

Constitution Review Commission

Collated Submissions Received through the Online Web Portal

(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 submissions received through the Online Web Portal (**Portal**) until 30 June 2026.

This compilation does not include any submissions that may have been received after 30 June 2026.

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.

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EMMA RAGG- NEWLAND

7/5/26, 2:35 PM

Gmail - Fwd: New Submission #11 for Constitution Review Form



Constitution Review Commission <commissioners2026@gmail.com>

Fwd: New Submission #11 for Constitution Review Form

Mere Nailatikau <m.nailatikau@gmail.com>

Sun, Jul 5, 2026 at 2:01 PM

To: Constitution Review Commission <commissioners2026@gmail.com>

----- Forwarded message -----

From: ITC <noreply@www.itc.gov.fj>

Date: Sun, Jul 5, 2026 at 1:59 PM

Subject: New Submission #11 for Constitution Review Form

To: <m.nailatikau@gmail.com>

You have a new Constitution Review submission:

1. First Name

Emma Ragg-Newland

2. Last Name

Emma Ragg-Newland

3. Gender

Female

4. Age

44

5. Email Address

emmajnewland@gmail.com

6. Phone**7. Address**

Address :

8. Organization**9. Written Submission**

Refer to uploaded submission

10. Upload Submission

44wHzvYLG16M-SUBMISSION-TO-THE-FIJI-CONSTITUTION-REVIEW-COMMISSION-2026.pdf

11. Consent

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188K

SUBMISSION TO THE FIJI CONSTITUTION REVIEW COMMISSION (2026)

To: The Chairperson and Commissioners

From: Emma Ragg-Newland

Status: Individual Citizen Submission

Date: 21st May 2026

1. Introduction

As an individual citizen of the Republic of Fiji, I welcome the opportunity to provide feedback via the *Our Constitution, Our Voice* framework. A sustainable constitution must be an honest compromise that acknowledges Fiji's historical realities while protecting a shared democratic future. Its purpose should be to safeguard long-term civic stability rather than respond to temporary political or emotional pressures.

My perspective is shaped by exposure to different constitutional systems and the long-term consequences they create. As a descendant of Sir Hugh Hall Ragg on my mother's side, my family history is connected to Fiji's early political and economic structures, including periods where ethnic divisions were used to maintain control. My father, a South African Afrikaner, witnessed the rise and consequences of apartheid. Although I was raised and educated in New Zealand, these combined histories have given me a deep awareness of how constitutional design can either stabilise a nation or quietly embed division over generations.

My understanding has also been shaped through my marriage into the Cokanasiga family of Serua, connecting me to his family's history in the highest levels of national defense, constitutional leadership, their dedication to indigenous wisdom and culture, and the traditional chiefly structures of Vanua Levu (Macuata) and Lau (Vanua Balavu).

Because I recognise the long-term danger of using constitutional power to entrench ethnic or institutional dominance, I believe Fiji must avoid repeating the structural mistakes of its past. A stable constitution cannot simply reverse who holds power or privilege. It must create institutions strong enough to protect all communities fairly, regardless of who governs in the future.

2. On State Character and Secularism (Chapter 1, Section 4)

Position: I strongly advocate for the retention of a strictly Secular State as mandated in Section 4 of the 2013 Constitution.

Rationale: Proposals to declare Fiji a Christian State introduce a profound historical and logical contradiction. Christianity is, historically, an introduced faith in Fiji. Elevating it within the Constitution in the name of protecting indigeneity creates a tension that is difficult to reconcile. Likewise, Hinduism is an introduced faith practiced by a significant proportion of the population, alongside Muslim, Buddhist, other other faith communities, and those that abstain entirely.

Furthermore, introducing a state religion inherently establishes a theological hierarchy, generating civic alienation and economic anxiety for multi-faith communities whose commercial confidence is vital to the nation. State neutrality ensures that all religious beliefs, including various Christian denominations, are equally protected from state interference.

If we flip the thought experiment, an entrenched state-religion mechanism actually threatens the *iTaukei* heritage. If a future, radical regime takes power, that very same constitutional mechanism could easily be weaponised to outlaw or heavily regulate traditional *iTaukei* customary practices and *vanua* structures that do not align with that specific regime's narrow theological interpretation. True protection for the *Vanua* requires a completely neutral state that can never interfere with the Church or the Chiefs.

3. On National Identity and Nomenclature (Chapter 1, Section 5)

Position: I oppose any constitutional change that removes a shared civic identity as established in Section 5 of the 2013 Constitution without establishing an equally meaningful and inclusive alternative.

Rationale: The current national conversation on nomenclature is flawed because it often treats identity as a simple binary between indigenous *iTaukei* and Fijians of Indian descent. It overlooks the wider reality of Fiji's demographic tapestry, including multi-generational Chinese and European settlers, *Kailoma*, the descendants of historical Melanesian laborers from the Solomon Islands and Vanuatu, displaced Pacific communities on Rabi and Kioa, and our Pacific neighbours. A constitution must not reduce identity to this binary, nor should it leave generational populations in a psychological or legal vacuum, forced to constantly explain or defend their place.

The discourse also fails to capture another important distinction, the difference between generational belonging and transactional citizenship. Fiji is not a globalised Western immigration hub where identity can be instantly assumed; there is a meaningful gap between those who have built their lives here over generations and those who arrive more recently with options elsewhere. Yet this creates a deeply human paradox: if we recognise that difference, do newer citizens not also deserve a dignified way to belong if they commit to this country?

As a sixth-generation descendant of white settlers, when I tell people I am Fijian, I am often met with quizzical looks, forcing me to qualify my identity by explaining my family's deep, historical roots in the country. My own mother called herself *Kaiviti*, reflecting how deeply her generation felt anchored here.

But we must be honest about that past. In earlier periods, such identities could be adopted freely because the deeper concerns of the *iTaukei* around cultural sovereignty were often overlooked within the colonial structure. When those hierarchies fell away, they left behind decades of reactive and deeply divisive race politics. The current intensity around nomenclature is not accidental, it is a response to that history, and an effort to reclaim what was previously diminished.

For many of us descendants of generational settler communities, this is not an abstract issue. We are deeply removed (physically, culturally, and spiritually) from our ancestral origins. Fiji is not a temporary home or a place we can step away from; it is the only place that has ever truly grounded our identity. A constitution should recognise that reality, not leave it uncertain.

History has come full circle on this issue. Even Prime Minister Sitiveni Rabuka (the original architect of the 1987 framework that restricted the name) has acknowledged that "Fijian" is an English adaptation and supports its retention as a common civic identity to maintain unity.

I do not pretend to have a perfect answer. I respect the *iTaukei* desire to protect the meaning of the word "Fijian," but the solution cannot be one that leaves others without a clear sense of home. Identity will always exist beyond the control of law, but the Constitution must still provide a stable framework for recognition and belonging. It must offer a clear, shared and equal civic identity with the same rights, recognition, and sense of belonging. Otherwise, we risk replacing one imbalance with another, and reducing belonging to something that appears determined by ancestry alone.

4. On the Bill of Rights Framework and Adopting a Court-Centered Limitations Model (Chapter 2, Section 6)

Position: I recommend simplifying how rights are limited within the Constitution by replacing repeated, broadly worded limitation clauses with a single, clearly defined limitations framework overseen by a genuinely independent judiciary.

Rationale: The rights outlined in the Constitution are important, but they are often immediately qualified by broad concepts such as “national security,” “public morality,” or “economic interests.” While these ideas have a place, when they are defined too loosely they create uncertainty and make people feel that their rights are not fully secure. A simpler and more balanced approach would be to have one consistent framework for how rights can be limited, rather than repeating similar justifications across multiple sections.

Moving the justification for restricting rights out of individual sections requires a robust mechanism to handle genuine state emergencies. In mature constitutional democracies (such as South Africa, Canada, and New Zealand) governments do not rely on pre-packaged loopholes scattered throughout the text. Instead, they protect civil liberties by utilising a single, overarching General Limitations Provision that can only be activated and tested inside an independent court of law. This creates greater clarity, consistency, and accountability when governments seek to restrict civil liberties.

Fiji's institutional architecture requires this court-centered safeguard because our separation of powers remains uniquely vulnerable to executive capture. For example, Section 104 compromises judicial independence by placing the Attorney-General directly on the Judicial Services Commission responsible for appointing judges. When weak institutional checks are combined with loose text-based loopholes, the executive branch is effectively handed the power to interpret its own limits.

By shifting to a court-centered model under a single general limitations provision, the burden of proof reverses entirely. The government of the day would carry a heavy burden to prove to an independent judge that any proposed emergency restriction is strictly lawful, necessary, and proportionate within a free and democratic society. This ensures that the defense of our fundamental freedoms rests on rigorous judicial scrutiny rather than the political priorities of whichever government is in office.

5. On Land, Resources, and Economic Interdependence (Chapter 2, Sections 28, 29, and 30)

Position: I support the continued protection of indigenous land tenure, but I do not support removing state oversight of minerals, inland waters, and foreshores in favour of entirely unregulated customary ownership.

Rationale: Fiji's long-term stability depends on recognising the economic interdependence between its communities. The indigenous population collectively owns the overwhelming majority of land, while much of the country's commercial activity, investment, and tax base is driven by non-indigenous communities and broader private enterprise. Neither can function sustainably without the other. Land without investment generates limited opportunity, while investment without secure access to land cannot build long-term economic confidence.

Rather than further dividing ownership structures, the Constitution should focus on ensuring that traditional landowning communities receive a fair, transparent, and reliable share of the benefits generated from the use of their land and resources. This should be protected through stable legal frameworks that balance customary rights with broader national economic stability.

At the same time, Fiji should not simply replicate development models that have often prioritised short-term extraction over environmental protection and long-term community wellbeing. The

Constitution has an opportunity to recognise the value of traditional iTaukei knowledge and stewardship principles in shaping a more sustainable approach to land and resource management.

The relationship between the state and customary ownership should therefore not be viewed as a competition for control, but as a partnership. State oversight can provide regulatory consistency, investor confidence, and national coordination, while indigenous systems of stewardship can help ensure that development remains environmentally responsible, community-focused, and sustainable across generations.

A durable constitutional framework should protect both economic stability and the cultural and ecological responsibilities tied to the *vanua*. Fiji's future depends not on separating these interests, but on integrating them wisely.

6. On the Selection of the President (Chapter 4, Section 84)

Position: I oppose granting the Great Council of Chiefs (GCC) the sole authority to appoint the President of the Republic of Fiji.

Rationale: The President is the ultimate symbol of national unity and must derive legitimacy from the entire nation, not a single ethnic body. I propose a hybrid, shared appointment mechanism: the GCC may nominate a panel of qualified candidates, but the final confirmation must require a two-thirds majority vote in Parliament. This mechanism guarantees that the Head of State is a unifying figure who commands the respect of both the iTaukei and non-iTaukei population. This reflects the principle that the Head of State must derive legitimacy from both customary authority and democratic consent.

7. On De-Politicising Independent Commissions and Restoring the Separation of Powers (Chapter 5, Section 104 & Chapter 6, Section 132)

Position: I recommend a full constitutional review of all independent commissions, oversight bodies, and regulatory authorities to remove direct involvement of the Office of the Attorney-General wherever institutional neutrality is required.

Rationale: Independent institutions can only maintain public confidence when they are clearly separated from active political influence. A durable constitution must therefore uphold a strong and visible separation of powers between the executive, judiciary, and independent oversight bodies.

The 2013 Constitution weakens this separation in several areas by placing the Attorney-General, an active political office holder, within commissions responsible for judicial appointments and constitutional oversight. This includes bodies such as the Judicial Services Commission (Section 104) and the Constitutional Offices Commission (Section 132), which influence appointments to positions including judges, the Supervisor of Elections, the Auditor-General, and the Police Commissioner.

Even where no direct interference occurs, the appearance of political influence over institutions that are meant to operate independently can undermine public trust. Constitutional systems should be designed not only to prevent abuse of power, but also to maintain confidence that state institutions remain impartial and protected from political pressure.

To strengthen institutional credibility, the Constitution should replace political office holders on these commissions with individuals who are independent and non-partisan. This could include retired judges, senior legal professionals nominated through an independent Law Society, or appointments requiring bipartisan parliamentary agreement.

The goal is not to weaken elected government, but to ensure that institutions responsible for accountability, oversight, and the rule of law remain insulated from executive control regardless of which political party is in power. A constitution should never allow those being monitored by independent institutions to simultaneously influence the appointment of the people responsible for overseeing them.

8. On Demilitarisation and the Principle of Civilian Supremacy (Chapter 6, Section 131)

Position: I recommend amending Section 131(2) of the Constitution to remove the broad mandate regarding the "well-being" of Fiji, explicitly subjecting the Republic of Fiji Military Forces (RFMF) to civilian executive authority and international human rights frameworks.

Proposed Amendment Language:

"The primary object of the Republic of Fiji Military Forces is to defend and protect the Republic, its sovereignty, and its territorial integrity, acting strictly under civilian executive command and in accordance with this Constitution and the principles of international law."

Rationale: This recommendation is made in the interest of protecting both civilian rights and the long-term integrity and professionalism of the RFMF itself.

Under Section 131(2) of the 2013 Constitution, the RFMF is tasked to ensure at all times the "security, defence and well-being of Fiji and all Fijians." While "security" and "defence" are conventional military parameters, the inclusion of the word "well-being" creates a dangerous legal loophole. It effectively grants the military an elastic, subjective political mandate to intervene in domestic affairs, blurring the line between external defence and domestic policing.

The consequences of this text-based ambiguity are not theoretical, they are written into Fiji's history through a culture of custodial violence. This behavioral breakdown was starkly illustrated by the recent death of civilian Jone Vakarisai while held in military custody at Queen Elizabeth Barracks. Despite initial institutional claims attributing his death to a "medical emergency," forensic evidence of severe physical assault exposed a fatal breakdown in custodial safeguards.

This tragedy is not an isolated incident. It sits alongside a long, well-documented legacy of power abuses both during and outside periods of political crisis, mirroring the historical cases of Sakiusa Rabaka, Nimilote Verebasaga, and Vilikesa Soko. When an institution has a documented history of normalising physical violence against citizens under the guise of maintaining order, it demonstrates that its own operational understanding of "well-being" has been corrupted.

An institution cannot be constitutionally trusted to safeguard the well-being of a populace when its own internal culture violates basic human dignity. In a democratic society during peacetime, civilians accused of criminal offenses belong strictly within the jurisdiction of the civilian justice system and police custody, where constitutional rights (such as the right to counsel and protection from arbitrary violence) are legally mandated.

By explicitly striking "well-being" and anchoring the military's role to the principles of international law, Fiji would bind its armed forces to absolute global standards, such as the UN Convention Against Torture (UNCAT). This ensures that national security can never again be weaponised as a shield to justify the unlawful deprivation of life or the abuse of civilian citizens.

9. On Constitutional Immunity and National Stability (Chapter 12, Sections 155-158)

Position: I recommend that Fiji address the issue of constitutional immunity through a structured and enduring truth and reconciliation framework that builds upon existing national processes, rather than relying on either silence or abrupt legal removal alone.

Rationale: Fiji continues to live with the long-term effects of past political crises, particularly the coups of 1987, 2000, and 2006. These events sit within a broader historical context that includes earlier colonial governance structures, which contributed to patterns of institutional and social division that still influence national dynamics today. While a constitution cannot resolve historical injustice, it must be capable of managing its ongoing consequences in a stable and constructive way.

However, in my view, permanent or overly broad immunity provisions carry a long-term cost. They risk limiting public trust in the Constitution by creating the perception that certain actions are permanently beyond scrutiny, regardless of time or consequence.

My position is therefore that accountability should not be treated as something that is either immediately punitive or permanently closed. Instead, it should be managed through a structured and credible truth and reconciliation process, such as the existing Fiji Truth and Reconciliation Commission framework.

10. Conclusion

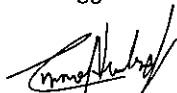
I urge the Commission to apply a strict principle of durability to all proposed amendments. Before inserting any clause that consolidates power within a single demographic, religion, or institution, we must ask: *If a political opponent takes power tomorrow, could they weaponise this exact clause to crush us?* If the answer is yes, the clause is likely not suitable for a long-term constitutional framework.

Fiji's strength lies in its diversity and interdependence. No single community, institution, or worldview can sustain the country on its own. For this reason, the Constitution should avoid entrenching exclusive authority while instead strengthening shared civic identity, institutional independence, and clear limits on the exercise of state power.

My hope is for a Constitution that protects all citizens equally, remains neutral in matters of belief, strengthens trust in public institutions, and ensures that rights are clearly defined and meaningfully protected in practice. It should be designed not only for present circumstances, but for future governments and future generations who will inherit its consequences.

Ultimately, a durable Constitution is one that can withstand changes in leadership without losing its fairness, legitimacy, or balance.

Emma Ragg-Newland



emmajnewland@gmail.com

Iliesa Waqa

7/5/26, 2:57 PM

Gmail - Fwd: New Submission #20 for Constitution Review Form



Constitution Review Commission <commissioners2026@gmail.com>

Fwd: New Submission #20 for Constitution Review Form

Mere Nailatikau <m.nailatikau@gmail.com>

Sun, Jul 5, 2026 at 1:11 PM

To: Constitution Review Commission <commissioners2026@gmail.com>

----- Forwarded message -----

From: ITC <noreply@www.itc.gov.fj>

Date: Fri, 19 Jun 2026 at 1:45 PM

Subject: New Submission #20 for Constitution Review Form

To: <m.nailatikau@gmail.com>

You have a new Constitution Review submission:

1. First Name

Iliesa

2. Last Name

Waqa

3. Gender

Male

4. Age

56

5. Email Address

waqailiesa@gmail.com

6. Phone

+679 970 1552

7. Address**Address** : Ratu Kadavulevu School Compound, Tailevu, Fiji**8. Organization**

Individual opinion

9. Written Submission

Fijian to be called for all races in Fiji does not matter as long as the said individual is a citizen of the Fiji Government..

It is different from 'Native of the Fiji Islands' as Native refers to the landowner and the indigenous people of Fiji..

'I TAUKEI' is the indigenous Fijian word for 'Native'..

The above context should be clarified clearly in the constitution..

Thank You SIR

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Constitution Review Commission <commissioners2026@gmail.com>

Fwd: New Submission #23 for Constitution Review Form

Mere Nailatikau <m.nailatikau@gmail.com>

Sun, Jul 5, 2026 at 1:10 PM

To: Constitution Review Commission <commissioners2026@gmail.com>

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From: ITC <noreply@www.itc.gov.fj>

Date: Sat, 20 Jun 2026 at 5:50 PM

Subject: New Submission #23 for Constitution Review Form

To: <m.nailatikau@gmail.com>

You have a new Constitution Review submission:

1. **First Name**
Iliesa
2. **Last Name**
Waq
3. **Gender**
Male
4. **Age**
56
5. **Email Address**
waqailiesa@gmail.com
6. **Phone**
+679 970 1552
7. **Address**
Address : Suva
8. **Organization**
Individual opinion
9. **Written Submission**

Fijian is to be called to any race in Fiji is OK as long as the individual is a citizen of Fiji..
The word 'Native' of Fiji is to be implemented to the indigenous landowner people of the Nation of Fiji..
The word 'I Taukei' is the Indigenous word of the Nation of Fiji for the word 'Native'
The above said is to be clarified clearly in the constitution..

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Joji Ramasima

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Constitution Review Commission <commissioners2026@gmail.com>

Fwd: New Submission #12 for Constitution Review Form

Mere Nailatikau <m.nailatikau@gmail.com>

Sun, Jul 5, 2026 at 2:01 PM

To: Constitution Review Commission <commissioners2026@gmail.com>

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From: ITC <noreply@www.itc.gov.fj>

Date: Sun, Jul 5, 2026 at 1:59 PM

Subject: New Submission #12 for Constitution Review Form

To: <m.nailatikau@gmail.com>

You have a new Constitution Review submission:

1. First Name

Joji

2. Last Name

Ramasima

3. Gender

Male

4. Age

54

5. Email Address

jramazema@gmail.com

6. Phone

+679 282 8013

7. Address

Address : Serea

8. Organization

TadraVou Dairy Cooperative Ltd.

9. Written Submission

Indegenous sovereign Identity should not be used by those not in the VKB with the consent of the Vanua. These includes: Village Name, Province Name, River Name, Mataqali name, Tokatoka name, Trees name, island name, land name etc
Reason. These are Indegenous sovereign identities. There are Reasons behind our Ancestors calling these names. Also there "mana" associated with it.

Vinaka vakalevu.

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Mere Nailatikau <m.nailatikau@gmail.com>

Sun, Jul 5, 2026 at 2:01 PM

To: Constitution Review Commission <commissioners2026@gmail.com>

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From: ITC <noreply@www.itc.gov.fj>

Date: Sun, Jul 5, 2026 at 1:59 PM

Subject: New Submission #13 for Constitution Review Form

To: <m.nailatikau@gmail.com>

You have a new Constitution Review submission:

1. First Name

Joji

2. Last Name

Ramasima

3. Gender

Male

4. Age

54

5. Email Address

jramazema@gmail.com

6. Phone

+679 282 8013

7. Address

Address : Serea, Naitasiri.

8. Organization

TadraVou Dairy Cooperative Ltd.

9. Written Submission

1. Remove Immunity clause from the Constitution.
2. Those who took part in Coups should not be allowed to enter parliament.

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Fwd: New Submission #14 for Constitution Review Form

Mere Nailatikau <m.nailatikau@gmail.com>

Sun, Jul 5, 2026 at 2:01 PM

To: Constitution Review Commission <commissioners2026@gmail.com>

----- Forwarded message -----

From: ITC <noreply@www.itc.gov.fj>

Date: Sun, Jul 5, 2026 at 1:59 PM

Subject: New Submission #14 for Constitution Review Form

To: <m.nailatikau@gmail.com>

You have a new Constitution Review submission:

1. First Name

Joji

2. Last Name

Ramasima

3. Gender

Male

4. Age

54

5. Email Address

jramazema@gmail.com

6. Phone

+679 282 8013

7. Address

Address : Serea, Naitasiri.

8. Organization

TadraVou Dairy Cooperative Ltd.

9. Written Submission

1. Senate to be restored.
2. Bring back Constituencies Election.
3. Restore GCC in the Constitution.
4. Remove decrees created by Fiji First Government.

10. Upload Submission**11. Consent**

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Josefa Uluilakeba

7/5/26, 3:01 PM

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Constitution Review Commission <commissioners2026@gmail.com>

Fwd: New Submission #22 for Constitution Review Form

Mere Nailatikau <m.nailatikau@gmail.com>

Sun, Jul 5, 2026 at 1:11 PM

To: Constitution Review Commission <commissioners2026@gmail.com>

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From: **ITC** <noreply@www.itc.gov.fj>

Date: Sat, 20 Jun 2026 at 3:41 PM

Subject: New Submission #22 for Constitution Review Form

To: <m.nailatikau@gmail.com>

You have a new Constitution Review submission:

1. **First Name**
Josefa
2. **Last Name**
Uluilakeba
3. **Gender**
Male
4. **Age**
50
5. **Email Address**
kauloa@gmail.com
6. **Phone**
+679 990 8516
7. **Address**
Address : Lot 5 Duna Crescent, Naveiwakau, Valelevu - Naisnu
8. **Organization**
Self
9. **Written Submission**
"Refer to uploaded submission"
10. **Upload Submission**
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133K

CONSTITUTIONAL SUBMISSION

Retired Civil Servants as a National Development Resource

The 2013 FijiConstitution places significant responsibilities upon citizens to contribute positively to society, uphold the rule of law, and participate in national development. Civil servants, throughout their careers, are bound by duties of integrity, impartiality, professionalism, accountability, and service to the people of Fiji.

After decades of service, however, many public officers retire with a lifetime of knowledge, expertise, leadership skills and institutional memory that remain largely unused. This represents a loss not only for the individual but for the nation.

The Constitution should recognise that retired public officers constitute a strategic national resource capable of contributing to community development, civic responsibility, social cohesion and the transfer of knowledge to future generations.

I therefore propose the inclusion of a constitutional principle requiring the State to establish a National Community Service and Mentorship Programme for retired public officers.

Under such a programme, retired civil servants may voluntarily serve as community mentors, trainers, advisors and resource persons in villages, settlements, schools, youth groups, faith-based organisations, cooperatives and community development initiatives.

Areas of contribution may include:

- Leadership and governance training.
- Financial literacy and budgeting.
- Community project management.
- Civic education and constitutional awareness.
- Conflict resolution and mediation.
- Agricultural extension and technical advice.
- Business and entrepreneurship mentoring.
- Professional skills development.
- Public administration and governance support.
- Preservation of traditional and cultural knowledge.

Participation should remain voluntary and be supported through a modest community service stipend, similar to programmes implemented in Japan where retired professionals continue contributing to society while maintaining active and productive lives.

Such a programme would generate multiple national benefits.

First, it would strengthen communities by making expertise available at the grassroots level.

Second, it would support social stability and help address increasing concerns regarding crime, anti-social behaviour and lawlessness through positive mentorship and guidance.

Third, it would promote inter-generational learning by connecting experienced retirees with younger generations and emerging leaders.

Fourth, it would provide retired civil servants with dignity, purpose and continued social engagement after retirement.

The Constitution should therefore provide that:

"The State shall recognise retired public officers as a valuable national resource and shall establish mechanisms to facilitate their voluntary participation in community development, mentorship, civic education and nation-building activities. Parliament may provide for appropriate support, recognition and remuneration for such service."

This provision would advance the constitutional objectives of citizen empowerment, community development, social cohesion and the promotion of a peaceful, law-abiding and prosperous Fiji.

Additional Constitutional Clause Worth Proposing

This could become a completely new constitutional principle:

"The State shall promote active and productive ageing by facilitating opportunities for retired citizens, including former public officers, to contribute their knowledge, skills and experience towards community development, social cohesion, civic education and national advancement."

This approach is particularly relevant for Fiji because many retired teachers, agricultural officers, nurses, engineers, administrators, police officers, military personnel and public servants return to villages and communities with enormous expertise. Rather than viewing retirement as the end of service, the Constitution could recognise retirement as a transition from **service to government to service to community**.

That linkage to law and order is powerful: *stronger communities, stronger mentorship, stronger civic values, and stronger local leadership help prevent lawlessness before it occurs. In that sense, retired civil servants become not merely pensioners, but custodians of national knowledge and social stability.*

Nacanieli S Buisea

7/5/26, 2:55 PM

Gmail - Fwd: New Submission #18 for Constitution Review Form



Constitution Review Commission <commissioners2026@gmail.com>

Fwd: New Submission #18 for Constitution Review Form

Mere Nailatikau <m.nailatikau@gmail.com>

Sun, Jul 5, 2026 at 1:11 PM

To: Constitution Review Commission <commissioners2026@gmail.com>

----- Forwarded message -----

From: ITC <noreply@www.itc.gov.fj>

Date: Sat, 13 Jun 2026 at 6:06 PM

Subject: New Submission #18 for Constitution Review Form

To: <m.nailatikau@gmail.com>

You have a new Constitution Review submission:

1. **First Name**
Nacanieli S.
2. **Last Name**
Bulisea
3. **Gender**
Male
4. **Age**
57
5. **Email Address**
tukainaca@gmail.com
6. **Phone**
+679 921 3461
7. **Address**
Address : Lot 99 Browning St, Raiwaqa, Suva
8. **Organization**
N/A
9. **Written Submission**

"Refer to uploaded submission"
10. **Upload Submission**
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11. **Consent**
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20K

2013 Constitution Review Submission

1. Chapter 2 - Bill of Rights

- a) Rights to discipline a child or minor by their parents, guardian or custodian at the most appropriate time when discipline need to be taught;
- b) Rights to discipline a child or minor by their school teachers, tutor and school management for the purpose of instilling discipline to re- course a negative behavior or action that is contrary to the school rules or institution,
- c) Such discipline measures to be enforced in (a) and (b) above be based on love and care as stipulated in the Bible: [Exodus 20:12]; [Proverbs 12:1]; [Proverbs 7:1-4]; [Proverbs 19:26-27] and [Proverbs 23:13-14]

2. Chapter 3 - Parliament

- a) s52 Proportional representative system should be altered and replaced with an alternative with District/Provincial representation as this will compliment all stakeholders knowing your representative from your local area.

Proportional representative is NOT free and fair to smaller parties and independent candidates as the threshold is quite challenging and unrealistic per ser. Refer to the result of the GE2022 as a good example where we witness the disparity based on proportional representative.

2022 General Elections

Total Registered voters: 693,915.

Total Registered voters **present** on polling day: 473,910.

Total Registered voters **absent** on polling day: 220,005.

Invalid votes: 3,326.

Total Valid votes: 470,584.

The **5% threshold was approximately 23,000 votes**. As a result:

Savenaca Narube, with 6,845 votes, and Unity Fiji, with 13,100 votes, did not meet the threshold and consequently secured no seats.

Mahendra Chaudhry, with 5,760 votes, and the Fiji Labour Party, with 12,704 votes, failed meet the threshold and did not secure any seats.

- b) Should we maintain the proportional representative amend the threshold to 2% to ensure fair representation across the board NOT to marginalize the smaller parties or the independent candidates.
- c) Election **MUST** be compulsory to ensure the rights are exercised as a national duty.

- d) The House of Senate must be re-introduced with members nominated by national bodies, Great Council of Chiefs, Indian Advisory Counsel and others plus nomination from the political parties.
- e) Term of Parliament to be 5 years.
- 3. **The Great Council of Chiefs** be mandated in the Constitution as a body to consult with on matters of national building as leaders and NOT be political. All Chiefs members of the GCC and Provincial and District level shall NOT be used a political tool but may be a traditional figure to guide and direct be in line with the iTaukei Affairs Act, Provincial Council and the iTaukei fraternity.

4. **Chapter 4- The Executive**

- a) The President appointment must be nominated by national bodies such as GCC and other ethnic groups council with the prescribed qualification fit for the Presidency role.
- b) Presidency election must be held at every 3 years and the term in office shall be 3 years.
- 5. **Attorney General** must be appointed independently by the Elected government (can be a local Counsel or Queens or Kings Counsel) that suits the advisory role and shall not be an elected member of parliament.

6. **Traditional Local Development**

- a) There's a need to introduce a traditional development local body or courts at Provincial level as a matter of national building where monitoring and guidance to ensure development and productivity at village, district and provincial level to oversee and compliment the village heads. These position must be government by appointee with background from the Primary Industries Field to spearhead productivity, food security and progress in every district and province.
The main objective is to oversee all development and audit all farms and livestock and all production on every iTaukei villages, Districts and Province.
- b) TLTB [Landowners Affairs Unit] with Provincial Councils must audit the reality on the land and sea on such progress for national building as most land and resources are underutilized and a lot of unemployed youths may be made productive on this course.

For e.g.:

At the moment NO district nor province has data for their respective jurisdiction on their people on their traditional resources as individual, Mataqali or Toka2 LOU or Yavusa on production status.

- c) iTLTB to initiate development with LOU & other stakeholders where there is potential on lands and sea for development purposes and spearhead all programs from consultation phases from start to finish of all structured programs and implement and monitor for good governance purposes.

Petrina Fremlin

7/5/26, 3:14 PM

Gmail - Fwd: New Submission #29 for Constitution Review Form



Constitution Review Commission <commissioners2026@gmail.com>

Fwd: New Submission #29 for Constitution Review Form

Mere Nailatikau <m.nailatikau@gmail.com>

Sun, Jul 5, 2026 at 1:09 PM

To: Constitution Review Commission <commissioners2026@gmail.com>

----- Forwarded message -----

From: ITC <noreply@www.itc.gov.fj>

Date: Tue, 30 Jun 2026 at 3:35 PM

Subject: New Submission #29 for Constitution Review Form

To: <m.nailatikau@gmail.com>

You have a new Constitution Review submission:

1. **First Name**
Petrina
2. **Last Name**
Fremlin
3. **Gender**
Female
4. **Age**
28
5. **Email Address**
petrina@fijiwomen.com
6. **Phone**
+679 992 0912
7. **Address**
Address : 88 Gordon Street, Suva, Fiji
8. **Organization**
Fiji Women's Crisis Centre (FWCC)
9. **Written Submission**

Refer to uploaded submission.

10. **Upload Submission**
FH8GjzO463LH-Constitution-Review-Submission-Fiji-Womens-Crisis-Centre-FWCC.pdf
11. **Consent**
I consent to the processing and possible publication of my submission.

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426K



FIJI WOMEN'S CRISIS CENTRE SUBMISSION:

REVIEW: CONSTITUTION OF THE REPUBLIC OF FIJI 2013

Acronyms

BPfA	Beijing Declaration and Platform for Action
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CRC	Convention on the Rights of the Child
FHRADC	Fiji Human Rights and Anti-Discrimination Commission
Bill	Fiji Police Bill No. 12 of 2026
FWCC	Fiji Women's Crisis Centre
ICCPR	International Covenant on Civil and Political Rights
IDEA	Institute for Democracy and Electoral Assistance
NHRIs	National Human Rights Institutions'
TSMs	Temporary Special Measures

BRIEF ON FIJI WOMEN'S CRISIS CENTRE

The Fiji Women's Crisis Centre (FWCC) is a human rights organisation, based on the principles of human rights, democracy and the rule of law, which has been in existence for over 41 years.

The goal of FWCC is to eliminate all forms of violence, in all spheres of life, against women and girls in Fiji and the Pacific. FWCC implements this vision through an integrated and comprehensive program designed to prevent and respond to violence, by reducing individual and institutional tolerance of violence against women and increasing available and appropriate services for survivors.

FWCC addresses the problem of violence against women using a human rights and development framework. This focus on human rights includes a feminist analysis of the problem and permeates all aspects of FWCC's work, recognising that the root causes of violence against women are unequal gender power relations, imbedded in Patriarchy.

The Fiji Women's Crisis Centre is also the Secretariat for the Fiji NGO Coalition on Human Rights, a coalition that has been in existence since 1998.

INTRODUCTION

The Fiji Women's Crisis Centre (FWCC) welcomes the opportunity to make submissions to the Constitutional Review Commission and expresses its strong support for a constitutional reform process that is inclusive, consultative and grounded in the principles of human rights, equality and democratic governance.

A Constitution is the supreme law of the land and must reflect the values, aspirations and lived realities of all people in Fiji. It must not only guarantee rights in principle but ensure that these rights are meaningful, accessible and enforceable in practice, particularly for those who experience systemic discrimination and marginalization. For women and girls in Fiji, this includes ongoing barriers to political participation, exposure to gender-based violence and unequal access to justice and economic opportunities.

FWCC emphasizes that constitutional reform must go beyond formal equality and actively address the structural inequalities that prevent women and marginalized communities from fully participating in public life. This requires a Constitution that is firmly grounded in substantive equality, ensuring that all individuals are able to enjoy their rights on an equal basis.

Fiji has made significant commitments at both the international and national levels, including ratification of key human rights instruments such as the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), as well as commitments

under the Beijing Platform for Action and regional frameworks. These obligations must be meaningfully reflected in the Constitution.

FWCC further stresses that the legitimacy of any constitutional reform process depends on its adherence to the rule of law and meaningful public participation. Processes must be transparent, accessible and inclusive, ensuring that the voices of women, rural communities and marginalized groups are not only heard but actively shape the outcome.

This submission therefore adopts a gendered and human rights-based approach to constitutional reform. It identifies key areas of concern within the current constitutional framework and proposes reforms aimed at strengthening democracy, promoting equality and ensuring that the Constitution serves all people in Fiji.

1. SEQUENCING OF CONSTITUTIONAL REVIEW AND THE NATIONAL REFERENDUM FRAMEWORK

Recent developments, including the proposed National Referendum framework, signal an important step toward enabling constitutional amendments under Section 160 of the 2013 Constitution.¹ However, undertaking a constitutional review prior to the enactment of a clear referendum law risks undermining both the integrity of the process and the ability of the people to meaningfully participate in decision-making.

A referendum is not merely a procedural requirement it is a central democratic mechanism through which the people exercise sovereignty over constitutional change. Comparative practice globally shows that constitutional reforms are typically anchored in a clear legal framework for referendums, ensuring that processes are transparent, accessible and trusted by the public.²

From a human rights perspective, this sequencing is especially important for ensuring that women and marginalised communities are not excluded from shaping constitutional outcomes. Without a clear and accessible referendum framework, participation risks becoming symbolic rather than practical.

FWCC therefore stresses that constitutional reform must be carefully structured, sequential and people-centred, rather than driven by political timelines.

Thus, FWCC recommends that:

- The constitutional review process should be deferred until the National Referendum framework is enacted and operational

¹ Constitutional amendments take centre stage in Fiji, Waqavakatoga. W. (2026) Retrieved from: <https://eastasiaforum.org/2026/01/24/constitutional-amendments-take-centre-stage-in-fiji/>.

² Referendums in Constitution making Processes, Suksi. M. (2010) Retrieved from: <https://peacemaker.un.org/sites/default/files/document/files/2022/07/ipsuksireferendums20in20cmp2010.pdf>.

- The referendum law must provide clear procedures for public participation, education and voting, ensuring accessibility for all communities
- Adequate time must be allocated for civic awareness and consultation before any referendum is held
- Constitutional reform should proceed in a manner that prioritises legitimacy, inclusiveness and public trust, rather than expediency.

A constitution derives its authority from the people. Ensuring that the legal framework for referendum is firmly in place before the review begins is essential to upholding democratic principles, constitutional integrity and the will of the people of Fiji.

2. ENSURING A PARTICIPATORY, INCLUSIVE AND LEGITIMATE CONSTITUTIONAL REVIEW PROCESS

Section 160 of the 2013 Constitution highlights the procedure for any constitutional amendments and the Fiji Women's Crisis Centre emphasises that the legitimacy, sustainability and effectiveness of any constitutional reform process depends fundamentally on the extent to which it is inclusive, participatory, transparent and grounded in the lived realities of the people of Fiji.

The constitutional review process undertaken by the Yash Ghai Commission in 2012 provides an important benchmark. That process was characterised by extensive nationwide consultations, active civic education and meaningful engagement with diverse communities, including women, youth, civil society organisations, faith-based groups and rural populations. It recognised that a constitution must not only be legally valid but must also derive its authority from the genuine participation and ownership of the people.³

In contrast, any constitutional review process that is limited in scope, lacks transparency or does not adequately facilitate public participation particularly of marginalised and vulnerable groups risks undermining both the legitimacy of the process and the acceptance of its outcomes.

From a gendered and human rights perspective, the exclusion or marginalisation of women and other vulnerable groups from constitutional processes perpetuates existing inequalities and structural barriers. Women in Fiji, particularly those in rural and informal settings, continue to face significant obstacles to participation, including economic constraints, social norms and limited access to information. A failure to actively address these barriers results in a constitution that does not fully reflect the needs, priorities and rights of all citizens.

³ Draft Constitution: The Explanatory Report, 2012. Retrieved from: <https://peacemaker.un.org/sites/default/files/document/files/2022/07/fjexplanatoryreportconstitutioncommission2012.pdf>.

Furthermore, meaningful participation must go beyond consultation. It requires that:

- People are adequately informed and empowered to engage through accessible civic education
- Their views are genuinely considered and reflected in the drafting process
- There are opportunities for public review and dialogue on draft constitutional proposals prior to finalisation.⁴

The removal or absence of such participatory mechanisms weakens democratic governance and risks reinforcing public distrust in state institutions. It also undermines the transformative potential of constitutional reform as a tool for advancing substantive equality, social justice and human rights protections.⁵

The FWCC stresses that constitutional reform must not be a top-down or elite-driven exercise. It must instead be a people-centred process, reflective of Fiji's diversity and responsive to the realities of those most affected by inequality, violence and marginalisation.

Thus, FWCC submits that the constitutional review process must be strengthened to ensure:

- Inclusive and meaningful participation of all communities, particularly women, youth, persons with disabilities and rural populations
- Transparent processes and accessible civic education to support informed engagement
- Independence and credibility of the review body
- Public consultation and dialogue on draft constitutional provisions prior to its implementation.

Such an approach is essential to ensuring that the Constitution is not only a legal document, but a living expression of the will, rights and aspirations of all people in Fiji.

3. NON-NEGOTIABLE CONSTITUTIONAL PRINCIPLES

Any constitutional reform process must clearly identify and protect core principles such as Chapter 2 on the Bill of Rights in the 2013 Constitution that are fundamental to democracy, human rights and good governance. These principles must not be removed.

From a gender and human rights perspective, the following are non-negotiable:

- Separation of powers between the executive, legislature and judiciary
- A strong, enforceable and accessible Bill of Rights
- Substantive equality, recognizing that equal treatment alone is insufficient
- Rule of law and accountability, ensuring that all persons are subject to the law

⁴ Ibid 3.

⁵ Ibid 3.

- Separation of State and society, ensuring that civil society can operate freely without interference

These principles are essential to safeguarding democracy and ensuring that the Constitution protects those most vulnerable to discrimination and exclusion. Additionally, separating the state from society means the government should not be built around ethnicity, culture or religion. Instead, it should treat everyone equally as citizens.

This separation is important because:

- It reduces ethnic politics – the state would not be focused on managing different ethnic groups, which has caused division in Fiji.
- It protects culture better – communities (like iTaukei, religious groups, etc.) can manage and preserve their own traditions without government control or interference.
- It makes people less dependent on government structures – communities become stronger, more independent and more adaptable to change.
- It supports national unity – people engage with the state as equal citizens, not primarily as members of ethnic groups.
- It strengthens democracy – civil society (community groups, cultural institutions, churches, etc.) can play their proper role outside the state.
- It reflects modern reality – iTaukei and other groups are now more educated, economically active and capable of managing their own affairs without needing state “protection.”⁶

So overall, separation helps create a fairer, more unified and more effective state, while also allowing cultures to thrive independently. Thus, FWCC recommends that the principles listed above be explicitly established and deeply rooted in the Constitution, that strong safeguards be introduced to prevent their erosion or removal and that any limitation on these principles be strictly controlled and subject to judicial oversight.

4. LIMITATION OF RIGHTS AND SAFEGUARDS AGAINST ABUSE

The Fiji Women’s Crisis Centre emphasises that the protection of constitutional rights depends not only on the recognition of rights themselves, but also on how limitations on those rights are framed, interpreted and controlled. Poorly drafted limitation provisions risk undermining the very rights they seek to regulate, rendering constitutional guarantees ineffective in practice. While limitations may sometimes be necessary in democratic societies, they must be carefully designed to prevent abuse and ensure that constitutional rights are not reduced to symbolic promises only.

⁶ Ibid 3.

Comparative constitutional practice demonstrates three broad approaches to limitations on rights: constitutions that contain no express limitation clause, constitutions that adopt a broad general limitation clause and constitutions that use right-specific limitation clauses. The International Institute for Democracy and Electoral Assistance (IDEA) notes that countries such as the United States rely heavily on judicial interpretation in the absence of a constitutional limitation clause, while other jurisdictions expressly regulate how and when rights may be limited. However, it warns that broad or vague limitation provisions can become tools of abuse where democratic institutions are weak or where excessive power is concentrated in the executive.⁷

This concern is particularly relevant in Fiji's constitutional context. International IDEA notes that constitutions allowing rights to be restricted simply "within the law" often fail to provide meaningful human rights protection because "the legal limitations on rights have rendered the proclaimed rights quite meaningless." The paper refers to Egypt's 1971 Constitution, where freedom of expression appeared protected on paper, yet ordinary legislation was used to prohibit criticism of state institutions and public officials. This demonstrates how rights can be eroded when constitutions fail to place strict limits on the State's power to restrict them.⁸

The Constitution of South Africa provides a stronger and more balanced model for the protection of rights. Section 7 states that the Bill of Rights is a "cornerstone of democracy" founded upon human dignity, equality and freedom, while Section 36 requires that any limitation of rights must be reasonable and justifiable in an open and democratic society. Courts must consider:

- the nature of the right
- the purpose and extent of the limitation
- the relationship between the limitation and its purpose
- whether less restrictive means are available.⁹

International IDEA identifies the South African model as an example of best constitutional practice because it ensures that limitations are subject to necessity, reasonableness and proportionality. Importantly, Section 37 of the South African Constitution also protects core rights such as human dignity, life and freedom from torture from suspension during states of emergency.¹⁰

⁷ Limitation Clauses, International IDEA. (2014) Retrieved from: https://constitutionnet.org/sites/default/files/limitations_clauses.pdf.

⁸ Ibid 7.

⁹ The South African Constitution, The Department of Justice and Constitutional Development. (2026) Retrieved from: <https://www.justice.gov.za/constitution/chp02.html>.

¹⁰ Ibid 7.

FWCC is further concerned that limitation provisions within Fiji's Constitution may weaken the enforceability of socio-economic rights by allowing the State to rely too broadly on claims of insufficient resources. Sections 32 to 38 of the Constitution of Fiji 2013 guarantee rights relating to economic participation, work, transportation, housing, food and water, social security and health. However, each section provides that where the State claims it lacks resources to implement the right, the State bears the responsibility of showing that the resources are unavailable.

While this wording attempts to impose accountability, there remains a serious risk that such clauses may operate as broad escape mechanisms that allows the government to avoid meaningful implementation of essential socio-economic rights. For example, inadequate access to housing is one of the reasons why women experiencing domestic violence remain in abusive environments. Limited access to transportation is one of the barriers for women in rural areas from reaching hospitals, courts or police stations. Failures in healthcare systems disproportionately affect women's reproductive health and maternal care. Weak social security protections may leave survivors of violence financially dependent on abusive partners.

FWCC is further concerned that some of Fiji's own legislations demonstrates how broadly drafted limitation provisions may be used to restrict fundamental rights and freedoms guaranteed under Chapter 2 of the Constitution. Laws such as the Public Order Act have imposed significant limitations on the exercise of the rights to freedom of speech, expression and publication, freedom of peaceful assembly, freedom of association and in some circumstances, freedom of movement. While the protection of public order and national security are legitimate objectives of government, such restrictions must be necessary, proportionate and subject to effective judicial oversight. Broad discretionary powers that permit restrictions on peaceful protests, public meetings, advocacy campaigns and criticism of government risk undermining democratic participation, limiting civic space and discouraging individuals from exercising their constitutional rights without fear of intimidation or sanction.

These restrictions have negatively impacted and affected civil society organisations, human rights defenders, women's rights advocates, trade unions, journalists and members of the public who seek to advocate for legal reform, hold public institutions accountable or raise concerns regarding human rights violations.¹¹ Constitutional rights cannot be regarded as meaningful if they may be unnecessarily or disproportionately restricted through ordinary legislation. The Constitution must therefore provide robust safeguards to ensure that legislation such as the Public Order Act cannot be used to erode the fundamental rights and freedoms that the Bill of Rights is intended to protect.

¹¹ Freedom of Expression, Amnesty International. Retrieved from: <https://www.amnesty.org/en/what-we-do/freedom-of-expression/>.

Accordingly, FWCC recommends that:

- The Constitution adopt a clear and comprehensive general limitation clause modelled on Section 36 of the South African Constitution
- Any limitation on rights must satisfy a strict test of legality, necessity, reasonableness and proportionality
- The burden of proving that a limitation is justified must rest on the State
- Core rights relating to human dignity, equality, freedom from violence and freedom from torture should be expressly recognised as non-derogable
- The Public Order Act and any other legislation that unnecessarily and disproportionately limits people's rights and freedoms be repealed

Embedding a strong and principled limitations framework within the Constitution is essential to ensuring that constitutional rights remain meaningful, enforceable and resilient against abuse. Rights cannot exist merely as aspirational promises, they must operate as real protections capable of holding the State accountable to the people it serves.

5. SECULARISM AND COMMON NATIONAL IDENTITY

The Fiji Women's Crisis Centre affirms that secularism and a common and equal citizenry are essential to equality, inclusion and democratic governance in Fiji.

A secular state where no religion is given preference ensures that laws and policies are grounded in human rights and equality, rather than religious doctrine. This principle is already reflected in the Constitution through Section 4 (Secular State), which affirms that the State and all persons holding public office must treat all religions equally and remain neutral in matters of belief.

It is further reinforced by Section 22 (Freedom of religion, conscience and belief), which protects every person's right to practise, change or manifest their religion or belief freely, while ensuring that these freedoms do not justify discrimination or undermine the rights of others. Together with Section 26 (Right to equality and freedom from discrimination), which guarantees equal protection and prohibits discrimination on prohibited grounds, these provisions are particularly important for women and marginalised groups, who are often disproportionately affected when discriminatory norms are justified on religious or customary grounds. Secularism is therefore not anti-religion, rather, it protects the freedom of all individuals to practise their beliefs while ensuring state neutrality and equal rights for all citizens.¹²

Equally, the Constitution must uphold a single and equal system of citizenship, consistent with Section 5 (Citizenship), where all people regardless of gender,

¹² Ibid 3.

ethnicity, religion or region have the same rights and protections under the law. This is critical to promoting national unity and moving beyond divisions based on identity. FWCC supports these principles but stresses that they must be clearly protected to ensure they promote unity without removing cultural identity, prevent discrimination and uphold human rights consistently.

Thus, FWCC recommends to:

- Recognise secularism as another non-derogable constitutional principle
- Prohibit any state religion or religious preference
- Subject all laws influenced by religion or custom to strict human rights scrutiny
- Affirm equal citizenship for all, with rights that override discriminatory practices.

These protections are essential to ensuring a fair, inclusive and rights-based constitutional framework for Fiji.

6. INSERTION OF STATE OBLIGATION TO ELIMINATE DISCRIMINATION UNDER SECTION 26

The Fiji Women's Crisis Centre submits that while Section 26 of the Constitution of Fiji 2013 prohibits unfair discrimination and recognises both direct and indirect discrimination, it should fully incorporate the broader obligations imposed under Article 2(e) of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). In particular, the Constitution should expressly impose a constitutional duty on the State to eliminate discrimination committed by private individuals, organisations or enterprises. This creates a significant protection gap, especially for women and marginalised groups who frequently experience discrimination including in employment, housing, education, healthcare and community practices.

Article 2(e) of CEDAW requires States Parties:

"To take all appropriate measures to eliminate discrimination against women by any person, organisation or enterprise."¹³

FWCC emphasises that discrimination against women does not occur solely through government action but is often perpetuated within private institutions, workplaces, cultural structures and social systems. Thus, an express constitutional obligation addressing discrimination in the private sphere should be expressed in Section 26.

The importance of addressing discrimination beyond direct State action is reflected in the recent concluding observations of the CEDAW Committee in Fiji. The Committee repeatedly identified structural and systemic discrimination affecting women in areas such as economic participation, rural development, disability rights, healthcare,

¹³ Convention on the Elimination of All Forms of Discrimination against Women, OHCHR. Retrieved from: <https://www.ohchr.org/Documents/ProfessionalInterest/cedaw.pdf>.

climate change, marriage and family relations. For example, the Committee noted that women, particularly rural and iTaukei women, continue to face structural barriers to economic empowerment and access to resources. The Committee also expressed concern regarding discrimination against lesbian, bisexual, transgender and intersex women in access to education, employment, housing and healthcare services.¹⁴

Further, the Committee highlighted that women and girls with disabilities continue to experience intersecting forms of discrimination limiting access to justice, healthcare, education and employment. The Committee also raised concerns regarding discriminatory customary practices and gender stereotypes affecting women's equal property and inheritance rights. These examples demonstrate that discrimination frequently arises through social practices, institutions and systems beyond direct government conduct.¹⁵

FWCC therefore submits that Section 26 should be strengthened to expressly reflect Article 2(e) of CEDAW by imposing a positive constitutional obligation on the State to eliminate discrimination by any person, organisation or enterprise, whether public or private. This would ensure that constitutional equality protections extend meaningfully into all areas of social, economic and public life.

FWCC further recommends that the Constitution expressly require the State to take legislative, administrative and other appropriate measures to modify or abolish discriminatory laws, customs, practices and conduct that perpetuate inequality. Such an amendment would strengthen basic equality protections and ensure greater accountability in addressing systemic discrimination against women and marginalised groups.

Accordingly, FWCC recommends that:

- Section 26 of the Constitution expressly incorporate the State obligation contained in Article 2(e) of CEDAW
- The Constitution provide that the State must take all appropriate measures to eliminate discrimination by any person, organisation or enterprise, whether public or private
- The Constitution expressly recognise the State's duty to address structural and systemic discrimination
- The Constitution require the State to abolish discriminatory laws, customs, practices and conduct
- Constitutional equality protections be strengthened to ensure basic equality in practice for women and marginalised groups.

¹⁴ Convention on the Elimination of All Forms of Discrimination against Women (Committee on the Elimination of Discrimination against Women), United Nations. (2025) Retrieved from: <https://docs.un.org/en/CEDAW/C/FJI/CO/6>.

¹⁵ Ibid 13.

7. CONSTITUTIONAL RECOGNITION OF DUTIES TO PROTECT WOMEN AND CHILDREN

The Fiji Women's Crisis Centre strongly advocates for the inclusion of a constitutional provision that affirms the duty of the State and all citizens to uphold the rights, dignity and wellbeing of women and children.

While the Constitution of Fiji guarantees fundamental rights, there is limited emphasis on collective responsibility in upholding these rights in everyday life. Existing constitutional protections such as Section 11 (Freedom from cruel and degrading treatment), which protects every person from violence, torture and degrading treatment, Section 26 (Right to equality and freedom from discrimination), which guarantees equal protection under the law and prohibits discrimination and Section 41 (Rights of children), which affirms the right of every child to protection, care and wellbeing, provide an important foundation for the protection of women and children. However, these rights must also be supported by a broader constitutional recognition that upholding dignity, wellbeing and equality is a shared societal responsibility.

Comparative constitutional models demonstrate the value of recognising such duties. For example, the Constitution of India, under its Fundamental Duties and its Anti-discriminatory clause under Section 15(3), calls on citizens to promote harmony and to renounce practices that are derogatory to the dignity of women and it allows the State to make special provisions for women and children. This reflects an important principle, that the upholding of rights is not only a legal obligation of the State but also a shared societal responsibility.¹⁶

In the Fijian context, where gender-based violence and harmful social norms continue to affect women and children, a constitutional recognition of such duties would:

- Reinforce zero tolerance for violence and discrimination
- Promote respect, equality and dignity within communities
- Support broader efforts to transform harmful cultural and social practices.

Importantly, such a provision must be carefully framed to complement, not replace, enforceable rights. It should serve as a guiding principle for law-making, policy development and public behaviour, while remaining grounded in human rights standards. This amendment will not only bring about equality but uphold and strengthen equity.

¹⁶ The Constitution of India. (2024) Retrieved from: <https://cdnbbsr.s3waas.gov.in/s380537a945c7aaa788ccfcdf1b99b5d8f/uploads/2024/07/20240716890312078.pdf>.

Thus, FWCC recommends that:

- The Constitution should include a provision recognising the duty to strengthen and uphold the dignity, rights and safety of women and children
- This duty should explicitly call for the elimination of practices that are harmful, discriminatory or violent to women and girls
- The provision should guide the development of national laws and policies aimed at preventing gender-based violence
- Civic education initiatives should be strengthened to promote public awareness and cultural change in line with these constitutional values.

Embedding such a principle within the Constitution would contribute to building a society where upholding the rights of women and children is not only a legal requirement but a shared national value and responsibility, which will not only strengthen equality but bring about equity.

8. FIJI HUMAN RIGHTS AND ANTI-DISCRIMINATION COMMISSION (FHRADC)

The Fiji Women's Crisis Centre emphasises that an effective human rights commission must be genuinely independent, adequately funded and empowered to investigate and address human rights violations without political interference. A national human rights institution cannot effectively protect constitutional rights if its independence is weakened by executive control or restrictive legal provisions.

Section 45(7) of the Constitution of Fiji 2013 states that, in the performance of its functions and powers, the Fiji Human Rights and Anti-Discrimination Commission (FHRADC) "shall be independent and impartial".

The importance of a truly independent human rights institution has also been recognised internationally. Following the United Nations Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance visit to Fiji, he had recommended that Fiji strengthen the FHRADC and provide it with the necessary resources to function independently and effectively. The Special Rapporteur emphasised that the Commission has a fundamental role to play in providing guidance to the Government and also in receiving complaints and providing assistance and guidance to victims of alleged acts of racism and discrimination. He also recommended that Fiji urgently move to strengthen this Commission and accord it necessary resources to ensure that it can secure the necessary confidence and legitimacy of relevant actors as an independent and professional human rights body.¹⁸

The importance of ensuring that the Commission is complying with the Paris Principles that set out the minimum standards that National Human Rights Institutions' (NHRIs) must meet in order to be considered credible and to operate effectively. The Paris Principles establish the core standards for NHRIs, focusing on pluralism, independence and effectiveness. They require NHRIs to have a broad mandate to promote and protect all human rights, wide-ranging functions such as monitoring, reporting, education and complaint handling and independence guaranteed by law and the Constitution. The Principles also emphasise pluralistic representation, adequate powers and resources, cooperation with civil society and State institutions and active engagement with international and regional human rights mechanisms.¹⁹

From a gender and human rights perspective, an independent and effective human rights commission is critical to ensuring accountability for discrimination, violence against women, abuse of power and violations of constitutional rights. Women and vulnerable groups must have access to an institution that can investigate complaints impartially and advocate for human rights protections without fear of political pressure or government interference.

Accordingly, FWCC recommends that:

- The Constitution expressly guarantee the institutional, administrative and financial independence of the FHRADC
- The executive arm of government be prohibited from interfering in the functions, investigations and decision-making of the Commission

¹⁸ The end of racism and xenophobia relies on the commitment of Fiji's political leadership – UN expert, OHCHR. (2016) Retrieved from: <https://www.ohchr.org/en/press-releases/2016/12/end-racism-and-xenophobia-relies-commitment-fijis-political-leadership-un>.

¹⁹ Paris Principles, GANHRI. Retrieved from: <https://ganhri.org/paris-principles/>.

- The FHRADC be empowered to prepare and defend its own budget directly before Parliament and that funding is not dependent on government without prejudice
- The Constitution and relevant legislation provide the Commission with full authority to investigate human rights violations independently and without prior ministerial approval
- Restrictive provisions within the Constitution and the Human Rights and Anti-Discrimination Commission Act 2009 that undermine the Commission's independence be removed
- The FHRADC be expressly authorised to prepare and submit independent reports to international and regional human rights treaty bodies
- The Commission be strengthened in accordance with the Paris Principles to ensure credibility, accountability and public confidence.

9. ELECTORAL SYSTEM AND BARRIERS TO INCLUSIVE REPRESENTATION

The electoral system under the 2013 Constitution adopts a single national constituency with an open-list proportional representation system, where the entire country is treated as one electorate and all Members of Parliament are deemed to represent all citizens. While this system was designed to promote equality under the principle of "one person, one vote, one value,"²⁰ evidence shows that it has created structural barriers to inclusive and representative democracy in Fiji.²¹

A key limitation of the current system is that it removes the direct link between representatives and geographic communities. Members of Parliament are not accountable to a specific constituency, which weakens the relationship between voters and their representatives and undermines meaningful representation.

Furthermore, the system is heavily influenced by political party dominance and leadership popularity, rather than individual merit or community-based support. Evidence from the 2014 elections demonstrates that a significant proportion of votes was concentrated on party leaders, with other candidates entering Parliament based on the overall party vote rather than their individual support base.²²

The 5% electoral threshold stated in Section 53(3) of the 2013 Constitution further compounds exclusion.²³ Candidates or parties that fail to meet this threshold receive no representation, resulting in a significant number of votes being effectively disregarded. In the 2014 elections, approximately 7.2% of votes were "wasted" due

²⁰ General Election, Fijian Elections Office. Retrieved from: <https://www.feo.org.fj/feo-general-elections/>.

²¹ Representative Democracy, the Constitution and Electoral Engineering in Fiji: 2014 and Beyond, Nanau. G. (2015) Retrieved from: <https://repository.usp.ac.fj/id/eprint/8516/>.

²² Ibid 20.

²³ Constitution of Fiji, 2013.

to the threshold, raising serious concerns about whether the system fully reflects the will of the electorate.²⁴

The system also structurally disadvantages the independent candidates, smaller political parties, women and new candidates into politics. For example, independent candidate Roshika Deo received more votes in the 2014 elections than several elected Members of Parliament yet was unable to secure a seat due to the threshold requirement and the accumulation of party votes.²⁵ This highlights how the system prioritizes party affiliation over individual voter support, effectively discouraging independent and community-based candidates.

Additionally, the requirement for political party registration including 5,000 supporting signatures across divisions creates further barriers to entry, particularly for women, youth and grassroots movements that may not have access to nationwide networks or resources.²⁶

From a gender perspective, while there was a ever so slight increase in women's representation under the current system, progress remains slow and insufficient. Women comprised only a small proportion of candidates and elected representatives, demonstrating that the system alone is not sufficient to achieve gender equality in political participation.²⁷

Women and youths, who often have less access to financial resources and political networks, are disproportionately affected. In contrast, constituency-based systems allow candidates to campaign within their communities, reducing costs and increasing accessibility.²⁸

Comparative experiences from Pacific countries such as Solomon Islands, Samoa and Vanuatu demonstrate that multi-constituency systems that strengthen accountability between representatives and their communities, encourage voter engagement and trust, allow candidates to emerge from and be supported by local communities and it promotes more inclusive and diverse representation.²⁹

Furthermore, FWCC submits that an open-list proportional representation system using multi-member districts would be beneficial for Fiji. Such systems have been seen

²⁴ Ibid 20.

²⁵ Ibid 20.

²⁶ How to Register a Political Party: Step-by-Step Instructions, Fijian Elections Office. Retrieved from: <https://www.feo.org.fj/feo-registering-a-political-party/>.

²⁷ Women's representation in parliament sees sluggish gains, Inter-Parliamentary Union. (2026) Retrieved from: <https://www.ipu.org/news/press-releases>.

²⁸ The Cost of Politics in South Africa, Hasson. V. (2025) Retrieved from: https://costofpolitics.net/wp-content/uploads/2025/04/Cost-of-Politics_SA_designed-v4.pdf?x10009.

²⁹ Ibid 20.

to correlate to higher number of women candidates and elected representatives in parliament.³⁰

In addition, one of the barriers to women's political participation is the difficulty of finding their election funds compared to their male counter parts. Women are recognised in their own constituency or districts because of their community participation. Furthermore, campaigning in their constituency or district would cost less as opposed to campaigning all over the country.

Thus, FWCC submits that a revised electoral framework should consider:

- Moving away from a single national constituency towards a multi-constituency or multi-member district system with an open-list proportional representation system
- Reviewing the 5% threshold, with consideration given to lowering it to reduce wasted votes and improve inclusivity
- Creating a more enabling environment for independent candidates and smaller parties.

FWCC further recommends that the electoral system:

- Be inclusive and accessible to all citizens
- Be user-friendly and easily understood by voters
- Increase the visibility of women candidates through:
 - Gender-balanced candidate lists
 - Alternating male and female candidates on ballots
 - Prioritizing the placement of women candidates on ballot papers.

These reforms are necessary to ensure that Fiji's electoral system does not unintentionally reinforce structural inequalities but instead promotes genuine representation, accountability and inclusive political participation.

10. TEMPORARY SPECIAL MEASURES (TSMs)

The 2013 Constitution does not provide for Temporary Special Measures (TSMs), such as legislated quotas or reserved seats for women in Parliament. This omission fails to acknowledge the structural and systemic barriers that continue to prevent women from participating equally in political life.

While Section 54 (Proportional representation system) establishes an open-list proportional representation electoral framework and provides under subsection (4) for

³⁰ Berevoescu.I and Ballington.J - UN Women, 2021, "Women's Representation in Local Government: A Global Analysis." Retrieved from: <https://www.unwomen.org/sites/default/files/2022-01/Womens-representation-in-local-government-en.pdf>.

Parliament to prescribe rules for awarding seats in accordance with internationally accepted methods, the Constitution does not expressly require or enable mechanisms to address the persistent underrepresentation of women. As a result, the current electoral system remains formally equal but substantively unequal in its outcomes for women's political participation.

Affirmative action measures, including TSMs, are widely recognized as effective short-term mechanisms to accelerate women's representation in governance. These measures are designed to achieve gender parity and can be progressively removed once equality is substantively realised.³¹

Fiji no longer has a basis to justify its reluctance to legislate such measures. Fiji is a State Party to key international human rights instruments, including the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

Fiji has also committed to the Beijing Platform for Action. These frameworks explicitly support the use of Temporary Special Measures to address gender inequality in political representation as stated in Fiji's Beijing Declaration and Platform for Action (BPfA) Country Progress Report.³²

Additionally, at the International Court of Justice in Hague last year, the Kiribati Minister of Women, Youth, Sport and Social Affairs Ruth Cross Kwansing had stated that she had changed her position on temporary special measures for women's political representation as there was clear evidence that showed higher women's parliamentary representation in countries that had gender quotas in their legislation.³³

At the national level, Fiji has already demonstrated recognition of gender inequality through initiatives such as the Fiji Country Gender Assessment, the Gender Transformative Institutional Capacity Development Initiative and the National Action Plan to Prevent Violence Against Women and Girls. These initiatives collectively highlight the persistent barriers faced by women and reinforce the need for structural interventions at the constitutional level.

³¹ A call for inclusive governance in Fiji, Dilikuwai. (2025) Retrieved from: <https://www.idea.int/news/call-inclusive-governance-fiji#:~:text=Laisa%20Bulatale%2C%20Programme%20Director%20at,time%20to%20act%20is%20now.>

³² Beijing Declaration and Platform for Action (BPfA) +30 Fiji Country Progress Report, 2024. Retrieved from: https://www.unwomen.org/sites/default/files/2024-09/b30_report_fiji_en.pdf.

³³ MP who took on the world's highest court, Wilson. C. (2026) Retrieved from: <https://www.fijitimes.com.fj/news-feature-mp-who-took-on-the-worlds-highest-court/>.

There are several international examples demonstrating the success of Temporary Special Measures, including:

- Argentina (legislated gender quotas)³⁴
- Samoa (reserved seats for women)³⁵
- Rwanda (constitutional quotas resulting in over 60% women in Parliament)³⁶

Thus, FWCC recommends that the Constitution explicitly provide for Temporary Special Measures, including:

- A minimum of 30% reserved seats for women in Parliament
- The incorporation of quotas within the existing electoral framework where necessary.

FWCC strongly prefers the model of reserved seats, as this guarantees representation and protects women from marginalization within a predominantly male political environment. This approach should be supported by ongoing civic education programs to promote the value of women's political participation and measures to ensure that women candidates are supported to contest both reserved and open seats, with the long-term goal of achieving equal representation across all seats.

11. ESTABLISHMENT OF A CARETAKER GOVERNMENT DURING THE ELECTION PERIOD

A caretaker government refers to a situation where the current government remains in office during an election period or transitional phase but operates under strict limitations, refraining from making major policy decisions, appointments or commitments. This principle is widely recognised in democratic systems such as the United Kingdom and New Zealand,³⁷ where conventions require governments to restrict their activities to essential and routine matters during election campaigns and post-election transitions.³⁸

³⁴ Argentina passes law on Gender Parity in Political Representation, Ministry of Foreign Affairs, International Trade and Worship. Retrieved from: <https://www.cancilleria.gob.ar/en/news/releases/argentina-passes-law-gender-parity-political-representation#:~:text=37%20of%20the%20Argentine%20Constitution,build%20a%20more%20equitable%20world>.

³⁵ Samoan parliamentary quota to place five women at the very least, ABC Pacific. Retrieved from: <https://www.abc.net.au/pacific/programs/pacificbeat/samoan-parliamentary-quota-to-place-five-women-at/7222538>.

³⁶ Country Profiles, UN Women. Retrieved from: <https://genderquota.org/country-profiles?countryId=84>.

³⁷ The public sector and the general election, Te Kawa Mataaho Public Service Commission. Retrieved from: <https://www.publicservice.govt.nz/guidance/general-election-guidance/the-public-sector-and-the-general-election>.

³⁸ Caretaker government, Institute for Government. (2019) Retrieved from: <https://www.instituteforgovernment.org.uk/article/explainer/caretaker-government>.

The absence of a clearly defined caretaker framework in Fiji risks the misuse of state power during election periods, including the potential for unequal access to state resources and lobbying of public institutions.

From a human rights perspective, this is particularly concerning, as it may undermine free and fair elections, weaken public trust and disproportionately affect vulnerable groups, including women, who rely on transparent and accountable systems.

A constitutionally recognised caretaker convention would ensure that elections are conducted on a level playing field and that the machinery of the state is not used to influence electoral outcomes.

Belgium is a great example of a caretaker government as it holds the record for the longest caretaker government in history, operating from 2019 to 2024. The formation of Belgium's caretaker government in 2018 to 2019 was initiated by the collapse of the coalition government. The extension was due to continued political negotiations and difficulties in establishing a new coalition government. The caretaker government was tasked with maintaining stability and ensuring that essential services continued to operate while political negotiations took place to form a new government. This situation underscores the importance of caretaker governments in managing transitions and preventing disruptions in governance.³⁹

Thus, FWCC recommends that:

- The Constitution should introduce a new provision that formally recognises and provides for a caretaker government period during elections
- During this period, the government must be restricted to essential and routine administration and refrain from:
 - Announcing new policies
 - Making significant appointments
 - Entering major contracts
- Where urgent decisions are required, they should be made only in the public interest and where appropriate, in consultation with opposition parties.

The introduction of a caretaker government framework is essential to strengthening electoral integrity, democratic accountability and public confidence in Fiji's constitutional system.

³⁹ Caretaker Government (Politics), Study Guides. Retrieved from: <https://studyguides.com/study-methods/study-guide/cmifsgqt32u2f01aal55hnnqj#:~:text=Countries%20like%20Belgium%2C%20the%20Netherlands,ame%20for%20a%20caretaker%20government?>

12. SELECTION AND INDEPENDENCE OF THE PRESIDENT

The Fiji Women's Crisis Centre emphasises that the process for selecting the President must ensure independence, neutrality and public confidence in the office. As Head of State, the President plays a critical role and must be seen to act impartially free from political influence.

The current selection process under Section 84 (Appointment of President) raises concerns where it is closely tied to political individuals and parliamentary voting processes. Under Section 84, the President is appointed by Parliament following nominations by the Prime Minister and the Leader of the Opposition, with the successful nominee requiring majority support in Parliament. Where no nominee secures a majority after several rounds of voting, the Constitution provides for appointment through parliamentary majority processes and where both leaders nominate the same person, that nominee is automatically appointed.

While this framework provides a constitutional mechanism for appointment, it may undermine perceptions of the President's independence, neutrality and ability to act impartially. A lack of transparency and limited public participation further weakens trust in the office and restricts opportunities for broader representation, including for women and marginalised groups.

Comparative experiences from other democracies show that there is no single model for selecting a national leader. Different systems reflect each country's history and constitutional design and each has implications for legitimacy, accountability and independence.

In South Africa, citizens vote for political parties and the party with a majority in Parliament selects the President. In contrast, Taiwan uses direct popular elections for its President, strengthening direct democratic legitimacy and public participation.⁴⁰

Other countries use indirect or hybrid systems. For example, Vanuatu elects its President through an electoral college made up of Parliament and provincial representatives. Similarly, countries such as Botswana, Micronesia, the Marshall Islands, Nauru and Suriname allow national legislatures to select the President. Globally, most democracies either use direct elections or parliamentary selection, with each model balancing democratic choice and institutional stability in different ways.⁴¹

⁴⁰ How Other Democracies Select Leaders, Learning English. (2020) Retrieved from: <https://learningenglish.voanews.com/a/how-other-democracies-select-leaders/5699005.html>.

⁴¹ 10 Countries Besides the U.S. That Have Electoral Colleges, Kiger. P. Retrieved from: <https://people.howstuffworks.com/10-countries-besides-us-have-electoral-colleges.htm>.

These examples highlight that there is no single best approach. Each system must be assessed in terms of how well it supports democratic legitimacy, independence of office and public confidence, particularly in Fiji's constitutional context.

In addition to the independent selection of the President, FWCC further highlights that Section 82 (President acts on advice) be omitted to allow the elected President to work and make decisions that best reflect the people and allow the President to make informed independent decisions.

Further to this when a President is independent through direct elections, the President should be empowered to initiate or move a vote of no confidence against the Prime Minister where there is clear evidence of loss of public confidence, constitutional breach or serious abuse of power. This authority would not undermine parliamentary supremacy but would instead act as a constitutional safeguard of last resort, ensuring that executive power remains accountable even when political majorities are unstable or compromised.

Thus, FWCC recommends to:

- Establish a transparent and independent selection process for the President
- Ensure that the President is impartial or independent and not aligned with any political party
- Consider alternative models, including direct election by citizens or selection through an independent electoral college or other electoral processes
- Introduce a criteria that promotes diversity and gender inclusion in nominations
- Omit Section 82 which stops the President from making independent decisions
- Allow the President to move a vote of no confidence against the Prime Minister

These reforms are necessary to strengthen the credibility of the office and reinforce the President's role as an independent and trusted constitutional authority.

13. ESTABLISHMENT OF AN INDEPENDENT CIVILIAN POLICE COMPLAINTS MECHANISM

The Fiji Women's Crisis Centre submits that the Constitution should provide for the establishment of an Independent Civilian Police Complaints Commission as a permanent constitutional body responsible for receiving, investigating, prosecuting and overseeing complaints against members of the Fiji Police Force.

Under the current framework, the Commissioner of Police exercises final disciplinary authority over police officers. While decisions may be challenged through judicial review proceedings before the courts, there is no independent specialist body to which complainants may be appealed or concerns referred regarding police misconduct, if they are even considered at the initial point. As a result, members of the public who

are dissatisfied with the handling of a complaint must rely on costly and complex court processes, creating significant barriers to accountability and access to justice.

FWCC is concerned that a system in which the Police Force retains primary control over the intake and assessment of complaints creates a perception of institutional bias and may undermine public confidence in police accountability mechanisms. Effective oversight requires that allegations of police misconduct be assessed independently from the institution that is the subject of the complaint.

Additionally, FWCC's experience working with survivors of violence and abuse for more than four decades now shows significant concerns regarding the handling of complaints involving police misconduct and internal disciplinary matters. Anecdotal evidence gathered from women accessing FWCC services suggests that complaints against police officers are often not treated with the seriousness they deserve, resulting in diminished confidence in existing accountability mechanisms. Survivors frequently report lengthy delays in investigations, inadequate communication regarding the progress of their cases and a lack of timely feedback from the authorities responsible for investigating their complaints.

FWCC has also received reports that, in some instances, alleged perpetrators are not promptly arrested or charged, even where complaints involve allegations of assault or other serious offences. Of particular concern are reports that investigations into alleged police misconduct are sometimes conducted by officers within the same police station where the alleged misconduct occurred, rather than being referred to the police Internal Affairs Unit. This creates a perception of biasness, undermines public confidence in the integrity of the investigative process and raises legitimate concerns regarding impartiality and accountability.

These experiences highlight the need for a genuinely independent civilian complaints mechanism with the authority to receive, investigate, prosecute and oversee complaints against police officers, ensuring that investigations are conducted fairly, transparently and free from actual or perceived conflicts of interest.

Thus, FWCC recommends that the Constitution under Chapter 5 Part B on Independent Judicial and Legal Institutions establish an Independent Civilian Police Complaints Commission that is institutionally, financially and operationally independent from the Fiji Police Force, the Commissioner of Police and the Executive Government. Constitutional status would safeguard the body's independence and ensure that it cannot be weakened or abolished through ordinary legislation.

The Commission should be empowered to:

- receive complaints directly from members of the public

- investigate allegations of police misconduct, abuse of authority, excessive use of force, corruption, deaths in custody, torture, gender-based violence and other human rights violations
- initiate investigations on its own motion where matters of significant public interest arise
- compel the production of documents, evidence and witness testimony
- make findings and recommendations
- have prosecutorial powers and the power to refer matters for criminal prosecution, disciplinary proceedings or other remedial action
- review complaints that have been dismissed or inadequately addressed through internal police processes.

FWCC submits that the proposed Commission adequately reflect international best practice in police accountability. Comparable jurisdictions have moved towards independent complaint intake and investigation systems that are structurally separated from operational police control. For example, the Independent Office for Police Conduct (IOPC) in the United Kingdom⁴² or the Independent Police Conduct Authority in New Zealand⁴³ are institutionally independent from the police and government and has the authority to receive complaints directly from the public, initiate investigations without police referral and conduct independent oversight of police misconduct matters.

FWCC further recommends that the Constitution guarantee complainants a direct right of access to the Commission without requiring prior approval or referral from the Fiji Police Force. This would ensure that police authorities do not act as gatekeepers to independent oversight and would strengthen public confidence in the integrity, transparency and fairness of the complaints process.

The establishment of an Independent Civilian Police Complaints Commission would align Fiji with emerging international standards of democratic policing and reinforce constitutional principles of accountability, transparency, good governance and the protection of human rights.

14. RESTRICTION OF MILITARY CONSTITUTIONAL PROVISIONS

The Fiji Women's Crisis Centre emphasises that constitutions must contain clear, precise and narrowly defined provisions regarding the powers and functions of the military. As the Constitution is the supreme law of the State, vague or overly broad constitutional provisions risk creating uncertainty, weakening democratic governance and enabling the abuse of power. In countries with histories of political instability and

⁴² The Independent Office for Police Conduct, Open Government Licence. (2023) Retrieved from: <https://www.policeconduct.gov.uk/>.

⁴³ Independent Police Conduct Authority, New Zealand Government. (2017) Retrieved from: <https://www.ipca.govt.nz/>.

military intervention, constitutional ambiguity can have serious consequences for democracy, human rights and the rule of law.

Fiji's constitutional history demonstrates the dangers of broad and undefined military powers. Since 1987, Fiji has experienced four coups, each of which significantly disrupted democratic governance, weakened constitutional rule and affected public confidence in state institutions. The coups of 1987, 2000 and 2006 all involved claims that military intervention was necessary to protect national interests, political stability or indigenous rights.⁴⁴ However, the repeated suspension or undermining of constitutional governance demonstrates the risks posed when military authority is not clearly limited within the Constitution itself.

Of particular concern is Section 131(2) of the Constitution of Fiji 2013, which states that "It shall be the overall responsibility of the Republic of Fiji Military Forces to ensure at all times the security, defence and well-being of Fiji and all Fijians." While national security and defence are legitimate military functions, the wording of this provision is extremely broad and capable of wide interpretation. Terms such as "well-being of Fiji and all Fijians" are vague and undefined, potentially allowing the military to interpret its role beyond traditional defence responsibilities and into political or civilian governance matters. Without clear constitutional limits, such provisions risk legitimising future military intervention in democratic processes.

Fiji's coup history illustrates how claims of protecting national stability, indigenous interests or good governance have repeatedly been used to justify military takeovers. The 1987 coup was carried out following concerns over political power-sharing and indigenous nationalism. The 2000 coup involved the hostage-taking of elected officials and attacks against Indo-Fijians, while the 2006 coup was justified by the military as necessary to address corruption, racial division and governance concerns.⁴⁵ Although the circumstances differed, each event demonstrates how vague understandings of military responsibility can undermine constitutional democracy and civilian rule.

A democratic constitution must therefore clearly establish that sovereignty belongs to the people and that elected civilian government remains supreme over all state institutions, including the military. Constitutional provisions relating to the military should be specific, limited and subject to strong checks and balances. The military must not be permitted to assume political authority or interpret broad constitutional language as granting authority to intervene in governance matters.

⁴⁴ One Year into Fiji's Fourth Coup, Finin. G. Retrieved from: <https://www.eastwestcenter.org/sites/default/files/private/Insights00202.pdf>.

⁴⁵ Fiji, 1987-2007: The Story of Four Coups, Ramesh. S. (2007) Retrieved from: <https://www.worldpress.org/asia/2773.cfm>.

From a human rights perspective, coups and military interventions often result in restrictions on constitutional rights, including freedom of expression, access to justice, political participation and freedom from arbitrary detention.

Accordingly, FWCC recommends that:

- The Constitution clearly define terms such as “national security” and “well-being” and limit the role of the Republic of Fiji military forces to national defence and lawful security functions
- Vague terms such as “well-being” and “national security” be clarified or removed to prevent overly broad interpretation of military authority
- The Constitution expressly affirms civilian supremacy over the military and prohibit military interference in democratic governance
- Constitutional safeguards be strengthened to prevent the suspension or undermining of constitutional rule through military intervention
- All military powers remain subject to parliamentary oversight, judicial review and constitutional accountability.

Embedding clear constitutional limits on military authority is essential to protecting democracy, constitutional supremacy and human rights in Fiji. Precise and accountable constitutional drafting can help reduce the risk of future coups, strengthen public confidence in democratic institutions and uphold the rule of law for all people in Fiji.

15. REMOVAL OF THE IMMUNITY CLAUSE (CHAPTER 10)

The Fiji Women’s Crisis Centre raises serious concern regarding the continued existence of the Immunity provisions under Chapter 10 of the 2013 Constitution, which grant broad and absolute immunity for actions connected to the 2006 coup and related events.

While the historical context of political instability and coups in Fiji is acknowledged, the constitutional entrenchment of immunity undermines key democratic and human rights principles, including accountability, equality before the law and the rule of law. The provision of absolute and non-reviewable immunity, coupled with the explicit exclusion of judicial oversight, creates a legal framework where serious violations may be left without remedy.⁴⁶

From a human rights and gender perspective, this is deeply concerning. Immunity provisions risk denying justice to victims of abuses, including women who may have experienced violence, discrimination or rights violations during periods of political

⁴⁶ Republic of the Fiji Islands, Cooperation and Judicial Assistance Database. Retrieved from: <https://cjad.nottingham.ac.uk/en/legislation/866/keyword/170/>.

unrest. The absence of accountability mechanisms perpetuates a culture of impunity and weakens public confidence in state institutions.

There is also a broader constitutional risk. As highlighted in public discourse, including submissions by trade unions, the existence of entrenched immunity may signal tolerance for unconstitutional takeovers, potentially encouraging future coups by creating an expectation of protection from legal consequences. This directly undermines efforts to promote constitutional supremacy and democratic stability.⁴⁷

Comparatively, international legal standards including principles reflected in instruments such as the Rome Statute, increasingly reject blanket immunity for serious violations, particularly where accountability is necessary to uphold justice and prevent recurrence.⁴⁸

Thus, FWCC recommends to:

- Repeal Chapter 10 of the 2013 Constitution to remove provisions granting absolute and irrevocable immunity
- Restore the jurisdiction of courts to review and adjudicate claims arising from past political events
- Ensure that no constitutional provision prevents access to justice, remedies or compensation for victims
- Affirm a principle of zero tolerance for coups and unconstitutional takeovers, clearly reflected in the Constitution
- Align Fiji's constitutional framework with international human rights and accountability standards.

The removal of entrenched immunity is essential to restoring public trust, strengthening the rule of law and ensuring that no individual or institution is above the Constitution.

16. ROLE OF THE GREAT COUNCIL OF CHIEFS (GCC)

The Fiji Women's Crisis Centre recognises the cultural and historical importance of the Great Council of Chiefs (GCC) to iTaukei communities. However, its role within a modern constitutional democracy must be carefully aligned with principles of equality, non-discrimination and democratic governance.

⁴⁷ FTUC pushes to scrap immunity clause, warns it fuels future coups, FBC News. (2026) Retrieved from: <https://www.fbcnews.com.fj/news/ftuc-pushes-to-scrap-immunity-clause-warns-it-fuels-future-coups/>.

⁴⁸ Mechanisms of international justice to fight impunity International tribunals, universal jurisdiction and transitional justice processes, Bílková. V and Cristani. F. (2025) Retrieved from: [https://www.europarl.europa.eu/RegData/etudes/STUD/2025/775282/EXPO_STU\(2025\)775282_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2025/775282/EXPO_STU(2025)775282_EN.pdf).

Historically, the GCC was formalised during the colonial period and placed within governance structures that have not always upheld inclusive and rights-based standards. In particular, traditional systems of leadership have often excluded women from meaningful participation and decision-making. Any constitutional recognition of the GCC must therefore be consistent with gender equality and human rights obligations.

Public submissions to past constitutional processes reflected divided views on the role of the GCC. Some supported restoring its role in appointing the President and limiting the office to iTaukei candidates, while others strongly opposed this, advocating instead for a more inclusive and non-ethnic approach. Many supported alternative models, including election by Parliament or direct election by the people.⁴⁹ These differing views highlight the need to ensure that constitutional arrangements do not reinforce exclusion or ethnic division.

FWCC emphasises that cultural recognition must not translate into political authority that undermines democratic principles or equal citizenship.

Thus, FWCC recommends that:

- That it be stated in a new provision under the Constitution, that any recognition of the GCC should be strictly advisory in nature to only indigenous affairs and that the GCC have no legislative powers
- That any legislative and policy advice by GCC be put through public consultations
- The GCC should be excluded from formal governance and decision-making authority, including any role in appointing the President or other state officials
- Any constitutional provision relating to the GCC must require compliance with:
 - Gender equality principles
 - Non-discrimination
 - Human rights standards

This approach ensures that respect for culture is maintained, while safeguarding the Constitution as a framework grounded in equality, inclusion and democratic accountability.

CONCLUSION

FWCC reiterates its strong support for a constitutional reform process that is inclusive, transparent and grounded in the rule of law. The Constitution must reflect the

⁴⁹ Ibid 3.

collective will of the people and must be developed through processes that are participatory, accessible and respectful of democratic principles.

At its core, the Constitution must serve as a living instrument of protection and empowerment, particularly for those who continue to face structural inequality and discrimination. For women and girls in Fiji, this requires more than formal guarantees of equality. It requires deliberate and sustained efforts to remove barriers to participation, strengthen protections against violence and discrimination and ensure equal access to justice and decision-making.

FWCC emphasizes that the next Constitution must be firmly anchored in human rights, substantive equality and equity, good governance and the rule of law. It must actively promote inclusion, prohibit discrimination in all its forms and create an enabling environment where all individuals regardless of gender, background or circumstance are able to participate fully in public and political life.

Finally, FWCC remains committed to supporting a reform process that delivers a Constitution that is fair, inclusive and responsive to the realities of all people in Fiji.

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Shaheen Ali

7/5/26, 3:06 PM

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You have a new Constitution Review submission:

1. **First Name**
Shaheen
2. **Last Name**
Ali
3. **Gender**
Male
4. **Age**
53
5. **Email Address**
axeshane@gmail.com
6. **Phone**
+679 990 5898
7. **Address**
Address : 84 Nailuva Rd, Raiwai
8. **Organization**
Independent Consultant and Private Citizen
9. **Written Submission**

Refer to uploaded submission.

This submission is being uploaded to ensure it is formally received by the Constitution Review Commission. The Ali Family's written submission was originally emailed to the Commission on 8 June 2026. As I have not received an acknowledgement of receipt, I am uploading the submission through the online portal to ensure it is properly before the Commission for consideration.

The attached submission is made on behalf of the Ali family and sets out our views on the review of the 2013 Constitution. Should the Commission require any clarification or wish to discuss any aspect of the submission, I would be pleased to assist.

Thank you for considering our submission.

10. **Upload Submission**
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SUBMISSION TO THE CONSTITUTION REVIEW COMMISSION

On the Review of the 2013 Constitution of the Republic of Fiji

To: The Chairperson and Members of the Constitution Review Commission —
Mr Sevuloni Valenitabua (Chairperson), Mr Ami Kohli, Professor Unaisi Nabobo-Baba, Dr Neelesh Gounder, Ms Merewalesi Nailatikau, Dr John Fatiaki, and Mr Conway Beg.
Level 9, Suvavou House, Suva, Fiji
commissioners2026@gmail.com
+679 293 6412

From: Shaheen Ali, for and on behalf of the Ali family
(Shahban Ali, Zefeel Ali and Shamir Ali)
P.O. Box 992, Suva
ps.mcttt@gmail.com / axeshane@gmail.com
+679 990 5898

Statement of standing

This submission is made by the Ali family of Fiji, whose roots in this country reach back four generations to the indenture. It is signed by Shaheen Ali, who writes both as a member of this family and as a Fijian who has served the country's public institutions across successive governments for nearly three decades, including fourteen years as a Permanent Secretary. He writes not on behalf of any government, but out of a long commitment to the integrity of Fiji's institutions — a commitment that has outlasted the governments he has served under.

We make this submission because the Commission's task is not to write on a blank page, but to review an existing text in light of what the people of Fiji have lived. Our family has lived a great deal of it. We offer our experience, and the principles we have drawn from it, in the hope that they assist the Commission in its work.

1. Our place in Fiji

Our family's place in Fiji begins with the giriti — the indenture under which our great-grandparents were brought to these islands from North India in the early years of the last century. On our paternal side, Jahur Alam. On our maternal side, Salamat. They came as labourers, part of the system that carried tens of thousands of Indians to the Fijian cane belt between 1879 and 1916. Like so many giritiya families, ours began in the cane districts and, after indenture ended, moved into town — into trade, work, and eventually the service of the State.

Four generations later, we remain. We did not arrive at belonging in Fiji; we were born to it. We have built our lives here, raised our children here, and buried our elders in this soil. We have no surviving connection to India. We do not know the village our ancestors left. There is no return address. Fiji is not where our family ended up — it is the only home our family has ever known.

We say this plainly because it is the foundation of everything that follows. When a citizen has nowhere else on earth to belong, the question of whether the Constitution treats that citizen as a full and equal member of the nation is not abstract. It is the whole of their security.

2. The constitutional context

In fifty-five years of independence, Fiji has had four constitutions — 1970, 1990, 1997, and 2013 — interspersed with the abrogation of constitutional order on more than one occasion. Each new text has been, in essence, an attempt to settle the same unfinished question: on what terms the different communities of these islands share one country.

The 1970 independence constitution sought a multicultural compromise but entrenched ethnic division through communal representation. The 1990 Constitution, imposed rather than negotiated after the events of 1987, institutionalised the political paramountcy of one community over the others. The 1997 Constitution, negotiated between iTaukei and Indo-Fijian leaders, sought to restore multi-ethnic foundations — and was strong enough that the courts ordered its reinstatement after the upheaval of 2000. The 2013 Constitution, whatever its origins, did something no previous text had done: it established a single common roll, a common name for all citizens, and an extensive Bill of Rights.

The pattern is one of rupture and rewrite — each settlement reaching for a stability that the next disruption took away. This review, following the 2025 Supreme Court opinion that reopened the path to constitutional change, is the first broadly participatory opportunity since 1997 to settle what earlier texts left unfinished, and to preserve what the 2013 text got right. We ask the Commission to approach it in that spirit: keeping what works, strengthening what is fragile, and amending only what experience has shown to be wrong.

3. What our family lived

We do not recount the following as grievance. We recount it because the principles we ask the Commission to protect were purchased at the price of these experiences, and because a Constitution that does not understand what it is guarding against cannot guard against it.

1987

In 1987, our home was raided. I was a young boy, in middle school. We were fortunate — beyond the fear and the intimidation, nothing worse befell us. But the message was unmistakable: in our own country, in our own home, our safety had become conditional on the goodwill of armed men who had decided that people like us did not fully belong.

That raid took place against a documented backdrop. In May 1987, the elected government of Prime Minister Timoci Bavadra was overthrown in a military coup; a second coup in September of the same year declared Fiji a republic and abrogated the constitutional order. The coup leadership proclaimed its intention to make Fiji a Christian state and described Indo-Fijians, in religious terms, as people to be converted. A decree forbade ordinary activity on Sundays for the better part of a year. Hindu temples and Muslim mosques were desecrated and, in places, burned. These events are part of the public record — in the contemporary press, in the work of religious and human-rights bodies of the time, and in the constitutional review that followed. For a community that had been in Fiji for a century, the message of those months was that this was not our home and our faith was not welcome in it.

2000

In 2000, the country's first Indo-Fijian Prime Minister and his government were seized in Parliament and held hostage for fifty-six days. The centre of Suva was looted and burned; some two hundred Indo-Fijian and Chinese-owned businesses were destroyed. In the farming settlements inland of Nausori — Muaniweni, Baulevu and beyond — Indo-Fijian families were robbed, beaten, their homes burned and their crops and livestock destroyed, with some forced to hide in the surrounding forests. Months later, in November of that year, members of the army's Counter Revolutionary Warfare unit — soldiers who had taken part in Speight's coup in May — mutinied at Queen Elizabeth Barracks in an attempt to kill the military commander and complete by assassination what the coup had failed to achieve at the negotiating table. Several loyal soldiers were killed in the fighting that followed, and several captured mutineers were subsequently beaten to death. The violence of 2000 was not confined to one community or to one side; the wider truth is that the unconstitutional acts of that year set in motion further wrongs whose responsibility belongs to those who began them, and whose accounting was incomplete. Our family was not directly caught in that violence, but it fell upon people who were our neighbours, our community, our kin in every sense that matters.

It is part of the documented record of both 1987 and 2000 that Indo-Fijian women were subjected to grave abuse, including sexual violence. We state this with restraint and without elaboration, because it requires none. It is among the things a Constitution exists to make impossible.

In both 1987 and 2000, the constitutional order was broken by force, and in both, those responsible were ultimately shielded from accountability. The overthrow of an elected government, ending not in justice but in amnesty, is itself a lesson this review must absorb.

There is another cost to those years that appears in no record of property destroyed or order broken. After 1987, and again after 2000, many thousands of Indo-Fijians left — not because they had stopped loving this country, but because they could no longer be sure it would have them. Among them were cousins I grew up with. We said our goodbyes, and they went to distant countries. I did see some of them again, but only after many years, and by then we had become different people in different lives — the easy closeness of childhood worn thin by distance and time. A whole generation of this community was scattered across the world by the fear that they did not belong here, and the families that remained were left smaller, and quieter, than they had been.

Our family stayed. We stayed when others left — not because we were braver, but because this was the only home we had, and we could not imagine ourselves anywhere else. That is the place this submission speaks from: not the vantage of those who had somewhere else to go, but of those who stayed because there was nowhere else that was theirs.

2006

The country's third rupture of the constitutional order came on 5 December 2006, when the elected government of Prime Minister Laisenia Qarase was removed by the military. We speak of it here in a different register, and we owe the reader an honest reason why.

Our family did not experience 2006 as it had experienced the earlier ruptures. There was no raid on our home. There were no temples or mosques burned. No Christian-state project was proclaimed. The targeted humiliation and the communal violence that had marked 1987 and 2000 were, in 2006, not part of the experience of Indo-Fijians. For many in our community — and we will not pretend otherwise — the immediate aftermath was not one of fear but of cautious relief.

But the constitutional order had been broken once again, and the cost of that breaking fell on others. Public servants, many of them iTaukei, were displaced. The country was governed by decree for nearly a decade. Media freedom was restricted. Dissent was discouraged. There were prosecutions and imprisonments. A family writing honestly about what this country has lived through cannot pass these costs over because they did not fall principally on us. The breaking of constitutional government is wrong regardless of which community is most directly harmed, and regardless of whether the rupture is followed by reforms one welcomes or fears. That is not an argument for reopening the past. It is, instead, the foundation of what we ask in the principles that follow: that no future government, of any character, should ever again be empowered to set aside the constitutional order, and that no future actor should ever again be granted immunity for doing so.

Three times in twenty years, between 1987 and 2006, the elected government of this country was overthrown by force. Twice, our community paid directly — in fear, in property, in dignity, and in worse. The third time, the cost was borne by others, as we have already said. The principles set out below are drawn from all of it.

We tell this from where we stood, and we do not claim that ours was the only suffering. The coups wounded the whole republic. Ordinary iTaukei families lived through the same instability, the same fear of the man with the gun, the same collapse of livelihoods and trust; and in 2000 the violence turned iTaukei against iTaukei as well. Fear travelled differently through different communities, but it spared none of them. We offer our family's memory not as a grievance held against any community, but as one window onto an injury that was, in the end, national — and from which the whole nation has the same interest in never suffering again.

4. Principles we ask the Commission to protect

We set out eleven principles. For each, we identify where it sits in the 2013 Constitution and state whether, in our submission, the provision should be **preserved**, **strengthened**, or **amended**. We group them in two parts: principles of rights and belonging, and principles concerning the integrity of the State.

Part A — Rights and belonging

1. Equal citizenship and the common name “Fijian”

Every citizen of Fiji should stand equal before the law and equal within the nation, regardless of ethnicity, religion, ancestry, gender or background. No citizen should be made to feel less Fijian than another. The most concrete expression of this principle is the common name introduced by the 2013 Constitution: that every citizen, of every origin, is a “Fijian.”

We ask the Commission to understand why this matters to a family like ours. We have no surviving connection to India; we do not know where our ancestors came from; Fiji is all we know. To be called “Fijian,” without qualification, is not a courtesy extended to us — it is a statement of fact. To revert to a nomenclature that names the indigenous population “Fijian” and names us as something else, located elsewhere, would be to tell four generations of this family that they remain guests in the only home they have. We ask that the common name be protected.

We do not make this argument in ignorance of the other side of it. We understand that, for the iTaukei, “Fijian” was for generations not merely a civic label but an ancestral identity bound to land, lineage and chiefly tradition, and that its extension to all citizens was felt by some as a loss made without their consent. That grievance is real and is held in good faith. We do not ask the Commission to dismiss it.

We ask only that the answer to it not be the renewed division of citizens by name — that indigenous identity be secured and honoured by other means, of which there are many, rather than by telling the rest of us that we are something less than fully of this place.

Constitutional anchor: *Section 5 (the common name and citizenship); section 26 (equality and freedom from discrimination); Chapter 2 (Bill of Rights) generally.*

Position: Preserve and protect. The common name and the equal-citizenship guarantee should survive the review intact, and any proposal to reintroduce ethnically segregated nomenclature should be expressly rejected.

2. Freedom of religion and belief

Every person should have the right to practise their faith freely, peacefully and without fear, while respecting the rights and beliefs of others. Fiji should never again be declared the property of a single religion, nor should the machinery of the State — as the Sunday decrees once did — be turned into an instrument against those who worship differently.

Constitutional anchor: *Section 22 (freedom of religion, conscience and belief); section 4 (secular State).*

Position: Preserve. The secular character of the State and the guarantee of religious freedom should be retained without dilution.

3. The right to live peacefully and securely

Citizens should have the right to live in safety, free from violence, intimidation and criminal activity. Public safety and personal security are foundational to national wellbeing. This principle reaches beyond ethnicity and history into what ordinary citizens want daily life in Fiji to feel like: a home that cannot be raided, a street that is safe, a country where no one fears the knock at the door.

Constitutional anchor: *Section 9 (right to personal liberty); section 11 (freedom from cruel and degrading treatment); section 29 (access to justice).*

Position: Preserve and strengthen.

4. Protection from discrimination

Fiji should remain a country where opportunity, dignity and treatment under the law are not determined by race, religion or origin.

Constitutional anchor: *Section 26 (equality before the law and freedom from discrimination).*

Position: Preserve.

5. Protection of the home, privacy and personal liberty

No family should suffer arbitrary intrusion into its home or the unlawful exercise of State power against it. We write this with particular feeling, having had our own home raided. The security of the home is among the most basic things a Constitution promises, and among the first things lost when constitutional order fails.

Constitutional anchor: *Section 24 (privacy); section 9 (personal liberty); section 13 (rights of arrested and detained persons).*

Position: Preserve.

6. Rule of law and due process

Institutions must protect citizens fairly, consistently and impartially. The law must apply equally to the powerful and the ordinary alike, and no person should be above it or beneath its protection.

Constitutional anchor: *Section 3 (principles of constitutional interpretation); Chapter 2 (Bill of Rights); Chapter 5 (Judiciary).*

Position: Preserve and strengthen.

7. National unity alongside diversity

Fiji's strength lies in citizens of different backgrounds living together peacefully, with mutual respect. Unity does not require uniformity; it requires that no community's belonging be treated as conditional on the sufferance of another.

Constitutional anchor: *Preamble; section 1 (the Republic); section 5 (citizenship).*

Position: Preserve.

8. Equal opportunity and economic dignity

Our family's story in Fiji is, at its root, an economic one. Our great-grandparents were brought here to cut cane. From that beginning, four generations built their way — through labour, through schooling, through small enterprise, and eventually through service to the State. That path, from the cane field to the public service, is the quiet promise this country once made to people who arrived with nothing: that what you could become would be determined by your effort and your ability, not by the circumstances of your birth.

We ask the Commission to protect and strengthen that promise. Every citizen should have a fair opportunity to learn, to work, to participate in the economic life of the nation, and to live in dignity, regardless of ethnicity, religion, or origin. This is not a matter that divides our communities; it is one of the few that unites them. The rural iTaukei family and the cane-belt Indo-Fijian family have shared, across the generations, the experience of being left behind while elites of every community prospered. A Constitution that takes equal opportunity seriously speaks to both, and to the children of both.

Constitutional anchor: *Section 31 (right to education); section 32 (right to economic participation); section 33 (right to work and a just minimum wage); section 36 (right to health); read with section 1(d) (equality for all and care for the less fortunate) and section 26 (equality).*

Position: Preserve and strengthen. The socio-economic rights of the Bill of Rights should be retained, and the State's duty to pursue effective equality of opportunity — in education, work, and economic participation, for all who have not shared fairly in the nation's development — should be affirmed clearly in the text.

Part B — The integrity of the State

We have spoken of what our family suffered when the State turned against its own citizens. We must now say something that follows from it. Rights on paper did not protect us in 1987, and they did not protect our community in 2000. What failed in those years was not the words of any constitution — it was the institutions meant to stand behind the words. A right that no independent court will vindicate, an equality that no honest commission will enforce, a law that bends to whoever holds power — these are promises that fail exactly when they are most needed.

So we turn now from what the Constitution should promise to what must make those promises real. We offer the principles in this part with the particular standing of a family member who has served Fiji's institutions across successive governments, and who has watched, from the inside, how that architecture holds — or gives way — under strain. A constitution is not only a charter of rights. It is also a design for power. Rights survive only where institutions are built to defend them.

9. Meritocracy and democratic mandate

Public power in Fiji should rest on one of two foundations: the consent of the people expressed through free and fair elections, or appointment to office on the basis of capability, integrity and qualification. Let us be clear about what we are not saying. We do not question the security of indigenous identity, the protection of iTaukei land, or the continuity of custom and chiefly tradition in the life of this nation — these are part of what makes Fiji itself, and a family that calls nowhere else home has every reason to wish them preserved.

What we question is something narrower and different: whether formal constitutional power — over legislation, appointments, or the executive — should be vested in any body whose membership is determined by hereditary status or ascription rather than by election or merit. Traditional institutions hold a vital cultural, customary and advisory role, and that role should be respected and protected. But the exercise of constitutional power belongs to elected representatives and to officers appointed on merit.

Constitutional anchor: *Section 1 (the State); section 3 (interpretation); Chapter 3 (Parliament); read with section 26 (equality).*

Position: Preserve and strengthen. Any proposal to confer constitutional authority on a body not constituted by election or merit-based appointment should be expressly excluded.

10. Accountability under law; no future immunity for unconstitutional acts

The rule of law requires that no person, and no class of persons, stand above the criminal law. The immunities that exist in the present constitutional order were the prices paid for transitions back to elected government in difficult moments of this country's history. They were not just outcomes, and they did not deliver justice to those they were imposed upon. But they were the settlements that brought Fiji back, each time, to constitutional rule. We do not ask that the past now be reopened. To do so, long after the events, would in our view divide the country deeply and serve no purpose that the present, with its many more urgent needs, would not be better served by addressing.

What the Constitution must do is learn from the past, not enable its repetition. We ask that it close the door going forward. No immunity should ever again be available to those who seize, or attempt to seize, power outside the constitutional order. The lesson of the last forty years is that when amnesty is offered as the price of transition, the next ambitious officer learns that the worst outcome of an unconstitutional act is, in the end, a negotiated exit. That lesson has cost Fiji dearly. The Constitution should make it clear, beyond any future negotiation, that the unconstitutional seizure of state power carries criminal liability that cannot be bargained away.

Constitutional anchor: *Chapter 10, particularly sections 156–158; read with section 15 (access to courts) and section 26 (equality before the law).*

Position: Amend. The Constitution should expressly preclude the grant of immunity for any future unconstitutional act against the State. The immunities of the present order should stand undisturbed, as the historical settlements they were, but the Constitution should make clear that they are the last of their kind.

11. The independence and integrity of national institutions

A free country rests not only on the rights written in its Constitution but on the strength of the institutions that give those rights effect. The three arms of government — the legislature, the executive, and the judiciary — must each function independently of the others, so that no single hand holds the power to make law, to wield it, and to judge its use. And the institutions that uphold the law and guard the integrity of public life — the courts, the office that prosecutes crime, and the body that combats corruption — must be genuinely independent of the government of the day. This independence cannot be a word in the text contradicted by the wiring beneath it; it must be real in how these offices are appointed, how securely they hold their positions, and how they are funded. Independence has a temporal dimension that a Constitution must respect: an office whose holder serves only at the pleasure of the government that appointed them, or whose term begins and ends with that government's own, is not truly independent of it. Security of tenure — terms long enough, and protected enough, to outlast the political cycle — is not a privilege for the office-holder but a guarantee for the citizen.

Institutions fail in two directions, and a Constitution must guard against both. They fail when they are captured — bent to serve those who hold power, so that wrongdoing by the powerful goes unanswered. And they fail when they are weaponised — turned against those who do not hold power. The most corrosive form of this weaponisation is the use of prosecutorial, investigative or regulatory powers against political opponents, dissenting voices, or critical media — the conversion of institutions that exist to defend the public into instruments for the removal of inconvenient figures from public life. When this happens, the same institutions that are meant to hold power to account become extensions of it; criminal process replaces electoral contest; and the line between the rule of law and the rule of those who hold office is effectively erased. The citizen is entitled to institutions that are even-handed in both directions: that pursue serious wrongdoing wherever it is found, and that are never deployed to harass political opponents, silence critics, or settle scores.

The independence we ask for must protect the citizen equally under every government and against every government. It is not a claim made on behalf of one administration against another. Safeguards that prevent the capture of an institution by one government must not become the means by which another entrenches its own people within it; and an institution already bent to serve a past government must be set free, not frozen in place. The principle is the same one we have urged throughout: it answers to the citizen, not to whoever happens to hold power, and it holds across political time.

We make this point at the level of principle, as we have made the others, and we do not presume to draft the machinery for the Commission. But we say plainly, from a lifetime spent inside these institutions across successive governments, that independence secured only by declaration is no independence at all, and that it must be matched by transparency — so that it protects the citizen against power, and never becomes a shield for the office-holder against scrutiny.

Weak institutions and poorly supported public servants are not a victimless failure: their cost is paid in corruption, in development forgone, and in the quiet harm done to a generation that deserved better. Where these institutions are strong, honest, and even-handed, every other right in this Constitution becomes real. Where they are weak, captured, or weaponised, every other right becomes a paper promise. A family that has had its home raided understands, better than most, what is at stake when the courts, the prosecutor, and the law itself answer to the same hand that holds the guns.

Constitutional anchor: *Sections 90–97 (the executive and the Director of Public Prosecutions); Chapter 4 (the executive); Chapter 5 (the judiciary, sections 97–123); section 115 (the Fiji Independent Commission Against Corruption); read with section 16 (executive authority) and Chapter 7 (public finance).*

Position: Amend and strengthen. The present text contains the language of independence but retains points at which the executive of the day can reach into the appointment, tenure, and funding of these offices. We ask the Commission to secure their independence in substance — insulated from the political cycle, and balanced by transparency and accountability to the people through Parliament — so that the separation of powers and the integrity of public life are guaranteed in practice and not merely in form.

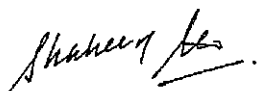
5. Conclusion

We began with a man named Jahur Alam and a man named Salamat, who crossed an ocean under indenture and never went home. We have ended with courts and commissions and the independence of the institutions that hold a country together. The distance between those two things is the whole of what a Constitution is for. It is the line that runs from a family's deepest need — simply to belong, and to be safe — to the institutions that must be built and guarded if that need is ever to be met.

Our hope is simple, and it has not changed in four generations. We hope that those who come after us inherit a Fiji where every citizen belongs equally — by name and in fact — worships freely, raises a family in safety, and trusts that their dignity is protected not by the goodwill of the powerful but by institutions strong enough to defend it. We hope they inherit a country whose laws bend to no one, and whose home can never again be raided in the night because of who lives inside it.

We did not come to Fiji seeking belonging. We were born to it. We have stayed through every storm this country has passed through — not because we could not imagine leaving, but because there was nowhere else that was ours, and nowhere else we wished to be. We ask only that the Constitution honour that choice by protecting every citizen equally — especially those who, like us, are not going anywhere.

Respectfully submitted,



Shaheen Ali

For and on behalf of the Ali family

Suva, 8 June 2026

A note on sources

The historical events described in this submission are matters of public record. They are drawn from contemporary reporting of the period; from the records and statements of religious and inter-faith bodies and human-rights organisations active at the time; from the report of the 1996 Fiji Constitution Review Commission (the Reeves Commission); and from the decisions of Fiji's courts concerning the events of 2000, including the reinstatement of the 1997 Constitution. We have stated the family's own experience as testimony, and the wider events as record. We have not embellished either.

Nasoni Tuigalele

7/5/26, 2:30 PM

Gmail - Fwd: New Submission #10 for Constitution Review Form



Constitution Review Commission <commissioners2026@gmail.com>

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Mere Nailatikau <m.nailatikau@gmail.com>

Sun, Jul 5, 2026 at 2:01 PM

To: Constitution Review Commission <commissioners2026@gmail.com>

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Subject: New Submission #10 for Constitution Review Form

To: <m.nailatikau@gmail.com>

You have a new Constitution Review submission:

1. **First Name**
NASONI
2. **Last Name**
TUIGALOA
3. **Gender**
Male
4. **Age**
53
5. **Email Address**
nasoninavurai@gmail.cm
6. **Phone**
+679 865 5749
7. **Address**
Address : FNU
8. **Organization**
DIPLOMA IN VANUA LEADERSHIP COHORT
9. **Written Submission**

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32K

2013 CONSTITUTION CONSULTATION SUBMISSION

KEY AREAS THAT NEED TO BE ADDRESS TO CHANGE IN THE 2013 CONSTITUTIONS

To effectively change or reform the Constitution of Fiji, it is important to focus on key structural, legal, cultural, and governance areas. Below are the **critical areas that need to be addressed**:

1. Amendment Process (Entrenchment Clauses)

- The Constitution currently requires a **75% majority in Parliament** plus a **75 % national referendum**.
- This makes reform extremely difficult.
- **Key issue:** Whether this threshold reflects democratic flexibility or restricts necessary change.
- **Action needed:** Review amendment rules to balance stability and adaptability.

2. Role and Power of the Attorney-General

- The Constitution centralizes significant legal and political influence in the office.
- **Concern:** Potential imbalance of power and limited checks.
- **Action needed:** Strengthen **separation of powers** and ensure greater parliamentary and judicial oversight.
- **Section 44; (Clause 7, 8): Social justice measures/ Control over Legal interventions.**
 Clause 8- In the context of the bill of right, the AG is given the central role in legal proceeding where he/she can be notified and can intervene in cases where constitutional right are in question, particularly regarding land or the validity of the past decrees, ensuring the State's position is protected.
- **Action needed:**
 - I. The AG still had every right and power to activate this bill for the benefit and protection of the State.
 - II. This Section shall only then be nullified or abolished after serving of this LEGAL functional power for the removal of 2013 Constitution within it constitutional timeline (10 years).

3. Recognition of Vanua Leadership and Traditional Governance

- The current Constitution emphasizes a **common and equal citizen identity**, but gives limited formal authority to traditional systems.
 - **Key issue:** Lack of integration of **iTaukei governance structures** (GCC, Vanua, chiefs).
 - **Action needed:**
 - Define the **constitutional role of Vanua leadership**
 - Possibly re-establish or strengthen institutions like the Great Council of Chiefs in governance
-

4. Land and Resource Ownership Protections

- While iTaukei land is protected, concerns remain about:
 - Long-term leases
 - Resource control and benefits
 - **Action needed:** Strengthen provisions ensuring **community consent, fair benefit sharing, and resource sovereignty**.
-

5. Electoral System Reform

- The current system uses **proportional representation with a single national constituency**.
 - **Issues:**
 - Weak connection between MPs and local communities
 - Reduced provincial representation
 - **Action needed:** Consider:
 - Constituency-based representation
 - Greater provincial voice in Parliament
 - **Candidates with the highest votes from a Constituency wins a parliamentary seat.**
-

6. Judicial Independence and Constitutional Interpretation

- Concerns about how independent the judiciary is in constitutional matters.
- **Action needed:**
 - Strengthen judicial appointment processes

- Ensure courts can freely interpret the Constitution without political pressure
-

7. Bill of Rights and Cultural Balance

- The Constitution strongly protects individual rights.
 - **Issue:** Limited recognition of **collective cultural rights** and traditions.
 - **Action needed:** Balance:
 - Individual human rights
 - Communal and cultural rights (Vanua, traditions, customary law)
-

8. Decentralization and Provincial Governance

- Power is highly centralized in the national government.
 - **Issue:** Provinces and local communities have limited autonomy.
 - **Action needed:**
 - Empower provincial councils
 - Establish a clearer **local governance framework**
-

9. Military Influence in Governance

- The Republic of Fiji Military Forces has a constitutionally recognized role.
 - **Concern:** Potential political influence.
 - **Action needed:** Clarify and limit the military's role strictly to **national security**, not political oversight.
-

10. Public Participation and Referendum Structure

- Current framework limits how people can influence constitutional change.
 - **Issue:** Public voices (especially rural and Vanua communities) may not be fully reflected.
 - **Action needed:**
 - Design a more inclusive **referendum process**
 - Strengthen civic education and consultation mechanisms
-

11. Transparency and Accountability Mechanisms

- Need stronger systems to hold leaders accountable.
- **Action needed:**
 - Strengthen anti-corruption institutions
 - Improve transparency laws and public access to information

12. National Identity vs Cultural Identity

- The Constitution promotes a unified national identity.
- **Issue:** Some feel this reduces recognition of indigenous identity and leadership structures.
- **Action needed:**
 - Harmonize **national unity** with **cultural preservation**
 - Recognize the role of Vanua in national development

13. Constitutional Review Every 7 Years

A constitutional provision requiring a review every ten (10) years ensures that the supreme law of the nation remains aligned with the evolving needs, values, and aspirations of its people.

1. Purpose of a 7-Year Review

- **Relevance:** Society, technology, and governance challenges change over time. A periodic review ensures the constitution reflects current realities.
- **Accountability:** It provides an opportunity to assess whether state institutions are operating as intended.
- **Public Participation:** Encourages citizens to engage in shaping their governance framework.
- **Correction of Gaps:** Identifies weaknesses, ambiguities, or overly centralized powers.

2. Key Features of the Review Process

- Establishment of an **independent Constitutional Review Commission**
- Nationwide **public consultations** (including Vanua leadership structures, civil society, youth, and private sector)
- Transparent reporting and publication of findings
- Recommendations subject to **Parliamentary debate and approval**
- Possible **referendum** for major changes

3. Benefits

- Promotes **stability with flexibility**

- Strengthens **democratic legitimacy**
- Supports **good governance and rule of law**
- Aligns national laws with **cultural values and traditions**, including Vanua leadership principles

4. Considerations for Fiji Context

- Must respect the balance between **modern state governance** and **traditional Vanua systems**
- Should ensure inclusivity across all communities in Fiji
- Avoid politicization of the review process
- Maintain constitutional supremacy while allowing meaningful reform

“The Constitution shall be subject to a comprehensive review every ten (10) years by an independent Constitutional Review Commission appointed in accordance with the law. The Commission shall conduct wide public consultations and submit its recommendations to Parliament, and where necessary, to a national referendum.”

14. Presidential Term: 5-Year Turnover

A constitutional provision for the office of the President and the office of the Vice President to serve a fixed term of five (5) years ensures regular leadership renewal, accountability, and stability at the highest level of the State.

1. Purpose of a 5-Year Presidential Term

- **Leadership Renewal:** Prevents concentration of power over long periods
- **Accountability:** Encourages performance within a defined timeframe
- **Stability:** A fixed term provides predictability in governance
- **Balance of Power:** Limits executive dominance and reinforces constitutional order

2. Key Features

- The President shall serve a **term of five (5) years**
- Eligibility for **one reappointment or re-election only** (maximum of 2 terms)
- Clear process for **appointment/election and removal**
- Defined **powers and ceremonial vs executive roles** to avoid abuse

3. Considerations for Fiji Context

- Align the role with national unity and cultural respect, including **Vanua leadership values**
 - Ensure the appointment process is **independent and transparent** (e.g., involving Parliament and possibly traditional leadership consultation)
 - Clarify whether the President remains **ceremonial or gains specific oversight powers**
-

4. Example Clause (Draft)

“The President shall be the Head of State and shall serve a term of five (5) years. A person may serve as President for a maximum of two (2) terms, whether consecutive or not. The appointment of the President shall be conducted in a transparent and inclusive manner as prescribed by law.”

How It Fits with Your 10-Year Constitutional Review

- The **5-year presidential cycle** allows evaluation of leadership twice within one constitutional review period
- The **10-year constitutional review** then assesses whether the presidential system itself is functioning effectively

15. QOLIQOLI BILL- Constitutional Reform Directions

Key Issues and Challenges

- **Control vs Ownership:** iTaukei communities claim ownership, but the government regulates usage
- **Commercial Exploitation:** Outside fishing licenses may undermine local benefits
- **Environmental Degradation:** Overfishing and climate change impact sustainability
- **Limited Economic Return:** Communities may not fully benefit from their own resources

a. Recognition Clause

“The State shall recognize and protect the customary ownership of land, sea mineral resources and stewardship of qoliqoli by the iTaukei people.”

b. Shared Governance

- Co-management between **Government and Vanua leadership**
- Local communities involved in licensing decisions

c. Economic Empowerment

- Ensure **direct benefit-sharing** to customary owners
- Support community-led fisheries and eco-tourism

d. Environmental Protection

- Integrate traditional knowledge with modern conservation laws
 - Establish protected areas under Vanua authority
-

16. LAND OWNERSHIP

FREEHOLD LAND

Calls for Reform

- Limits on foreign ownership** of freehold land
- Mechanisms to **reconnect freehold land with Vanua interests**
- Policy to ensure **equitable access** to land for indigenous communities

◆ 1. Targeted Land Restitution

Return of land that:

- Was **clearly unjustly taken**
 - Land is:
 - Unused
 - State-owned
 - Under dispute
-

◆ 2. Co-Ownership / Shared Governance

- Create **joint ownership models**:
 - Freehold owner + original mataqali
- Or require:
 - **Vanua representation in land decisions**

◆ 3. Lease-Back Arrangements

- Encourage or require freehold owners to:
 - Lease land to original communities
 - Long-term leases (50–99 years)
-

◆ 4. Compensation & Benefit Sharing

Where return is impossible:

- Government or landowners provide:
 - Financial compensation
 - Royalties from land use (tourism, agriculture, mining)

Example:

- A resort on former customary land shares revenue with the mataqali who owns the land.
-

◆ 5. Land Banking System

- Government purchases freehold land when available
- Gradually returns it to:
 - iTaukei ownership
 - Community trusts

☞ Slow but stable restoration method

◆ 6. Legal Reform (Vanua Integration)

Amend laws to:

- Recognise **customary interest in freehold land history**
- Require:
 - Cultural consultation
 - Community impact agreements

☞ Aligns modern law with **vanua values**

17. BICAMERAL PARLIAMENT IN FIJI

Reforming the structure of Parliament offers an opportunity to strengthen democracy, accountability, and representation in Fiji. One such reform is the introduction of a **bicameral parliamentary system**, replacing the current unicameral structure under the 2013 Constitution of Fiji. A bicameral system—consisting of two legislative chambers—can better reflect Fiji’s unique social, cultural, and political landscape.

1. What is a Bicameral Parliament?

A bicameral parliament is a legislative system with **two separate chambers**:

- A **Lower House** (representing the general population)
- An **Upper House** (providing review, oversight, and representation of special interests such as traditional leadership, provinces, or minorities)

This system is used in many democracies worldwide to improve the quality of law-making and ensure checks and balances.

2. Proposed Structure for Fiji

A. Lower House – House of Representatives

Role:

- Primary law-making body
- Represents the people through democratic elections

Composition:

- Members elected by the public through a fair electoral system
- Representation based on population

Functions:

- Introduce and pass legislation
- Form the government (Prime Minister and Cabinet)

- Represent national interests
-

B. Upper House – Council of Elders / Senate

Role:

- Review and scrutinize laws passed by the Lower House
- Represent traditional, provincial, and national interests beyond party politics

Composition (Proposed):

- Representatives from provinces (Vanua leadership)
- Nominees from civil society, religious groups, and professional bodies
- Legal and constitutional experts
- A balanced inclusion of women and youth voices

This chamber could revive and modernize the spirit of the former Senate, but with stronger independence and clearer functions.

Functions:

- Review, amend, or delay legislation
 - Protect constitutional values and indigenous rights
 - Ensure laws align with long-term national interests
 - Provide non-partisan oversight
-

3. Why Fiji Should Consider Bicameralism

a. Stronger Checks and Balances

A second chamber prevents the concentration of power in one body, improving accountability and transparency.

b. Inclusion of Vanua Leadership

It creates a formal space for traditional leaders to contribute to national governance in a structured and meaningful way.

c. Better Law-Making

Bills are reviewed twice, reducing errors, rushed decisions, and politically driven legislation.

d. Representation of Diverse Interests

Ensures that minority groups, provinces, and cultural institutions have a voice at the national level.

4. Why It Is Important

a. Balancing Modern Democracy and Tradition

Fiji's identity is rooted in both democratic governance and traditional structures. Bicameralism bridges these two systems.

b. Long-Term Stability

A second chamber provides continuity and stability, especially during political changes.

c. Increased Public Confidence

People are more likely to trust a system where laws are carefully reviewed and widely represented.

d. Protection Against Abuse of Power

Prevents dominance by a single political party or executive authority.

5. Key Considerations for Implementation

- **Clear constitutional roles** for both chambers to avoid conflict
- **Transparent selection process** for Upper House members
- **Limits on power** (e.g., Upper House can delay but not permanently block legislation)
- **Cost and efficiency balance** to ensure sustainability.

The introduction of a bicameral parliament in Fiji represents a forward-looking reform that respects both democratic principles and traditional governance systems. By combining a people-elected Lower House with a reviewing and advisory Upper House, Fiji can create a more inclusive, balanced, and resilient parliamentary system.

Such reform, if carefully designed and supported by the people, can strengthen governance, restore trust, and align national leadership with the values and aspirations of all Fijians.

•

18. SALE OF FAKE OR COUNTERFEIT FIJIAN PRODUCT

“The Government of Fiji and relevant international authorities should take decisive action to ban and eliminate counterfeit and fake Fijian products sold locally and globally. Such products damage the integrity of authentic Fijian craftsmanship, undermine local industries, exploit consumers, and weaken the national identity and economic prosperity of Fiji. Protecting genuine Fijian products is essential to preserving our culture, supporting our people, and safeguarding the reputation of Fiji in the global market.”

CONCLUSION

Reforming the Constitution of Fiji is not just a legal process—it is a **national transformation effort**. It must:

- Balance **modern democratic governance** with **traditional Vanua leadership**
- Ensure **inclusive participation**
- Strengthen **accountability and fairness**

VINAKA VAKALEVU

Bhupendra Prasad

7/5/26, 2:49 PM

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Mere Nailatikau <m.nailatikau@gmail.com>

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To: <m.nailatikau@gmail.com>

You have a new Constitution Review submission:

1. **First Name**
Bhupendra
2. **Last Name**
Prasad
3. **Gender**
Male
4. **Age**
69
5. **Email Address**
bhupendraprasad32@gmail.com
6. **Phone**
+679 993 3012
7. **Address**
Address : PO Box 19143 SUVA
8. **Organization**
Individual
9. **Written Submission**

I cannot see anything wrong or any problem in the 2013 constitution . People have been able to change the government through the ballot box ☒ and that is what democracy is all about. Government of the people for the people and by the people is democracy. The present constitution allows people to vote a candidate of their choice from anywhere for example if you live in nadi and a candidate of your choice lives in suva you can vote for that candidate. Another good thing in the 2013 constitution is that to form a government a party or parties will need 50% plus 1 vote. 1997 constitution divided the country along racial lines whereas 2013 constitution united the country. We must understand that 1970 constitution was the main reason of the coup in Fiji because it divided people along racial lines and politicians used race cards and land threats to more divided to win election. Constitution must bring unity, harmony, trust, patriotism and create equal opportunities for people. Constitution must not be made easy for the benefit of the politicians but it must be made better for the united country. The head of state and the prime minister must not serve more than two terms this will help new leaders with new brains to move the country to greater height. State shall take responsibility for the welfare of underprivileged and landless people of all races. In the end I cannot see anything wrong in the 2013 constitution as long as basic human rights are protected.

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Emosi Ugavule

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To: Constitution Review Commission <commissioners2026@gmail.com>

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Date: Sun, 28 Jun 2026 at 2:11 PM

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To: <m.nailatikau@gmail.com>

You have a new Constitution Review submission:

1. **First Name**
Emosi
2. **Last Name**
Ugavule
3. **Gender**
Male
4. **Age**
60
5. **Email Address**
ugavuleemosi57@gmail.com
6. **Phone**
+679 285 8928
7. **Address**
Address : Navua, Deuba.
8. **Organization**
Kawa Tuinaitavuni
9. **Written Submission**

SUBMISSION TO THE FIJI CONSTITUTION REVIEW COMMITTEE
CLAIM FOR REVIEW, RECOGNITION, AND RESTORATION OF DEUBA LANDS

Submitted by:

Emosi Ugavule

Kawa ni Tuinaitavuni

Liuliu Tokatoka Koroinavota

Mataqali Kai Deuba

Yavusa Kai Deuba

SUBJECT:

The Deuba Land Transaction of 5 September 1860 – A Historical Injustice Requiring Constitutional and Legal Review

Submission

We, the descendants of Kawa ni Tuinaitavuni of Mataqali Kai Deuba, Yavusa Kai Deuba, respectfully submit that the purported sale of approximately 15,000 acres of Deuba land on 5 September 1860 to William Thomas Pritchard and Robert Stewart Swanston for the sum of \$600 constitutes one of the most questionable and inequitable land transactions in Fiji's colonial history.

The historical record contained in Land Claim R.661 (National Archives) records the statement attributed to Isaac Mills Brower:

"Our purchase was the most notorious purchase in Fiji. We estimated the land at 15,000 acres."

This admission itself raises serious concerns regarding the fairness, validity, and legitimacy of the transaction. Historical records further show that customary Fijian land tenure was collective in nature and that the permanent alienation of land was not generally understood in the European legal sense by indigenous owners at that time. Historical evidence also records that many early land sales occurred without the full consent of all customary landowners and occupants.

7/5/26, 3:10 PM

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Office of the Historian
Constitutional Issues
We submit that:

The Deuba transaction occurred during a period when indigenous Fijians were unfamiliar with European concepts of permanent land alienation.
The alleged vendors, Kuruduadua and Vasutoga, could not lawfully extinguish the collective proprietary rights of the entire Yavusa, Mataqali, and their descendants without the informed consent of all customary owners. And they're both not landowners.
The consideration of \$600 for approximately 15,000 acres was grossly inadequate and unconscionable.
The transaction occurred before the establishment of modern legal safeguards protecting indigenous land rights.
The continued recognition of titles derived from such questionable colonial transactions perpetuates historical injustice against the indigenous landowners of Deuba.
Relief Sought

We respectfully request that the Constitution Review Committee recommend:

The establishment of an Independent Commission of Inquiry into historical colonial land acquisitions in Fiji.
A constitutional mechanism allowing indigenous landowning units to seek review of historical land transactions obtained through fraud, misrepresentation, inadequate consideration, or lack of customary consent.

Recognition of the right of affected customary landowners to pursue restitution, compensation, or negotiated settlement where historical injustice is established.
A full investigation into Land Claim R.661 and all titles derived from that claim.

Constitutional protection ensuring that no historical injustice involving indigenous land rights is shielded from lawful review.
Conclusion

The Deuba land transaction of 5 September 1860 remains a matter of profound concern to the descendants of the original landowners. Justice requires that historical land acquisitions obtained during the colonial era be subjected to proper scrutiny where credible evidence exists that customary ownership rights were compromised.

Accordingly, we respectfully request that the Constitution Review Committee recommend legal and constitutional pathways for the review of historical land claims, including the Deuba lands claim, in the interests of justice, truth, and reconciliation.

Submitted by:
Emosi Ugavule
Liuliu Tokatoka Koroinavota
Kawa ni Tuinaitavuni
Mataqali Kai Deuba
Yavusa Kai Deuba
Deuba, Fiji

10. Upload Submission

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Faizal Ali

7/5/26, 2:59 PM

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Mere Nailatikau <m.nailatikau@gmail.com>

Sun, Jul 5, 2026 at 1:11 PM

To: Constitution Review Commission <commissioners2026@gmail.com>

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Date: Fri, 19 Jun 2026 at 2:27 PM

Subject: New Submission #21 for Constitution Review Form

To: <m.nailatikau@gmail.com>

You have a new Constitution Review submission:

1. First Name

Faizal

2. Last Name

Ail

3. Gender

Male

4. Age

33

5. Email Address

alifaizal233@gmail.com

6. Phone**7. Address**

Address :

8. Organization

Personal

9. Written Submission

Under Section 40 of the Constitution, every citizen has the right to a healthy and peaceful environment. However, daily passengers on Fiji's public buses—like the Nasese services—are forced to suffer from dangerously loud music and heavy bass. Buses are a necessity used by the elderly, young children, and working people who have no other choice and are trapped in a noisy space. Times have changed, and since people can easily use personal earpods today, there is no need to blast music for everyone. If bus drivers want to play music, it must be legally restricted to a low, comfortable volume (a safe decibel limit) that does not disturb passengers. I urge the Commission to make sure our laws protect ordinary people from this daily stress on public transport.

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Isaac Farell

7/5/26, 2:47 PM

Gmail - Fwd: New Submission #15 for Constitution Review Form



Constitution Review Commission <commissioners2026@gmail.com>

Fwd: New Submission #15 for Constitution Review Form

Mere Nailatikau <m.nailatikau@gmail.com>

Sun, Jul 5, 2026 at 2:00 PM

To: Constitution Review Commission <commissioners2026@gmail.com>

----- Forwarded message -----

From: ITC <noreply@www.itc.gov.fj>

Date: Sun, Jul 5, 2026 at 1:58 PM

Subject: New Submission #15 for Constitution Review Form

To: <m.nailatikau@gmail.com>

You have a new Constitution Review submission:

1. First Name

Isaac

2. Last Name

Farrell

3. Gender

Male

4. Age

49

5. Email Address

fisaac55@yahoo.com

6. Phone

+679 986 3760

7. Address

Address : P.O.Box 816, Savusavu.

8. Organization

Marine

9. Written Submission

1- Taking Human Rights away by No Jab No Job which affected many of our household, and even affected our lives today with constant body aches, and feeling restless and tired. We should be compensated for that crime against humanity.

2- Ancestral Native Land taken away from us because of false declaration that we have been extincted all because of our name being Isaac Farrell and its not a Fijian name, though we are the direct descendant of the rightful ownership and bloodline.

3- Judiciary must be reviewed and past favoritism decision to be reviewed and corrected.

10. Upload Submission**11. Consent**

I consent to the processing and possible publication of my submission.

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Josefa Reka

7/5/26, 3:08 PM

Gmail - Fwd: New Submission #25 for Constitution Review Form



Constitution Review Commission <commissioners2026@gmail.com>

Fwd: New Submission #25 for Constitution Review Form

Mere Nailatikau <m.nailatikau@gmail.com>

Sun, Jul 5, 2026 at 1:10 PM

To: Constitution Review Commission <commissioners2026@gmail.com>

----- Forwarded message -----

From: ITC <noreply@www.itc.gov.fj>

Date: Thu, 25 Jun 2026 at 4:47 PM

Subject: New Submission #25 for Constitution Review Form

To: <m.nailatikau@gmail.com>

You have a new Constitution Review submission:

1. **First Name**
Josefa
2. **Last Name**
Reka
3. **Gender**
Male
4. **Age**
58
5. **Email Address**
josefareka@gmail.com
6. **Phone**
+679 904 6806
7. **Address**
Address : Nasigatoka
8. **Organization**
Justice movement
9. **Written Submission**

Do not need 2013 because is like a
Safe haiven for all criminal acts of
2006....All Fijians need explanation
From this precent Justice system as
to why it is taking too long for the
Prosecution office to apply A direct conviction on MR Bainimarama,
Khaiyum and party...All Fijians were not aware of the 2013 constitution and have been denied right to voice
qrieviences against the 2013 constitution especially section 155 and 158....Not even a single submission was
made to highlight the actual meaning of the constitution....A perfect constitution is to safeguard all ethnicity and
indigenous people of this beloved FIJI.I hereby make submission in demolishing the 2013 constitution.vinaka
Saka vakalevu.

10. Upload Submission**11. Consent**

I consent to the processing and possible publication of my submission.

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Leanaitasi Cabealawa

7/5/26, 3:12 PM

Gmail - Fwd: New Submission #28 for Constitution Review Form



Constitution Review Commission <commissioners2026@gmail.com>

Fwd: New Submission #28 for Constitution Review Form

Mere Nailatikau <m.nailatikau@gmail.com>

Sun, Jul 5, 2026 at 1:09 PM

To: Constitution Review Commission <commissioners2026@gmail.com>

----- Forwarded message -----

From: ITC <noreply@www.itc.gov.fj>

Date: Sun, 28 Jun 2026 at 9:47 PM

Subject: New Submission #28 for Constitution Review Form

To: <m.nailatikau@gmail.com>

You have a new Constitution Review submission:

1. **First Name**
Leanaitasi
2. **Last Name**
Cabealawa
3. **Gender**
Male
4. **Age**
54
5. **Email Address**
leanaitasi78@gmail.com
6. **Phone**
7. **Address**
Address : Lot 25 Kuka Place Nadawa
8. **Organization**
Individual
9. **Written Submission**

The Constitution to be inacted with the Legislation for the resource owners to trained to Manage and negotiate their own resources..Aii resource owner within Fiji to.be empowered with this skills to.sustain there own assets

10. **Upload Submission**11. **Consent**

I consent to the processing and possible publication of my submission.

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Malakai Kainisewe

7/5/26, 2:56 PM

Gmail - Fwd: New Submission #19 for Constitution Review Form



Constitution Review Commission <commissioners2026@gmail.com>

Fwd: New Submission #19 for Constitution Review Form

Mere Nailatikau <m.nailatikau@gmail.com>

Sun, Jul 5, 2026 at 1:11 PM

To: Constitution Review Commission <commissioners2026@gmail.com>

----- Forwarded message -----

From: ITC <noreply@www.itc.gov.fj>

Date: Fri, 19 Jun 2026 at 10:11 AM

Subject: New Submission #19 for Constitution Review Form

To: <m.nailatikau@gmail.com>

You have a new Constitution Review submission:

1. First Name

Malakai

2. Last Name

Kainisewe

3. Gender

Male

4. Age

44

5. Email Address

malakq981@gmail.com

6. Phone

+679 944 5974

7. Address

Address : 9 Biau Drive Cunningham Suva

8. Organization

Self

9. Written Submission

1. A special day allocated for worship this is significant for the environment and the people also stamping our dedication to the almighty

2. The removal of democracy to autocracy

3 The 10 commencement to be the foundation of our Constitution

4.Change the Education system to focus more on our culture and customs and values at age 5 to age 12

5 government sector to have database integrated system that allows visibility of accurate information.

6. Sports funding allocation by the national budget to include all age groups grades from younger ages to club level up to the provincial level. Allocation should include their submission fees uniforms and gears and transport. This will allow better quality of players available at national level for any given sport.

7 reduction of our ministerial pay and post

8 A law effectively covers all govt ministers and Commissioners to have 5 years max office term.

9. All employees retiring at 55 to be provided with psv license to operate as either Taxi or Minibus business for 5 years only.

10 govt to assist farmers in providing access roads and machinery's to farmers with land over 5 acres .

This will allow more farmers to go commercial

10. Upload Submission**11. Consent**

I consent to the processing and possible publication of my submission.

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Maria Bolaitavea

7/5/26, 2:51 PM

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Constitution Review Commission <commissioners2026@gmail.com>

Fwd: New Submission #17 for Constitution Review Form

Mere Nailatikau <m.nailatikau@gmail.com>

Sun, Jul 5, 2026 at 2:00 PM

To: Constitution Review Commission <commissioners2026@gmail.com>

----- Forwarded message -----

From: ITC <noreply@www.itc.gov.fj>

Date: Sun, Jul 5, 2026 at 1:58 PM

Subject: New Submission #17 for Constitution Review Form

To: <m.nailatikau@gmail.com>

You have a new Constitution Review submission:

1. **First Name**
Maria
2. **Last Name**
Bolaitavea
3. **Gender**
Female
4. **Age**
59
5. **Email Address**
mariabolaitavea7@gmail.com
6. **Phone**
+679 971 3584
7. **Address**
Address : Namelimeli village Namosi
8. **Organization**
Member woman's geoup
9. **Written Submission**

Change the 2013 constitution please

10. **Upload Submission**11. **Consent**

I consent to the processing and possible publication of my submission.

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Penioli Koliniwai

7/5/26, 3:15 PM

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Constitution Review Commission <commissioners2026@gmail.com>

Fwd: New Submission #30 for Constitution Review Form

Mere Nailatikau <m.nailatikau@gmail.com>

Sun, Jul 5, 2026 at 1:08 PM

To: Constitution Review Commission <commissioners2026@gmail.com>

----- Forwarded message -----

From: ITC <noreply@www.itc.gov.fj>

Date: Tue, 30 Jun 2026 at 6:37 PM

Subject: New Submission #30 for Constitution Review Form

To: <m.nailatikau@gmail.com>

You have a new Constitution Review submission:

1. **First Name**
Penioni Koliniwai
2. **Last Name**
Ravunawa
3. **Gender**
Male
4. **Age**
54
5. **Email Address**
apostlesfiji@gmail.com
6. **Phone**
+679 999 1962
7. **Address**
Address : PO Box 1459, Nabua
8. **Organization**
Apostles Fellowship International-AFI Church
9. **Written Submission**

APOSTLES FELLOWSHIP INTERNATIONAL (AFI)

Submission to the Fiji Constitution Review Commission

Review of the Constitution of the Republic of Fiji

Submitted by:

Apostles Fellowship International (AFI)

President: Rev. Hon. Penioni K. Ravunawa, JP, MP

Assistant Minister for Health & Medical Services

Republic of Fiji

PREAMBLE

The Apostles Fellowship International (AFI) sincerely thanks the Constitution Review Commission for providing the people of Fiji with the opportunity to participate in this historic constitutional review. The first ever in Fiji's history, although we now have the fourth constitution. The other three were thrown out the window, through illegal take over or military coup. Apart from the 2013 Constitution, Fiji has had three other official, fully promulgated constitutions since gaining independence from Great Britain. In total, the 2013 document is Fiji's fourth constitution.

A Constitution is more than a legal document. It is a covenant between the State and its people, reflecting the nation's history, identity, values, aspirations and vision for future generations. We believe that Fiji's Constitution should preserve democratic governance, the rule of law and fundamental human rights while faithfully reflecting the nation's Christian heritage and the unique place of the indigenous iTaukei people.

AFI therefore respectfully submits the following recommendations.

7/5/26, 3:15 PM

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1. CONSTITUTIONAL RECOGNITION OF FIJI AS A CHRISTIAN NATION

AFI recommends that the Constitution expressly recognise Fiji as a Christian Nation.

Christianity has profoundly shaped Fiji since the arrival of the Gospel in 1835. The acceptance of Christianity by our chiefs transformed warfare into peace, tribal conflict into reconciliation, and laid the foundation for education, healthcare, justice, literacy and national unity.

The Deed of Cession (1874), Fiji's constitutional development and many national institutions have all been influenced by Christian values.

Constitutional recognition of Fiji's Christian heritage would acknowledge historical reality without denying the civil and religious liberties of citizens of other faiths.

AFI believes freedom of religion must remain protected. Every citizen should continue to enjoy the constitutional freedom to worship according to their conscience. Recognition of Fiji as a Christian Nation should never be interpreted as discrimination against other religious communities but as an acknowledgement of the nation's historical and moral foundation.

Biblical Foundation

- Psalm 33:12 — "Blessed is the nation whose God is the Lord."
- Proverbs 14:34 — "Righteousness exalts a nation."
- Matthew 5:13–16
- Romans 13:1–7

2. PROTECTION OF MARRIAGE

AFI respectfully recommends that the Constitution define marriage exclusively as the lifelong union between one biological man and one biological woman.

Marriage is the God-ordained foundation of family life and has been universally recognised throughout Fiji's history.

Constitutional certainty protects future generations and provides stability for society.

AFI therefore does not support constitutional or legislative recognition of same-sex marriage.

Biblical Foundation

- Genesis 2:24
- Matthew 19:4–6
- Ephesians 5:22–33

3. SUNDAY AS A NATIONAL DAY OF WORSHIP AND REST

AFI recommends constitutional recognition of Sunday as Fiji's National Day of Worship and Rest.

Sunday has historically united families, churches and communities throughout Fiji.

Recognition would strengthen family relationships, community wellbeing, volunteerism and spiritual renewal.

Essential services—including hospitals, emergency services, police, military, utilities and essential transport—should continue uninterrupted in the public interest.

Biblical Foundation

- Exodus 20:8–11
- Isaiah 58:13–14
- Hebrews 10:25

4. NATIONAL IDENTITY

AFI supports retaining the national identity whereby every citizen is recognised as a Fijian.

7/5/26, 3:15 PM

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At the same time, the Constitution should explicitly recognise the indigenous people as the iTaukei, affirming their unique identity, language, customs, traditional leadership and customary ownership of land.

National unity is strengthened when every citizen belongs while the indigenous community retains constitutional recognition of its unique status.

5. ENHANCED PROTECTION OF INDIGENOUS RIGHTS

AFI respectfully recommends stronger constitutional guarantees protecting the rights of the indigenous iTaukei people.

These protections should include:

- Permanent protection of native land ownership.
- Protection of traditional institutions.
- Protection of the iTaukei language and culture.
- Constitutional recognition of customary leadership.
- Fair affirmative action programmes addressing historical disadvantage.
- Protection of indigenous economic participation.
- Safeguarding customary fishing rights and traditional resources.

These recommendations are consistent with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), which recognises the rights of indigenous peoples to maintain their institutions, culture, identity and traditional lands.

6. AFFIRMATIVE ACTION

AFI supports constitutionally authorised affirmative action programmes specifically designed to improve the social, educational and economic wellbeing of indigenous Fijians where genuine disadvantage exists.

Such programmes should operate transparently, fairly and in accordance with principles of accountability while promoting equal opportunity and national development.

7. PROTECTION OF RELIGIOUS FREEDOM

AFI supports the continued constitutional protection of freedom of religion.

Recognition of Fiji as a Christian Nation must not remove the right of individuals to practise other religions peacefully.

Religious freedom and Christian nationhood are not mutually exclusive.

8. CHRISTIAN MORAL VALUES

AFI recommends that the Constitution expressly recognise the enduring importance of:

- Sanctity of life.
- Human dignity.
- Justice.
- Integrity.
- Compassion.
- Forgiveness.
- Family.
- Respect for lawful authority.
- Stewardship.
- Peace.
- Service.
- Love of neighbour.

These values have historically contributed to Fiji's national development and remain essential for future generations.

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CONCLUSION

AFI respectfully submits that Fiji's Constitution should preserve democracy, protect fundamental freedoms and uphold the rule of law while also reflecting the nation's unique historical identity.

Accordingly, AFI recommends that the Constitution:

1. Recognise Fiji as a Christian Nation.
2. Protect freedom of religion for all citizens.
3. Define marriage as the union of one biological man and one biological woman.
4. Recognise Sunday as the National Day of Worship and Rest.
5. Recognise all citizens as Fijians while affirming the unique constitutional status of the iTaukei people.
6. Strengthen constitutional protection of indigenous rights, customary land ownership and affirmative action.
7. Recognise the enduring Christian values upon which Fiji has developed as a peaceful and multicultural nation.

AFI believes these recommendations will promote unity, strengthen families, preserve indigenous identity, protect religious liberty and contribute to a stable, peaceful and prosperous Fiji.

"Unless the Lord builds the house, they labour in vain who build it."
— Psalm 127:1

Respectfully submitted,

Rev. Hon. Penioni K. Ravunawa, JP, MP, CFO, RDP
President, Apostles Fellowship International (AFI)
Assistant Minister for Health & Medical Services
Republic of Fiji
Mobile +6799991962

10. Upload Submission**11. Consent**

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Sewak Wati

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Constitution Review Commission <commissioners2026@gmail.com>

Fwd: New Submission #26 for Constitution Review Form

Mere Nailatikau <m.nailatikau@gmail.com>

Sun, Jul 5, 2026 at 1:10 PM

To: Constitution Review Commission <commissioners2026@gmail.com>

----- Forwarded message -----

From: ITC <noreply@www.itc.gov.fj>

Date: Sun, 28 Jun 2026 at 1:48 PM

Subject: New Submission #26 for Constitution Review Form

To: <m.nailatikau@gmail.com>

You have a new Constitution Review submission:

1. First Name

sewak

2. Last Name

wati

3. Gender

Male

4. Age

71

5. Email Address**6. Phone****7. Address**

Address : lautoka

8. Organization**9. Written Submission**

LOUD MUSIC, NOISE AND YELLING IN RESIDENTIAL AREAS.

The bill of rights does not state any specific laws to curb this problem, therefore specific laws shall be made and implemented to stop problems such as:

1. Sleep disturbance which triggers long term health degradation.

2. Constant noise causes cardiovascular stress.

3. Hearing loss in elderly and babies.

4. Psychological impact causing anxiety and loss of privacy.

5. A person loses the "QUIET ENJOYMENT" OF HIS OWN HOME ENVIRONMENT WITH FAMILY AND FRIENDS.

POSSIBLE SOLUTIONS:

1. The law shall define the exact time by which all noise shall stop.

2. Enforcement agencies shall be empowered by law to confiscate loud speakers.

3. Severe penalty to be put on home owners or tenants causing the nuisance.

4. Since this is a growing problem, more awareness of laws be made to public.

CONCLUSION:

All elderly people have to bear the noise, lose sleep, escalate their ailments and feel unsafe in their own homes because there is no specific law in respect of this. I am requesting that specific laws be made and implemented so that each citizen of this country enjoys a peaceful life and those that are causing problems are taken to task. Previous constitution did not define this issue so now the commission can do so... on behalf of all senior citizens, children, students and well being of everybody...

Thanking you.

10. Upload Submission**11. Consent**

I consent to the processing and possible publication of my submission.

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