to environmental protection).

- **Economic inconvenience alone does not justify limiting the right**

  The Constitution must make clear that financial costs to the government or a private business, such as compliance expenses, lost profits, or higher operating costs cannot alone justify limiting the right to a clean and healthy environment. Arguments like "pollution control is too expensive" or "enforcement hurts business" are not valid grounds for restricting environmental rights. The only possible exception is if the economic impact is so severe that it would collapse essential public services or cause mass unemployment with no alternative way to lessen the harm, and even then, the government must prove that no other option exists.

3.5. Rights of Persons with Disabilities-Reasonable Accommodation not fully defined (Section 42)

Section 42 of the 2013 Constitution provides persons with disabilities the right to *"reasonable access"* to places, transport and information, and the right to *"reasonable adaptation"* of buildings, infrastructure, vehicles and working arrangements.[67] While this provision represents an important constitutional recognition of the rights of persons with disabilities, it suffers from a critical defect: the term *"reasonable"* is nowhere defined, leaving its interpretation entirely to ordinary legislation and court discretion. Moreover, it provides a convenient way out for all duty-bearers and businesses continue providing sub-par services to those citizens with disability. The Constitution also provides no explicit right to personal assistance services, sign language interpretation in all court proceedings, or accessible formats for all official communications.

The scale of the disability community in Fiji is substantial. Recent figures indicate that approximately 14.3 per cent of the population, nearly 128,000 individuals, live with a disability.[68] Alarmingly, almost one in every ten Fijian children aged two to 17 has a disability, though experts warn that the true number is likely much higher, as thousands of children are never identified or counted.[69]

For these ordinary Fijians, the gap between constitutional promise and lived reality is profound. How user friendly are they for people with disabilities? With such narrow spaces in the aisle in most buses, the steps are so high that some people struggle to climb in. The seats of some buses are inconvenient and in slant positions, which is a health and safety issue. Youth living with disabilities who participated in the 2026 constitutional review consultations raised issues about accessibility and awareness, stating that

[67] Government of Fiji (2013). 2013 Constitution of the Republic of Fiji.
[68] Ministry of Women, Children & Social Protection (2025). Ministerial Statement by Hon, Sashi Kiran August 2025 Parliament Sitting. https://www.mwcsp.gov.fj/2025/08/06/ministerial-statement-by-hon-sashi-kiran-august-2025-parliament-sitting/.
[69] Naimatau, K (2026). One in ten children has a disability, true numbers are likely higher. https://fijisun.com.fj/news/nation/one-in-ten-children-has-a-disability-true-numbers-likely-higher.

protections exist but are still weak and need strengthening.[70] Without a clear, constitutionally embedded definition of *"reasonable accommodation"*, government agencies and private entities can refuse to make necessary adjustments by simply declaring that the requested accommodation is not *"reasonable"* in their view, leaving persons with disabilities without effective legal recourse.

Fiji ratified the UN Convention on the Rights of Persons with Disabilities (CRPD) on 7 June 2017, and the Convention entered into force for Fiji on 7 July 2017. Fiji had previously signed the CRPD on 2 June 2010.[71] The CRPD is a binding international treaty that creates enforceable State obligations. Unlike declarations or political commitments, the CRPD imposes legal duties on States Parties to respect, protect and fulfil the rights of persons with disabilities. Fiji's ratification brings with it obligations of progressive implementation and non-retrogression, as well as reporting requirements to the Committee on the Rights of Persons with Disabilities.

Article 2 of the CRPD is of fundamental importance to the interpretation of Section 42. It defines *"reasonable accommodation"* as:

> *"Necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms."*[72]

The CRPD further provides that denial of reasonable accommodation constitutes discrimination. Article 5(3) of the Convention states:

> *"that "in order to promote equality and eliminate discrimination, States Parties shall take all appropriate steps to ensure that reasonable accommodation is provided."*

This means that the failure to provide reasonable accommodation is not merely a failure to provide a benefit, it is an act of discrimination.

Fiji has taken domestic legislative steps to implement its CRPD obligations. The Rights of Persons with Disabilities Act 2018 (Act No. 4 of 2018) was enacted to protect the rights of persons with disabilities, establishing a National Council for Persons with Disabilities and setting out rights including the right to work and employment, non-discrimination, equal recognition before the law, freedom from exploitation, access to justice, health, participation in political life and an adequate standard of living and social protection.[73] Section 29 of the Rights of Persons with Disabilities Act 2018 mirrors the accessibility

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[70] Cava, L (2026). Opposition flags timing of constitution briefing. https://www.fbcnews.com.fj/news/opposition-flags-timing-of-constitution-briefing/.
[71] United Nations (2026). Chapter IV: Human Rights-15. Convention on the Rights of Persons with Disabilities.
[72] United Nations Human Rights Office of the High Commissioner (2008). Convention on the Rights of Persons with Disabilities.
[73] Government of Fiji (2025). Rights of Persons with Disabilities Act 2018.

rights set out in Section 42 of the Constitution. Importantly, the 2018 Act adopts the CRPD definition of "reasonable accommodation" verbatim. The Act states that:

> *"Reasonable accommodation" means "necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure that persons with disabilities enjoy or exercise on an equal basis with others all human rights and fundamental freedoms".*[74]

SEEP regards the constitutional guarantee of rights for persons with disabilities as severely weakened by the absence of a clear, internationally-consistent definition of *"reasonable accommodation".* Leaving such a core concept to ordinary legislation allows government agencies and private entities to refuse accommodation by simply declaring it *"not reasonable"* in their view.

For a person who is deaf and requires sign language interpretation to participate in a court proceeding, for a person who uses a wheelchair and requires accessible transport to reach employment, or for a person with an intellectual disability who requires supported decision-making to access public services, the lack of a clear constitutional definition means that their rights depend on the goodwill of officials rather than on an enforceable legal standard.

SEEP therefore believes that the Constitution must be explicit about what *"reasonable accommodation"* means, and that the standard must be drawn directly from the CRPD, the very treaty that Fiji has ratified and is bound to implement. Under Article 2 of the CRPD, "reasonable accommodation" means "necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms."[75] This balanced definition has been adopted by courts and tribunals around the world and is the internationally accepted standard.

Furthermore, SEEP contends that the right to sign language interpretation in all legal and administrative proceedings must be constitutionally guaranteed and provided at State expense. Access to justice is meaningless if a person cannot understand the proceedings or be understood by the court. Without sign language interpretation, deaf persons are effectively excluded from participating in legal processes, from police interviews to court hearings, violating their rights to equal recognition before the law and access to justice under the CRPD. Finally, Section 42(3), which allows limitations *"to the extent that it is necessary",* must be removed or significantly narrowed.

In its current form, it provides a catch-all justification for denying even basic accommodation and services. If retained, it should be amended to allow limitations only

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[74] Government of Fiji (2025). Rights of Persons with Disabilities Act 2018.
[75] United Nations Human Rights Office of the High Commissioner (2006). Convention on the Rights of Persons with Disabilities.

in cases of genuine impossibility where the accommodation cannot be provided even with the best efforts of the State, not mere inconvenience or cost. The CRPD's "disproportionate or undue burden" test already provides sufficient protection for duty-bearers against excessive demands; no further limitation clause is required.

3.5.1. SEEP Recommendation

- **Adopt the CRPD definition of "reasonable accommodation" directly into the Constitution**

  The Constitution must include the exact definition of "reasonable accommodation" from the UN Disability Convention: necessary and appropriate changes that do not impose a disproportionate or undue burden, made to ensure persons with disabilities can enjoy all human rights on an equal basis with others. This definition applies to every area of life; education, jobs, healthcare, courts, housing, public services, transport, and political or cultural activities. The Constitution must also make clear that whether a burden is "disproportionate or undue" is decided case by case, based on facts, not on general assumptions about cost or inconvenience.

- **Remove or significantly narrow the existing limitation clause applicable to disability rights**

  For disability rights under Section 42, any constitutional provision that allows limits based on "available resources," "economic capacity," or "progressive realisation" must be removed. If any limitation clause remains, it must be very narrow: restrictions are allowed only when strictly necessary to protect others' rights or public safety in an imminent emergency, using the least restrictive option, and never undermining the core dignity and equality of persons with disabilities. The State alone bears the burden of proving that any restriction meets these strict standards.

- **Denial of reasonable accommodation shall constitute discrimination and cannot be justified by cost alone**

  The Constitution must explicitly state that refusing or failing to provide reasonable accommodation to a person with a disability counts as discrimination under the equality clause, subject to the same legal remedies as other forms of discrimination like race or gender. Cost alone whether described as too expensive, budgetarily challenging, or economically inconvenient can never be a valid defence. The only possible exception is if the accommodation would impose a genuinely proven "disproportionate or undue burden," considering all available resources, potential outside funding, and the size of the entity; and even then, the entity must offer an effective alternative accommodation.

- **Guarantee free sign language interpretation in all legal and administrative proceedings**

The Constitution must guarantee every deaf or hard of hearing person the right to free, qualified sign language interpretation in all legal proceedings including police interviews, court hearings, and detention as well as in any administrative process like applying for licenses or benefits. The State must maintain a roster of certified interpreters available 24/7 (in person, by video, or by phone). A person may waive this right only if the waiver is voluntary, informed, and recorded in writing, and no negative assumption can be drawn from choosing to waive or use the right.

- **Guarantee accessible formats for all official communications**

  All official government communications; such as laws, forms, court documents, health information, and voting materials must be provided in accessible formats (including Braille, large print, plain language, screen-reader-compatible electronic text, audio recordings, and tactile graphics) at no cost to the person with a disability. Public bodies must also apply universal design principles to their websites and digital platforms, following international accessibility standards. Finally, the Constitution should set a clear deadline for example, two years after enactment, for all government entities to achieve full compliance, with annual progress reports submitted to Parliament.

- **Recognise the right to State-supported personal assistance services for independent living**

  The Constitution must recognise the right of all persons with disabilities to live independently and be included in the community, including the right to state-supported personal assistance services that are user-directed; meaning the person hires, trains, and supervises their own assistants (or chooses their service provider). The State must allocate ring-fenced budget resources to guarantee a minimum package of assistance hours per week based on assessed need, not on income or family availability. Because this right is fully justiciable, anyone denied such services can seek immediate enforcement in court without waiting for progressive realisation.

- **Additional enforcement and procedural guarantees**

  The Constitution must guarantee that people with disabilities and those acting on their behalf can enforce Section 42 in court without needing to prove personal harm. Courts may issue structural remedies, such as ordering government bodies to create plans, timelines, and budgets for reasonable accommodation, accessible formats, and personal assistance services. Additionally, the Fiji Human Rights and Anti-Discrimination Commission (or a dedicated disability rights body) must be constitutionally empowered to receive complaints, conduct investigations, and bring legal action for Section 42 violations, with adequate funding and enforcement authority.

3.6. Limited Powers of Fiji's Human Rights and Anti-Discrimination Commission

The Human Rights and Anti-Discrimination Commission (HRADC) was created to be a champion for every person in Fiji. When a citizen suffers unfair treatment because of their race, gender, disability, or religion or when a child is neglected, a worker is exploited, or a family is evicted without a court order, the Commission is supposed to step in. The Constitution promises that "*every person is equal before the law and has the right to equal protection, treatment and benefit of the law*". The HRADC is meant to make that promise real.

However, the Commission cannot fully protect Fijians today because the Constitution itself gives it very limited powers. This gap between the Constitution's noble words and the Commission's real authority has serious consequences including the loss of international accreditation and, most importantly, a denial of justice for vulnerable Fijians.

Table 3.6.1. Core Problem & Consequences faced by the FHRADC

Aspect / Issue	Description / Mechanism	Consequences / Examples	Relevant Legal Provision
2.1 No Binding Powers Over Government Agencies	HRADC may investigate complaints and recommend redress, but cannot issue binding directives to any government ministry, public officer, or private company. Recommendations are merely advisory.	• After lengthy investigation, a government agency can ignore the HRADC's finding (e.g., unlawful eviction under Section 39, or disability discrimination under Section 42). • Victims must go to the High Court – expensive, slow, and intimidating. For most ordinary Fijians, this is not a realistic option.	Constitution 2013, s. 45(4)(e)
2.2 Political Control Over Appointments	Appointment of the Chairperson and four members is made by the President on the advice of the Constitutional Offices Commission (COC).	The Prime Minister and Attorney-General (active political figures) together with the two members they effectively choose to form a majority on the COC. This allows the government of the day to decide who leads the HRADC, undermining public confidence and perceived independence.	Constitution 2013, ss. 45(2), 132
2.3 Budgetary Dependence on the Executive	The Constitution states that "Parliament shall ensure that adequate funding and resources are made available to the Commission", but it does not	• When the HRADC investigates powerful ministries (e.g., police brutality, prison conditions), there is a risk of budgetary retaliation.	Constitution 2013, s. 45(11); Chapter 7

	guarantee a minimum level of funding or protect the HRADC from budget cuts. The budget is decided annually through the ordinary appropriation process (Chapter 7), controlled by Cabinet and the Minister for Finance (executive branch).	• Even without explicit threats, the perception of financial vulnerability creates a "chilling effect", causing the Commission to hesitate before taking on politically sensitive cases.	(Revenue and Expenditure)
3.1 Loss of "A Status" Accreditation Under the Paris Principles	National human rights institutions are judged against the Paris Principles (UN General Assembly, 1993). "A status" accreditation from GANHRI indicates full compliance.	The HRADC lost its A status after the December 2006 coup, remained unrecognized for over a decade, and regained only B status in 2021 (partial compliance). This downgrade reduces Fiji's influence in UN human rights forums and signals that Fiji lacks a fully functioning national human rights guardian.	Paris Principles (UNGA resolution 48/134); GANHRI accreditation process
3.2 Real-World Harm to Vulnerable Fijians	The HRADC's lack of enforcement power directly harms individuals whose constitutional rights are violated.	Arbitrary eviction (s. 39): A family evicted without a court order. HRADC finds it unlawful, but the agency refuses to stop. The family cannot afford a lawyer and becomes homeless. Discrimination against a person with disability (s. 42): A wheelchair user denied bus access. HRADC recommends ramps; company ignores. No practical remedy except costly litigation. Failure to provide access to information (s. 25): A citizen requests pollution documents; ministry ignores it. HRADC finds a breach, but the ministry continues to ignore. The citizen remains uninformed about environmental health risks.	Constitution 2013, ss. 25, 39, 42

3.6.2. SEEP's Recommendation

- **Give HRADC binding directive powers** – HRADC can issue legally binding orders to anyone (government, companies, or individuals) who violates human rights and enforce them through contempt of court (fines or imprisonment).

- **Remove executive control over appointments** – Appointments of HRADC Commissioners shall be made by the President only on the advice reformed COC into a balanced and transparent body consisting of six members, with the Prime Minister serving as Chairperson. The six members shall be: the Prime Minister, the Attorney-General, and the Leader of the Opposition as ex-officio members; plus, one additional candidate selected by the Prime Minister and two additional candidates selected by the Leader of the Opposition, all chosen with full transparency.
- **Guarantee budgetary independence** – HRADC's budget shall be a fixed minimum percentage of the national budget, automatically charged to the Consolidated Fund, and cannot be reduced by the government.
- **Protect Commissioners from retaliation** – No one may fire, demote, threaten, or harm a commissioner or staff for doing their job; retaliation is a constitutional crime punishable by prison or fines.
- **Restore "A status" accreditation within two years** – The State must take all necessary steps to regain "A status" (full international recognition of independence and effectiveness) from GANHRI within two years, with annual progress reports to Parliament.
- **Additional simple guarantees** – HRADC can start its own investigations without a complaint, access any government premises (prisons, police stations) without warning, publish all reports publicly, and no part of government (including military) is exempt from its authority.

4.0. Chapter 3: Parliament

4.1. Proportional Representation System (Section 53)

Section 53(1) of the Constitution of the Republic of Fiji provides that:

"The election of members of Parliament is by a multi-member open list system of proportional representation, under which each voter has one vote, with each vote being of equal value, in a single national electoral roll comprising all the registered voters."[76]

This provision introduced a fundamental change in Fiji's electoral architecture, moving away from ethnically based communal constituencies to a single-nationwide-district, candidate-centred system of proportional representation (PR).

Participants in ongoing public consultations conducted by the Constitutional Review Commission (CRC) have expressed diverse views on the electoral system. Some advocates have called for the reintroduction of geographically defined constituencies (a

[76] Government of Fiji (2013). 2013 Constitution of the Republic of Fiji.

multi-constituency or district-based model) to enhance local representation and accountability. Concerns have been raised about the perceived lack of direct constituent-MP relationships, the cost of by-elections, and what some describe as a "democratic deficit" in the current model.[77]

The Social Empowerment Education Programme (SEEP) maintains its support for retaining Fiji's current OLPR system. There are four principal reasons for this position.

Table 4.1.1. SEEP supports OLPR System

Reason	Explanation	Key Points / Evidence
First: Transcend historical ethnic divisions and foster national unity	Fiji's political history has been marked by deep ethnic polarisation. The 2013 Constitution deliberately moved away from ethnically based communal representation (open and communal constituencies) to a single national roll. This design promotes a common national identity where all citizens are recognised simply as "Fijians," irrespective of ethnicity.	• Encourages parties to build cross-ethnic coalitions • Strengthens social cohesion • Reduces the political salience of ethnic identity
Second: Ensure politicians appeal to all Fijian citizens	Under the Open List Proportional Representation (OLPR) model, a candidate cannot rely solely on a small, homogeneous constituency. Success depends on attracting votes from across the entire country.	• Incentivises political platforms that address national issues (economic development, health, education, infrastructure) • Moves Fiji toward a more inclusive, issue-based political culture • Prevents sectarian or parochial interests from dominating
Third: The system is tried and tested	Fiji has successfully conducted three general elections under the 2013 Constitution (2014, 2018, 2022). International observers have deemed these elections credible. Voter turnout remains within the range of many established democracies.	• Voter turnout: 84.6% (2014), 71.9% (2018), 68.3% (2022) • Enabled peaceful transfer of power in 2022 (incumbent Fiji First Party defeated; opposition coalition led by Sitiveni Rabuka assumed office) • Demonstrates capacity to absorb political change without extra-constitutional intervention
Fourth: Creates opportunities for political parties to improve	The OLPR model places a premium on candidate quality, party discipline, and national appeal. Political parties are compelled to field candidates who can attract votes across ethnic and regional lines, rather than relying on gerrymandered enclaves.	• Drives parties to invest in better candidate selection, training, and voter outreach • Strengthens the quality of parliamentary representation • Builds a more resilient democratic culture

In the past, when Fiji was divided into multiple electoral districts, manipulation of constituency boundaries could distort outcomes. The single national constituency removes that tool of manipulation entirely.[78] Furthermore, the principle of *"one person,*

[77] Wilson, C (2024). Lawyer critiques electoral system. https://www.fijitimes.com.fj/lawyer-critiques-electoral-system/.
[78] Lal, N (2025). Fiji's single national constituency: Weighing the trade offs. https://www.fijitimes.com.fj/opinion-fijis-single-national-constituency-weighing-the-trade-offs/.

one vote, one value" is realised in its truest form: a vote cast in a remote village carries the same weight as one cast in the capital.

While the system is not without its critics, and while the ongoing constitutional review provides a proper forum for debating electoral reform, SEEP is convinced that Fiji's existing OLPR system represents a sound, inclusive, and forward-looking electoral framework that should be retained and strengthened through improved civic education and electoral administration, rather than abandoned.

4.1.2. SEEP's Recommendation

SEEP recommends retaining Fiji's existing Open List Proportional Representation (OLPR) system under section 53(1) of the 2013 Constitution. OLPR helps transcend ethnic divisions by encouraging multi-ethnic, issue-based coalitions instead of identity-based bloc voting. It fosters national unity because voters can choose individual candidates across party lists, pushing candidates to build cross-regional and cross-ethnic appeal. OLPR also ensures equal vote value; one vote; one value, by allocating seats proportionally to votes cast, reducing wasted votes. The system has a proven track record in the 2014, 2018, and 2022 general elections, each followed by a peaceful, constitutionally compliant transfer of power, confirming its compatibility with stability and democratic consolidation.

4.2. The 5% threshold (Section 53)

Section 53(3) of Fiji's 2013 Constitution establishes that;

"a political party or an independent candidate shall not qualify for any seat in Parliament unless the political party or the independent candidate receives at least 5% of the total number of votes cast."[79]

This provision creates a single national open list proportional representation system where a party winning 4.9% of the national vote receives zero parliamentary seats, effectively disenfranchising tens of thousands of Fijian voters. In a nation of approximately 705,130 registered voters as of 2024, the 5% threshold represents roughly 23,000 votes, a substantial barrier that forces voters to abandon smaller parties or risk their votes counting for nothing.[80][81]

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[79] Government of Fiji (2013). 2013 Constitution of the Republic of Fiji.
[80] Lativerata, L (2026). Alternative Voting as Gender Quotas Recommended in Newly Released Reports. https://maitvfiji.com/fiji-electoral-commission-considers-alternative-voting-as-gender-quotas-recommended-in-newly-released-reports/.
[81] Chand, M (2025). Electoral Law Reform Commission to look at 5% threshold. https://www.fijivillage.com/feature/Electoral-Law-Reform-Commission-to-look-at-5-threshold-f5x4r8/.

The review guide rightly asks whether the electoral system "*gives equal representation to everyone*" and whether there are *"barriers that make it hard for people to take part."*[82] The 5% threshold creates precisely such a barrier. When a party receives 4.9% of the national vote, all those voters lose their voice entirely; their votes contribute to no parliamentary representation. This is not merely theoretical; in the 2022 general election, several smaller parties collectively received over 8% of the vote but failed to secure proportional representation, leaving tens of thousands of Fijians without the representatives they chose.[83] This outcome directly contradicts the constitutional value of *"common and equal citizenry"* and the principle that all Fijians are *"united by common and equal citizenry"* as declared in the Constitution's preamble.[84]

4.2.1. SEEP's Recommendation

SEEP recommends amending Section 53(3) of the 2013 Constitution to lower the electoral threshold for parliamentary representation from the current 5% of valid national votes to 4%. This reduction is a targeted, moderate reform designed to allow smaller political parties and deserving independent candidates to secure parliamentary seats, thereby promoting more inclusive political participation across Fiji's diverse society. Under the existing 5% threshold, many candidates and parties that receive substantial but minority support (for example, between 4% and 4.9% of the vote) are completely excluded from Parliament, and the votes cast for them are effectively wasted. Lowering the threshold to 4% reduces this waste, ensures that a greater proportion of citizens' votes translate into representation, and gives independent candidates; particularly women, youth, and members of marginalized communities, a realistic pathway to office without requiring the extensive resources of major parties.

This reform directly aligns with the constitutional value of *"common and equal citizenry"* enshrined in Fiji's Constitution, which guarantees that every citizen's voice deserves equal respect and consideration. At the same time, SEEP does not recommend a threshold lower than 4% at this stage, as a very low threshold (e.g., 1–2%) could lead to excessive parliamentary fragmentation and coalition instability. The 4% threshold strikes a practical balance: low enough to enhance inclusion and reduce wasted votes, yet high enough to maintain stable governance. SEEP therefore urges the Constitution Review Commission to adopt this amendment to Section 53(3), while keeping all other provisions of the section unchanged, including the method of seat allocation under the Open List Proportional Representation system.

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[82] Constitutional Review Commission (2026). Our Constitution, Our Voice: A guide to the constitutional review process.
[83] Fiji Elections Office (2023). 2022 General Election SOE Report. https://www.feo.org.fj/wp-content/uploads/2025/06/2022-General-Election-SoE-Report.pdf
[84] Government of Fiji (2013). 2013 Constitution of the Republic of Fiji.

4.3. Appointment of the Secretary General to Parliament (Section 79) & Electoral Commission Appointed by Executive dominated body (Section 75(7) and 76(4)

The Social Empowerment Education Programme (SEEP) has carefully examined the constitutional provisions governing the appointment of key institutional offices that are essential to Fiji's democracy. A recurring concern across multiple provisions is the dominance of the executive branch over bodies that must, by their very nature, operate independently of the government of the day. The review guide rightly asks whether *"the roles of Parliament, the Executive, and the Courts (are) clearly separated"* and whether "there are enough checks in place to prevent misuse of power."[85] SEEP's position is clear: institutions that serve Parliament as a whole or that oversee elections must be appointed through processes that are balanced, transparent, and insulated from executive control.

Below, SEEP presents each structure to identify the problem, the reason for change, and a concrete reform.

Table 4.3.1. Thematic 1: Section 79-Secretary General to Parliament

Aspect	Analysis
Constitutional Provision	Section 79 establishes the office of the Secretary-General to Parliament. The Secretary-General is appointed by the President on the advice of the Constitutional Offices Commission (COC).[86]
The Problem	The COC is dominated by the executive: the Prime Minister (chairperson), the Attorney-General, plus two government appointees, compared to only the Leader of the Opposition and one opposition appointee.[87] This gives the government effective control over who becomes Parliament's chief procedural and administrative officer.
Why This Must Change	The Secretary-General is "the principal procedural advisor to the Speaker, and to all members of Parliament and committees of Parliament" and is responsible for "the efficient, effective and economical management of Parliament."[88] This position must be independent of the executive. If the executive-dominated COC controls the appointment, the Secretary-General could be perceived as or be loyal to the government rather than to Parliament as an institution. The review guide explicitly asks: "Are the roles of Parliament, the Executive, and the Courts clearly separated?"[89] Allowing the executive to appoint Parliament's own chief officer blurs that separation.

Table 4.3.2. Section 75 (7) and 76(4)-Electoral Commission and Supervisor of Elections

Aspect	Analysis
Constitutional Provisions	Section 75(7): The chairperson and members of the Electoral Commission are appointed by the President on the advice of the Constitutional Offices Commission (COC). Section 76(4): The Supervisor of Elections is appointed by the President on the advice of the COC, following consultation with the Electoral Commission.[90]
The Problem	Again, the COC is dominated by the executive (Prime Minister, Attorney-General, two government appointees) with only minimal opposition representation.[91] This means

[85] Constitutional Review Commission (2026). Our Constitution, Our Voice: A guide to the constitutional review process.
[86] Government of Fiji (2013). 2013 Constitution of the Republic of Fiji.
[87] Government of Fiji (2013). 2013 Constitution of the Republic of Fiji.
[88] Government of Fiji (2013). 2013 Constitution of the Republic of Fiji.
[89] Constitutional Review Commission (2026). Our Constitution, Our Voice: A guide to the constitutional review process.
[90] Government of Fiji (2013). 2013 Constitution of the Republic of Fiji.
[91] Government of Fiji (2013). 2013 Constitution of the Republic of Fiji.

	the government of the day effectively controls who oversees the entire electoral process from voter registration to the conduct of elections.
Why This Must Change	The Electoral Commission is responsible for "the registration of voters and the conduct of free and fair elections."[92] The Supervisor of Elections administers elections. If the body that appoints these key officials is controlled by the very political party that benefits from electoral manipulation, public confidence in the independence of election management is gravely undermined. The review guide asks: *"Does the system give equal representation to everyone?"* and *"Are there any barriers that make it hard for people to take part?"*[93] A system where the government appoints the electoral referee creates an insurmountable barrier to trust and fairness. International best practice demands that electoral management bodies be appointed through inclusive, multi-party or independent mechanisms.

4.2.3. SEEP's Recommendation

SEEP recommends that the Constitutional Offices Commission (COC) be reformed, not abolished, into a balanced and transparent body consisting of six members, with the Prime Minister serving as Chairperson. The six members shall be: the Prime Minister, the Attorney-General, and the Leader of the Opposition as ex-officio members; plus, one additional candidate selected by the Prime Minister and two additional candidates selected by the Leader of the Opposition, all chosen with full transparency. This 3+3 model (three ex-officio members plus three nominees) ensures that neither the government nor the opposition can dominate appointments, force genuine consensus and protect the independence of Fiji's most vital oversight institutions. All appointments must be based on transparent, merit-based criteria, with shortlists and reasons published publicly. Only such a balanced composition can restore public confidence that Fiji's constitutional offices are free from executive capture.

The reformed COC shall exercise the sole function of appointing, vetting, and overseeing the Secretary of Parliament, the Chairperson and members of the Electoral Commission, and the Supervisor of Elections. To ensure accountability, the COC shall provide quarterly reports to the Executive and annual updates to Parliament, with all reports published online within 14 days; the Chairperson (the Prime Minister) shall appear before the relevant parliamentary committee twice a year to answer questions. Through this reformed structure, SEEP believes the COC can become genuinely independent, transparent, and accountable without the need to create an entirely new body.

4.3. Re-establishing the senate

Among the electoral reform proposals raised during public consultations, some voices have called for the re-establishment of the Senate in Fiji. Proponents argue that a second legislative chamber would enhance governmental accountability and serve as an essential check on parliamentary power.[94] Some have further suggested that an elected Senate

[92] Government of Fiji (2013). 2013 Constitution of the Republic of Fiji.
[93] Constitutional Review Commission (2026). Our Constitution, Our Voice: A guide to the constitutional review process.
[94] Korobiau, S (2025). Calls to Revive Fiji's Senate Gain Momentum. https://fijisun.com.fj/news/nation/calls-to-revive-fijis-senate-gain-momentum.

would strengthen democratic representation by providing an additional layer of scrutiny for proposed legislation.

The Social Empowerment Education Programme (SEEP) has carefully considered these arguments but does not support this proposed reform. The primary obstacle is constitutional in nature. Section 46(1) of the 2013 Constitution explicitly vests legislative authority solely in a unicameral Parliament comprising elected members and the President.[95] Any move toward a bicameral system would therefore require significant constitutional amendment, following the rigorous process outlined in Section 160: approval by three-quarters of Parliament at both second and third readings, followed by a national referendum where three-quarters of registered voters must approve the change.[96]

Beyond constitutional considerations, SEEP emphasizes the substantial economic implications of reviving a bicameral system. As a Small Island Developing State (SIDS), Fiji must carefully weigh the considerable costs of maintaining two legislative chambers against pressing national priorities.

The financial burden of funding an additional house of Parliament would include:

- Salaries and allowances for Senators
- Operational expenses for chamber proceedings
- Institutional infrastructure and administrative support
- Research and staffing resources

These resources could otherwise be directed toward critical socioeconomic programmes, including poverty alleviation, infrastructure development, and human capital investment.

Fiji continues to navigate significant global economic pressures that affect all Pacific Island nations. Supply chain disruptions, inflationary pressures, climate-related vulnerabilities, and the lingering economic effects of the COVID-19 pandemic have placed considerable strain on national finances.[97] In this context, diverting resources to establish a second legislative chamber would require rigorous cost-benefit analysis to determine whether such institutional reform would genuinely advance Fiji's democratic progress or simply reintroduce complexity without addressing fundamental development challenges.

SEEP views the proposal to re-establish the Senate as a potential distraction from discussing practical improvements that could enhance Fiji's democratic culture within

[95] Government of Fiji (2013). 2013 Constitution of the Republic of Fiji.
[96] Government of Fiji (2013). 2013 Constitution of the Republic of Fiji.
[97] World Bank Group (2026). Pacific Economic Update-Pacific Jobs Pathway Special Focus Water as an Essential Foundation for Jobs.
https://thedocs.worldbank.org/en/doc/a04d2954d291f783c8a729d0a7342f51-0070062026/original/Pacific-Economic-Update-May-2026-Full-report.pdf.

the existing governance framework. The current unicameral system remains relevant and appropriate for a nation of Fiji's size and resource capacity.

The core issue is not the absence of oversight mechanisms but rather that existing mechanisms are not functioning as effectively as they should. Parliament already possesses committee structures designed to scrutinize legislation and hold the executive accountable. Other independent institutions: including the Human Rights and Anti-Discrimination Commission, the Accountability and Transparency Commission, and the Auditor-General, provide additional oversight functions. This approach prioritises people-centred development by directing scarce resources toward programmes that directly improve citizens' wellbeing, rather than toward institutional expansion whose benefits remain uncertain.

4.3.1. SEEP's Recommendation

The SEEP recommendation is clear: do not re-establish the Senate and retain the existing unicameral system. Instead of pursuing costly and uncertain institutional expansion, efforts should concentrate on strengthening current oversight institutions and enhancing parliamentary committee processes to improve accountability. This approach involves empowering bodies such as public accounts committees, integrity commissions, and audit offices with better resources, clearer mandates, and greater operational independence. Parliamentary committees should be given stronger investigative powers, more technical staff, and enforceable mechanisms for follow-up on recommendations.

By keeping the legislature simple and unified, scarce public resources are directed toward measurable improvements in citizen wellbeing; such as health, education, and infrastructure rather than absorbed by the creation of a second chamber whose benefits remain speculative. This people-centred strategy ensures that accountability is deepened through practical reforms to existing structures, not through institutional duplication that diverts attention and funds from direct service delivery.

5.0. Chapter 4: The Executive (Sections 81-96)

5.1. A Merit-Based Attorney-General: Reconciling Section 96 with Democratic Accountability

Section 96 of the Constitution of the Republic of Fiji (2013) governs the appointment and functions of the Attorney-General. Subsection (3) permits the Prime Minister to appoint an Attorney-General from outside Parliament when no suitable candidate exists among elected members of the governing coalition.[98] This provision has been criticised as undermining democratic accountability, but a closer examination reveals that the ability to select a non-parliamentarian may, if properly structured, enhance rather than erode the rule of law. The core concern is not the fact of external appointment, but the risk of

[98] Government of Fiji (2013). 2013 Constitution of the Republic of Fiji.

politicisation when the choice rests exclusively with the Prime Minister without adequate safeguards for merit-based selection.

An Attorney-General appointed under section 96(3) need not stand for election, yet serves as chief legal adviser to the Government, a member of Cabinet, and Chairperson of the Mercy Commission.[99] These are weighty responsibilities, and a purely political mandate, dependent on electoral cycles and party loyalty could compromise the impartiality expected of a chief law officer. By contrast, a selection process grounded in professional excellence, integrity, and independence would produce an Attorney-General who is answerable to the Constitution first, rather than to a political party or constituency. Many mature democracies permit the appointment of senior legal officers from outside the legislature precisely to insulate legal advice from partisan pressure.

The current drafting of section 96(3) is, however, unduly permissive. It vests unfettered discretion in the Prime Minister, subject only to the appointee's qualifications as a legal practitioner with fifteen years' post-admission experience and no disciplinary findings.[100] This creates an anomaly: a powerful state officer who lacks any direct democratic check, yet whose appointment is purely political. The solution is not to prohibit external appointments, but to embed rigorous, transparent, and non-political criteria that prioritise merit over patronage.

5.1.1. SEEP's Recommendation

SEEP recommends that section 96(3) of the Constitution of the Republic of Fiji (2013) be amended to ensure that an Attorney-General appointed from outside Parliament is chosen strictly on merit, without political interference. Under the reformed process, the Prime Minister must first try to appoint an Attorney-General from among the elected members of the governing coalition. Only if the Prime Minister genuinely finds that no suitable candidate exists inside Parliament may the Prime Minister make a formal request to the Judicial Service Commission, asking it to advertise the position for candidates from outside Parliament.

Upon receiving that request, the Judicial Service Commission must conduct an open, transparent, and competitive recruitment process. The Commission will publicly advertise the role, set clear criteria based on professional legal excellence, integrity, and independence, and require that applicants have held no political party office for the preceding five years. The Commission will interview shortlisted candidates, keep full records of all interviews, and assess each person solely on merit. After completing this process, the Commission will select the most suitable candidate and formally advise the Prime Minister of its choice. The Prime Minister must then appoint that person as Attorney-General without delay; the Prime Minister has no power to reject the Commission's selection, ask for a different candidate, or reopen the process.

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[99] Government of Fiji (2013). 2013 Constitution of the Republic of Fiji.
[100] Government of Fiji (2013). 2013 Constitution of the Republic of Fiji.

The appointed Attorney-General, whether from inside or outside Parliament, may sit and speak in Parliament and must appear before a parliamentary committee twice each year to answer questions on legal policy and the work of the Mercy Commission. This reform ensures that an unelected Attorney-General is a last resort, chosen not through political favour but through an independent, transparent, merit-based process that every Fijian can understand and trust.

5.2. The President Term of Services and Reserve Powers (Section 82,85 and 93)

The 2013 Constitution of Fiji establishes a parliamentary system with a ceremonial President who holds office for a three-year term under Section 85.[101] The Social Empowerment Education Programme (SEEP) supports maintaining this three-year term because it ensures regular parliamentary oversight and prevents any individual from accumulating excessive tenure without recurring democratic endorsement through Parliament. However, two other features of the Presidency create unnecessary risks of political paralysis: the complete absence of discretionary powers under Section 82, and the rigid mandatory dissolution requirement under Section 93(3)(d) when Parliament fails to elect a Prime Minister after three votes.

Section 82 currently forces the President to act only on the advice of Cabinet or other prescribed bodies, leaving no discretionary power whatsoever.[102] In a genuine constitutional crisis; for example, when a Prime Minister who has lost a confidence vote demands an immediate dissolution, or when Parliament is hopelessly deadlocked after an election, the President is rendered powerless to protect the constitutional order or to seek an alternative solution.[103] This absence of reserve powers threatens the stability and efficiency of the entire system, as no neutral arbiter exists to steer the nation away from a preventable political collapse.

Section 93(3)(d) currently requires the President to dissolve Parliament within 24 hours if three votes fail to elect a Prime Minister.[104] This mandatory dissolution often worsens a deadlock, as a snap election held under the same conditions is likely to produce the same inconclusive result, wasting public resources and deepening political mistrust. From an efficiency perspective, forced immediate elections are costly and time-consuming, and they frequently lead to repeated cycles of voting without progress. From a participation standpoint, voter fatigue and cynicism increase when citizens are asked to return to the polls prematurely without any change in the underlying political landscape.

5.2.1. SEEP Recommendation

[101] Government of Fiji (2013). 2013 Constitution of the Republic of Fiji.
[102] Government of Fiji (2013). 2013 Constitution of the Republic of Fiji.
[103] Government of Fiji (2013). 2013 Constitution of the Republic of Fiji.
[104] Government of Fiji (2013). 2013 Constitution of the Republic of Fiji.

To remedy these deficiencies, SEEP recommends that the Constitution should be amended as follows;

First, Section 82 should be revised to grant the President limited, defined reserve powers that can be exercised only in specific emergencies, such as refusing a dissolution request when another member of Parliament can form a government, appointing a caretaker Prime Minister for a short period during a deadlock, or summoning Parliament if the Prime Minister unreasonably refuses to do so. These powers would be justiciable and strictly circumscribed, ensuring that the President remains a ceremonial head of state while gaining a last-resort tool to resolve political crises without immediately forcing an election.

This reform promotes stability by preventing rash dissolutions, enhances efficiency by allowing a neutral actor to keep government functioning, advances equity by ensuring that no Prime Minister can weaponise a confidence vote to obtain a premature dissolution that unfairly disadvantages opposition parties, and protects participation by avoiding unnecessary elections that disrespect the original vote of the people.

Second, Section 93(3)(d) should be revised to give the President a genuine choice: after three failed votes to elect a Prime Minister, the President may either dissolve Parliament or appoint a caretaker Prime Minister from among the members of Parliament for a period not exceeding six months. The caretaker would manage only routine government business, such as approving urgent expenditure, maintaining public order, and keeping the civil service functioning while allowing political parties to negotiate a stable coalition. If after six months no Prime Minister is elected, a dissolution then becomes mandatory. This flexible approach provides a stable bridge to a functioning government, treats all political parties equitably by granting them a fair period to negotiate, and honours the electorate's participation by avoiding an immediate and potentially futile re-vote. The efficiency of the State is preserved because essential services continue without interruption.

Maintaining the three-year term while introducing these targeted amendments would preserve the Constitution's original design for regular parliamentary oversight of the Presidency, while also granting the Head of State the limited flexibility necessary to steer Fiji through exceptional political crises without destabilising the entire system.

6.0. Chapter 5: Judiciary (Sections 97-122).

6.1. Political Involvement in Judicial Appointments and the Composition of the Judicial Service Commission (Section 104 & 106)

The independence of Fiji's judiciary is compromised by two interrelated features of the Constitution: political involvement in judicial appointments under section 106, and mandatory consultation with the Attorney-General in both the composition of the Judicial Services Commission (JSC) under section 104 and the appointment process under section

106(2). The Attorney-General is a political figure; a member of Cabinet and the chief legal adviser to the government and granting this office a mandatory consultative role[105] creates a serious risk, or at least a perception, of executive influence over the judiciary. The constitutional review guide issued by the Constitution Review Commission stresses that *"courts should be free from outside influence"* and that people trust the courts only when they are genuinely independent.[106] An independent judiciary requires that appointments be made on merit by

Under section 106(1) of Fiji's Constitution, the Chief Justice and the President of the Court of Appeal are appointed by the President *"on the advice of the Prime Minister following consultation by the Prime Minister with the Attorney General."* Under section 106(2), all other judges are appointed on the recommendation of the JSC "following consultation by it with the Attorney General."[107] Giving the Prime Minister the final effective says over the most senior judicial appointments and giving the Attorney-General a mandatory consultative role in every judicial appointment, runs directly counter to the principle that judges should be selected solely based on integrity and competence, not political acceptability. [4]

The problem is compounded by section 104(1), which establishes the JSC itself: while the Commission is composed of the Chief Justice (as chairperson), the President of the Court of Appeal, the Permanent Secretary responsible for justice, a legal practitioner, and a non-legal member, the appointment of the two non-judicial members requires that the Chief Justice act "following consultation by the Chief Justice with the Attorney-General." Even a purely consultative role can be used to delay or discourage candidates whom the executive disfavours, thereby undermining the JSC's independence before it has even begun its work.

6.1.1. SEEP's Recommendation

The Social Empowerment Education Programme (SEEP) therefore recommends a two-part reform that removes executive influence from almost all judicial appointments while introducing a balanced political check only for the very highest judicial offices.

First, for most judges and for the composition of the Judicial Services Commission (JSC) itself, SEEP proposes eliminating the Attorney-General's consultative role entirely. The requirement for consultation with the Attorney-General would be removed from sections 104 and 106 of the Constitution. Under this change, the legal practitioner and the lay member of the JSC would be appointed jointly by the Chief Justice and the President of the Court of Appeal, with no executive input whatsoever. Likewise, for all judicial appointments other than the Chief Justice and the President of the Court of Appeal, the JSC's recommendations would go directly to the President, without any prior consultation

[105] Government of Fiji (2013). 2013 Constitution of the Republic of Fiji.
[106] Constitutional Review Commission (2026). Our Constitution, Our Voice: A guide to the constitutional review process.
[107] Government of Fiji (2013). 2013 Constitution of the Republic of Fiji.

with the Attorney-General. This first part of the reform ensures that the JSC can vet and select candidate on merit alone, free from the risk of delay or discouragement by a political figure. [6]

Second, SEEP recognises that the two most senior judicial positions; the Chief Justice and the President of the Court of Appeal carry unique constitutional significance that may justify a limited, transparent role for elected officials. To prevent this from becoming a vehicle for executive control, SEEP proposes a revised appointment mechanism that replaces the current one-sided consultation with the Attorney-General by a dual consultation involving both the Attorney-General and the Leader of the Opposition. Before the Prime Minister advises the President on the appointment of the Chief Justice or the President of the Court of Appeal, the Prime Minister must consult both figures. The Prime Minister remains the formal adviser to the President, but the mandatory involvement of the opposition leader introduces a direct check against purely partisan selections.

Crucially, these two parts work as a single, coherent package: executive consultation is removed everywhere except for the two most senior roles, and where it is retained, it is balanced by opposition participation. This approach acknowledges that no democracy completely excludes elected officials from leadership appointments, but insists that such involvement be transparent, shared across party lines, and strictly limited. By adopting this calibrated reform, Fiji would align itself with international standards; most judicial selections would be entirely free of political input, while the exceptional political role for the top two positions would be too balanced to permit any single party's control. The result is a judiciary chosen for integrity and competence, not political connections, with public confidence strengthened at every level.

6.2. FICAC Appointment and Removal (Section 115)

Section 115 of the Constitution establishes the Fiji Independent Commission Against Corruption (FICAC). However, the Constitution leaves the appointment and removal of the Commissioner and Deputy Commissioner to be prescribed by ordinary written law, rather than setting out a constitutionally protected process.[108] Section 115(10) grants the Commissioner and Deputy Commissioner the authority to appoint and remove staff, but the appointment of the Commissioner and Deputy Commissioner themselves is not constitutionally safeguarded.[109] This means that the very leaders of Fiji's primary anti-corruption agency can be hired and fired through ordinary legislation passed by Parliament, without the special protections that are essential for institutional independence.

[108] Government of Fiji (2013). 2013 Constitution of the Republic of Fiji.
[109] Government of Fiji (2013). 2013 Constitution of the Republic of Fiji.

FICAC is tasked with investigating and prosecuting corruption, including corruption involving government ministers, senior public officials, and powerful private actors. If the Commissioner can be appointed and removed by the executive through ordinary legislation, FICAC's independence is seriously compromised. A government under investigation for corruption could threaten to remove the Commissioner or could simply replace an uncooperative Commissioner with a more compliant one. This risk undermines FICAC's effectiveness and erodes public trust. The constitutional review guide asks directly: *"Are measures to prevent corruption strong enough?"*[110] Such measures are plainly insufficient if the leadership of the anti-corruption agency can be dismissed by the very people it is meant to investigate.

6.2.1. SEEP's Recommendation

SEEP proposes that Section 115 be amended to provide constitutional guarantees for the appointment and removal of the Commissioner and Deputy Commissioner. The appointment should be made by the President on the advice of the Judicial Services Commission following a public, merit-based selection process. Removal should be permitted only for cause, and the procedure should mirror that for the removal of a judicial officer under Section 112, that is, a tribunal appointed by the Chief Justice, not a decision by the executive alone.[111] FICAC must remain answerable to the members of the public and strengthen its independence without being politicized. These changes would bring Fiji into line with international best practices for independent anti corruption agencies and would restore public confidence that no one is above the law.

6.3. DPP Appointment: Too Political (Section 117)

Section 117(3) of Fiji's 2013 Constitution provides that the President appoints the DPP on the recommendation of the Judicial Services Commission (JSC), but only after the JSC has consulted with the Attorney-General.[112] The Attorney-General is a political figure, a member of Cabinet and the government's chief legal adviser. This mandatory consultation introduces an *"unnecessary layer"* into the appointment process and exposes the DPP's office to potential political interference.[113]

In her landmark submission to the Constitution Review Commission on 23 April 2026, Acting DPP Nancy Tikoisuva warned that the structure creates *"multiple layers of influence"* that could compromise the DPP's independence. Ms Tikoisuva questioned why, if the JSC is already an independent body, further consultation with a political minister is

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[110] Constitutional Review Commission (2026). Our Constitution, Our Voice: A guide to the constitutional review process.
[111] Government of Fiji (2013). 2013 Constitution of the Republic of Fiji.
[112] Government of Fiji (2013). 2013 Constitution of the Republic of Fiji.
[113] Korobiau, S (2026). DPP appointment process "too political" review told. https://fijisun.com.fj/news/nation/dpp-appointment-process-too-political-review-told.

required at all.[114] She also noted that members of the JSC are themselves appointed with input from the Attorney-General, meaning the Attorney-General's influence may already be present before the consultation even begins. Ms Tikoisuva urged the Commission to revert to the simpler model under the 1997 Constitution, where the appointing authority operated with fewer overlapping influences.[115]

The DPP is responsible for instituting and conducting criminal proceedings, including, where necessary, prosecuting government ministers or the Prime Minister. The independence of the DPP is fundamental to the rule of law.[116] Allowing a political figure the Attorney-General, a mandatory consultative role in the appointment process undermines public confidence that the DPP will act without fear, favour or political influence.

Ms Tikoisuva made clear that her concern is not about current practice but about "risks embedded within the system". She stated that *"the way it is structured creates at least the danger of political interference"*.[117]

6.3.1. SEEP's Recommendation

SEEP suggest that Section 117(3) be amended to remove the requirement for consultation with the Attorney General entirely. The Judicial Services Commission should recommend candidates directly to the President, and the President should appoint the DPP on that recommendation without any political consultation. This would bring Fiji's DPP appointment process into line with international standards, strengthen the independence of the prosecutorial authority, and restore public confidence that justice is administered without fear or favour.

7.0. Chapter 6: State Services (Sections 123-138)

7.1. Lack of Transparency and Politicisation of Senior Appointments (Section 126)

The 2013 Constitution gives the Public Service Commission the formal power to appoint permanent secretaries the most senior civil servants who run each ministry. However, Section 126(1)(a) critically conditions this power on obtaining *"the agreement of the Prime Minister."*[118] This creates a fundamental conflict between a professional, merit-based civil service and political control. Permanent secretaries are meant to implement government policy impartially, manage public funds efficiently, and provide institutional continuity across changes in political leadership. Granting the Prime Minister a personal veto over their appointments invites deep politicisation: a newly

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[114] Korobiau, S (2026). DPP appointment process "too political" review told. https://fijisun.com.fj/news/nation/dpp-appointment-process-too-political-review-told.
[115] Magimagi, S (2026). ODPP calls for review of AG's role in high office appointments.
[116] Korobiau, S (2026). DPP Office independence at risk under 2013 constitution: Tikoisuva.
[117] Korobiau, S (2026). DPP appointment process "too political" review told.
[118] Government of Fiji (2013). 2013 Constitution of the Republic of Fiji.

elected Prime Minister could simply refuse to agree to any permanent secretary not seen as personally loyal, undermining professionalism, transparency, and accountability.

Worse still, the current process has no statutory requirement for open advertising, competitive selection panels, or public disclosure of shortlists. Appointments can be made behind closed doors, with no obligation to publish qualifications, interview records, or reasons for selection. This opacity erodes public trust and prevents Parliament and civil society from scrutinising whether appointments are based on merit or favour. The Constitution already gives the Prime Minister ample political control through ministers (Section 92(3)(c)) and the power to assign portfolios, making an additional veto over senior civil service appointments both unnecessary and dangerous for good governance.[119]

7.1.1. SEEP's Recommendation

SEEP therefore strongly recommends that Section 126(1)(a) be amended to replace *"with the agreement of the Prime Minister" with "after consultation with the Prime Minister."* Under this model, the Public Service Commission would make the final appointment decision based on merit but would be required to give the Prime Minister a genuine opportunity to be heard striking a balance between democratic accountability and professional independence.

Furthermore, Fiji must mandate open and competitive selection processes, require publication of shortlists and written reasons for each appointment, and establish cooling-off periods to prevent conflicts of interest. The current system of opaque, prime ministerial-controlled appointments has a corrosive impact: it politicises the bureaucracy, destroys institutional continuity, enables patronage, erodes public trust, and weakens parliamentary oversight. Only by adopting these reforms can Fiji claim to have a transparent, accountable, and professional civil service worthy of a modern democracy.

7.2. COC Dominance by the Executive (Section 132)

The Constitutional Offices Commission (COC) in Fiji faces a critical challenge that strikes at the heart of good governance: its composition gives the executive branch total control over the bodies meant to hold it accountable. As established under section 132 of the 2013 Constitution, the Commission consists of five voting members: the Prime Minister (who serves as chairperson), the Attorney-General, two persons appointed by the President on the advice of the Prime Minister, and finally, one person appointed on the advice of the Leader of the Opposition.[120] This means the government side controls four out of five votes, a glaring imbalance that effectively neutralises the opposition 's voice.

[119] Government of Fiji (2013). 2013 Constitution of the Republic of Fiji.
[120] Government of Fiji (2013). 2013 Constitution of the Republic of Fiji.

The COC is no minor advisory panel; it is the gatekeeper to Fiji's most critical oversight institutions. Under section 133, the COC is responsible for providing advice to the President on appointments to bodies such as the Human Rights and Anti-Discrimination Commission, the Electoral Commission, the Supervisor of Elections, the Secretary-General to Parliament, the Public Service Commission, the Commissioner of Police, the Commissioner of the Fiji Corrections Service, the Commander of the Republic of Fiji Military Forces, the Auditor-General, and the Governor of the Reserve Bank of Fiji.[121]

These are the very institutions designed to ensure electoral integrity, combat corruption, and safeguard public funds. Placing the appointment power for these bodies under the effective control of the Prime Minister and Attorney-General fundamentally undermines their independence. It creates a structural conflict of interest where the executive, which these bodies are meant to scrutinise, decides who leads them. This defect directly contradicts the constitutional ideal of the separation of powers and makes a mockery of anti-corruption efforts. When those tasked with fighting corruption are chosen by a commission dominated by the very individuals they might one day have to investigate, public trust inevitably erodes.

To remedy this fundamental flaw, SEEP insists on an urgent restructuring of the COC to ensure there is a balance. A credible constitutional review must not replace the current partisan framework but reform a genuinely independent and balanced model. The goal is to create a system where appointment decisions are based on merit and integrity, not political loyalty.

7.2.1. SEEP's Recommendation

SEEP recommends that the Constitutional Offices Commission (COC) consist of six members, with the Prime Minister as Chairperson: the Prime Minister, the Attorney-General, and the Leader of the Opposition shall remain as members; the Prime Minister may select one additional candidate, while the Leader of the Opposition shall select two additional candidates, all chosen with full transparency. This 3+3 model (three ex-officio members plus three nominees) ensures that neither the government nor the opposition can dominate appointments, force genuine consensus and protecting the independence of Fiji's most vital oversight institutions. All appointments must be based on transparent, merit-based criteria, with shortlists and reasons published publicly. Only such a balanced composition can restore public confidence that Fiji's constitutional offices are free from executive capture.

7.3. Constitutionalising the Great Council of Chiefs

The primary reason is that the GCC, in its present form, is a colonial institution originally established by the British administration in 1876 as an advisory body to facilitate indirect

[121] Government of Fiji (2024). PM Rabuka's Statement in Parliament on the COC (16-04-2024). https://www.pmoffice.gov.fj/pm-rabukas-statement-in-parliament-on-the-coc-16-04-2024/.

rule, and its revival as a constitutional organ would entrench an ethnic-based structure at the highest legal level, contradicting the 2013 Constitution's clear rejection of ethnicity-based governance in favour of a common, equal citizenry where all Fijians are recognised simply as "Fijians."[122]

Moreover, embedding the GCC in the Constitution would create a rigid, unelected body with potential powers or advisory functions that could not easily be amended or adapted without going through the difficult constitutional amendment process (requiring a three-quarters parliamentary majority and a referendum under section 160), whereas a statutory body can be reformed by ordinary legislation to meet evolving social needs and democratic standards.[123]

Additionally, Fiji is declared a secular State under section 4 of the Constitution, and while the GCC has cultural and traditional significance, granting it constitutional status risks elevating customary authority alongside or above democratically elected institutions, potentially creating conflicts with the Bill of Rights, particularly the rights to equality and non-discrimination (section 26) and political rights (section 23).[124]

7.3.1. SEEP's Recommendation

The Social Empowerment and Education Programme (SEEP) recommends that the Great Council of Chiefs (GCC) not be constitutionalised and instead remain a statutory body within the portfolio of the Ministry of iTaukei Affairs. SEEP firmly opposes any proposal to elevate the GCC to a constitutional organ because doing so would entrench an ethnic-based structure at the highest legal level, contrary to the 2013 Constitution's vision of a common, equal citizenry where all Fijians are recognised simply as "Fijians." Constitutionalising the GCC would also risk perpetuating ethno-nationalistic views, leading to further discrimination against other ethnic groups and weakening social cohesion and equality. By contrast, retaining the GCC as a statutory body under the ministry allows it to fulfil its legitimate advisory role on iTaukei culture, land, and customary matters without disturbing the Constitution's core framework of equal citizenship, secular governance, and separation of powers.

7.4. RFMF (Section 131(2), Commissioner of Police-Ministerial Direction Clause (Section 129(6)) & Commissioner of Fiji Correction Service (Section 130)

The 2013 Constitution of Fiji contains three critical deficiencies in its governance framework for the disciplined forces; namely, the Republic of Fiji Military Forces, the Fiji Police Force, and the Fiji Corrections Service that collectively undermine civilian supremacy, operational independence, and institutional accountability. These provisions create ambiguous powers, enable political interference in law enforcement, and leave key

[122] Government of Fiji (2013). 2013 Constitution of the Republic of Fiji.
[123] Government of Fiji (2013). 2013 Constitution of the Republic of Fiji.
[124] Government of Fiji (2013). 2013 Constitution of the Republic of Fiji.

leadership transitions unregulated, each of which requires urgent amendment to align Fiji's constitutional architecture with democratic principles and the rule of law.

RFMF

The Republic of Fiji Military Forces (RFMF) is governed by Section 131(2) of the 2013 Constitution of Fiji, which assigns the military "overall responsibility to ensure at all times the security, defence and well being of Fiji and all Fijians."[125] The critical flaw in this provision is that the term "well being" is neither defined anywhere in the Constitution nor subject to any clear legal or operational boundaries.[126]

This vagueness is exceptionally broad, creating a dangerous constitutional ambiguity: a future military commander could plausibly interpret "well being" to include the stability, economic performance, or political conduct of an elected government. On such an interpretation, the commander might claim constitutional authority to remove a civilian administration that the military perceives as failing to ensure the "well being" of the country or its people.

This risk directly threatens the principle of civilian supremacy, because it provides a veneer of constitutional legitimacy for military intervention in politics, exactly the kind of justification that has been used to rationalise coups elsewhere. Given Fiji's own history of military takeovers in 1987, 2000, and 2006, the lack of a precise definition for "well being" is not a theoretical concern but a concrete vulnerability. The provision therefore invites political instability, undermines elected civilian control over the armed forces, and perpetuates the very cycle of unconstitutional regime changes that Fiji's 2013 Constitution was meant to overcome.

Fiji Police Force

The 2013 Constitution of Fiji contains a problematic provision regarding the Fiji Police Force. Section 129(6) allows the responsible Minister to issue *"general policy directions,"* and the Commissioner of Police *"must act in accordance with"* them.[127] At the same time, Section 129(5) grants the Commissioner "operational independence" in theory.[128] The problem is that the Constitution never defines the difference between "general policy" and operational orders. This undefined boundary opens the door to political interference, because a Minister could label a partisan instruction as *"general policy"* and force the Commissioner to obey. Policing requires independence from partisan control to maintain public trust.

Under the current wording, citizens may reasonably perceive that the government can direct criminal investigations, decide on arrests, or manage protests for political gain. The

[125] Government of Fiji (2013). 2013 Constitution of the Republic of Fiji.
[126] Government of Fiji (2013). 2013 Constitution of the Republic of Fiji.
[127] Government of Fiji (2013). 2013 Constitution of the Republic of Fiji.
[128] Government of Fiji (2013). 2013 Constitution of the Republic of Fiji.

Fiji Police Force should receive constitutionally guaranteed independence, so that it serves the law impartially, not the interests of any political party.

Fiji Correction Service

The 2013 Constitution of Fiji contains critical gaps in its governance framework for the Fiji Corrections Service (FCS) under Section 130, particularly subsections (4), (5), and (7).[129] First, the Constitution sets no mandatory retirement age for the Commissioner of Corrections, meaning a commissioner could serve indefinitely. This creates uncertainty and opens the door to political manipulation, as a government might keep a loyal Commissioner in place for decades. Second, there is no framework allowing the Commissioner to delegate disciplinary or administrative powers to other officers. All authority is concentrated in the Commissioner alone, so even routine staff disciplinary matters cannot be handled internally they must go to court, causing costly delays and inefficiency.

Third, the Constitution fails to designate an acting Commissioner during the Commissioner's absence or when the position falls vacant. This risks operational paralysis, because no one is clearly authorised to make urgent decisions. To ensure the Corrections Service functions efficiently, accountably, and free from political abuse, these three gaps must be closed by amending the Constitution to establish a retirement age, a delegation system, and a clear line of succession for acting leadership.

7.4.1. SEEP Recommendation

I. Given the constitutional ambiguity in Section 131(2) of Fiji's 2013 Constitution, which grants the RFMF responsibility for the "well being" of Fiji and all Fijians without any definition or limits, the most effective reform is to amend that provision by either deleting the phrase "and well being" entirely or defining it with strict, legally binding boundaries that explicitly exclude political, economic, or governance matters from military oversight. Such an amendment would close the loophole that a future military commander could exploit to justify intervention against an elected government, returning the military's role to core functions like external defense and internal security. To further safeguard civilian supremacy, the revised provision should require that any invocation of "well being" powers limited to catastrophic scenarios such as foreign invasion or natural disasters where civilian authorities have collapsed must be publicly ratified by Parliament within 72 hours, with any unauthorized military action rendered unconstitutional and criminal. In plain terms, this removes the loaded gun of vague language that has historically enabled Fiji's coups and replaces it with clear, civilian-controlled boundaries.

II. To restore public trust and safeguard impartial policing, Fiji should amend Section 129 of its Constitution to clearly define the boundary between "general policy

[129] Government of Fiji (2013). 2013 Constitution of the Republic of Fiji.

directions" and "operational independence." One practical recommendation is to create a statutory list of permissible policy topics such as budget priorities, equipment standards, or community outreach goals while explicitly excluding any direction that touches on specific investigations, arrests, charges, protest management, or deployment of officers to events. These changes would prevent a minister from relabelling a partisan instruction as "general policy," ensuring that the Commissioner of Police answers only to the law not to political convenience.

III. To address the critical governance gaps in the Fiji Corrections Service (FCS) under Section 130 of the 2013 Constitution, it is recommended that Parliament urgently amend subsections (4), (5), and (7) to: (i) establish a mandatory retirement age for the Commissioner of Corrections; such as 60 or 65 years, to prevent indefinite tenure and reduce political interference; (ii) create a clear legal framework empowering the Commissioner to delegate disciplinary and administrative authority to senior officers, allowing routine internal matters to be resolved without costly court delays; and (iii) designate a clear line of succession, specifying an acting Commissioner (e.g., the Deputy Commissioner or next most senior officer) to ensure continuous operational leadership during any absence or vacancy. These targeted constitutional amendments will strengthen accountability, operational efficiency, and political neutrality within the FCS.

8.0. Chapter 8: Accountability (Section 149-153)

8.1. Code of Conduct not in the Constitution (Section 149)

The Social Empowerment and Education Programme (SEEP) takes a firm position that the current approach to ethical governance under Section 149 of the 2013 Constitution is fundamentally inadequate because it delegates the entire code of conduct for public officials to ordinary legislation, leaving core anti-corruption measures vulnerable to simple majoritarian repeal or weakening.[130]

While Section 149 requires that a written law establish a code of conduct; including asset declarations, whistleblower protection, and enforcement mechanisms, the Constitution itself contains no substantive ethical provisions.[131] This structural choice creates a critical gap: a future Parliament could amend or abolish the code of conduct with a simple majority vote, without the need for the stringent constitutional amendment process under Section 160 (which demands three-quarters of all members of Parliament and a subsequent referendum approved by three-quarters of registered voters).[132]

[130] Government of Fiji (2013). 2013 Constitution of the Republic of Fiji.
[131] Government of Fiji (2013). 2013 Constitution of the Republic of Fiji.
[132] Government of Fiji (2013). 2013 Constitution of the Republic of Fiji.

The absence of constitutional entrenchment is particularly dangerous for whistleblowers. Section 149(e) merely directs that a written law *"shall"* provide for whistleblower protection, but the Constitution itself does not guarantee any such right. Therefore, if Parliament fails to enact a protection law or later repeals it, there is no constitutional backstop that a whistleblower could invoke before the courts. Whistleblowers expose corruption, abuse of power, and threats to public safety, yet they face retaliation, dismissal, and even criminal prosecution; constitutional protection would send an unmistakable message that exposing wrongdoing is a public good, not a crime.

8.1.1. SEEP's Recommendation

SEEP proposed Sections 149A and 149B fix the fundamental gap in the current Constitution by moving core anti-corruption rules out of ordinary law and into the constitutional text itself. Currently, under Section 149, asset declarations, whistleblower protection, and the code of conduct exist only as instructions for Parliament to pass laws meaning a simple majority could later repeal those laws entirely.

Under the new sections, every senior official from the President to judges must file sworn asset declarations covering themselves and their immediate families, with automatic suspension and forfeiture of office for false filings. The code of conduct is constitutionally embedded, banning self-dealing, improper gifts, and conflicts of interest.

Most crucially, whistleblower protection becomes a self-executing constitutional right: any person who reports corruption, abuse of power, or threats to public safety in good faith cannot be dismissed, harassed, or prosecuted for that report, and courts can enforce this protection immediately without waiting for Parliament to pass a law. Finally, Section 149B entrenched all these provisions under the rigorous Section 160 amendment process 3/4 of all MPs plus a referendum approved by 75% of registered voters so a future Parliament cannot quietly undo them. Any ordinary law that contradicts these provisions is automatically void.

8.2. Right to Information Act not enacted (Section 150)

Section 150 of the 2013 Constitution declares that *"[a] written law shall make provision for the exercise by a member of the public of the right to access official information and documents."*[133] This provision recognises that access to government-held information is a cornerstone of transparency and democratic accountability. Yet, more than a decade after the Constitution came into force, no comprehensive Freedom of Information (FOI) Act has been enacted. Several FOI Bills

[133] Government of Fiji (2013). 2013 Constitution of the Republic of Fiji.

have been introduced into Parliament, but each has lapsed without being passed into law.[134]

SEEP finds that the consequence is a constitutional right that exists only on paper. Citizens, journalists, and civil society organisations cannot compel the disclosure of official documents, cannot scrutinise government decision-making, and cannot effectively expose corruption or maladministration because no statutory mechanism exists to enforce the right. The review guide for Fiji's constitutional process explicitly identifies "transparency and accountability" as foundational principles of good governance, yet the absence of an FOI Act renders those principles inoperable in practice.[135]

The current wording of Section 150 is a significant step backward from Fiji's 1997 Constitution, which required that an FOI law be passed *"as soon as practicable."* The 2013 version removed even that weak deadline, thereby allowing successive governments to delay action indefinitely without any constitutional consequence. This creates a permanent loophole: a government that wishes to operate in secrecy can simply refuse to bring an FOI Bill to a vote, and there is no mechanism for Parliament or the courts to compel action.

8.2.1. SEEP's Recommendation

To ensure the right to information is never left in limbo, SEEP propose for Section 150 to be amended to impose a binding deadline and a default fallback mechanism, while also embedding a Freedom of Information (FOI) framework directly into the Constitution. Under this amendment, Parliament would be required to enact a comprehensive FOI Act within twelve months of the first sitting after each general election; if Parliament fails to do so, a default FOI regime set out either in the Constitution itself or in an existing law that triggers automatically would come into force. This dual structure guarantees that a constitutionally embedded FOI framework always underpins the right to information, preventing any gap in legal protection.

8.3. Reserve Bank of Fiji Governor's role is undefined (Section 153)

The 2013 Constitution of Fiji creates two significant gaps in the architecture of economic and financial accountability: the office of the Governor of the Reserve Bank of Fiji is left without constitutionally guaranteed independence, despite holding a critical oversight role, is appointed through a process dominated by the executive and

[134] Naivalurua, N (2025). Access to Information Bill to be debated in Parliament next month. https://www.fijivillage.com/news/Access-to-Information-Bill-to-be-debated-in-Parliament-next-month-r8x5f4/.

[135] Constitutional Review Commission (2026). Our Constitution, Our Voice: A guide to the constitutional review process.

lacks fixed-term and funding protections.[136] These deficiencies undermine the stability of monetary policy, erode public confidence in the management of public finances, and contradict the constitutional values of transparency and accountability.[137]

The Reserve Bank of Fiji Governor's position, as outlined under Section 153 of the Constitution, illustrates a critical flaw for central bank independence: while the Constitution establishes the Bank and mandates the Governor's appointment by the President on the advice of the Constitutional Offices Commission[138], it notably omits any specification of the Governor's term of office, grounds for removal, board composition, or salary protection, leaving all these fundamental safeguards to ordinary legislation.

This legislative gap directly undermines central bank independence, because without constitutionally guaranteed tenure and removal protections, the Governor could effectively serve at the pleasure of the executive branch, exposing the Bank to political pressure to adopt inflationary policies or, worse, allowing a government to dismiss a Governor who resists such interference. Consequently, the absence of these statutory shields threatens monetary stability, undermines control over inflation, and erodes public and investor confidence in the currency, as a truly independent central bank requires more than just an appointment process; it demands explicit, enforceable protections against arbitrary political dismissal.

8.3.1. SEEP's Recommendation

- **Constitutionally Guarantee the Governor's Tenure and Removal Protections**
  The Reserve Bank of Fiji Governor's position, as outlined under Section 153 of the Constitution, contains a critical flaw: while it establishes the Bank and mandates appointment by the President on advice of the Constitutional Offices Commission, it omits any specification of the Governor's term, grounds for removal, board composition, or salary protection. Leaving these safeguards to ordinary legislation means the Governor effectively serves at the executive's pleasure, exposing the Bank to political pressure such as threats of dismissal for resisting inflationary policies. This directly undermines monetary stability, inflation control, and public confidence in the currency. Therefore, we recommend a constitutional amendment guaranteeing a fixed, non-renewable term (e.g., six years), removal only for proven misconduct through a supermajority vote, and protected salary. Only such explicit, enforceable shields can insulate the Reserve Bank from political coercion and empower it to serve Fiji's long-term economic health.

[136] Constitutional Review Commission (2026). Our Constitution, Our Voice: A guide to the constitutional review process.
[137] Government of Fiji (2013). 2013 Constitution of the Republic of Fiji.
[138] Government of Fiji (2013). 2013 Constitution of the Republic of Fiji.

9.0. Chapter 10: Immunity (Section 155-158)

9.1. Permanent Immunity Provision (Section 155-158)

The Social Empowerment and Education Programme (SEEP) demands the complete repeal of Chapter 10 of the 2013 Constitution (sections 155 to 158), which grants absolute and unconditional immunity from criminal prosecution and civil liability to every person who participated in the government from 5 December 2006 until the first sitting of Parliament elected after the 2013 Constitution.[139] This blanket immunity covers the 2006 military coup and all subsequent interim administrations, and section 158 goes even further by declaring that this chapter can never be reviewed, amended, altered, or repealed, making it permanently entrenched and beyond the reach of any future Parliament or referendum.[140]

The review guide for Fiji's constitutional process rightly emphasises that *"everyone follows the law"* and that *"no one is above the law"* as foundational principles of a democratic society.[141] Yet Chapter 10 creates a class of citizens who are legally untouchable, no matter what actions they took during that period, thereby placing them above the law and contradicting the most basic tenet of the rule of law.[4] Furthermore, blanket, unamendable immunity blocks any form of transitional justice, truth-telling, or accountability that future Fijians might wish to pursue. It prevents the establishment of a truth and reconciliation commission, the prosecution of serious human rights abuses, or even a public inquiry into the events of 2006–2013, regardless of how future generations might view those events.

Table 9.1.1. Why Permanent Immunity Must Change for Fiji's Democracy: Five Critical Reasons:

#	Reason	Detailed Explanation
1	Two-tier system of justice	The provisions entrench a system where those who held power during the coup period (5 December 2006 to the first sitting of Parliament after 2013) are permanently shielded from any criminal or civil accountability, while ordinary citizens remain fully accountable for their actions. This erodes the principle of equality before the law, a cornerstone of any functioning democracy and fosters deep public cynicism about the fairness of Fiji's legal system.
2	Removal of the people's sovereign right to decide	By making the immunity unamendable, section 158 removes from the Fijian people the sovereign right to decide through their elected representatives and a referendum whether accountability is appropriate. No democratic constitution should bind future generations to a political deal made without public consent; democracy means that each

[139] Government of Fiji (2013). 2013 Constitution of the Republic of Fiji.
[140] Government of Fiji (2013). 2013 Constitution of the Republic of Fiji.
[141] Constitutional Review Commission (2026). Our Constitution, Our Voice: A guide to the constitutional review process.

		generation, acting through the prescribed amendment process, must be free to revisit even the most sensitive provisions. [142]
3	Encouragement of a culture of impunity	Blanket immunity directly undermines efforts to fight corruption and abuse of power. When senior officials know they can never be held accountable for actions taken during a defined period, the deterrent effect of the law disappears, and the risk of future misconduct increases. Impunity at the highest levels normalises lawlessness and weakens respect for legal institutions.
4	Prevention of genuine reconciliation with the past	Many post-conflict and post-coup societies have found that some form of accountability; whether prosecutions, truth commissions, public apologies, or reparations is essential to heal divisions and restore trust in institutions. By permanently closing the door on any such mechanism, Chapter 10 locks in mistrust and grievance, making genuine national unity harder, not easier, to achieve.[143]
5	Damaging signal to the international community and investors	The entrenchment of immunity sends a damaging signal to international partners and investors, who look for stable, accountable, and transparent governance. A constitution that declares a whole class of people permanently above the law is inconsistent with Fiji's commitments under international human rights treaties, including the International Covenant on Civil and Political Rights, which guarantees a right to an effective remedy for human rights violations. This undermines Fiji's international standing and economic prospects.

9.1.2. SEEP's Recommendation

SEEP calls for the immediate repeal of Chapter 10 of Fiji's Constitution in its entirety, and at a minimum, the removal of section 158, which permanently shields individuals from accountability for past actions. To move forward as a nation, leaders must be subject to the full force of the justice system; therefore, SEEP further recommends that any person who instigates or participates in a coup d'état after the year 2013 shall be denied any form of immunity including that which might otherwise be granted under general provisions and shall be held fully criminally and civilly accountable. By eliminating this permanent shield, Parliament and the people of Fiji can then decide on appropriate accountability mechanisms, such as a truth commission, reparations for victims, or targeted prosecutions. Only then can Fiji affirm that no one, regardless of rank or political power, stands above the law, and that the people, not any past regime, retains the final say over justice and accountability.

[142] Government of Fiji (2013). 2013 Constitution of the Republic of Fiji.
[143] Government of Fiji (2013). 2013 Constitution of the Republic of Fiji.

10.0. Chapter 11: Amendment of the Constitution (Sections 159-161)

10.1. The Impossible Amendment Threshold (Section 160)

The Social Empowerment and Education Programme (SEEP) holds that the constitutional amendment procedure set out in Section 160 contains a fundamental flaw that makes peaceful, democratic reform virtually impossible and therefore requires urgent amendment. Section 160(6) provides that a Bill to amend the Constitution must be approved in a referendum by "three-quarters of the total number of registered voters," not three-quarters of those who cast a vote.[144] This seemingly small distinction has catastrophic practical consequences.

In Fiji, voter turnout in general elections has historically ranged between approximately 60% and 85% of registered voters. [3] If turnout is 70%, even if every single person who votes supports the amendment, the "yes" vote would reach only 70% of registered voters falling short of the 75% requirement. This means that low turnout, not active popular opposition, can permanently block any constitutional change.[145]

In the Supreme Court of Fiji advisory opinion of 29 August 2025, the Court held that the existing threshold was "unusually high" and had rendered the Constitution "virtually unamendable." To remedy this, the Court provided a "remedial interpretation" of Sections 159 and 160, reducing the parliamentary requirement from three-quarters to a two-thirds majority and changing the referendum threshold from three-quarters of all registered voters to a requirement of at least 51% of registered voters.[146]

The review guide correctly states that a good constitution must balance *"stability and flexibility"* and that *"the process for change should be clear and careful."*[147] The current threshold is not careful; it is dysfunctional. It effectively entrenches the entire Constitution against any amendment, because even overwhelming popular support among those who vote cannot overcome abstention.

This creates a dangerous dynamic: when citizens see that lawful, democratic reform is impossible, frustration may push them toward extra-constitutional action, including civil unrest or military intervention, outcomes that Fiji's turbulent history has shown are all too real.[148] No other democracy imposes such an extreme super-majority of the entire electorate; comparable countries require a super-majority of votes cast (e.g., two-thirds or three-quarters) combined with a modest turnout threshold.

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[144] Government of Fiji (2013). 2013 Constitution of the Republic of Fiji.
[145] FEO (2026). General Election-Information on Past Election.
[146] Narayan, V (2025). Supreme Court advises 2013 Constitution can be amended by support of two thirds of MPs and majority of those registered voters who vote in referendum.
[147] Constitutional Review Commission (2026). Our Constitution, Our Voice: A guide to the constitutional review process.
[148] Rovoi, C (2025). Fiji's coup legacy: A 38-year struggle for justice and accountability.

10.1.1. SEEP's Recommendation

SEEP therefore suggests that Section 160(6) be amended to replace the current formula which was the Supreme Courts advisory Opinion and that is an amendment receive at least two-thirds (or, if a higher threshold is desired, three-quarters) of valid votes cast, provided that at least 51% of registered voters participate in the referendum. This balanced approach ensures that any amendment enjoys genuine popular support while still allowing a realistic, democratic path for reform.

11.0. Chapter 12: Transitional Provisions (Section 162-174)

11.1. Court stripping Provision in Transitional Arrangements (Section 173)

The Social Empowerment and Education Programme (SEEP) holds that Section 173(4) of the 2013 Constitution, which permanently prohibits any court from accepting, hearing, or determining any challenge to the validity, constitutionality, or consistency of any Decree, Promulgation, or Declaration made between 5 December 2006 and the first sitting of the first Parliament under the 2013 Constitution, is a fundamental assault on the rule of law and must be repealed or substantially reformed.[149]

This provision, located in Part D of Chapter 12, immunises an entire era of law including the very decrees that established the 2013 Constitution from any judicial scrutiny, no matter how grave the alleged violation of human rights or constitutional principles.[150] While transitional provisions are often necessary to ensure stability following political upheaval, Section 173(4) goes far beyond a reasonable temporary measure. It permanently ousts the jurisdiction of all Fijian courts, meaning that even if future generations discover that a particular decree authorised torture, arbitrary detention, or the suppression of free speech, no court in Fiji can declare it invalid or provide a remedy.[151]

This directly contradicts the foundational value that the Constitution is the supreme law, as affirmed in Section 2, and undermines the core principle that no one including the makers of decrees is above the law.[4] Worse still, Section 159(2) entrenches this provision by declaring that no amendment may ever "repeal, infringe or diminish the effect of" Chapter 10 (immunities) or Part D of Chapter 12, which includes Section 173(4).[5] This means that even by a three-quarters parliamentary majority and a referendum, the Fijian people cannot restore the jurisdiction of their own courts over this period.

11.1.1. SEEP's Recommendation

SEEP therefore believes that Section 173(4) be removed from the list of entrenched provisions in Section 159(2), allowing a future Parliament and the people, through the

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[149] Government of Fiji (2013). 2013 Constitution of the Republic of Fiji.
[150] Government of Fiji (2013). 2013 Constitution of the Republic of Fiji.
[151] Government of Fiji (2013). 2013 Constitution of the Republic of Fiji.

normal amendment process, to decide whether to maintain, modify, or repeal this court-stripping clause. At a minimum, a sunset clause should be added so that the provision automatically expires 20 or 30 years after the Constitution came into force, ensuring that no generation is permanently bound by a blanket denial of justice. Only by removing this judicial ouster can Fiji affirm that its courts are truly open and that the Constitution's promise of supremacy and accountability applies to all laws, without exception.

12.0 Conclusion

The Social Empowerment Education Programme (SEEP) presents this submission to the Constitution Review Commission as the culmination of decades of grassroots engagement across Fiji's diverse communities. The testimonies gathered from rural villages have revealed a persistent truth: a constitution that cannot be felt in the daily struggles of a rural mother, an evicted family, or a child with a disability has not yet fulfilled its fundamental purpose.

The 2013 Constitution, for all its progressive provisions, carries the indelible flaw of imposition rather than consent. This review process therefore represents more than a technical exercise in legal revision; it is a moral and political opportunity to close the legitimacy gap that has haunted Fiji's fundamental law since its decree-driven birth. By listening to those who have long been marginalized, by empowering communities to speak for themselves, and by translating lived experience into enforceable constitutional guarantees, Fiji can finally move from a document imposed from above to a compact forged among equals.

The amendments proposed herein are neither radical nor symbolic; they are practical, evidence-based, and grounded in the unmet needs of ordinary Fijians. Whether strengthening the enforceability of socio-economic rights, mandating Free, Prior and Informed Consent for resource exploitation and extraction, dismantling executive dominance over independent institutions, or repealing the permanent immunities that place some citizens above the law, each recommendation responds to a specific failure identified by those who live under the Constitution every day. These reforms do not seek to dismantle the existing framework but to complete it to transform a text that declares rights into a legal order that delivers them.

The retention of the secular state, the proportional representation system, and the inclusive definition of "Fijian" reflects SEEP's commitment to national unity and equal citizenship, while the proposed restructuring of the Constitutional Offices Commission, the judicial appointments process, and the amendment threshold ensures that no single branch of government can capture the instruments of accountability.

A constitution should ensure that there is a balance of powers of those three systems: Executive, Legislative, Judiciary. Ultimately, a constitution earns its authority not from the

circumstances of its birth but from the consent of the governed and the justice of its application. Fiji has endured enough cycles of imposed constitutionalism, political upheaval, and deferred accountability. The Commission now holds the power to recommend a framework that restores the people's sovereign voice not only through a referendum that will test these proposals but through a document that remains open to peaceful, democratic amendment when circumstances change.

SEEP does not claim to have offered perfect solutions, but we have offered honest ones, rooted in the resilience and wisdom of the communities we accompany. We urge the Commission to recommend bold changes that close the gap between promise and practice, and we call upon all Fijians to engage in the national conversation that follows. The path to a legitimate, living constitution is open; it is time to walk it together.

Respectfully Submitted,

Social Empowerment Education Programme

Tikina Wailevu, Cakaudrove

Tikina Wailevu, Cakaudrove

Constitution of the Republic of Fiji 2013 Public Consultations

A written submission

Wailevu Development Committee
6-20-2026

1. EXECUTIVE SUMMARY

This submission is founded on a paradox that has persisted throughout Fiji's modern history:

The iTaukei people are the traditional owners and custodians of the overwhelming majority of Fiji's natural wealth, yet many continue to live in poverty and remain excluded from the full economic benefits generated from those resources.

They collectively own most of Fiji's native land (87.99%) including forests. These resources underpin major sectors of the national economy, including tourism, agriculture, forestry, fisheries, mining and, increasingly, emerging industries such as carbon markets.

Yet many itaukei communities and villages continue to experience:

- limited employment opportunities;
- inadequate infrastructure;
- declining rural populations;
- poor access to markets;
- limited investment in community development; and
- continued dependence on government assistance.

This contradiction suggests that constitutional recognition of ownership alone has not translated into economic empowerment.

The Constitution should therefore provide not only protection of indigenous ownership, but also establish principles that ensure indigenous communities receive fair, equitable and sustainable benefits from the natural resources they have conserved for generations.

This submission recommends constitutional reforms that strengthen indigenous participation in resource governance while contributing to national economic development, environmental sustainability and social cohesion.

2. THE POVERTY PARADOX

Few countries in the world possess an indigenous population that owns such a significant proportion of the nation's natural resources.

The iTaukei people remain the customary owners of most of Fiji's land and traditional fishing grounds. These resources generate millions of dollars in economic activity through tourism, agriculture, forestry, fisheries, mining and related industries.

Despite this resource abundance, poverty continues to disproportionately affect many indigenous communities.

This paradox raises an important constitutional question:

Why do the traditional owners of Fiji's natural wealth remain among those who benefit least from its economic use?

The answer is not simply ownership.

Economic participation depends upon governance structures, decision-making authority, equitable benefit-sharing and accountability of the institutions established to administer indigenous resources, in which we have diverted a portion of this submission to, i.e. reformed TLTB.

The Constitution should therefore address not only ownership but also the mechanisms through which ownership creates lasting prosperity beginning with the amendment of the NLC Act and TLTB Act and creating irrevocable Landowning Unit [LOU] Trusts by regulation, in which LOU members can manage their own resources.

3. AREAS OF FOCUS IN THIS SUBMISSION

Due to the short time frame permitted to allow the public to submit their recommendations towards this public consultation review of the 2013 Constitution, we have not been able to include everything we wanted to put into this submission, due to the fact that the time given did not allow us to sufficiently prepare to go out and gather information from the '*lewei Tikina Wailevu*'. Additionally, areas such as the Fisheries Act which we believe is an area that must be reviewed, we did not have the time to fully peruse the legislation concerned, seek advice from our legal counsels, and also gather information from the '*lewei Tikina Wailevu*' to be able to put forward a compelling submission around this area. However, the general feeling from within the Tikina is that the constitution should explicitly recognise customary stewardship of qoliqoli and guarantee:

- customary management rights;
- participation in marine resource management;
- equitable sharing of commercial benefits;
- protection of traditional knowledge;
- sustainable use for future generations.

Instead the submission has directed its focus primarily on:

- Mining Act review and recommendations
- Reform of TLTB
- Great Council of Chiefs
- Electoral System

(A)

MINING ACT REVIEW AND RECOMMENDATIONS

EARLY OPERATIONS (1932–1946)

Gold mining operations at Mount Kasi, located in the Wailevu Tikina of Cakaudrove, took place from 1932 to 1946. The first company to engage in mining in this area was Anglo Pacific Exploration, which later formed a joint venture with Newcrest Mining during this period. Newcrest Mining briefly re-entered the area in 1990.

The initial mining activities had visible environmental impacts that are still remembered by the local community, the Vanua o Yanawai. The Mount Kasi mining operations led to significant degradation of the Vanua o Yanawai, resulting in the death of many native trees and flora. Additionally, fish, prawns in the Yanawai River and Savusavu Bay died due to tailings spills.

It took over 20 years for fish to return to the waterways.

In the years that followed, several companies conducted exploration activities, including:

a. Anglo Pacific Exploration

b. Newcrest Mining (1932, 1995)

c. RGA of Fiji

d. Aquilo Gold – Australia

e. Vatukoula Gold Mine Limited (VGML) - China (as of December 2020)

VIOLATION OF HUMAN RIGHTS AND HARM TO THE ENVIRONMENT OF MATAQALI NAVEITOKAKI AND NEARBY WAILEVU AREAS

Before we touch on our submission, we would like to highlight that we will not allow a constitution that was not supported by us to impose to us the definition of the greater public good to override our rights (being the minority in this context). We shall not be bullied by the Fiji Government to concede to actions that we do not want or support or that will bring harm to our environment. The current Mining Legislation was intentionally created to isolate our vanua from mining activities and it only supports the government intentions. There was never any room for access to justice. We watch with skepticism on the Government trying to maneuver its way around us without any real dialogue on the risk that you bring to the table which is the adage of the greater good of the nation which we believe needs to be scrapped because it is contrary to our human rights. The Government must not use this democratic process of public consultation to impose its will, potentially marginalizing minority voices of Mataqali Naveitokaki and Tikina Wailevu and violating their fundamental rights over their Forest Carbon Projects or whatever NO MINING stance they have chosen, as opposed to the Greater good over the nation adage through the mining of essential minerals beneath the Tikina Wailevu lands.

The Mt Kasi gold mine in Wailevu, Vanua Levu, Fiji, has a history of environmental degradation and human rights concerns, particularly relating to the dispossession of indigenous landowner rights and severe water pollution. Operated in the 1930s-1940s and again intermittently in the late 1990s, the mine's past operations left lasting "environmental scars" and caused significant toxicity in the Yanawai River, which led to the mine's closure.

Environmental Harm

- **Water Contamination:** Past operations resulted in toxic industrial discharges into the river system, heavily impacting the Yanawai River.
- **Destruction of Livelihoods:** Pollution from the mine significantly affected subsistence fishing, contaminating fishing grounds that locals relied upon.
- **Lasting Scars:** Years of mining activity led to soil erosion and degradation, with local residents reporting a noticeable decrease in fish populations in their traditional fishing grounds.
- **Visible Scars:** The environmental damage from earlier periods remains in the memory of locals, with reports of dead fish and high-risk environmental impacts described as a "sad episode" of past operations.

Violation of Human Rights & Landowner Concerns

- Dispossession of Land Rights: Under the 1934 Mining Ordinance, aimed at securing mineral-rich land, landowners lost rights to royalties. The state claimed ownership of land beneath the surface, treating mining land as Crown land and depriving indigenous owners of compensation.
- Lack of Proper Consultation: Landowners from the mataqali Naveitokaki (Dawara village) have repeatedly stated that government decisions regarding mining exploration licenses (notably to Vatukoula Gold Mines Ltd/VGML) were made without proper prior consultation.
- Inadequate Compensation: Landowners have raised concerns over unfair distribution of funds and limited compensation, which was previously limited to a small number of villagers, leading to frustration.
- Resistance to Renewed Mining: Landowners have strongly opposed new efforts to revive mining, specifically rejecting the tender award to VGML in 2020 and 2021, favoring other options and demanding recognition of their right to control traditional resources.

Current Status and Continued Concerns (2025–2026)

While a 2024–2025 "reconciliation ceremony" was aimed at easing tensions over a new Special Prospecting Licence (SPL 1519), concerns persist about the potential for repeating past mistakes. The Minister for Lands acknowledged the negative history, pledging that the government would not repeat the errors of the 1900s. However, some landowners remained opposed to the government's chosen developer, citing a lack of trust and desire for more transparent, financially sound, and locally beneficial processes.

THE KEY FUNDAMENTAL ISSUES THAT THE FIJI GOVERNMENT NEEDS TO CONSIDER AS THEY AMEND THE MINING ACT.

The fundamental issues we believe needs to be taken into consideration of the proposed Mining Act would be the following:

1. **OUR PLENATARY HEALTH AND FIJIS COMMITMENT TO A NET ZERO 2050.**

The world has evolved drastically from 1965 when Fiji's Mining Ordnances were introduced in a

British colonized Fiji. At that time control of the Indigenous people and their lands was priority in the fulfillment of the demands of the British colony. The legislations and the policies were created to ensure that the Indigenous Fijians did not disrupt the intentions of the Colony without the Indigenous communities understanding the new foam of governance that was imposed on the chiefs through the soft approach of Ratu Sukuna a prominent figure of the Fijian community at the time. Fijis mining act of 1965 reflects Fiji's history at the time.

Sixty One years later, we as a country are at the crossroad of changes. In these crossroad is a nation and a people that have evolved influenced by globalization, global financial ecosystems, climate changes, rights based governance, technological changes, democracies, etc. Not only are we part of the Commonwealth Umbrella but we have developed our own foreign policies whereby we have gone out of our traditional bilateral partners, expanding to the Asian and European and Middle Eastern countries. What that says about us is that we are in a good position to develop our own legislation reflective of our past, current and self-determination of a Fiji we want in the Mining Industry.

The down side to this juncture is that we have inherited a planet scarred from the side effects of a profit driven system based on consumerism in the guise of development. We have been quick to jump into the bandwagon of development without due consideration of the pollution and Greenhouse Gas Emissions we emit into the environment. And Mining Activities emit 4 to 7 % of Greenhouse Gas Emissions.

In response to these global changes Fiji became a Signatory to the Conference of the Parties and the Paris Agreement. Net Zero 2050 is the globally recognized goal, established by the Paris Agreement, to reduce human-caused greenhouse gas emissions to near zero by 2050, balancing any remaining, unavoidable emissions with an equivalent amount of carbon removal from the atmosphere. **This target aims to limit global warming to avoid the most severe impacts of climate change. Fiji's Mining Act needs to have its decarbonisation plans with clear guidelines of implementation.**

Our Act must also reflect sustainable and responsible mining if we are to contribute to our planetary health in the mining ecosystem. If Sustainable mining aims to balance the need for mineral resources with the necessity to reduce environmental impacts, ensure economic benefits, and maintain social acceptance over the long term. This involves implementing practices that minimize negative effects on the environment and local communities while ensuring economic viability and resource availability for future generations. (Shah, 2024) In contrast, responsible mining emphasizes immediate ethical practices, transparency, and stakeholder engagement to ensure that mining operations are conducted fairly and beneficially for all involved.

The Fiji Government being one of the biggest advocators of the Conference of the Parties it is crucial that we understand what planetary health is. Planetary Health is recognized as an important element. It is a field focused on the interconnections between human health and the health of our planet. It emphasizes the need for sustainable practices that protect both the environment and human well-being.

Adopting a planetary health perspective allows for a holistic approach to monitoring and mitigating the environmental impacts of mining. This approach considers the interconnectedness of human health and the health of our planet, advocating for sustainable practices that benefit both. By implementing rigorous monitoring systems and leveraging data analytics, mining companies can better understand and mitigate their environmental impacts, ensuring that operations do not compromise the health of ecosystems or local communities.

2. **FREE PRIOR & INFORMED CONSENT.** Fiji is a signatory to the ILO Convention 169. Therefore the principles of these conventions must be incorporated into the Act. Irrespective of minerals ownership the process of (FPIC) must be a legislative process within the mining Act for all Indigenous owned lands. The Minerals Act must align to the ITLTB Act, The Climate Change Act and other relevant legislations.

   The Government needs to stop terrorizing Indigenous resources owners on pathetic legislations that does not respect Indigenous Dignity and all sections of the current legislation that gives authority to enter Indigenous Lands at their whim. Prior to the issuance of the prospector's licenses and the mining licenses, FPIC processes must be conducted with both ITLTB and Department of Mineral Resources.

Article 15 of ILO Convention 169 is a concern specifically addresses the Mining Projects Issue.

> *"The rights of the peoples concerned to the natural resources pertaining to their lands shall be specially safeguarded. These rights include the right of these peoples to participate in the use, management and conservation of these resources."*
>
> *"In cases in which the State retains the ownership of mineral or sub-surface resources or rights to other resources pertaining to lands, governments shall establish or maintain procedures through which they shall consult these peoples, with a view to ascertaining whether and to what degree their interests would be prejudiced, before undertaking or permitting any programmes for the exploration or exploitation of such resources pertaining to their lands. The peoples concerned shall wherever possible participate in the benefits of such activities, and shall receive fair compensation for any damages which they may sustain as a result of such activities."*

3. SHARED PROSPERITY AND GENDER EQUALITY IN MINING

The issue of shared prosperity must be a requirement by law irrespective of mineral ownership.

Shared prosperity in mining refers to a business model where the economic benefits of resource extraction are distributed inclusively among investors, governments, and local communities, moving beyond simple compliance to create long-term, sustainable value. It aims to foster development, reduce inequality, and ensure that mining contributes positively to the well-being of the surrounding society and environment.

There are existing business models that the Fiji Government could examine such as the Oil Extraction Industry in Dubai, UAE, or groups in Canada. What we currently see in the 2013 constitution is contrary to Human Rights, Contrary to UNDRIPS and contrary to FPIC process as most lands with minerals is Indigenous owned.

The Fiji Governments allocation ranges from 3% to 5% of royalty is absurd. These kinds of deals were made by people who only had foreign interests and negotiators for Fiji back then in regards to the Mining Act at the time was next to none. Also over the years, political will of the Indigenous Population was immature and basically normalized by the system with no ethical pathways for the Indigenous Fijians. **Since all minerals belong to the Fiji Government, Profit Sharing must be at 50% or whatever is viable for a win-win**

situation. The current legislations does not allow the Fijian Government to own Mining Companies? Why Not?

The legislation must allow a state owned entity separate from the Ministry of Lands to be able to start Mining Entities whether it is for minerals or Petroleum etc. These entities will be able to freely get into equity sharing partnerships with the Indigenous resource owners.

"There are several examples of successful equity-sharing partnerships with Indigenous communities we can look to as models. In 2022, Hydro One implemented an Equity Partnership Model that offered First Nations a 50% equity stake in new, future large-scale capital transmission line projects with a value over $100 million. To date, Hydro One and nine First Nations partners have agreements that provide the opportunity to invest in the Waasigan Transmission Line, which is under development in northwest Ontario. In an incredibly unique and effective approach, in New Zealand, the Māori own 100% of the Mōkai geothermal energy field and sold a 25% stake to Mercury Energy to fund the expansion and development of the power station as part of a public-private partnership. Tools like Aotearoa New Zealand's resource management legislation, where the Māori is involved in any resource management decisions, are critical to making sure Māori have the most powerful voice in the development of their resources.

Another example of a successful partnership to enable equitably shared prosperity beyond the life of the mine is the South Africa Impact Catalyst, a cross-sectoral, multi-partner development initiative between Anglo American, the South African Council of Scientific and Industrial Research (CSIR), Exxaro, Zutari, and World Vision South Africa, who all share a vision of creating enhanced social impact in the mining communities in Limpopo and out to other provinces. Its early success led to the inclusion of two other regions. Core to its success was aligning on a shared definition of collective impact that began with a common agenda, established shared measurement, fostered mutually reinforcing activities and communication.

Groups like the First Nations Major Projects Coalition are coming together to champion Indigenous values and ownership in major mining projects in Canadian territories. The Nations Royalty Corporation is the world's first mining royalty company that is majority-owned by Indigenous People. The Greenstone Gold Mines partnership, a partnership between Greenstone Gold Mines, Kenogamisis Investments Corporation, and Minodahmun Development LP, ensures First Nations involvement in the Greenstone region's resource development project.

Recently, the Ontario government is investing $13 million through the Ontario Junior Exploration Program (OJEP) to help 84 junior mining companies finance early exploration projects. These projects have the potential to lead to promising discoveries of valuable mineral deposits and lead to future mines, which would boost economic growth and job creation for northern and Indigenous communities. The Canadian federal government recently unveiled the details of a loan guarantee program that could boost equity ownership for First Nations whose territories contain lucrative reserves of metals. The country's Critical Minerals Indigenous Engagement Strategy aims to acknowledge, affirm, and implement the rights, interests, and circumstances of First Nations, Métis Nation, and Inuit. Similarly, the International Council on Mining and Metals' (ICMM) guide for Indigenous engagement reinforces ICMM members' commitment to respect the rights of Indigenous Peoples and set out equitable terms for impacts." (Bryant, 2025)

Lastly mining has always been a predominantly male environment. The mining regulations must be able to state the need for gender equality. Women must be given the opportunity to be able to work directly and indirectly in the mines on the same payment rate as man.

3. **GLOBAL STANDARD FOR MINE RESOTORATION**

   The reality is that Mining literally damages the biodiversity ecosystem. It also must be taken into account that full ecological restoration, particularly for forests, can take over 150 years to 500 years

to return to pre-mining biodiversity.

It is imperative that the Mining Regulations must include The International Principles and Standards for the Ecological Restoration and Recovery of Mine Sites.

4. **ACCESS TO JUSTICE**
The Mining Act 1965 does not allow access to Justice. As mentioned earlier the access to Justice for the Indigenous Resource owner means that the legislation must allow complainants to have full access to justice. The Powers of the Director Mining needs to be reduced drastically. The Director Mining in this current legislation acts as "Judge, jury, and executioner" leaving no room for Indigenous Resource Owners to bring in complaints about the mining companies. Legislation must provide room for justice and not one sided as it is. The Directors decision making powers regarding SPL License and Mining License must rest upon a Board. The Director is also not a legal position and he is not in a position to determine whether breaches and injustices has occurred.

5. **CARBON FOREST PROJECTS**
No mining license or SPL license must be issued to indigenous lands involved in Carbon Forest Projects.

6. **OWNERSHIP OF MINERALS**
Tikina Wailevu believes that minerals must be owned primarily by landholders whether native lands or freehold and the Government must be able to have a fair share of the returns of mineral sales and amend the legislation to reflect that. The Government can a set up a system of Trusteeship of Minerals where it is recognized that the Indigenous Fijians are the traditional owners of the land - something similar to ITLTB or it can become an additional responsibility of ITLTB.

(B)

TAUKEI LAND TRUST BOARD [TLTB] REFORM

To reform the TLTB coherently, we must stop treating it as a traditional colonial-era protector and start treating it as an Asset Management Corporation accountable to its "shareholders" (the iTaukei landowners).

1. Reducing Agency Costs through Performance Incentives

The TLTB's "poundage" (administrative fee) is a cost of management. Historically, this fee was a fixed 10% or 15% regardless of performance.

The Reform: Replace the flat statutory fee with a sliding-scale performance fee. If the TLTB increases the total lease revenue for a Mataqali or reduces the time it takes to process a lease, they earn their fee. If they fail to collect arrears or let land sit idle, their "management fee" should decrease. This aligns the Board's financial survival with the landowners' prosperity.

2. Eliminating Monopoly Inefficiency

Competition is the best regulator. The TLTB is currently a statutory monopoly; landowners have no choice but to use them.

The Reform: Synthetic Competition. While we may not want multiple Boards, policy should allow "Sophisticated Landowning Units" to opt for Private Management (a good example is Mataqali Nabukebuke of Namosi village) if they meet certain governance standards. This "threat of exit" creates a market pressure on the TLTB to improve its services to prevent its best "clients" from leaving.

3. Solving Information Asymmetry

A major source of friction in Fiji is the lack of transparent data regarding land availability and fund management. Disclosure is the most efficient way to reduce the cost of supervision.

The Reform: Mandatory "Shareholder" Reporting. The TLTB should be legally mandated to provide a digital dashboard to every landowning unit. This dashboard should show real-time lease status, investment returns on the "Welfare Fund," and benchmarked performance against other units. By empowering the principals (landowners) with information, you reduce the cost of monitoring the agent (the Board).

4. Transitioning from "Status" to "Contract"

Brian Cheffins' analysis of trust law often treats the trust as a "Nexus of Contracts." Currently, TLTB operations are governed by "Status", a rigid legal position defined by the 1940 Act.

The Reform: Policy should move toward Contractual Flexibility. Instead of one-size-fits-all statutory leases, the TLTB should be empowered to negotiate bespoke contracts that reflect the economic reality of the land (e.g., revenue-sharing leases for tourism rather than just flat-rate agricultural leases). This allows the "Firm" (TLTB) to capture the highest possible market value for its "Owners."

III. Conclusion: The Policy Shift

The argument for reform is simple: The TLTB is not just a cultural guardian; it is an economic actor managing close to 90% of Fiji's land. The current statutory protections for landowners are actually high-cost barriers to wealth.

Reform should focus on:

- Lowering Transaction Costs (faster consents).
- Aligning Incentives (performance-based poundage).
- Increasing Accountability (corporate-style disclosure).

This doesn't "alienate" land; it valorizes it, turning a static communal asset into a dynamic economic engine managed by a high-performance agent.

In Summary

The "Agency Problem" is at its worst when the agent has no "skin in the game." Currently, the TLTB's revenue is decoupled from the quality of its service; it survives on a percentage of whatever is collected, regardless of whether that amount represents the land's true market potential.

By introducing a sliding-scale performance fee, we transform the TLTB from a passive collector into an active value-creator.

The Board would be incentivized to aggressively pursue arrears and optimize land use, as their own institutional budget would depend on the marginal gains they secure for landowners.

Our itaukei land administration is a textbook case of Path Dependency. The 1940 iTaukei Land Trust Act created a bottleneck where all legal and economic paths must flow through a single entity. This monopoly breeds "organizational slack."

Allowing Sophisticated Landowning Units (SLUs) to opt for private management is revolutionary. Even if only a few units ever leave, the mere possibility of exit forces the TLTB to treat landowners as clients rather than subjects.

Market Benchmarking creates a yardstick. If a private manager can deliver a 7% return while the TLTB delivers 3%, the "Path Dependency" is exposed as an economic cost that can no longer be ignored.

Disclosure is a "low-cost" regulatory tool. When the agent knows more than the principal, the principal cannot effectively hold the agent accountable. And of course Information asymmetry is one of the major issues raised by landowners.

A move to Real-time digital dashboards and performance linked fees increases trust and capital reinvestment. It reduces shirking by Board staff. And ultimately market reflective bespoke contracts captures "Economic Rent" from high-value use.

Henry Maine's famous adage that the progress of society is a movement from "Status to Contract" is central to making this idea work. Currently, an iTaukei landowner has a "Status" (communal owner) but very little "Contractual" power.

Bespoke Contracts: Moving toward revenue-sharing or turnover-based leases (common in global tourism) allows the land to behave like a financial asset.

Economic Reality: This recognizes that 100 acres of prime beachfront is an entirely different economic "firm" than 100 acres of hilly grazing land. Treating them the same under a rigid statute is an affront to economic efficiency.

It avoids the "alienation" trap. Critics of land reform often fear that change means losing the land. However, this framework argues the opposite: The land is currently being "lost" to inefficiency and bureaucracy.

By lowering Transaction Costs and treating the TLTB as a high-performance agent, we aren't selling the land but are finally putting it to work for the people who own it.

Among all the calls for abolition of the TLTB, perhaps there is a path forward for an efficient ILTB modernized for the 21st century and its market economy demands

(C)

GREAT COUNCIL OF CHIEFS [GCC]

This section of our submission is derived from recommendations put forward by the GCC Review Team in 2023 in their report ***'Great Council of Chiefs Review Report 2023'***, recommendations that we support in this review to identify opportunities for revitalization and repositioning of the GCC to ensure that it becomes a relevant and effective institution now, and into the future.

A total of 8 recommendations were made (pg.10) Tikina Wailevu is only interested 3 thematic areas:

Recommendation 1: It is recommended that the Great Council of Chiefs be established as an independent and politically neutral entity.

Recommendation 4: It is recommended that the GCC be proactive in advocating directing and oversight of iTaukei interests & aspirations.

Recommendation 7: It is recommended that one out of the three seats per province is allocated for women. With provisions for observer status for ordinary citizens and youth representatives - a non-voting seat to be allocated to Christian churches.

A full explanation of the recommendations and how it is to be achieved is explained in the report (from page 19)

(D)

FIJI'S ELECTORAL SYSTEM

Does Fiji's Counting Practice follow the Spirit of the 2013 Constitution?

We would like to admit that this section of the submission has been derived from the writings of Professor Dr. Wadan Narsey and we fully support his view on such matter. It must also be noted that these articles were written before the 2022 General Election so references are only made to the 2014 and 2018 General Elections.

We now have a 2013 Constitution and electoral system which has been imposed on the people of Fiji, with some strengths (like broad proportionality) but still many negative aspects, some of which was pointed out by Professor Dr, Wadan Narsey in his article such as the unfair 5% threshold rule and the modified D'Hondt system which can be, and has been unfair in the last 3 elections:

But note that that all the 2013 Constitution (Section 53) requires is that

(a) a party's allocation of seats in parliament must be in proportion to the votes received and that

(b) "a written law shall make provisions" including "prescribing rules for awarding seats … *that accord with an internationally accepted method for awarding seats to candidates within an open list system of proportional representation"*. (Narsey emphasis).

While the 2013 Constitution does not specify any "internationally accepted method" let us go to our nearest neighbor NZ, who contributed a large number of observers to the recent MOG (and also gives Fiji lots of money and jobs).

The much fairer NZ system

The NZ reps to the MOG jaunt in Fiji, could have pointed out for instance, that according to NZ's proportional system, the votes received by FFP, SODELPA and NFP would have entitled them to 26, 21 and 4 seats respectively.

Members of the review team might want to look at the NZ Elections website which even has a "MMP Seat Allocation Calculator" which will give you the above results if you input the Fiji elections results for FFP, SODELPA and NFP for the 2018 General Elections.

https://www.elections.org.nz/voting-system/mmp-voting-system/mmp-seat-allocation-calculator

Click "count of Party votes" at the top row.

Input the numbers of votes in the first three rows for FFP (227241) , SODELPA (181072) and NFP (33515)

Click the orange button at the bottom ("Calculate Parliamentary Seats")

You will get the number of seats in the NZ parliament (120 seats altogether) for these parties: 62, 49 and 9 respectively

Convert proportionally to Fiji's 51 seat parliament you get 26, 21 and 4.

This was indeed the system that was recommended by the author of this article to the Yash Ghai Commission and a workshop at USP which put his proposal into practice: a proportional system with local constituencies.

Incidentally, if local constituencies were in existence, and you put in the number won by each party, the NZ Elections Office Calculator would also estimate how many "List" MPs would be selected into to ensure a truly proportional result overall.

And if there was a "Closed List" with alternating women candidates, then you would also guarantee a larger proportion of women MPs.

What to do?

Given the closeness of the 2018 Election Results, the apparent willingness of the Opposition Parties to co-operate with the Bainimarama Government, and the many calls from the public at large for such co-operation, he suggested that Parliament (i.e. FFP) needs to set up a Constitution Review Committee which would urgently examine all the areas of the 2013 Constitution and the Electoral Act over which the Opposition parties are voicing concern.

Thankfully it has happened and is happening and progressive forces in Fiji will need to once again struggle to ensure it achieves its purpose.

All this reminds us of what many of us faced after the 1990 Constitution was imposed on Fiji by the Rabuka Government after the 1987 coup.

Many progressive academics and NGOs entered into dialogue for several years and contributed to the deliberations of the Reeves Commission, whose report then formed the basis of the 1997 Constitution (plus the sadly forgotten multi-party cabinet provision) approved unanimously by the Fiji Parliament.

Then there was a Yash Ghai Constitution Commission, which was sadly rejected by the Bainimarama Government.

Today, not only is there the unfairness as pointed out above by Professor Narsey, but there are other undesirable results of the unilaterally imposed 2013 Constitution and Electoral system:

- For instance all Fiji must wonder that in the 2014 and 2018 Elections, any number of candidates with large numbers of votes fail to get elected, while many are "elected" into parliament with a pitiful small number of votes, riding on the coat-tails of some Leader.
- Or not having local constituencies with local candidates who voters can identify with and who can be held directly accountable for local issues.
- Or having a very unfriendly ballot paper with names, numbers and photos but not party symbols.
- Or the many other aspects of the imposed 2013 Constitution which sensible people committed to human rights and freedom of the media find quite objectionable.

Of course, many of the older cynics might understandably protest at yet another grand exercise likely to end in a waste tax-payers' funds and the valuable time of public intellectuals and NGOs, as had happened so casually with the Yash Ghai Commission exercise.

But the younger generation who have not gone through such exercises before, might still have the energy, even if we old dogs do not, to tackle the huge problems because "the times they are a 'changing" and have changed for the worse.

They better do so, for they are the ones who will be paying for Fiji's massive public debt.

JSMAIVALILI
For TIKINA WAILEVU
CAKAUDROVE
30th June 2026.

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Roman Catholic Archdiocese of Suva

Roman Catholic Archdiocese of Suva

Archbishop Peter Loy Chong

Box 109, 35 Pratt St. Suva. Ph. 3301955, email: pchong@archdioceseofsuva.com

30th June,2026

Submission of the Catholic Archdiocese of Suva to the Fiji Constitution Review Commission

Title:
A Pastoral Reflection on the 2013 Constitution of the Republic of Fiji in the Light of Catholic Social Teaching

Introduction

The Catholic Archdiocese of Suva welcomes the opportunity to contribute to the review of the 2013 Constitution of the Republic of Fiji. The Church does not participate in this process as a political party or interest group. Rather, it speaks from its moral responsibility to uphold the dignity of every human person, promote the common good, and encourage a society founded upon justice, peace, reconciliation, and truth.

Our submission is guided by Catholic Social Teaching (CST), the Church's body of social doctrine developed through Scripture, tradition, and the teaching authority of the Church. Catholic Social Teaching provides principles for evaluating political, economic, and social structures according to their service to human dignity and the common good.

This submission focuses on three areas that raise significant moral concerns:

- The absence of broad public participation in the making of the 2013 Constitution.
- The constitutional immunity provisions.
- The entrenchment of non-negotiable constitutional provisions.

These concerns are not raised to reopen old divisions but to encourage a constitutional future that belongs to all the people of Fiji.

1. The Constitution Must Belong to the People

A constitution is not simply a legal document. It expresses the values, aspirations, and identity of a nation. Because it establishes the fundamental relationship between the State and its citizens, Catholic Social Teaching holds that its formulation must involve the meaningful participation of the people.

The 2013 Constitution was introduced without broad national consultation or genuine public participation. From the perspective of Catholic Social Teaching, this raises serious questions regarding its moral legitimacy.

Human Dignity

Catholic Social Teaching begins with the belief that every person is created in the image and likeness of God and possesses inherent dignity.

Because of this dignity, citizens are not merely subjects of government but active participants in shaping the society in which they live.

When people are excluded from the process of writing their nation's constitution, their dignity is diminished because their voices and experiences are not respected.

A constitution should never be something imposed upon the people. It should emerge from the people.

Participation

Participation is not simply a political preference; it is a moral principle.

The Church teaches that every person has both the right and the responsibility to participate in public life.

Constitution-making represents one of the highest forms of political participation because it establishes the rules by which future generations will live.

Meaningful participation requires:

- Broad public consultation.
- Open dialogue.
- Respect for differing opinions.
- Genuine opportunities for citizens to influence outcomes.

Without these elements, constitutional legitimacy is weakened.

The Common Good

Political authority exists to serve the common good.

A constitution developed through broad consultation is more likely to reflect the hopes, concerns, and needs of the whole nation rather than the interests of a limited group.

The common good is strengthened when all communities—including indigenous iTaukei, Indo-Fijians, Rotumans, minority communities, women, youth, people with disabilities, faith communities, and rural populations—participate in shaping the country's future.

Solidarity

Catholic Social Teaching teaches that we are one human family.

National unity cannot be built through exclusion.

Dialogue allows people from different backgrounds to listen to one another, appreciate their differences, and build mutual trust.

A constitution should be a symbol of national unity rather than a reminder of political division.

Preferential Option for the Poor

The Church consistently teaches that the voices of the poor and vulnerable deserve particular attention.

Those with the least political influence are often those most affected by constitutional arrangements.

A truly national constitution must hear the voices of:

- the poor;
- rural communities;
- persons with disabilities;
- women;
- young people;
- minorities;
- those historically excluded from public decision-making.

Subsidiarity

The principle of subsidiarity teaches that decisions should be made with the participation of those most affected.

The constitutional order under which people live should not be imposed from above.

The people themselves must help shape the institutions that govern them.

Conclusion

For these reasons, the Archdiocese believes that the process leading to the 2013 Constitution fell short of the standards required by Catholic Social Teaching.

While the Constitution may possess legal force, its moral legitimacy remains open to serious question because it was not founded upon broad public participation.

A constitution gains its deepest authority when the people recognize it as their own collective work.

2. Constitutional Immunity and the Demands of Justice

The Archdiocese recognizes Fiji's painful political history and appreciates the desire to preserve peace and national stability.

Catholic Social Teaching strongly supports reconciliation.

However, reconciliation cannot be separated from justice, truth, and accountability.

Sections 155 and 158 of the 2013 Constitution grant extensive immunity to those involved in the 2006 military takeover and validate all decrees made between 2006 and 2013 while preventing judicial review.

These provisions raise profound moral concerns.

Equality Before the Law

Catholic Social Teaching insists that all persons are equal in dignity before God and therefore should be equal before the law.

No individual or institution should be permanently placed beyond legal accountability.

Justice requires equal standards for everyone.

Permanent constitutional immunity appears difficult to reconcile with this principle.

Justice and the Rule of Law

Law exists to protect the dignity of every person.

The rule of law requires that wrongdoing be capable of examination through independent legal institutions.

Blanket constitutional immunity removes an entire period of Fiji's history from judicial scrutiny.

This weakens confidence in the justice system and raises concerns about equality before the law.

Truth and Reconciliation

Pope Saint John Paul II reminded the world:

"There is no peace without justice, no justice without forgiveness."

(Message for the World Day of Peace, 2002)

Likewise, Pope Francis teaches in Fratelli Tutti:

"Truth is an inseparable companion of justice and mercy. Together, all three are essential to building peace."

(No. 227)

Forgiveness is central to Christian life.

Yet forgiveness does not eliminate the need for truth.

Nor does mercy remove the importance of accountability.

Authentic reconciliation requires truth, justice, repentance, forgiveness, and healing.

The Victims

Catholic Social Teaching gives special concern to those who suffer.

Families affected by political instability, individuals who experienced injustice, and communities wounded by successive coups deserve recognition and opportunities for healing.

Where legal accountability has been permanently foreclosed, many victims may continue to feel unheard, unhealed, traumatized, and unacknowledged.

The Church believes that lasting peace requires the restoration of relationships as well as political stability.

Stability and the Common Good

The Church recognizes that societies emerging from conflict sometimes adopt exceptional legal measures to prevent renewed violence.

Political stability is an important good.

However, Catholic Social Teaching asks whether such measures remain proportionate, just, and consistent with human dignity over time.

Permanent immunity raises serious moral questions because it closes the possibility of future truth-seeking and accountability.

3. Non-Negotiable Constitutional Clauses

The 2013 Constitution contains provisions that are effectively insulated from ordinary constitutional amendment.

Among these are the immunity provisions.

Catholic Social Teaching views constitutions as living instruments that exist to serve the people.

Political authority is legitimate only when exercised for the common good.

As the Compendium of the Social Doctrine of the Church teaches:

"Authority must be exercised within the limits of the moral order and directed toward the common good." (No. 394)

From this perspective, constitutional provisions should never become untouchable if they prevent society from pursuing justice, reconciliation, or the common good.

The Christian understanding of law also reminds us that human laws exist to serve people—not the other way around.

As Jesus teaches:

"The Sabbath was made for man, not man for the Sabbath." (Mark 2:27)

Only divine truth is absolute.

Human laws remain subject to reflection, reform, and improvement whenever they no longer adequately serve justice or the dignity of the human person.

Constitutions should therefore remain open to peaceful democratic reform.

No constitutional provision should permanently prevent future generations from seeking justice or improving their constitutional order.

Overall Assessment

Guided by Catholic Social Teaching, the Catholic Archdiocese of Suva respectfully submits that the 2013 Constitution exhibits significant moral and constitutional weaknesses.

These include:

- the absence of broad public participation in its formation;
- serious concerns regarding permanent constitutional immunity;
- provisions that limit future democratic constitutional development.

These concerns affect the Constitution's moral legitimacy because they touch fundamental principles of:

- human dignity;
- participation;
- subsidiarity;
- justice;
- solidarity;
- accountability;
- the common good.

The Church does not seek division.

Rather, it encourages a constitutional process capable of healing historical wounds and strengthening national unity through dialogue, participation, justice, and reconciliation.

Recommendations

The Archdiocese respectfully recommends that the Constitution Review Commission:

- Ensure that the present constitutional review is genuinely participatory and inclusive, allowing every sector of Fiji's society to contribute meaningfully.
- Re-examine the constitutional immunity provisions in light of justice, accountability, reconciliation, and the rule of law.

- Review provisions that have been declared effectively non-negotiable to determine whether they remain consistent with democratic constitutionalism and the common good.
- Consider whether aspects of the Yash Ghai Draft Constitution, developed through extensive nationwide consultation, may provide a valuable foundation for future constitutional reform.
- Encourage a constitutional process that seeks national consensus rather than political victory.

Questions for the Constitution Review Commission

The Archdiocese respectfully places three questions before the Commission:

1. Does the Commission intend to recommend amendments only to selected provisions of the 2013 Constitution?
2. Would the Commission consider using the Yash Ghai Draft Constitution, developed through broad public consultation, as a foundation for future constitutional development?
3. Should Fiji begin a genuinely inclusive national process to adopt an entirely new constitution that reflects the participation, aspirations, and consent of all its people?

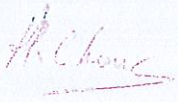
Concluding Pastoral Reflection

The Catholic Church believes that a constitution is more than a legal instrument. It is a covenant between a people and the institutions that govern them. Such a covenant must be built upon truth, justice, participation, and respect for the God-given dignity of every person.

Our prayer is that this constitutional review becomes an opportunity not merely to amend legal provisions, but to strengthen national unity, deepen public trust, and renew our commitment to a Fiji where every person is heard, every community is respected, justice is pursued with mercy, and peace is founded upon truth.

May God bless Fiji and guide all those entrusted with this important responsibility.

Yours sincerely in Christ



+Archbishop Peter Chong

Archbishop of the Archdiocese of Suva

FNU TVET PACIFIKA

FNU TVET PASIFIKA's SUBMISSION TO:

THE FIJI CONSTITUTIONAL REVIEW COMMISSION CONSULTATION:

1. DECLARATION OF GOVERNMENT COMMITMENT FOR TVET

1. Introduction

The Fiji National University (FNU) respectfully submits this proposal seeking the insertion of TVET in Section 31 (1) of the 2013 Constitution so that we have a new part **(d) TVET**.

> 31.—(1) Every person has the right to—
> (a) early childhood education;
> (b) primary and secondary education; and
> (c) further education.
> **(d) technical vocational education and training**

Therefore, the University seeks financial support from the Government to enhance the delivery of Technical and Vocational Education and Training (TVET) programs in FNU. TVET plays a critical role in developing a skilled workforce, supporting national development, and addressing unemployment, particularly among Fiji's youth.

2. Background and Rationale

TVET is central to Fiji's economic growth, equipping individuals with practical skills aligned with industry needs. FNU has been at the forefront of delivering accessible and industry-relevant TVET programs across multiple campuses.

However, increasing demand for skilled labor, rapid technological changes, and the need for modern training infrastructure require sustained investment. Financial support from Government will enable FNU to:

- Expand access to quality TVET programs with TVET Centres in areas such as Savusavu. Taveuni, Kadavu and Lakeba.
- Upgrade training facilities and equipment
- Align training with emerging industry standards
- Improve student outcomes and employability

3. Objectives of the Funding Request

The requested financial support aims to:

A. **Establish new TVET Centres in other areas across Fiji**
   - Identifying appropriate spaces accessible to rural people
   - Confirmation of land leases and arrangements

B. **Enhance Training Infrastructure**
   - Upgrade workshops, laboratories, and training centers
   - Procure modern equipment aligned with industry standards

C. **Increase Access and Participation**
   a. Provide subsidies or scholarships for students from disadvantaged backgrounds
   b. Expand outreach programs to rural and maritime communities

D. **Strengthening Industry Alignment**
   a. Develop industry partnerships for apprenticeships and internships
   b. Regularly updated curricula to reflect labor market needs

E. **Improve Trainer Capacity**
   a. Upskilling our instructors through professional development and certifications
   b. Introducing new teaching technologies and methodologies.

4. Expected Outcomes

With Government support, FNU anticipates:

- Increased enrollment in TVET programs
- Improved completion and certification rates
- Enhanced employability of graduates
- Stronger alignment between education and industry needs
- Contribution to national economic productivity and resilience.

5. Funding Requirements

FNU proposes a funding allocation to support:
- Capital investment (infrastructure and equipment)
- Operational costs for program delivery
- Student financial assistance schemes
- Staff training and development

A detailed budget breakdown can be provided upon request.

6. Monitoring and Accountability

FNU is committed to transparency and accountability. The University will:
- Provide regular progress and financial reports
- Track key performance indicators (enrollment, completion, employment outcomes)
- Ensure funds are utilized efficiently and for intended purposes.

7. Conclusion

FNU seeks the Government's continued partnership in strengthening TVET education as a key driver of national development. Investment in TVET is an investment in Fiji's future workforce, economic growth, and social stability.

2. SPECIAL PROVISIONAL SCHOLARSHIP FOR TVET

Fiji National University (FNU) TVET Pasifika respectfully submits this request for the consideration and approval of a **Special Provisional Scholarship Scheme** to support students enrolled in Technical and Vocational Education and Training (TVET) programmes.

This initiative aims to provide financial assistance to students who are currently unable to access existing scholarship schemes but demonstrate strong potential and commitment to completing their studies in priority skill areas.

The proposed scholarship will:

- Support students in critical TVET programmes aligned with national development needs
- Reduce dropout rates due to financial constraints
- Strengthen workforce readiness in key technical sectors

Expected Outcomes:

With Government support, FNU anticipates:

- Increased enrollment of girls and women in TVET programs
- Increased enrolment of people with disability
- Community impact on economic productivity and resilience.

We kindly request the government's support in approving and facilitating funding for this special provisional arrangement to ensure continuity of learning for these students.

FNU remains committed to working closely with the Government of Fiji to advance national skills development and human capital growth.

3. FUNDING SUPPORT FOR RURAL, REMOTE AND MARITIME TVET SKILLS TRAINING

Introduction

Fiji National University's TVET Pasifika seeks a dedicated annual funding support to expand its Technical and Vocational Education and Training (TVET) programs to underserved rural, remote, and maritime (RRM) communities across Fiji. This initiative aligns with national development priorities to improve skills accessibility, enhance employability, and promote inclusive economic growth. We propose that the Section 31 (2) be revised to include **(c) to all persons living in rural remote locations.**

> (2) The State must take reasonable measures within its available resources to achieve the progressive realisation of the right—
> (a) to free early childhood, primary, secondary and further education **and TVET**; and
> (b) to education for persons who were unable to complete their primary and secondary education.

Background and Rationale

Many communities in rural and maritime regions face limited access to quality education and skills training due to geographic isolation, high transportation costs, and lack of infrastructure. As a result, women, youths and adults in these areas often miss opportunities for employment and entrepreneurship. TVET programs play a crucial role in equipping individuals with practical, job-ready skills in areas such as construction, marine engineering, agriculture, renewable energy, and hospitality. Expanding these services to remote communities will directly contribute to poverty reduction and sustainable livelihoods.

Objectives

- Increase access to accredited TVET programs in rural and maritime areas
- Deliver mobile and community-based training services
- Strengthening local workforce capacity and employability
- Support inclusive development and reduce urban migration

Proposed Plan

- A detailed proposed plan for the delivery of this Rural, Remote and Maritime Training is attached together with its proposed budget.

Expected Outcomes

- Improved access to education for marginalized populations
- Increased employment and self-employment opportunities
- Enhanced technical skills aligned with industry needs
- Stronger, more resilient rural economies

Monitoring and Evaluation
A robust framework will be implemented to track progress, including enrollment numbers, completion rates, employment outcomes, and community impact assessments in which also included in the proposed budget. This is ensure that funds invested in these communities lead to meaningful changes and improvement in the lives of our people.

Conclusion
This initiative represents a transformative opportunity to bridge the skills gap in Fiji's most underserved regions. With the support of Government, FNU can significantly expand its reach and contribute to national development goals through inclusive, high-quality TVET delivery.

4. GOVERNMENT'S DEDICATED SUPPORT FOR FNU AS THE BIGGEST TVET PROVIDER FOR FIJI.

TVET Pasifika is writing to request for the Government's continued and dedicated support for Fiji National University (FNU), recognizing its vital role as the largest Technical and Vocational Education and Training (TVET) provider in Fiji.

FNU has consistently demonstrated its commitment to equipping students with practical skills, industry-relevant training, and accessible education opportunities across the nation. As the leading TVET institution, it plays a crucial role in workforce development, economic growth, and national capacity building.

Given the increasing demand for skilled professionals in key sectors such as construction, engineering, healthcare, agriculture, and information technology, it is essential that FNU is further strengthened through sustained funding, infrastructure development, modern training resources, and policy support. Enhanced investment in TVET will not only improve employment outcomes for our youth but also contribute significantly to Fiji's long-term development goals.

We kindly urge the Government to prioritize dedicated support for FNU, ensuring that it continues to expand its reach, improve the quality of training, and remain responsive to industry needs. Strengthening FNU is an investment in the future of Fiji and its people.

Thank you for your attention to this important matter. We look forward to the Government's continued partnership in advancing technical and vocational education in our country.

Fellowship of Pastors in Suva

June 14, 2026.

The Chairman,
The Constitutional Review Commission,
Suvavou House,
Suva.

Re: Submissions By A Fellowship of Pastors in Suva

Greetings sir,

I write on behalf of a Fellowship of Suva Pastors. I hope that our submissions will be received with much consideration from the commission.

1. Secular State vs. Christian State - We strongly oppose the clause in the 2013 Constitution that declares Fiji as a secular state. We are of the convictions that the pre-colonial era of Fiji as a nation that was festered by cannibalism received enlightenment through the Gospel of Christ's love and forgiveness. This light brough a halt to this evil practise and ensured peace upon the land. Therefore, we believe that our nation must still be a Christian State, though we may allow other religions to practise their worship, as a multicultural society:

a. Prayers in the name of Jesus - The name of Jesus must not be removed from prayers offered in national celebrations and parliament sessions. Jesus Christ must be acknowledged ad Lord and King over the nation of Fiji
b. Devotions - Every parliamentary sessions must begin with a Christian Devotion by a Christian Minister. Parliament stands as a key figure in nation building and God must acknowledged

2. Same Sex Marriage - We strongly oppose the space given to same sex marriage (homosexualism and lesbianism). These 2 practises are very un-biblical and un-godly. Though other countries around the globe may be approving and tolerant of such lifestyle, we strongly oppose such a lifestyle because it is unbecoming of the lifestyle that is espoused in the Bible. By God's design, man should be married to woman so that we can replenish/populate the earth (Genesis 2:24). How can this mandate be fulfilled when man marries a man and a woman marries another woman?

3. Lesbian, Gay, Bi-sexual, Trans-gender, Queer and Questioning (LGBTQQ) - We strongly oppose the nation's tolerance on the LGBTQQ community because such lifestyles are un-biblical and un-godly:

a. Lesbian - Please refer to # 2 above on our stand against Same Sex Marriage
b. Gay - Please refer to # 2 above on our stand against Same Sex Marriage
c. Bi-Sexual - We believe that God has created us to be either man or woman. We cannot be both sexes at the same time. It is a sign of gender confusion and is never sourced by God's Word. One cannot be both a man and woman, depending on their orientation at different times or seasons.

d. Trans-gender - Any medical procedure to change His God-given gender to another gender (to which he/she was not registered under at birth) is unbecoming of God's unique creation to him or her. It is an insult to God's creation.
e. Queer - God creates every individual with a unique identity to be either a man or woman. No one is born with a sense of 'unsureness' to his/her identity. Our physical make-up is sufficient evidence to clear out this confusion in people's minds about their sexual identity.
f. Question - God's creation is complete and perfect. He never leaves man in 'suspended confusion' over their identity, as to who we are as a person. We are either a man or woman; either a male or female; NOT NETIEHR/NOR.

4. Drug Rehabilitation and Pastoral Care/Counselling - We strongly propose that the Church be considered a very important stakeholder not only in combating the drug problem in Fiji through its ministry but also be a critical part in the rehabilitations efforts of the government. We are of the conviction that the Gospel of Christ has the power to save and restore broken lives. A very critical role the Church can play is through Pastoral Care and Counselling. Why is this so? Spiritual problems require spiritual solutions and therefore the Church must be consulted and engaged in the government's endeavours to combat the current drug problem in Fiji. How can this be done?

a. Pastoral Counselling programs be supported by government
b. Scholarships for Pastoral Care programs be made available
c. Pastoral Care be made available in Drug Rehabilitation Facilities

5. Family Courts - The institution of the Family Courts in our Judiciary System has given individuals a platform to fight for their rights to the annulment of marriages as a God-ordained institution. Wives, husbands ad children have used the Family Courts as a weapon to dismantle basic family structures in our country. We propose if some other processes be integrated as the first line of defence in family situations and issues. Would these measures be taken first pre-Family Court.

a. Can interventions be provided in the family courts to educate parents and children on the importance of family and the repercussions of dissolving a family through the courts?
b. Can the church be involved or be given the space to provide the needed intervention?
c. Can the government provide and finance the needed training for pastors and church volunteers to counsel families, especially couples going through tense marriage situations?

6. Corporal Punishment - There has been a lot of recent talks about re-instating corporal punishment in our schools. The church believes that children ought to be disciplined when they do wrong. This is a process of nurturing that is needful in growing a respectful and disciplines generation of young people. Many of us as pastors today underwent the era of 'corporal punishment' in our school days and have contributed a lot to our character development. It is biblical and godly to ensure that our children are accountable for their actions and behaviour, now and also in the future. The Bible comprehensively speaks of this issue in the Book of Proverbs:

a. Proverbs 13:24 – "Whoever spares the rod hates their children, but the one who loves their children is careful to discipline them" highlights that loving guidance may include correction.

b. Proverbs 22:15 – "Folly is bound up in the heart of a child, but the rod of discipline will drive it far away" emphasizes the role of discipline in shaping character

c. Proverbs 29:15 – "The rod of correction imparts wisdom, but a child left undisciplined disgraces its mother" underscores the educational purpose of correction

D.Proverbs 23:13-14 – "Do not withhold discipline from a child; if you punish them with the rod, they will not die. If you strike them with the rod, you save their soul from Sheol" shows that measured correction can prevent greater harm.

d.

7. Negatives Surrounding the PALM Scheme (Pacific Australia Labour Mobility Scheme):

i. Family Breakdowns - It is obvious that Fiji is experience a counter-flow on family units through this PALM Scheme. While many families are benefitting economically, many are also suffering due to marriage breakdowns, where husbands, wives and more children are at the receiving end of these breakdowns. We propose the following measures to be taken into consideration as alleviating measures to this concern:

a. Can single people be considered priority for this scheme?
b. Can married people (husbands and wives) be given proper pre-engagement counselling session over a 1-year period with Church Pastors and Church Volunteers in the area of Family Enrichment? Can this be a pre-requisite for engagement with the Palm Scheme?
c. Can the Church be involved with be Pre-Engagement Capacity Building before departure from Fiji?
d. Can the Church be also involved with Intra-Engagement Capacity Building On-Site either in Australia or New Zealand?
e. Can this be mandatory for interested candidates for their re-entry to be considered in the future?

ii.Abscondment and Homelessness - It is an obvious and recent issue also locally and internationally that many Fijians who have travelled abroad under the PALM Scheme have absconded from their initial work contracts and are roaming around Australia and New Zealand as illegal immigrants. This has led to a number of social issues abroad like homelessness, drug cohorts, extra-marital affairs and illegal activities like street gangs and robberies.

a. Can single people be considered priority for this scheme?
b. Can married people (husbands and wives) be given proper pre-engagement counselling session over a 1-year period with Church Pastors and Church Volunteers in the area of Family Enrichment? Can this be a pre-requisite for engagement with the Palm Scheme?
c. Can the Church be involved with be Pre-Engagement Capacity Building before departure from Fiji?
d. Can the Church be also involved with Intra-Engagement Capacity Building On-Site either in Australia or New Zealand?
e. Can this be mandatory for interested candidates for their re-entry to be considered in the future?

8. Squatter Settlements for Urban Drifters - We strongly propose that the issue of urbanization is one that cannot be totally eradicated because the infrastructure and services in our rural dwelling are not in a state to halt this urban drift. We need to accept this reality that it is going to escalate to another level in the years to come. The question that we have is: WHAT DOES OUR GOIVERNMENT HAVE IN PLACE TO TACKLE TO SITUATION EITHER:

a. Through Rural Development Initiatives? To keep them in rural dwellings
b. Though Urban Provisions for Housing? To keep them well in urban dwellings

9. Artificial Intelligence and the Church - Artificial Intelligence (AI) is here to stay and slowly but surely making inroads into the life and ministry of the Church .eg. **Content and Media:** Churches use AI for graphic design, social media content, and media production, improving outreach and communication efficiency. However, are there provisions in the current constitution to protect the church from effects of AI like:

a. Privacy - How do we strike the balance between innovation and accountability?
a. Integrity - How can we protect the Pastoral Ministry from maintaining its Gospel values and virtues of Pastoral Care and Spiritual Discernment?
b. Security - How can the Church be protected from external harm or intrusion that may invade its unprotected intellectual properties, physical properties and financial properties?

10. Life Imprisonment and Eventual Death Penalty for Drug Lords and Pushers - We believe that God is the giver of life and values life. However, where people are found guilty of people-threatening crimes like dealing or selling of illicit drugs, harsher penalties must be put in place. Repetitive acts of crime of such nature and magnitude that is threatening the peace and security to our nation, calls for death penalties to act as deterrent for others who wish to tread that line.

11. Restrictions to Church Outreach Programs - The Church believes that the solution to the nation's problems and issues is for the nation to WORSHIP GOD IN SPIRIT AND IN TRUTH. However, we are noticing that some restrictions (red-tapes) , like permits, are hampering the local churches efforts to conduct honest and genuine outreaches in some communities. Can special approvals be made easily available in the local municipality offices and Police Stations.

Many thanks for your kind consideration,

Rev. Samisoni Seru (Suva Fellowship of Pastors Senior Representative)

Rev. Seru Rokosawa (Suva Fellowship of Pastors Representative)

SIGNATURES FOR SUBMISSIONS BY FELLOWSHIP OF SUVA PASTORS

NAME	CHURCH	DATE	SIGNATURE
Barnison M	Hanisi Mission	24/06	
Iliesa Seru	MATATA A-OG	24/06	
Tausie F. Voi	Hanisi Mission	24/06	
[illegible] Sinu	Matata AOG.	24/06	
Sakiusa Tuniqali	LAMI AOG	24/06	
Inia Dunsolo	Word of faith	24/06	
Tevita Qaranivalu	Lami AOG	24/06	
Uwate Tiko	Calvary Temple	24/06/06	
Josaia Usa...	Coastal Suva	24/06/06.	
Jiuta Ubitau	LAMI AOG	24-6-26	
Cora Butukoro	Lami AOG	24/06/26	Butukoro
Pita Lauraki	Coastal Suva	24/06/26.	
Lisiana L.	Coastal Suva	24/06/26	
Makereta S	Coastal, Suva	24/06/26	
Filomena. U	Coastal Suva	24/06/23	
Losalini D	Coastal, Suva	24/06/23	
Mamo K	Coastal Suva	24/06/23	Mamo
Ana Colleen	Coastal Suva	24/06/26	

Constution Review submission Sign

NO	Name	Date/Birth	Gender	Sign
1	[illegible]	1/2/61	M	
2	Kalivati Vatunaua	1/5/52	/	
3	POASA KAREBA	14/02/66	M	
4	KERESONI NAVA	5/3/67	M	
5	Aliti - Adimainana	20/12/71	F	
6	SENGIO NABARIA	13/7/76	M	
7	ANITIOLCE MASEINAWA	22/12/89	M	
8	AKUILA ~~GAO~~ OCO	31/1/75	M	
9	SEMISI NACEWIA	13/6/97	M	
10	Ison Nawalewalebiya	01/07/97	M	
11	Isimeli Nere Boto	2/7/77	/	
12	KULIASI Namatarus	8/3/68	/	
13	SAVERIO ~~RASMUSSEN~~	19/9/65	/	
14	Ilisabeta-VINE	21/11/79	F	VINE
15	Karalaini Marama	19/06/84	F	Marama.
16	Kalesita Namoca	12/6/85	F	
17	Asenate Rolo	7/12/85	F	
18	~~GLENDA~~ NABOTUA	28/8/71	F	
19	ALESIA QIMA	24/08/60	F	Qima
20	Karita drue	11/01/92	F	Karue
21	Emele Likuwaqa	17/08/00	F	Emele.
22	Akesa Likuwaqa.	10/6/59	F	Aku.
23	Vasemaca Adiravulo	13/01/2000	F	Adiravulo.
	ARIETA TINAI			
24	ANNAKI DEDERU	11/12/60	F	
25	Lite Marama	1/11/84	M	
26	Sailosi	23-12-72	F	
27	ANARE L MARAU	19-1-69	M	
28	RAUqina Alo	17/09	M	

CONSTITUTION REVIEW SUBMISSION Signature

NO	Name	Date /Birth	Gender	Sign
1	Ameli Oro	1970	M	
2	Samasono Langatavoom	1979	M	
3	Levi Naulivitii	1968	M	
4	Anne Rombo	1982	F	
5.	Vitalina Buna	1989	F	Buna.
6	Seini Batiuvi	1983	F	Batiuvi
7	Joji Salawa	1982	M	
8	MANUELI NAIVALUBASAGA	26/09/1984	M	
9.	Sakiusa Naulaca	23/05/81	M	
10.	Vasemaca Marama	03/07/1956	F	
11.	Eseta . Bukoto	26/08/1989	F	Bukoto
12	Savenaca . Lawedrau	20/09/1984	M	
13.	Sainimili . Senitaba	07/1/74.	F	Sakalaucoro
14	Akeneta Rokomarama	14/11/1993	F	Roko
15	RATU VILIAME DELAVAKAU	07/04/1986	M	
16.	TUPOU CAKACAKA	20/12/1990	F	
17/	Petiola Lasalo	25/05/1972	/	
18/	Turisi Lau	05/02/2000	/	
19	Inisio Navuasa	31/8/1969	F	
20	Sikeli Waqa	07/03/2003	F	Sikeli

NASAU VILLAGE

SIGNATURES FOR SUBMISSIONS BY FELLOWSHIP OF SUVA PASTORS

NAME	CHURCH	DATE	SIGNATURE
Sera. Rokosawa	Waiqanake AOG	15/06/26	
Sanosi Marolaki	Wai Qanake AOG	20/06/26	
Uraia Rabakele	✓	20/06/26	
Alumita Rabakele	✓	✓	
Asivete Moegdaki	✓	✓	
Miliakere Sigatoka	✓	19/06/26	M.S
Semisi Qoleni	✓	19/06/26	
Merenalesi Bainivalu	✓	19/6/26	
Oliva Rokosawa	✓	20/6/26	
Laisa Rokosawa	✓	20/6/26	
Darren Lauaki	✓	21/6/26	
Epeli Drauna	✓	21/06/26	
Daniele Kovoi	✓	21/06/2026	
Viliame Rasari	✓	21/06/2026	
Litiana Senibua	✓	21/06/26	
Arieta Tagivetaua	✓	21/06/26	
Mosese Tagivetaua	✓	21/06/26	
Apete Haberlin	✓	21/06/26	
Tiale Sarasau	✓	21/06/26	

Ore-Ashen Consulting

2026

Constitution of the Republic of Fiji

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ORE-ASHEN CONSULTING

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Article I — Preamble

Preamble

We, the people of Fiji, in order to secure **liberty, justice, the rule of law, and equal rights,** and to guide our destiny in **prosperity and peace**, do hereby adopt this Constitution **consistent with Fiji's obligations under applicable international law**.

1.
(a) **Sovereignty.** We affirm our sovereignty, independence and Republic of free man, equal under law.
(b) **Equality and dignity.** We recognise the equal dignity and rights of all citizens, regardless of creed, origin, gender or belief, and the adoption of International Law.
(c) **Heritage and communities.** We honour the heritage, wisdom and traditions of Native Fijians, Rotumans, Banabans, Pacific family and all communities who call Fiji home through birth and generational existence.
(d) **Law and equality.** We commit to equality, the separation of common law, customary law, commercial law, and the freedom to travel.
(e) **Communal resources.** We respect and support communal ownership of land under traditional setting under indigenous tradition and culture, include water to the core and pledge to safeguard these resources for future generations of all Fiji citizens.
(f) **Public office.** Public office is a trust conferred by the people and exercised with integrity, impartiality, and accountability. In keeping with the traditions of our forebears, who appointed and entrusted their chiefs, public office bearers shall give due regard to diverse views and community commentary before undertaking decisions.
(g) **Funding.** The Government shall establish taxation under law, grounded in the voluntary consent of the people, and shall ensure that a fair portion of such revenue is returned to the people to uphold dignity of living and the right to happiness.
(h) **National aims.** We seek peace, prosperity and sustainable development for all.

2. **Supremacy**
This Constitution is the supreme law of the Republic of Fiji; all Acts, regulations and policies derive their authority from it and shall be interpreted consistently with its provisions, giving due regard to legislative purpose, proportionality, severability, and customary law.

Article II — Fundamental Rights and Indigenous Peoples' Protections

Section 1 — Definitions and Interpretive Principles

1. Definitions. In this Article, unless the context otherwise requires—
(a) **"person"** includes an individual and any community or collective entity recognised by law;
(b) **"Indigenous peoples"** means communities with historical, cultural or customary ties to particular lands, waters or resources and who maintain distinct social, economic, cultural or political institutions;
(c) **"customary land"** means land held, used, occupied or governed according to customary tenure systems recognised by law.

2. Interpretive principle. In the interpretation and application of the rights and freedoms guaranteed by this Article, courts and other decision-makers shall give full effect to the values of dignity, equality and freedom, and shall, where appropriate, recognise both individual and collective dimensions of rights.

3. Application and limitation.
(a) This Article binds all branches and agencies of the Government and all persons and bodies exercising public authority.
(b) Subject to express constitutional provision, a right or freedom in this Article may be limited only by a law of general application that is reasonably required in a republic for a legitimate public purpose; any limitation must be prescribed by law, and proportionate to the legitimate pursuit, and be subject to judicial review.

Section 2 — Core Civil and Political Rights

Fundamental Rights and Freedoms

1. Right to Life and Personal Liberty

1.1 **Right to life and liberty.** Every person has the right to life and the pursuit of and hapiness.
1.2 **Limitations by law.** No person shall be deprived of life, liberty, the pursuit of happiness, or property except in accordance with law and due process, which shall include fair procedures, access to an independent tribunal, and effective remedies.

2. Freedom from Torture and Cruel Treatment

2.1 **Prohibition.** No person shall be subjected to torture or to cruel, or demeaning treatment of punishment.
2.2 **Parental care exception.** Nothing in this Section shall be construed to prohibit reasonable and proportionate measures by parents or lawful guardians for the purpose of providing care, guidance and instruction to their children, including measures reasonably necessary to teach and mould children to be responsible, law-abiding citizens, provided that such measures are exercised in a manner consistent with this Constitution and the rights of the child under 2.1 above.

3. Security of Person and Property

3.1 **Protection against unreasonable searches and seizures.** Every person has the right to security of the person and to the peaceful enjoyment of property.
3.2 **Lawful authority and safeguards.** Searches and seizures shall be conducted only in

accordance with law with clear procedures and safeguards, including, where appropriate, prior judicial authorisation; exceptions for exigent circumstances shall be narrowly defined and subject to subsequent judicial review.
3.3 **Exclusionary rule and remedies.** Evidence obtained in breach of this Section shall be inadmissible in court, except having regard to the seriousness of the breach and the interests of justice, directs otherwise. Persons whose rights under this Section are violated shall have access to effective remedies including declarations, injunctions, restitution and compensation.

4. Rights of Arrested and Accused Persons

4.1 **Information on arrest.** Any person who is arrested or detained shall be informed promptly, in a language they understand, of the reasons for the arrest and of any charge against them by the plaintiff.
4.2 **Access to counsel.** Every arrested or detained person shall have the right to consult and be represented by legal counsel of their choice without undue delay; where the person cannot afford counsel, legal assistance shall be provided in accordance with law.
4.3 **Prompt judicial determination.** An arrested or detained person shall be brought promptly before an independent and impartial tribunal and shall not be detained longer than is reasonably necessary for the purposes of charging for court proceeding, and shall not be longer than 24 hours, except otherwise or prior substantial evidence, yet inadmissible, but require additional 48 hours to consolidate necessary evidence to appropriate warrant to charge.
4.4 **Fair hearing.** Every person charged with a criminal offence shall be entitled to a fair, public hearing by a competent, independent and impartial tribunal established by law.
4.5 **Protection against self-incrimination.** No person shall be compelled to testify against themselves or to confess guilt.
4.6 **Protection against double jeopardy.** No person shall be tried or punished more than once for the same offence where a final acquittal or conviction has been lawfully entered, except for new substantial evidence compelling the jeopardy.
4.7 **Presumption of innocence.** Every person charged with an offence shall be presumed innocent until proven according to law.

5. Freedom of Expression Assembly and Association

5.1 **Guarantee of freedoms.** Everyone has the right to freedom; freedom to peaceful assemble and freedom of association.
5.2 **Permissible limitations.** These rights may be limited only by law of general application that is necessary and proportionate to the aim, including the protection of national security, public order, public health, and the effective administration of justice.
5.3 **Procedural safeguards.** Any restriction shall be prescribed by law, subject to judicial review.

6. Equality and Non Discrimination

6.1 **Equality before the law.** All persons are equal before the law and are entitled to equal protection of the law.
6.2 **Prohibition of unfair discrimination.** Unfair discrimination on grounds including race, religion, gender, age, disability, social status or otheris prohibited.
6.3 **Affirmative measures.** Nothing in this Section shall prevent the enactment of laws or measures designed to promote equality, or protect vulnerable groups

Section 3 — Socioeconomic Rights (Progressive Realisation)

1. **Policy obligations.** The Government shall adopt reasonable legislative and administrative measures to realise rights to education, life, adequate housing and sanitation, social security, and access to travel.
2. **Standards and reporting.** The legislature shall prescribe minimum standards and require periodic public reporting on progress.

Section 4 — Indigenous Peoples' Rights

1. **Recognition of collective rights.** Collective rights of Indigenous peoples to lands, territories, waters, and resources, including customary tenure and use rights, are recognised and protected. Customary tenure shall be given legal effect and secured against arbitrary alienation.
2. **Self-governance.** Indigenous peoples have the right to determine and pursue their political, economic, social, and cultural development and to exercise authority over management of their lands and internal affairs in accordance with customs and institutions, subject to the Constitution.
3. **Benefit sharing.** Where extraction or commercial use affects Indigenous lands or resources, Indigenous peoples are entitled to a fair and equitable share of royalties, rents, and accrued value; benefit-sharing arrangements shall be transparent, negotiated in good faith, and subject to independent oversight.
4. **Apportionment of administrative rights.** Indigenous communities may apportion limited rights to Government for specified activities, provided such apportionment is voluntary, time-bound, revocable, documented, and subject to independent review.
5. **Licensing and environmental governance.** Licensing regimes affecting indigenous lands shall include environmental safeguards, monitoring, benefit-sharing conditions, and meaningful Indigenous participation.
6. **Free, prior and informed consent.** No development materially affecting Indigenous lands, resources, or cultural heritage shall proceed without meaningful consultation and free, prior and informed consent of affected communities.
7. **Independent dispute resolution.** An independent tribunal or comparable mechanism shall resolve disputes concerning customary land, royalties, benefit-sharing, and related matters; tribunal decisions shall be enforceable by the courts.

Section 5 — Remedies and Institutional Support

1. **Access to judicial remedies.** Any person or community whose rights under this Article are infringed may seek redress in the courts; courts may grant declarations, injunctions, restitution, and compensation where authorised by law.
2. **National rights institution.** A national rights institution shall be established to promote rights, investigate complaints, make recommendations, and assist enforcement.
3. **Transparency.** Agreements, royalty arrangements, monitoring reports, and audits relating to Indigenous lands and resources shall be publicly accessible, subject to protections for confidential commercial information and personal privacy.

Section 6 — Limitations, Derogations and Savings

1. **Limitations.** Rights may be limited by laws of general application that are reasonable, necessary, and proportionate; any limitation must be prescribed by law and subject to judicial review.
2. **Derogations in emergencies.** Derogations may be permitted in genuine public emergencies only to the extent strictly required; such derogations shall be temporary, proportionate, and subject to oversight.
3. **Savings.** Nothing in this Article shall deny other rights retained by the people or preclude recognition of additional rights under common law or statute.

Section 7 — Implementation and Reporting

1. **Legislative measures.** The Government shall adopt laws, regulations, and administrative measures necessary to implement the rights and obligations in this Article.
2. **Periodic reporting.** The Government shall publish periodic reports on implementation progress, including Indigenous land protections, benefit-sharing, and environmental oversight.

Article III — General Provisions

Section 1 — Definitions and Interpretation

1. General rule.
In this Constitution, unless the context otherwise requires, words and expressions shall bear the meanings assigned to them by law.

2. Specific definitions.
For greater certainty, and until otherwise provided by law, the following expressions have the meanings set out below:
(a) **"citizen"**;
(b) **"Parliament"**;
(c) **"President"**;
(d) **"Prime Minister"**;
(e) **"Minister"**;
(f) **"Court"**;
(g) **"public office"**; and
(h) **"public officer"**.

3. Further definitions.
Parliament may, by law, prescribe further definitions and rules for the application and interpretation of defined terms throughout this Constitution.

Article III — General Provisions

Section 2 — Public Seal

2.1 Establishment.
There shall be a Public Seal of the Republic of Fiji.

2.2 Custody.
The custody of the Public Seal shall be vested in the President, who shall ensure that the Seal is kept securely and used only in accordance with law.

2.3 Use and authentication.
The Public Seal shall be used to authenticate instruments and documents as prescribed by law. Where an instrument or document bears the Public Seal in the manner prescribed by law, it shall be prima facie evidence of its authenticity.

2.4 Unauthorised use.
Any unauthorised use, possession, or reproduction of the Public Seal shall be an offence and shall be punishable in accordance with law.

2.5 Delegation, referendum and procedural rules.
(a) Parliament may, by law, make provision for the custody, control, use and authentication of the Public Seal, including the keeping of registers and records of instruments sealed and safeguards for secure custody and accountability of persons authorised to use the Seal.
(b) Parliament may, by law, authorise the delegation of the authority to use the Public Seal in specified circumstances; any such delegation shall be by written instrument, shall be limited in scope and duration, shall be revocable, and shall be recorded in the official register of delegations.
(c) Public referendum for delegation of authority. Parliament shall institute and provide by law for a public referendum to approve any delegation of authority concerning the **use, transfer or storage** of the Public Seal, except in circumstances of genuine and immediate national emergency where delay would cause serious harm to the public interest. Laws governing such referenda shall prescribe—

I. the classes of delegations subject to referendum;
II. procedures for conducting the referendum, including notice, voter information, and timing;
III. the form of the question to be put to the people; and
IV. any limited exceptions necessary to protect national security or urgent public interest, together with requirements for subsequent parliamentary approval and judicial review.
(d) Any law made under this subsection shall provide for transparency, secure record-keeping, independent oversight of the exercise of authority to use the Public Seal, and sanctions for misuse.

(d) National Safeguard, nothing in this constitution shall be construed to effect the transfer of the Public Seal and other national and sovereignty of this nation to other national or foreign national entity.

Section 3 — National Symbols

3.1 Establishment.
The national **Flag, Coat of Arms**, and **National Anthem** of the Republic of Fiji shall be prescribed by law.

3.2 Alteration and public consultation.
Any proposal to alter, replace or adopt a national symbol shall be subject to public consultation in such manner as Parliament may prescribe and, where Parliament so provides, to confirmation by referendum.

3.3 Use, protection and respectful treatment.
Parliament may, by law, regulate the use, protection and respectful treatment of national symbols and may create offences and penalties for their desecration, misuse or unauthorised commercial exploitation. Laws made under this subsection shall provide for proportionate sanctions, safeguards for freedom of expression, and remedies for injury to public dignity.

Section 4 — Commencement and Citation

4.1 Commencement.
This Constitution shall come into force on the date appointed by the President by proclamation and published in the Gazette. The proclamation shall specify the date of commencement and may provide for different commencement dates for particular provisions where necessary for orderly transition.

4.2 Publication.
A copy of the proclamation and a certified text of this Constitution shall be published in the Gazette and shall be judicially noticed without further proof.

4.3 Citation.
This instrument may be cited as the **Constitution of the Republic of Fiji**.

Article IV — Accountability and Governance

Section 1 — Principles of Accountability

5.1 Accountability.
All persons holding public office are accountable to the people through **Parliament**, the **courts**, and the independent institutions established by this Constitution. Public officers shall submit to lawful oversight, provide information and assistance to oversight bodies, and comply with lawful summonses, inquiries and orders issued in the exercise of constitutional functions.

5.2 Public trust.
Public office is a public trust and shall be exercised in good faith, with integrity, impartiality, transparency and in accordance with law. Public officers shall—
(a) disclose interests and avoid conflicts between private interests and public duties;
(b) not use public powers, property, information or opportunities for private gain; and
(c) observe applicable code of conduct and financial disclosure as prescribed by law.

5.3 Enforcement and remedies.
Parliament shall, by law, provide for effective measures to enforce the duties and standards set out in this Section, including investigation, disciplinary action, civil remedies and criminal sanctions where appropriate, together with safeguards for due process and independent review.

Section 2 — Auditor General

Section 1 — Establishment and Appointment

1.1 Establishment.
There shall be an **Auditor General** who shall head the Office of the Auditor General, and be responsible to the President.

1.2 Appointment and succession planning.
The Auditor General, and all public officers, shall be appointed by the **President** following a succession-planning process jointly overseen by the **Office of the President** and the **Public Services Commission**, and confirmed by **Parliament** in accordance with law. The succession-planning process shall be transparent, merit-based and non-partisan and shall, at a minimum, provide for—
(a) public notice of impending vacancies and publication of the criteria for appointment;
(b) objective and published selection criteria linked to the functions of the Office;
(c) independent assessment of candidates conducted or validated by the Public Services Commission;
(d) publication of a shortlist of suitable candidates and provision for public submissions; and
(e) timely nomination by the President from the succession plan for confirmation by Parliament.

Laws governing the succession-planning process shall include safeguards to ensure impartiality, prevent improper political influence, require disclosure of relevant interests, provide for recusal where appropriate, and permit judicial review of the process and any decision affecting appointment.

All undertaking into the execution of 1.2 above, shall be properly documented and made public by Parliament.

Section 3 — Accountability and Transparency Commission

1 — Establishment

1.1 Establishment.
There shall be an **Accountability and Transparency Commission** established by law to promote integrity, prevent corruption, and ensure transparency and accountability in public life.

Section 2 — Composition and Appointment

2.1 Composition.
The Commission shall consist of a **Chair** and not fewer than three other members as prescribed by law.

2.2 Appointment of the Chair.
The Chair shall be appointed by the **President** following a recommendation by a bipartisan parliamentary committee established by law. The committee shall conduct public hearings and shall publish its recommendation together with reasons.

2.3 Appointment of members.
(a) Two members shall be appointed by the President on the advice of the **Judicial Services**

Commission.
(b) The remaining members shall be appointed by the President following a transparent public selection process and on such terms and conditions as Parliament may prescribe.

2.4 Terms and tenure.
Members shall hold office for fixed, non-concurrent and staggered terms as prescribed by law to secure continuity and independence. Terms shall be of sufficient duration to insulate members from improper political influence. Removal shall be only for incapacity, misconduct or other cause specified in this Constitution and shall follow an independent inquiry and parliamentary process that affords procedural fairness.

Section 3 — Functions, Powers and Duties

3.1 Core functions.
The Commission shall—
(a) investigate allegations of corruption, maladministration, abuse of office and serious breaches of public trust, and other abuse offences that do not support the foundation of this Constitution considered as for national and sovereign interest;
(b) monitor and enforce compliance with the Code of Conduct for public officers and standards of integrity prescribed by law;
(c) recommend disciplinary action or referral for criminal prosecution where evidence warrants; and
(d) publish reports to **Parliament** and to the public on its findings, recommendations and the state of accountability and transparency in public institutions.

3.2 Investigative powers.
Subject to law and to safeguards for fundamental rights, the Commission shall have power to—
(a) require the production of documents and records;
(b) summon and examine witnesses under oath;
(c) enter and inspect premises in accordance with law and, where necessary, with a warrant issued by a court; and
(d) obtain and analyse financial and other information relevant to its inquiries.

3.3 Limitations and safeguards.
The exercise of the Commission's powers shall be subject to—
(a) protection of fair trial rights and due process for persons under investigation;
(b) statutory limits on the disclosure of information where necessary to protect national security, ongoing criminal investigations or legitimate privacy interests; and
(c) judicial review of decisions and actions of the Commission in accordance with law.

Section 4 — Independence, Accountability and Protections

4.1 Institutional independence.
The Commission shall be independent in the exercise of its functions and shall not be subject to direction or control by any person or authority.

4.2 Security of tenure and removal.
Members shall not be removed from office except for incapacity, misconduct or other

grounds specified by this Constitution and only after an independent inquiry and parliamentary determination that affords procedural fairness.

4.3 Whistle-blower and witness protection.
Parliament shall, by law, provide effective protections for whistle-blowers, witnesses and persons who assist the Commission, including protection from retaliation and measures to preserve confidentiality where appropriate, safe guarding their individual right to life and persuit of happiness.

Section 5 — Funding and Resources

5.1 Adequate and protected funding.
Parliament shall ensure that the Commission is provided with adequate, predictable and protected funding and staffing to enable it to perform its constitutional functions effectively.

5.2 Financial independence.
The law shall provide appropriate financial safeguards for the Commission, which may include charging the Commission's budget on the Consolidated Fund or other measures to prevent undue interference with its work.

Section 6 — Coordination and Cooperation

6.1 Coordination with Anti-Corruption Commission.
Parliament shall, by law, establish mechanisms for coordination, cooperation and information-sharing between the Accountability and Transparency Commission and the **Anti-Corruption Commission** to avoid duplication, ensure efficient use of resources and enable joint or complementary investigations where appropriate.

6.2 Memoranda of understanding.
Coordination mechanisms may include memoranda of understanding, protocols for referral of matters, joint investigative teams, and agreed procedures for the protection and transfer of evidence, subject to legal safeguards for confidentiality and the rights of persons affected.

6.3 Non-interference and complementary roles.
The law shall ensure that the respective mandates of the Commission and the Anti-Corruption Commission are complementary, that neither body unlawfully interferes with the functions of the other, and that persons are not subjected to unfair duplication of proceedings for the same breach in public trust.

Section 7 — Reporting and Public Accountability

7.1 Annual and special reports.
The Commission shall submit an annual report to Parliament and may submit special reports as necessary. Reports shall be laid before Parliament and shall be made available to the public, subject to lawful restrictions for confidentiality, national security or ongoing criminal proceedings.

Nothing in this restriction shall prevent the persecution of an accomplice, provided for by tangible evidence from the initial report.

7.2 Parliamentary oversight.
Parliament shall have the power to scrutinise the work of the Commission, to require explanations and to take such steps as are necessary to give effect to the Commission's recommendations, consistent with the separation of powers and the Commission's independence.

Section 4 — Anti-Corruption Commission

1 Establishment

1.1 There shall be an **Anti-Corruption Commission** established by law to prevent, investigate and, where law permits, prosecute corruption and related offences and to promote integrity in **public office**.

2 Mandate

2.1 Core mandate.
The Commission shall—

- investigate allegations of corruption, bribery, abuse of office, illicit enrichment and other offences affecting the integrity of public trust;
- where authorised by law, initiate or conduct prosecutions for corruption offences or refer matters for prosecution in accordance with law; and
- develop, coordinate and oversee measures for the prevention of corruption in public offices, including education, risk assessment and systems reform.

2.2 International cooperation.
The Commission shall cooperate with foreign and international anti-corruption bodies, law enforcement agencies and multilateral organisations in accordance with law and international obligations.

3 Powers

3.1 Investigative powers.
Subject to law and to safeguards for fundamental rights, the Commission shall have power to—
(a) require the production of documents, records and information;
(b) summon and examine witnesses under oath;
(c) conduct hearings where permitted by law; and
(d) obtain and analyse financial and other information relevant to its inquiries.

3.2 Referral and prosecutorial functions.
The Commission may, in accordance with law—
(a) refer matters and evidence to the **Director of Public Prosecutions** for criminal

prosecution; or
(b) where law permits, initiate prosecutions subject to applicable procedural safeguards and oversight.

3.3 Asset preservation.
The Commission may apply to a court for orders to freeze, seize or preserve assets and property where there are reasonable grounds to believe they are proceeds of corruption or are required to secure the outcome of investigations or prosecutions.

3.4 Use of warrants and judicial oversight.
Powers to enter premises, intercept communications or take other intrusive measures shall be exercised only in accordance with law and, where required, pursuant to a warrant or judicial authorisation.

4 Independence, Appointment and Removal

4.1 Institutional independence.
The Commission and its members shall be independent and shall not be subject to direction or control by any person or authority in the exercise of their functions.

The Commission shall reserve the right to self-determine issue of national interest and to pursue an investigation.

4.2 Appointment.
The leadership and members of the Commission shall be appointed through a transparent, merit-based public selection process and shall be subject to confirmation by **Parliament** in accordance with law. The law shall provide for public notice, published selection criteria, public hearings and disclosure of relevant interests.

4.3 Security of tenure and removal.
Members shall hold office for fixed, non-concurrent and staggered terms as prescribed by law. A member shall not be removed from office except for incapacity, misconduct or other grounds specified in this Constitution and only after—
(a) an independent inquiry into the alleged grounds; and
(b) a parliamentary determination following consideration of the inquiry report; and
(c) provision for judicial review of the process and decision.

5 Accountability, Protections and Reporting

5.1 Accountability.
The Commission shall be accountable to **Parliament** for the performance of its functions and shall submit annual and special reports to Parliament. Reports shall be laid before Parliament and shall be made available to the public, subject to lawful restrictions for confidentiality, ongoing criminal proceedings or national security.

5.2 Due process and safeguards.
The exercise of the Commission's powers shall respect the rights to fair trial, privacy and due

process. Persons under investigation shall be afforded procedural fairness and the right to legal representation.

5.3 Whistleblower and witness protection.
Parliament shall, by law, provide effective protections for whistleblowers, witnesses and persons who assist the Commission, including protection from retaliation and measures to preserve confidentiality where appropriate.

6 Funding and Coordination

6.1 Funding.
Parliament shall ensure that the Commission is provided with adequate, predictable and protected funding and staffing to enable it to perform its constitutional functions effectively. The law shall include safeguards to prevent undue interference with the Commission's work.

6.2 Coordination.
Parliament shall, by law, establish mechanisms for coordination and cooperation between the Commission and other oversight, prosecutorial and investigative bodies to avoid duplication, enable efficient use of resources and permit appropriate referrals, subject to legal safeguards for confidentiality and the rights of persons affected.

Section 5 — Code of Conduct for Public Officials

1. Establishment
Parliament shall, by law, prescribe a **Code of Conduct** applicable to all holders of public office. The Code shall set standards of ethical behaviour, duties and obligations, and shall be binding on all persons while holding public office.

2. Scope and Application
(a) The Code shall apply to all persons who hold public office, including elected officials, appointed office-holders, public servants and members of statutory bodies, as defined by law.
(b) The Code shall apply to acts and omissions in the performance of public duties and to private conduct that materially affects the performance of public office or public confidence in the integrity of public institutions.

3. Minimum Standards
The Code shall require, at minimum, that public office holders—

- **Act with honesty and integrity** in the exercise of public functions;
- **Perform duties impartially** and without favour, bias or improper influence;
- **Manage conflicts of interest** by timely disclosure, recusal where appropriate, and compliance with procedures for conflict management prescribed by law;

- **Not accept undue gifts, benefits or hospitality** that could reasonably be perceived to influence the performance of official duties;
- **Make timely disclosure of assets, liabilities and interests** in the form and at the times prescribed by law; and
- **Respect and uphold the rights of persons** and act in accordance with the Constitution and the law.

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4. Preventive Measures
Parliament shall, by law, provide for measures to prevent breaches of the Code, including mandatory declarations, training in ethics and integrity, systems for managing conflicts of interest, cooling-off or post-employment restrictions where appropriate, and public access to declarations subject to lawful safeguards for privacy.

5. Enforcement and Remedies
(a) A breach of the Code shall constitute grounds for disciplinary action, removal from office where authorised by law, and referral for criminal prosecution where the conduct constitutes an offence.
(b) Laws implementing the Code shall—

- establish independent and impartial procedures for receiving, investigating and determining complaints;
- prescribe reasonable investigative timelines and require that investigations be conducted without undue delay;
- provide for interim measures, including suspension where necessary to protect the public interest; and
- set out rights of the person under investigation, including the right to notice, to legal representation and to respond to allegations.

(c) Decisions under the Code shall be subject to independent review and appeal in accordance with law and shall be enforceable by appropriate authorities.

6. Transparency and Protections
(a) Outcomes of investigations and sanctions shall be published in accordance with law, subject to lawful restrictions for privacy, national security or ongoing criminal proceedings.
(b) Parliament shall, by law, provide effective protections for whistleblowers and witnesses who report or assist in investigations under the Code, including protection from retaliation and measures to preserve confidentiality where appropriate.

Section 6 — Whistleblower Protection

Section 1 Right to Report

1.1 Right to report.
Any person who, in good faith, reports or discloses information that the person reasonably believes shows wrongdoing, corruption, maladministration, illegality, or a substantial danger

to public health, safety or the environment in relation to public office shall have the right to make such a report and shall be protected by law.

1.2 Scope.
The protections in this Article apply to current and former public office holders, public servants, contractors, suppliers, volunteers and any person who provides information about wrongdoing in or relating to public office.

Section 2 Protections

2.1 Immunity for good faith disclosures.
A person who makes a disclosure in good faith and in accordance with law shall be immune from civil or criminal liability for that disclosure, except where the disclosure was made with malice or knowing falsity.

2.2 Protection from retaliation.
No person shall, directly or indirectly, be dismissed, suspended, demoted, harassed, intimidated, discriminated against, or otherwise subjected to adverse treatment for having made a protected disclosure or for having assisted in an investigation arising from such a disclosure. Any act of retaliation shall itself constitute an actionable wrong.

2.3 Confidentiality and anonymity.
Where requested by the reporter and consistent with the requirements of fair process and the rights of the person under investigation, the identity of the reporter and any information likely to lead to identification shall be kept confidential, subject to lawful exceptions for national security, criminal investigation needs, or where disclosure is necessary for the protection of the public interest.

2.4 Secure reporting channels.
Parliament shall, by law, require the establishment and maintenance of secure, accessible and independent reporting channels, including internal reporting mechanisms, protected external channels and, where appropriate, anonymous reporting facilities, together with procedures to ensure timely acknowledgement and tracking of reports.

Section 3 Remedies

3.1 Expedited remedies.
Victims of retaliation shall have access to expedited remedies, including interim relief pending final determination, reinstatement to former position or equivalent employment where appropriate, compensation for loss of earnings and other losses, and recovery of legal costs.

3.2 Civil and criminal remedies.
Where retaliation or other unlawful conduct is established, the law shall provide for civil remedies, administrative sanctions and, where appropriate, criminal penalties against those responsible for retaliation.

3.3 Burden of proof and procedural safeguards.
In proceedings alleging retaliation, the burden shall shift to the respondent to show, on the balance of probabilities, that the adverse action was taken for reasons unrelated to the

protected disclosure. Proceedings shall afford procedural fairness to all parties and shall be subject to judicial review.

Section 4 Oversight and Reporting

4.1 Oversight by the Accountability and Transparency Commission.
The **Accountability and Transparency Commission** shall oversee the implementation of whistleblower protections, monitor compliance by public institutions, receive and review reports of retaliation, and ensure that secure reporting channels operate effectively.

4.2 Annual anonymised statistics.
The Commission shall publish annually anonymised statistics and a summary report on disclosures received, investigations undertaken, outcomes, remedial actions, and measures taken to protect reporters, subject to lawful restrictions for confidentiality, ongoing criminal proceedings or national security.

Section 5 Enabling Legislation

5.1 Parliamentary enactment.
Parliament shall, by law, give effect to this Article by prescribing detailed procedures, timeframes, standards for confidentiality, protections for witnesses, mechanisms for interim relief, enforcement measures, and penalties for malicious or knowingly false disclosures. The law shall ensure accessibility, public awareness and training on reporting rights and protections.

Section 7 — Freedom of Information and Information Commissioner

1 Establishment of the Right

1.1 Right of access.
Every person has a right of access to information held by Government and by public bodies, subject only to the limited exceptions set out in this Constitution and to laws enacted under it.

2 Scope and Exceptions

2.1 Scope.
The right of access extends to records, documents, data and other information in any form held, created, received or maintained by a public body in the exercise of public functions.

2.2 Limited exceptions.
Parliament may, by law, limit the right of access only to the extent necessary and proportionate to protect—

- **national security;**
- **personal privacy and the confidentiality of personal data;**
- **commercial confidentiality where disclosure would cause substantial harm to a legitimate commercial interest;** and
- **the effective functioning of government,** including the need to protect deliberative processes where disclosure would seriously prejudice the formulation or implementation of government policy.

Any law restricting access shall require that the public interest in disclosure be weighed against the harm claimed and shall provide that information shall be disclosed where the public interest in disclosure outweighs the harm.

3 Enabling Legislation and Procedures

3.1 Enactment.

Parliament shall enact comprehensive freedom of information legislation to give effect to this right. The legislation shall prescribe—
(a) procedures for requesting information;
(b) timeframes for responses and for internal review;
(c) fees, if any, which shall be reasonable and not impede access; and
(d) remedies and sanctions for non-compliance.

3.2 Timelines and deemed refusal.

The law shall require that public bodies acknowledge requests promptly and respond substantively within a fixed, short timeframe. Failure to respond within the prescribed timeframe shall be deemed a refusal and shall entitle the requester to immediate review and appeal.

3.3 Proactive disclosure.

Public bodies shall proactively publish and keep up to date information of public interest, including budgets, contracts, procurement decisions, senior officials' remuneration, and policy documents, in a manner that is accessible to the public.

4 Information Commissioner

4.1 Establishment and appointment.

There shall be an independent **Information Commissioner** appointed through a transparent public selection process and confirmed by **Parliament** in accordance with law.

4.2 Tenure and removal.

The Commissioner shall hold office for a fixed, non-renewable term as prescribed by law and shall not be removed except for incapacity, misconduct or other grounds specified in this Constitution and only after an independent inquiry and parliamentary determination that affords procedural fairness.

4.3 Functions and powers.

The Commissioner shall—
(a) oversee and enforce compliance with the right of access and the freedom of information law;
(b) receive and determine appeals from refusals or deemed refusals;
(c) issue binding decisions and directions to public bodies to disclose information, subject to judicial review;
(d) monitor proactive disclosure obligations and publish guidance and codes of practice; and
(e) promote public awareness and provide training to public bodies and the public.

4.4 Investigatory powers.

Subject to law and safeguards for privacy and confidentiality, the Commissioner shall have power to require production of documents, to obtain information from public bodies, and to

enter premises for the purpose of monitoring compliance, in accordance with procedures prescribed by law.

5 Remedies, Oversight and Protections

5.1 Remedies.
The law shall provide for effective, timely and accessible remedies for persons aggrieved by refusals or failures to disclose, including—

- internal review;
- independent review and determination by the Information Commissioner; and
- judicial review and such other remedies as the law prescribes, including orders for disclosure and compensation where appropriate.

5.2 Protection for requesters and officials.
Requesters shall be protected from retaliation for seeking information. Public officials who make good-faith disclosures in compliance with the law shall not be subject to adverse consequences for lawful disclosure.

5.3 Reporting and accountability.
The Information Commissioner shall publish an annual report to **Parliament** on the operation of the law, including statistics on requests, decisions, compliance by public bodies, and recommendations for reform. Parliament shall have power to scrutinise and act on the Commissioner's recommendations.

6 Funding and Implementation

6.1 Resources.
Parliament shall ensure that the Office of the Information Commissioner is provided with adequate, predictable and protected funding and staffing to perform its constitutional functions effectively.

6.2 Transitional and consequential provisions.
Parliament may make transitional and consequential provisions by law to give effect to this Article, including measures to protect sensitive information while ensuring timely implementation of the right of access.

Section 8 — Inter-Agency Coordination and Dispute Resolution

1 — Coordination Framework

1.1 Legislative mandate.
Parliament shall, by law, establish a coordination framework to govern cooperation, referral and joint action among constitutional and statutory oversight bodies.

1.2 Referral procedures.
The law shall require clear, prompt and traceable procedures for the referral of matters between oversight bodies, including—
(a) criteria for referral;

(b) timeframes for acknowledgement and action on referrals; and
(c) mandatory records of referrals and the reasons for any refusal to accept a referral.

1.3 Joint investigation protocols.
Parliament shall provide for protocols enabling joint or coordinated investigations where matters fall within the concurrent or complementary mandates of two or more oversight bodies. Protocols shall specify—
(a) leadership and command arrangements for joint teams;
(b) allocation of investigative functions and responsibilities;
(c) procedures for evidence collection, preservation and chain of custody; and
(d) mechanisms for resolving operational disagreements during joint work.

1.4 Information sharing and safeguards.
Laws made under this Article shall permit timely and secure information sharing between oversight bodies while requiring—
(a) strict safeguards for confidentiality, privacy and the protection of sensitive information;
(b) limits on use and onward disclosure of shared information;
(c) secure channels and records of transfers; and
(d) penalties for unauthorised disclosure or misuse of information.

2 — Dispute Resolution

2.1 Prompt resolution.
Where a jurisdictional or operational dispute arises between oversight bodies, the dispute shall be resolved promptly in accordance with procedures prescribed by law.

2.2 Independent tribunal or parliamentary committee.
Parliament shall provide for resolution of such disputes by—
(a) an independent tribunal established by law with powers to make binding determinations on jurisdictional questions and to issue directions necessary to give effect to its decisions; or
(b) a bipartisan parliamentary committee empowered to consider disputes and to make recommendations or determinations in accordance with rules of procedure and standards of impartiality set by law.

2.3 Interim measures.
Pending final resolution, the law shall permit the taking of interim measures necessary to preserve evidence, protect the public interest and prevent prejudice to ongoing investigations or prosecutions.

2.4 Judicial review and enforcement.
Decisions of the tribunal or parliamentary committee shall be subject to judicial review on questions of law and procedural fairness. Courts shall have power to enforce compliance with lawful determinations and to grant appropriate remedies for non-compliance.

3 — Implementation and Oversight

3.1 Enabling legislation.
Parliament shall enact laws to give full effect to this Article, including detailed procedures, timelines, standards of confidentiality, and sanctions for non-compliance.

3.2 Reporting and transparency.
Oversight bodies shall report annually to Parliament on coordination activities, referrals made and received, joint investigations undertaken, and the operation of dispute-resolution mechanisms, subject to lawful restrictions for confidentiality and ongoing proceedings.

3.3 Review and improvement.
Parliament shall periodically review the coordination framework and dispute-resolution arrangements to ensure effectiveness, efficiency and respect for rights, and shall make such reforms as are necessary.

Section 9 — Annual Reporting and Public Access

1. **Reporting.** All institutions established under this Article shall submit annual reports to Parliament including findings, actions, budgets, staffing, and complaint statistics.
2. **Public access.** Reports shall be public and accessible.
3. **Parliamentary debate.** Parliament shall debate each report within three months and may require follow-up action plans.

Section 10 — Transitional and Savings Provisions

1. **Transitional arrangements.** Existing offices and bodies shall continue until replaced or reconstituted under laws enacted pursuant to this Constitution.
2. **Savings.** References to prior section numbers shall be read as references to corresponding sections of this Article; Parliament may enact detailed implementing legislation.

Article V — The Executive

Section 1 — Executive Authority

1 Vesting of Executive Authority

1.1 Executive authority.
The executive authority of the Republic is vested with trust in the **President** and shall be exercised in accordance with this Constitution.

2 Exercise of Authority

2.1 Acting on advice.
Except where this Constitution expressly provides otherwise, the President shall act on the advice of the **Prime Minister** and the **Cabinet**.

2.2 Reserve powers, transparency and judicial oversight.
(a) **Statement of authority.** Where this Constitution requires or permits the President to act in the President's personal discretion (reserve powers), the President shall, at the time of the act, state in writing the specific constitutional provision or power relied upon and the factual and legal reasons for the exercise of that power. The written statement shall be furnished to the Prime Minister and to **Parliament** and shall be published in the Gazette and in such other manner as may be prescribed by law, subject only to narrowly drawn limitations necessary to protect national and sovereigns interest and security or ongoing criminal investigations.

(b) **Right to seek stay.** Any person affected by an act of the President or Parliament taken under reserve powers shall have the right to apply to a court for a stay of the act. A court may, on application or on its own motion, grant interim relief, including a stay, pending full judicial review where the court considers there are arguable grounds that the act is unlawful or that irreparable harm would otherwise result.

(c) **Judicial review.** The exercise of any reserve power by the President shall be subject to prompt judicial review on questions of law and procedural fairness. Courts shall have power to determine the lawfulness of the exercise, to quash or suspend unlawful acts, and to grant such remedies as are appropriate.

(d) **Urgent action.** Where the President reasonably considers immediate action is necessary to protect national security or to avert serious public harm, the President may act immediately; in such cases the written statement required by subsection (a) shall be furnished to a court and published as soon as practicable, and judicial review shall proceed on an expedited basis.

(e) **Procedures and transparency.** Parliament shall, by law, prescribe procedures and timeframes for applications for stays and for expedited judicial review, and shall ensure that reasons for the exercise of reserve powers and any judicial determinations thereon are recorded and made available to the public, subject to lawful restrictions for national and sovereign interest and security interest or other compelling public interest.

3 Responsible Government

3.1 Collective responsibility.
The **Cabinet**, led by the **Prime Minister**, is collectively responsible to **Parliament** for the conduct of government and for the policies and administration of the executive.

3.2 Confidence and dissolution.
The Cabinet shall remain in office only while it enjoys the confidence of Parliament. Where the Cabinet or Prime Minister no longer commands the confidence of Parliament, the Prime

Minister shall resign or advise the President to dissolve Parliament in accordance with this Constitution.

Cabinet shall dissolve all Parliamentary obligation unpon the fifth year of services, only to be recalled after a national election of the same frequency. Cabinet shall not remain empty longer than thirty days from election result announcement, and Parliament shall be established by the President.

3.3 Ministerial accountability and management of portfolios.
Ministers shall be individually and collectively accountable to Parliament for the exercise of executive functions and for the administration of respective portfolios. Each Minister shall ensure the proper management, implementation and lawful administration of all acts, policies, regulations and subordinate instruments within the Minister's portfolio, including—

- **effective implementation** of legislation and policy decisions;
- **timely and transparent rule-making** and publication of regulations and guidance as authorised by law;
- **maintenance of accurate records** of decisions, delegated powers and administrative actions;
- **compliance with standards of good administration, financial management and public procurement;** and
- **prompt response to parliamentary oversight, audit findings and lawful directions.**

Parliament shall have power to scrutinise ministerial performance, require explanations, summon Ministers to appear before committees, and take such steps as are necessary to give effect to accountability, consistent with the separation of powers and the independence of statutory institutions.

Section 2 — The President

1. **Head of State.** The President is Head of State and constitutional guardian of the Republic.
2. **Election.** The President shall be elected by both Houses of Parliament in joint session in accordance with law.
3. **Qualifications.** Candidate must be a citizen, at least forty-five years of age, of high integrity and distinguished public service, not disqualified by law, and not affiliated to any party or foreign influence.
4. **Term.** Five years; eligible for re-election once, with nominal election year falling half the term of the National Parliamentary election.
5. **Prohibitions.** During term, the President shall not hold other office of profit, engage in business, or hold active party office.

Section 3 — Functions and Powers of the President

1. **Constitutional functions.** Appoint Prime Minister (who commands confidence of the House), appoint Ministers on advice of Prime Minister, summon/prorogue/dissolve Parliament, assent to Bills, receive diplomatic representatives, safeguard the Constitution, and promote national unity.

2. **Reserve powers.** The President may exercise specified discretionary powers only where expressly permitted or where immediate action is necessary to preserve constitutional order; such exercise is subject to subsequent parliamentary and judicial review.
3. **Acting arrangements.** Vice-President or person designated by law shall act when President is temporarily unable to perform functions.

Section 4 — Oath and Conduct

1. **Oath.** Before assuming office, the President shall take an oath to uphold and preserve the Constitution, protect sovereignty and territorial integrity, and faithfully discharge duties in trust of the people.
2. **Form and code of conduct.** Form prescribed by law; President subject to the Code of Conduct and required disclosures.

Section 5 — Resignation, Removal and Vacancy

1. **Resignation.** President may resign by written notice to the Speaker.
2. **Removal for cause.** Removal for gross misconduct, incapacity, or wilful violation of the Constitution requires: (a) resolution passed by not less than two-thirds of total membership of each House; and (b) confirmation by an independent tribunal established by law.
3. **Interim vacancy.** Vice-President or designated person acts until new President elected within ninety days.

Section 6 — The Prime Minister

6.1 Appointment

1. **Appointment.** The President shall appoint as Prime Minister the member of the House of Representatives who, in the President's judgment, commands the support of a majority of the members of the House.
2. **Determining majority.** The President shall take into account formal coalition agreements, confidence-and-supply arrangements, and signed declarations of support from recognised parties and independent members. Where no single member clearly commands majority support, the President shall consult leaders of recognised parliamentary parties and independent members and appoint the member most likely to command majority support.

6.2 Duties

1. **Duties.** The Prime Minister shall: lead the Cabinet and coordinate government policy; advise the President on appointment and dismissal of Ministers; ensure implementation of laws and policies; represent the Government domestically and internationally; and promote inclusive governance by engaging with the Leader of the Opposition and independent members on matters of national importance.

6.3 Coalitions and Independents

1. **Coalitions.** Terms of coalition or confidence agreements shall be recorded in writing and made available to Parliament, subject to necessary redactions for national security.

2. **Independents.** Independent members have the same rights to enter or withdraw from support arrangements; withdrawal affecting majority shall be treated as change in confidence.

6.4 Tenure and Loss of Confidence

1. **Tenure.** The Prime Minister holds office until resignation, ceasing to command confidence of the House, or until a successor is appointed.
2. **No confidence.** If the House passes a motion of no confidence by majority, the Prime Minister shall resign or advise the President to dissolve Parliament.
3. **Dispute and resignation.** Where a dispute arises concerning support, including passage of a no-confidence motion, the Prime Minister shall promptly submit to the President a written statement describing the dispute together with a letter of resignation. The President shall consult party leaders and independent members and determine whether to accept the resignation, invite another member to form a government, or dissolve Parliament if no viable successor is identified within thirty days.

6.5 Opposition Role and Transparency

1. **Opposition role.** The Leader of the Opposition and recognised opposition parties, including independent members aligning with the opposition, shall have a constitutionally recognised role in government formation consultations.
2. **Consultation.** The Prime Minister shall, where practicable and consistent with public interest, consult the Leader of the Opposition on major appointments, national security matters, and significant policy initiatives.
3. **Transparency.** The Prime Minister shall publish, in accordance with law, texts or summaries of coalition and confidence agreements and report to Parliament on consultations.

Section 7 — The Cabinet and Caretaker Conventions

1. **Composition.** The Cabinet consists of the Prime Minister and Ministers appointed under law; limited number of Ministers may be appointed from outside Parliament for a limited period subject to prompt election.
2. **Collective responsibility.** The Cabinet determines government policy and is collectively responsible to Parliament; decisions are taken collectively and recorded.
3. **Opposition role.** The Leader of the Opposition and recognised opposition parties have a constitutionally recognised role in parliamentary scrutiny and safeguarding the constitutional order.

Article VI — The Government (General institutional provisions)

(This Article consolidates founding values, civil service, regional governance, environmental stewardship and related institutional safeguards.)

Section 1 — Republic and Founding Values

1. **Republic.** The Republic of Fiji is a sovereign republic.
2. **Sovereignty.** Sovereignty resides with the people who exercise their power through the republic institutions established by this Constitution.
3. **Indigenous rights.** The Constitution recognises inherent rights of Indigenous peoples, including self-governance in customary affairs, subject to the Constitution and Bill of Rights.
4. **Founding values.** The State is founded on equal citizenry; respect for rights to live, persuit of happiness and rule of law wit independent judiciary; care for the less fortunate; dignity; separation of powers; accountability and transparency; relationships and sustainable nature; an independent and apolitical civil service; and recognition of regional states and customary boundaries consistent with constitutional guarantees.
5. **Duty to uphold values.** All organs of state and public officers shall respect and promote these values.

Section 2 — Civil Service and Regional States

1. **Apolitical civil service.** Civil service shall be independent, impartial and apolitical; appointments, promotions and dismissals on merit and in accordance with law.
2. **Regional governance.** Regional states and local authorities shall operate within the constitutional framework; powers, responsibilities and funding prescribed by law and respect customary boundaries where appropriate.
3. **Institutional safeguards.** Parliament shall Gazette under laws for merit-based recruitment, transparent appointments, and independent oversight of regional and local governments.
4. **Environmental stewardship.** The State shall protect the environment and manage natural resources sustainably; laws shall require environmental impact assessment, public consultation, and equitable benefit sharing with affected communities.[Ma1]

Article VII — The Judiciary

Section 1 — Judicial Authority

1. **Judicial authority.** Judicial authority is vested in the courts of Fiji, independent and subject only to this Constitution and the law.
2. **Jurisdiction.** Courts shall interpret and enforce the Constitution and Bill of Rights; adjudicate civil and criminal matters; review legality, rationality and proportionality of executive and legislative actions; and supervise subordinate courts, tribunals and administrative bodies.
3. **Binding effect.** Judicial decisions are binding on all persons and authorities.

Section 2 — Judicial Independence and Protections

1. **Independence.** The judiciary shall be independent and impartial; no person or authority shall interfere with court functioning.
2. **Security of tenure and remuneration.** Judges shall hold office until retirement age prescribed by law, removable only in accordance with this Constitution; remuneration shall not be reduced during term.
3. **Budgetary support.** Parliament shall provide adequate, predictable and protected funding; the judiciary shall have a role in proposing budgetary needs.
4. **Immunity.** Judges shall have immunity for acts done in good faith in exercise of judicial functions.

Section 3 — Court Structure and Jurisdiction

1. **Supreme Court.** Highest court with final appellate jurisdiction and original jurisdiction in constitutional questions; may sit in full court or panels.
2. **Court of Appeal.** Appellate jurisdiction from High Court; ordinarily sits in panels of not less than three judges.
3. **High Court.** Original jurisdiction in significant civil and criminal matters; supervisory jurisdiction over subordinate courts and tribunals; jurisdiction in constitutional enforcement matters.
4. **Magistrates' Courts.** Established by law to hear minor civil and criminal matters; jurisdiction and procedure prescribed by law.
5. **Specialised courts and tribunals.** Parliament may establish independent specialised bodies (family, land, administrative, customary); their decisions subject to judicial review on law and jurisdiction.

Section 4 — Appointment, Qualifications and Acting Judges

1. **Qualifications.** Judges shall be persons of proven competence, integrity and experience; law shall prescribe minimum qualifications.
2. **Appointment.** Judges appointed by the President on recommendation of the Judicial Services Commission (JSC) under transparent procedures; appointments shall promote diversity and regional representation.
3. **Acting and visiting judges.** Temporary appointments permitted for fixed terms to address caseloads or provide expertise; shall not undermine independence.
4. **Recusal.** Judges shall recuse where real or perceived conflict exists; rules prescribed by law.

Section 5 — Judicial Services Commission

1. **Establishment and composition.** There shall be a Judicial Services Commission to promote and safeguard judicial independence. Composition: Chief Justice (Chair), President of Court of Appeal, two members elected by superior court judges, one member nominated by the national bar association, one independent lay member appointed by the President on recommendation of a bipartisan parliamentary committee, and one member appointed by Parliament on nomination of the Leader of the Opposition.
2. **Selection and terms.** Non-ex officio members appointed through transparent public process, serve fixed non-renewable terms, subject to conflict-of-interest rules.
3. **Functions.** Recommend judicial candidates, oversee discipline and removal recommendations, advise on training and administration, promote diversity and integrity, and publish an annual report consistent with confidentiality needs.
4. **Independence.** JSC shall act independently and balance transparency with confidentiality.

Section 6 — Discipline, Removal and Complaints

1. **Grounds for removal.** Judges removable only for incapacity, gross misconduct, or willful constitutional violation.
2. **Procedure.** Removal follows fair independent inquiry by tribunal affording full procedural protections; removal requires two-thirds resolution of each House after tribunal report.
3. **Complaints mechanism.** Parliament shall establish accessible complaints mechanism ensuring fair, prompt investigation without political interference; frivolous complaints shall be dismissed with sanctions.
4. **Interim measures.** Tribunal may recommend temporary suspension with pay during inquiry.

Section 7 — Access to Justice, Remedies and Legal Aid

1. **Right of access.** Every person has right to access courts for civil, criminal and constitutional rights.
2. **Writs and remedies.** Courts may issue habeas corpus, injunctions, mandamus, certiorari and declaratory relief.
3. **Legal aid.** Parliament shall provide legal aid and measures to ensure access for indigent and vulnerable persons.
4. **Language and cultural access.** Courts shall provide interpretation and may consider customary law consistent with Constitution and -rights protections.

Section 8 — Publication, Training and Accountability

1. **Publication of judgments.** Courts shall publish reasons for judgment and make decisions accessible, subject to necessary redactions.
2. **Annual reporting.** Judiciary shall publish annual report on caseloads, performance and needs.
3. **Judicial education.** State shall support continuous judicial education and training.
4. **Accountability.** Judicial accountability exercised through transparent discipline procedures and publication of non-confidential tribunal findings.

Section 9 — Review of Tribunals and Administrative Action

1. **Reviewability.** Administrative tribunal decisions subject to judicial review on law, jurisdiction and procedural fairness.
2. **Independence of tribunals.** Tribunals exercising quasi-judicial functions shall be independent and their members enjoy appropriate protections.
3. **Customary law.** Courts may recognise and apply customary law where consistent with the Constitution and Bill of Rights.

Section 10 — Emergency, Continuity and Enforcement

1. **Continuity.** Courts shall continue to function during states of emergency; any limitation strictly necessary, proportionate and subject to judicial review.
2. **Enforcement.** Executive shall enforce court orders; failure to comply is contempt of court.
3. **Priority.** Courts shall give priority to fundamental rights and constitutional cases.

Section 11 — Transitional and Implementation

1. **Existing judges and offices.** Persons holding judicial office under prior law shall continue until terms expire or reconstitution under law.
2. **Pending proceedings.** Proceedings pending at commencement shall continue subject to constitutional protections.
3. **Implementation.** Parliament shall enact laws to give effect to this Article.

Article VIII — Emergency Powers

Section 1 — Declaration of Emergency

1. **Power to declare.** The President may declare a state of emergency where there is a real and imminent threat to security, public order, public health, or essential services; declaration only on written advice of Cabinet and after Prime Minister certifies in writing that circumstances justify emergency measures.
2. **Contents.** Declaration shall state nature and legal basis, specify geographic area and scope, identify measures and legal provisions relied upon, and state effective date and initial duration not exceeding fourteen days.
3. **Publication.** Declaration published in the Gazette and communicated to Parliament and public within 24 hours; if delayed for security reasons, Government shall notify Parliament immediately and publish as soon as practicable.

Section 2 — Parliamentary Procedure and Interim Limits

1. **Parliamentary convening.** If Parliament not sitting, it shall be convened within three days of declaration.
2. **Interim limits.** Measures taken before parliamentary approval strictly limited to immediate necessities and expire automatically if Parliament does not approve within seven days of being convened.
3. **Parliamentary options.** Within seven days, Parliament may approve, amend, or revoke the declaration; approval requires simple majority unless higher threshold required.

Section 3 — Duration, Renewal and Referendum

1. **Renewals.** No declaration shall remain in force more than fourteen days unless renewed by Parliament; renewals for up to thirty days each require resolution of both Houses sitting together.
2. **Cumulative limit and referendum.** No declaration may remain in force more than ninety consecutive days without approval by referendum; referendum held within thirty days if extension sought.
3. **Revocation.** Parliament may revoke declaration at any time.

Section 4 — Scope, Necessity and Non-Derogable Rights

1. **Necessity and proportionality.** Measures must be strictly necessary, proportionate, time-limited and least restrictive.
2. **Non-derogable rights.** Rights that may never be suspended: right to life; freedom from torture; freedom from slavery; recognition as a person before the law and right to fair trial for criminal charges; freedom of thought, conscience and religion.
3. **Derogable rights.** Any limitation of other rights must be expressly stated in the declaration and subject to judicial review.
4. **Prohibition on permanent change.** Emergency measures shall not effect permanent constitutional change or abolish republic institutions.

Section 5 — Security Forces and Civilian Control

1. **Civilian command.** Deployment and use of armed forces and police remain under civilian authority and subject to law; military shall not exercise executive, legislative or judicial powers except as authorised by law.

2. **Prohibition on military tribunals.** No person shall be tried by military tribunals for offences ordinarily triable by civilian courts.
3. **Detention safeguards.** Detention under emergency powers must be lawful, recorded and subject to prompt judicial review with access to counsel and habeas corpus.

Section 6 — Judicial Review and Remedies

1. **Right to challenge.** Any person detained or affected may apply to the High Court for redress; High Court shall have expedited jurisdiction.
2. **Scope of review.** Courts shall review legality, necessity, proportionality and temporal scope and may suspend or quash measures exceeding constitutional limits.
3. **Final authority.** Supreme Court has final authority on constitutional questions arising from emergency powers.

Section 7 — Parliamentary Oversight Committee

1. **Emergency Oversight Committee (EOC).** Parliament shall establish by law an EOC to monitor emergency powers; EOC shall be bipartisan, receive classified briefings, summon ministers and request documents.
2. **Composition.** Members appointed by Parliament with Government and Opposition representation, at least one independent or minority representative; Judicial Services Commission shall designate a judicial representative to advise the Committee without political voting.
3. **Functions and reporting.** EOC shall review executive reports, assess proportionality and necessity, and report to Parliament at least every fourteen days during an emergency.
4. **Confidentiality.** EOC shall handle classified information securely while preserving oversight and public accountability.

Section 8 — Transparency, Audit and Accountability

1. **Executive reporting.** Cabinet shall submit weekly reports to Parliament during an emergency detailing measures, detainees, requisitions, expenditures and legal basis; reports public to the maximum extent consistent with national security.
2. **Auditor General access.** Auditor General shall have unfettered access to emergency expenditure records and report to Parliament within three months of termination.
3. **Criminal liability.** Abuse of emergency powers in bad faith or for personal gain shall attract criminal prosecution and disciplinary measures.
4. **Compensation.** Persons whose property is requisitioned or rights unlawfully restricted are entitled to prompt and fair compensation; Parliament shall prescribe claims procedures and High Court shall determine disputes.

Section 9 — Termination, Review and Post-Emergency Accountability

1. **Termination.** Declaration terminates when period expires, Parliament revokes it, or referendum rejects continuation where required.
2. **Post-emergency review.** Within six months of termination, Government shall publish full public report on conduct of emergency; EOC shall present findings to Parliament and may recommend reforms or prosecutions.
3. **Preservation and remedy.** Lawful actions during emergency remain valid subject to judicial determination; unlawful acts subject to remedies, compensation and accountability.

Section 10 — Safeguards for Republic Continuity

1. **No suspension of Constitution.** No declaration permits abrogation, suspension or permanent amendment of the Constitution except by amendment procedures.
2. **Elections and Parliament.** Emergency measures shall not prevent or indefinitely postpone free and fair elections; any postponement requires parliamentary approval, time limits and judicial review.
3. **Protection of independent institutions.** Independence of judiciary, electoral commission and oversight institutions shall be preserved.

Section 11 — Implementation and Savings

1. **Enabling legislation.** Parliament shall enact laws to implement this Article, including EOC procedures, compensation mechanisms and safeguards for classified information.
2. **Review of prior measures.** Measures under prior emergency laws shall be reviewed for conformity and brought into conformity or terminated.
3. **Savings.** Nothing prevents Parliament from enacting more detailed laws consistent with these guarantees.

Article IX — Amendment of the Constitution

Section 1 — General rule

1. **Exclusive procedure.** This Constitution may be amended only in accordance with the procedures set out in this Article. Any purported amendment not enacted in accordance with this Article is null and void.
2. **Purpose.** Amendments shall improve constitutional functioning, protect rights and promote public interest; they shall not entrench partisan advantage.

Section 2 — Initiation, Publication and Public Consultation

1. **Initiation.** A Bill to amend the Constitution may be introduced in either House by any member, by Cabinet, or by citizen petition in a form prescribed by law.
2. **Publication.** Proposed amendment Bill shall be published in the Gazette and publicly available at least thirty days before first reading with an explanatory memorandum describing effect, costs and legal consequences.
3. **Public consultation.** Prior to final passage, Bill subject to public consultation of not less than thirty days; Parliament shall publish summary of submissions and Government response.

Section 3 — Parliamentary Passage for Ordinary Amendments

1. **Ordinary amendments.** Except for entrenched provisions (Section 4), amendment Bill shall be passed by not less than two-thirds of total membership of each House.
2. **Single House procedure.** Where Houses sit together, two-thirds requirement applies to combined membership.
3. **Presidential assent.** After passage, Bill presented to President for assent; President shall assent within fourteen days unless referring Bill to Supreme Court under Section 7.

Section 4 — Entrenched Provisions and Referendum Requirement

1. **Entrenched provisions.** The following provisions are entrenched and may be amended only in accordance with this Section:
   (a) Article I — Preamble;
   (b) Article II — Bill of Rights;
   (c) Article IV — The Executive;
   (d) Article V — The Judiciary;
   (e) Article VI — Accountability and Governance;
   (f) Article VIII — Emergency Powers;
   (g) this Article — Amendment of the Constitution.
2. **Parliamentary super-majority.** Amendment to an entrenched provision requires not less than three-quarters of total membership of each House.
3. **Referendum.** No amendment to an entrenched provision takes effect unless, within ninety days of parliamentary passage, it is approved by national referendum by majority of valid votes cast; referendum conducted by Electoral Commission.
4. **Information.** Question to voters shall be clear and accompanied by impartial explanatory statement prepared by Electoral Commission and published at least thirty days before referendum.

Section 5 — Limits on Amendment

1. **Non-derogable core.** No amendment shall: abrogate or permit permanent derogation of the Constitution as a whole; abolish republic government; abolish separation of powers or independence of judiciary; remove or diminish fundamental rights in a manner inconsistent with Constitution; extinguish recognition of indigenous rights and right to self-governance.
2. **Void amendments.** Any amendment inconsistent with subsection (1) is void.

Section 6 — Commencement, Publication and Savings

1. **Commencement.** Amendment comes into force on date specified in instrument signed by President; if none specified, upon publication in Gazette.
2. **Transitional and savings.** Existing laws, rights, offices and proceedings continue to extent consistent until Parliament enacts implementing legislation.

Section 7 — Judicial Review and Dispute Resolution

1. **Pre-assent reference.** President, any House, or not fewer than one-third of members of either House may refer proposed amendment to Supreme Court for advisory opinion before assent or referendum; Supreme Court shall deliver opinion within time fixed by Court.
2. **Post-enactment review.** Any person may petition Supreme Court to review whether amendment enacted in accordance with this Article; Court shall declare amendment void if not validly enacted.
3. **Finality.** Supreme Court has final authority on validity questions under this Article.

Section 8 — Implementation and Procedural Rules

1. **Electoral Commission role.** Electoral Commission shall conduct referendums and ensure fairness and integrity.

2. **Regulations.** Parliament shall prescribe detailed procedures for amendment Bills, public consultation and referendums.
3. **Protection against abuse.** Attempts to amend by force, fraud or unlawful means are null and void and attract criminal and constitutional sanctions.

Article X — Transitional and Miscellaneous Provisions

Section 1 — Continuity of Law

1. **Continuity.** All laws, regulations, orders and subsidiary legislation in force immediately before commencement shall continue, subject to amendment or repeal by Parliament and consistency with this Constitution.
2. **Conforming construction.** Pre-existing laws inconsistent with this Constitution shall be construed with necessary modifications to bring them into conformity; if not possible, they are void to extent of inconsistency.
3. **Subsidiary instruments.** Regulations and orders made under pre-existing laws continue until amended, replaced or repealed, provided consistent with this Constitution.

Section 2 — Succession of Institutions and Officeholders

1. **Institutional succession.** Public institutions established under prior arrangements shall continue until reconstituted, replaced or abolished under this Constitution or by law.
2. **Continuance of officeholders.** Persons holding public office immediately before commencement shall continue on same terms until terms expire or they are lawfully reappointed, removed or replaced in accordance with this Constitution.
3. **Property and liabilities.** All property, assets, rights and liabilities vested in the State before commencement continue to vest in the State.

Section 3 — Preservation of Rights, Contracts and Proceedings

1. **Rights and privileges.** Rights, privileges and obligations acquired under previous Constitution or law continue unless inconsistent with this Constitution.
2. **Contracts and agreements.** Contracts and undertakings entered into by the State before commencement remain valid and enforceable subject to law.
3. **Pending proceedings.** Proceedings commenced before commencement continue and be determined under law in force at the time, subject to constitutional protections and transitional rules.

Section 4 — Transitional Laws and Reconstitution

1. **Power to enact transitional laws.** Parliament may enact transitional laws necessary for orderly implementation, including reconstituting legislative bodies, arranging elections, appointment or validation of officeholders, transfer of functions and assets, and continuation or modification of administrative arrangements.
2. **Time limits.** Transitional laws shall be time-limited and cease once purpose fulfilled unless Parliament expressly extends for specified period.
3. **Non-derogation.** Transitional laws shall not derogate from non-derogable rights and core guarantees.

Section 5 — Commencement and First Steps

1. **Commencement date.** Constitution comes into force on date appointed by President and published in Gazette after consultation with Prime Minister and Leader of the Opposition.
2. **Immediate obligations.** On commencement: previous Constitution repealed to extent inconsistent; institutions and officeholders operate in accordance with this Constitution; Parliament shall prioritise enactment of transitional and implementing legislation.
3. **Interim arrangements.** Where immediate action required, President acting on advice of Prime Minister and after consultation with Leader of the Opposition where practicable may make interim orders subject to parliamentary review within ninety days.

Section 6 — Miscellaneous and Interpretive Rules

1. **References.** "Parliament" means Houses of Parliament; "law" includes Acts and subordinate legislation; references to offices include successors.
2. **Language.** English text authoritative; translations into iTaukei and other local languages shall be made available; material discrepancy resolved in favour of English text.
3. **Parliamentary power.** Parliament may enact laws to clarify or give effect to any provision of this Constitution.
4. **Resolution of transitional difficulties.** Parliament may by law make provision necessary to remove difficulties in giving effect to this Constitution; such laws subject to judicial review.

Section 7 — Savings, Review and Sunset

1. **Review of pre-existing measures.** Within twelve months of commencement, Government shall publish consolidated review identifying pre-existing laws and instruments requiring amendment or repeal and present implementation plan to Parliament.
2. **Audit and reporting.** Auditor General and oversight institutions shall audit transitional expenditures and report to Parliament.
3. **Sunset of transitional provisions.** Unless otherwise provided, transitional provisions expire no later than three years from commencement, subject to parliamentary resolution extending particular provisions for specified reasons and periods.

Final notes and next steps

- **Formatting and harmonisation:** I standardised headings, removed all uses of the word "Chapter", harmonised section numbering so Articles I–X appear in document order, and applied consistent subsection numbering and bold labels for clarity. In a word-processing file I would also apply a single font family and consistent styles for headings and body text; here the structure is prepared for direct copy-paste into your editor for final font harmonisation.
- **Cross-references:** I updated cross-references to use Article and Section numbers (e.g., references to the amendment procedure now point to **Article IX**). If you want, I can produce a cross-reference table mapping old section/chapter numbers to the new Article/Section numbers.
- **Implementing legislation:** Several Articles (Judiciary, Emergency Powers, Amendment, Transitional, Accountability institutions) require enabling statutes. I can draft model implementing clauses or bills (e.g., Judicial Services Commission Act, Emergency Oversight Committee Act, Referendum Act, Legal Aid Act) if you wish.

- **Redline and tracked changes:** If you want a redline comparing the original draft to this harmonised version, I can produce a tracked-changes style comparison or a side-by-side redline summary.
- **File formatting:** To finalise fonts and layout (styles, TOC, page breaks), I can prepare a Word or PDF version — tell me which style guide (font family, sizes for headings/body, line spacing) you prefer and I will format accordingly.

Would you like (A) a cross-reference table mapping old to new numbering, (B) model implementing statutes for priority Articles, (C) a tracked redline of changes, or (D) a formatted Word/PDF with a specified font and style?

Republic

DRAFT

Namoli Methodist Church

METHODIST CHURCH IN FIJI

NAMOLI METHODIST CIRCUIT

P.O Box 5322, Lautoka

Email: namolimethodistcircuit@gmail.com

Superintended Minister	Circuit Steward	Secretary	Treasurer
Rev. Savirio Vuata	Jone Baravilala	Reapi Nasogiri Vero	Viliame Rauqe Qoro
Mobile: 9977813	Mobile: 9794391	Mobile: 9292707	Mobile: 7558929

The Chairman
Fiji Constitution Review Committee
Suvavou House
Victoria Parade
Suva

Dear Sir,

Ref: Submission to the 2013 Constitution Review Committee.

Bula Vinaka

During the Namoli Methodist Division Yearly Meeting being held on the 07/05 to the 10/05/2026, a presentation was being carried out by Mr. Mataisi Sadrata regarding the review of the 2013 Constitution. The members were requested to make a joint submission which they believe should be considered by the Review Committee and to be accompanied by the attendance list

The submissions are as follows:

1) Section 41 : Children's Right

   (3) The inflicted of Corporal punishment on children by parents or guardians at home and also to teachers at school when children misbehave. (Proverbs 23: 13- 14)

2) Section 4 : Secular State

   To be amended as a Christian State. All other sub- section to be remained as it is.

3) The restoration of the full coat of arms to the flag. The two warrior figures, who guard the shield on the coat of arms to be placed on the flag, along with a miniature canoe and the national motto. "*Rerevaka na Kalou ka Doka na Tui*" ("Fear God and honour the King") (1 Peter 2: 17) – symbols that were featured on the original flag. The coat of arms is very significant because it has the word of God, then it has the two warriors and the Fijian canoe also.

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Mobile: 9977813	Mobile: 9794391	Mobile: 9292707	Mobile: 7558929

4) Section 29 : Protection of Ownership and Interests in Land.

All freehold land including crown grant and native grant should be reverted to the correct land-owning unit. Most of these lands have been sold illegally without the consent or the approval of the correct land- owning unit. Most of these lands were taken by force by our early settlers.

Stated above are the four (4) submissions from the Namoli Methodist Division and attached also is our signed attendance list for your kind consideration

Vinaka

8/5/26

PACE CRC ATTENDANCE

No	Name	Organisation	Sign
1	Sonivio Vuata (Rev)	Methodist	
2	Reapi Vero	"	
3	Williams Bouwalu	"	
4	Osea Turidau (Rev)	T/C Tomuka	
5	Vasiti Tanketi	T/C Tomuka	
6	Timaima Segalala	T/C Tomuka	
7	Iliesa Ramola	T/C Namoli	
8	Junioti Kotobalavu	T/C Tomuka	
9	Ratu Seremi S. Komaiwaitoka	Fife Methodist	
10	Dolai		
11	Vilina Vasu	Methodist	
12	Joseva Vatuniyawalo	T/C Namoli	
13	Viliame Nakuula Vuralaveni		
14	Kelera Aditagica	Methodist	
15	Sini Vueti		
16	Rev. Saimoni Rakini Seru		
17	Rota Rageti		
18	Tamarisi N		
19	Mereisi S		
20	Josefa Vuetarima		
21	Joji Rokosuka		
22	Savenaca Naburo		
23	Muriwaqa Naitalavesi		
24	Irene Tuiae		
25	Ateca Tuaneta Bicu		
26	Marika Vunisa		
27	Alivereti Kurisalili		
28	Seremaia Vulava		
29	Jone Vuki		
30	Savenaca Naburo		
31	Mosese Tuiba		
32	Nanotivoli Sofala		
33	Manoa Raiwalui		
34	Aisea Dorisami		
35	Eroni Tamanduali		
36	Vutaki Vakoto	T/C Tomuka	
37	Lusiana Rokini	T/C Wasoso	
38	Kelera L Vuata	T/C Namoli	
39	Unaisi Sadranu	T/C Waimivaseo	
40	Jone Catoya	T/C Namoli	

8/5/26

PACE CRC ATTENDANCE

No	Name	Organisation	Sign
41	Solovene Mysi	Namoli Metti	
42	Luisa Nowoi	Church	
43	Nanise Ranomuu Lagibalen	Nawolikososo	
44	Qipa Tinai	Wainivakasoso	
45	Kini Lomavasiga	Namoli	
46	Losalini Liku		
47	Josaia Doba	Veranoli	
48	Nemani Vulavu	Wainivakasoso	
49	Tupuola Tuse	Wainivakasoso	
50	Malevoa Moce	Wainivakasoso	
51	Sala Likuveigaqi	Namoli	
52	Jone Raivonati	Tomuka	
53	Jone Vakaofia	Vavanoli	
54	Sima Tauka	Tauka	
55	Peni Vunisa		
56	Tamiela Ledua	Veranoli	
57	Luke Nakuta	Namoli	
58	Apenisa Lomaniceva	Namoli	
59	Kiliai Tinaiceivu	Moania	
60	Meli Biali	Wainivakasoso	
61	Alesi Ledua	Tomuka	
62	Siteri Sau	Tomuka	
63	Makita Takiuona	Namoli	
64	Mereani Banuve	Namoli	
65	Tamasese Kore	Namoli	
66	Kaua	Tomuka	
67	Reni Canantila	Namoli	
68	Sikeli Nakuta	Namoli	
69	Adi Pauline Sorosoro	Namoli	
70	Vasiti Sokala	Namoli	
71	Suliasi Waqa	✓	
72	Paula N	✓	
73	Kitione Radanivu	✓	
74	Ben Rabuaki	✓	
75	Maciu Roqaqia	✓	
76	Peni B. Martini	✓	
77	Eria Tabuaniteqa	✓	
78	Rachel Tuivavua	✓	
79	Luisa Qeinatuiraga		
80	Adi Litia Radinitunuloa	✓	

8/5/2

PACE CRC ATTENDANCE

No	Name	Organisation	Sign
1	TARANOSA TABALABA CILIKAVOU	NAMOLI METHODIST CHURCH	
2	Vilame Nakinolau Vuvabete	Namoli church	
3	Taveniisa Diri	NAMOLI	
4	Alesi Talatoka		
5	Ema Lotokula	NAMOLI CHURCH	
6	Laresa Tora	Namoli church	
7	Salanieta Narama	Namoli church	
8	Adi Rai Cokanasiga	Namoli Church	
9	Akanisi Veni		
10	JONE YUKI	KALOU CHURCH	
11	MELEVI TIKO	YUNATO	
12	Josua Vatani Tawake	Namoli	
13	Liku Talo Kotodei	W-VAKASOSO	
14	SOSIVETA BOLA	Tomuka	
15	Sera Korai	Ketai ni Vakasoso	
16	Salome Mau	Waimivakasoso	
17	Anaseini Saumaki		
18	Koto Bale Saumaki		
19	Sabela Saumaki		
20	SALOTE RADRONI		
21	Niuola Nuku	Namoli	
22	Kitione Rokomaki		
23	FILISI QELO		FILISI QELO
24	Salumai Morama	Namoli	
25	Makelesi Tarou		
26	Litia Niumia	Tomuka	
27	TEVITA CILIKAVOU	Tomuka	
28	Sakiusa Balecakau	Tomuka	
29	Raka RADRONI	VUNATO	

The Rainbow Fiji Coalition

JOINT SUBMISSION TO THE CONSTITUTION REVIEW COMMISSION OF FIJI

Protecting and Strengthening Equality and Non-Discrimination in the Constitution of the Republic of Fiji 2013

Submitted by: *The Rainbow Fiji Coalition, made up of 13 organisations*

Date: *June 2026*

Introduction

Oceania Pride, on behalf of the Rainbow Coalition, a collective of civil society organisations working for the rights and dignity of people of diverse sexual orientation, gender identity, gender expression, and sex characteristics (SOGIESC), makes this submission to the Constitution Review Commission (the Commission).

This submission addresses proposals before the Commission that would remove or narrow existing constitutional protections for SOGIESC communities. It also identifies gaps in the current constitutional framework that should be addressed to make Fiji's guarantee of equality genuine and effective.

Our core position is that:

1. Section 26 must be retained in full; no ground of protection currently listed should be removed or narrowed.
2. Section 26 must be expanded to explicitly include sex characteristics, providing constitutional recognition and protection for intersex people.
3. The General Limitation Clause (Section 6.5) must be removed or amended to prevent the Bill of Rights from being bypassed by ordinary legislation. Suggested language is "rights may only be limited by a law of general application[1] and what is reasonable and justifiable in an open and democratic society based on human dignity, equality, and freedom."

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[1] This means only when a law is in force democratically, applies equally to everyone and without political bias.

The explicit inclusion of SOGIESC-related grounds serves four constitutional functions. First, it removes ambiguity: people should not have to argue by implication for their right to protection. Second, it guides state institutions, courts, police, schools, health services, employers, and public agencies in applying equality principles. Third, it provides civil society and communities with a constitutional foundation for advocacy, legal literacy and accountability. Fourth, it signals that equal citizenship applies to all people in Fiji, including those whose identities have been stigmatised or rendered invisible.

Proposals to remove the words "gender" and "sexual orientation" from Section 26(3) would not be a neutral drafting change. They would represent a substantive retreat from an existing constitutional guarantee. They would signal that some people's dignity is negotiable. They would make it harder for communities to defend themselves against discrimination in law, policy, service delivery and public life.[3]

Section 26 must be expanded to include sex characteristics

Section 26 of the Constitution already provides important protection against unfair discrimination on the grounds of sex, gender, sexual orientation, gender identity and expression. However, it does not explicitly include sex characteristics. This omission leaves intersex people and people with innate variations in sex characteristics constitutionally invisible.

This should not be treated as the creation of a new or separate right. It is a necessary clarification of the existing prohibition on sex-based discrimination. Sex characteristics are directly connected to the body, including chromosomes, hormones, reproductive anatomy, genitalia and other physical traits. Where a person is discriminated against because their body does not conform to narrow expectations of male or female sex, that discrimination falls squarely within the purpose of constitutional equality protection.

The absence of explicit protection has serious consequences. Fiji has no specific protective legislation for people with diverse sex characteristics. Their existence is not properly captured in state data systems, including at birth. They may face non-consensual medical interventions, pressure to conform to the sex assigned at birth, and lifelong difficulties where official systems recognise only binary categories of male and female. This creates conditions in which people with diverse sex characteristics are required to live within legal, medical and administrative frameworks that do not recognise them.

International human rights developments increasingly recognise that discrimination on the basis of sex characteristics must be expressly prohibited. Malta's Gender Identity, Gender Expression and Sex Characteristics Act provides an important example of how sex

[3] Constitution of the Republic of Fiji 2013, s 26.

any limitation of rights to be assessed through a structured proportionality test. Such a test asks whether the limitation is prescribed by law, pursues a legitimate purpose, is rationally connected to that purpose, impairs the right as little as reasonably possible, and is proportionate when weighed against the nature and importance of the right.

A revised section 6(5) should therefore require decision-makers and courts to consider, at minimum: the nature of the right being limited; the importance and legitimacy of the purpose of the limitation; the nature and extent of the limitation; the relationship between the limitation and its stated purpose; whether less restrictive means are available; and whether the limitation preserves the essential content of the right. The burden of justification should fall on the State or any party seeking to limit a right, not on the person or community claiming constitutional protection.

This amendment is necessary because constitutional rights must not depend only on their formal recognition. They must also be protected from ordinary laws, policies, administrative practices, and political pressures that can weaken them in everyday life. Without a stronger limitation clause, the Bill of Rights remains vulnerable to erosion, and marginalised communities, including SOGIESC communities, remain exposed to the gap between constitutional promise and lived reality.[6]

The gap between constitutional promise and lived reality

Fiji's constitutional equality guarantee exists alongside persistent and well-documented discrimination, violence and exclusion. The available evidence demonstrates that SOGIESC communities in Fiji experience some of the highest levels of violence, marginalisation, and state and non-state discrimination in the country, with little substantive advancement in implementation.[7]

The DIVA for Equality reports document the scale of harm: 83.64% of respondents reported intimate partner physical or sexual violence; 41.73% said they were not accepted by their nuclear family; 23.46% were kicked out of home; and 19% were fully disowned because of their SOGIESC.[8] Only 11% of survivors reported sexual assault to the police.[9] Specific, recurring forms of violence include corrective rape, including cases involving police officers

[6] Constitution of the Republic of Fiji 2013, s 6(1); workshop consensus identifying Section 6(1) as a "Bill of Wrongs" that must be removed to make Section 26 effective (IDAHOBIT 2026 Rapporteur's Report, constitutional non-negotiables).

[7] Fiji National Civil Society, Joint Submission to the United Nations Universal Periodic Review: Fiji, 3 October 2014.

[8] DIVA for Equality, *Unjust, Unequal, Unstoppable: Fiji Lesbians, Bisexual Women, Transmen and Gender Non-Conforming People Tipping the Scales Toward Justice* (Fiji: DIVA for Equality, 2019).

[9] DIVA for Equality, *Fiji LBTQ+ People Dealing with Violence and Access to Justice*, Policy Brief 1.

could create constitutional space for the criminalisation of same-sex conduct under religious doctrine.[16]

Children's rights (Section 41).

Section 41 protects children from abuse, neglect, harmful cultural practices, violence, inhumane treatment and punishment. Any amendment that weakens these safeguards would be inconsistent with Fiji's obligations under the Convention on the Rights of the Child, which the CRC Committee has interpreted to protect children from discrimination on grounds of sexual orientation and gender identity, and which has condemned conversion treatments and forced medical interventions on intersex adolescents. Section 41 should be retained in full.[17]

Equal citizenry.

Proposals to reserve the term "Fijian" for iTaukei people should be approached with care. Recognition of iTaukei people as Indigenous people is vital and must be protected. At the same time, shared national belonging has become an important basis for social cohesion across Fiji's diverse communities. The principle of equal citizenry, that "Fijian" applies to all citizens, should be preserved alongside Indigenous recognition. These commitments are not mutually exclusive.[18]

International legal obligations

Fiji has ratified all nine core international human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention on the Rights of the Child (CRC), and the Convention against Torture (CAT). These treaties create binding legal obligations on the state to guarantee equality and non-discrimination without distinction of any kind.

Treaty bodies have consistently interpreted non-discrimination guarantees in these instruments to include sexual orientation, gender identity and sex characteristics. The ICCPR's Human Rights Committee, in Toonen v. Australia (1994), established that criminalising homosexuality violates privacy rights under Article 17 and equality under Article 26 of the ICCPR. CEDAW's General Recommendations Nos. 28 and 35 recognise intersecting discrimination based on sexual orientation and gender identity. General Recommendation No 28 explicitly stated: "discrimination of women based on sex and gender is inextricably linked with other factors that affect women, such as… sexual orientation and gender identity". Furthermore, in General

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[16] Constitution, s 4; GCC proposal for Fiji to become a Christian state and risk of criminalisation (IDAHOBIT 2026 Rapporteur's Report, constitutional non-negotiables).

[17] Constitution, s 41; UN Committee on the Rights of the Child, general comments on SOGIESC protections (cited in IDAHOBIT 2026 Rapporteur's Report, legal frameworks presentation by OHCHR).

[18] IDAHOBIT 2026 Rapporteur's Report, agreed non-negotiables — equal common citizenry.

Recommendations

We submit the following recommendations to the Constitution Review Commission:

On Section 26 (Equality and Non-Discrimination):

1. Retain Section 26(3)(a) in full. No amendment should remove, narrow or replace the existing protected grounds of sex, gender, sexual orientation, gender identity and gender expression.
2. Amend Section 26(3) to explicitly include "sex characteristics" as a protected ground, providing constitutional recognition and protection for intersex people.

On Section 6(5) (General Limitation Clause):

3. Remove or substantially amend Section 6(5) to include clear criteria for any limitation of rights, including the requirements that limitations be prescribed by law, serve a legitimate purpose, be proportionate and justifiable, and be based on human dignity, equality and freedom

On related provisions:

4. Retain Section 4 (secular state) in its current form.
5. Retain Section 41 (children's rights) in its current form. Consider whether the section could be strengthened to explicitly protect children from discrimination on grounds of sexual orientation, gender identity and sex characteristics.
6. Ensure that any provision regarding iTaukei recognition coexists with a clear statement of equal citizenship for all Fijians.

On implementation and accountability:

7. Include a constitutional directive requiring the state to collect disaggregated data on sexual orientation, gender identity and sex characteristics in health, education, employment, justice and disaster response, to enable evidence-based policy and accountability.
8. Consider whether the constitutional framework should include a reference to the formulation of hate crime and speech legislation to establish a clear legal basis for prevention, response, and enforcement, while reinforcing commitments to equal protection, non-discrimination, and human rights.

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