



Fiji Labour Party

Constitutional Reform, Democratic Legitimacy, Equality, and National Unity

Submission
Constitution Review Commission
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Section 1

1.0 Parliamentary Mandate and Democratic Legitimacy

A Fundamental Deficiency in the Establishment and Operation of the Constitutional Review Commission

Fiji Labour Party acknowledges the importance of public consultation in any review of Fiji's supreme law and welcomes the opportunity for citizens to contribute their views. However, the Party submits with the utmost respect that the Constitutional Review Commission (CRC), as currently established and operating, lacks the necessary democratic legitimacy and parliamentary mandate required under the 2013 Constitution of the Republic of Fiji.

This deficiency is not merely technical. It touches the foundational principle that the Constitution, as the supreme law, derives its authority from the people through their elected representatives in Parliament. An executive-initiated review process, without prior parliamentary endorsement, risks undermining public confidence in the integrity and ownership of any eventual reforms.

1.1 The Constitutional Framework Requires Parliamentary Authority for Fundamental Change'

The 2013 Constitution establishes clear parameters for law-making and constitutional amendment:

Section 2(5) provides that the Constitution "*cannot be abrogated or suspended by any person and may only be amended in accordance with the procedures prescribed in Chapter 11.*"

Section 46(1) vests the authority and power to make laws exclusively in Parliament, stating that "*no person or body other than Parliament has authority to make any law in Fiji, except under authority conferred by this Constitution or by a written law.*"

Chapter 11 (Sections 159 and 160), as interpreted by the Supreme Court in its advisory opinion of 29 August 2025, requires any amendment to proceed by way of a Bill passed by Parliament (by a two-thirds majority of all members) followed by a referendum in which a majority of votes cast are in favour, before Presidential assent.

No provision in the 2013 Constitution authorises the President or Cabinet to establish an ad hoc review commission to examine or propose alterations to the Constitution outside the amendment procedures in Chapter 11.

While the President holds certain appointment powers, the initiation of a comprehensive review of the supreme law demands the direct involvement and sanction of Parliament as the representative body of the people.

- 1.2 **The Current Process Lacks Parliamentary Mandate.** The Commission was established by Presidential Warrant without prior parliamentary debate, legislation, or endorsement. This creates several fundamental problems:

There was no prior parliamentary debate or endorsement. The elected representatives of the people had no opportunity to define the terms of reference, scope, or methodology of the review.

The terms of reference were not set by Parliament. This creates a risk that the review may address issues or propose changes that have not been subjected to the scrutiny and democratic input of the legislature.

The process bypasses the constitutional amendment pathway. Any recommendations emerging from the Commission must ultimately return to Parliament for legislative action and then to the people via referendum. An executive-led review process that bypasses Parliament at the formative stage sits uneasily with the democratic principles the Supreme Court sought to reinforce.

- 1.3 **Democratic Legitimacy Requires Parliamentary Ownership from the Outset**
The Fiji Labour Party submits that any comprehensive review of the Constitution should, at minimum, be expressly sanctioned by the elected Parliament. The Commission's work, while valuable as a consultative exercise, cannot substitute for parliamentary ownership of the reform process. Parliament is the constitutional embodiment of the people's voice. Allowing the review to proceed without its formal involvement from the beginning risks perceptions that the process is executive-driven and that outcomes may be selectively advanced or filtered before reaching the legislature.

Recommendations

In light of the foregoing, the Fiji Labour Party respectfully recommends that the Constitutional Review Commission:

1. **Explicitly record in its Final Report** that its work constitutes a consultative and advisory exercise only. Because the Commission lacked prior parliamentary endorsement, its Final Report must be tabled in Parliament for debate and democratic scrutiny. Only upon parliamentary acceptance should any proposals proceed to the formal amendment process under Chapter 11 (Bill passed by Parliament followed by referendum, as interpreted by the Supreme Court on 29 August 2025).

- 2. Recommend to the President and the Government** that, because the Commission was established without prior parliamentary endorsement or legislative framework, its Final Report be formally tabled in Parliament for comprehensive debate and consideration by the elected representatives of the people.

Parliament should have the opportunity to scrutinise the findings and recommendations. Only if Parliament accepts or endorses the Report (or its key recommendations) should the Government then proceed to introduce formal Bills for constitutional amendments in accordance with the procedures in Chapter 11 of the 2013 Constitution (as interpreted by the Supreme Court), followed by a referendum.

- 3. Advice that any draft constitutional amendments** emerging from the Commission's work (following parliamentary consideration and acceptance of the Report) be introduced into Parliament as formal Bills, allowing for full parliamentary debate, committee scrutiny, public submissions where appropriate, and compliance with the procedural requirements of Chapter 11, culminating in a national referendum.
- 4. Emphasise the importance of broad parliamentary consensus** on the terms of reference and scope of constitutional reform, to ensure that the process enjoys cross-party ownership and commands the widest possible public legitimacy.
- 5. Support measures for comprehensive public civic education** on the 2013 Constitution, the Supreme Court's advisory opinion, and the formal amendment process under Chapter 11, so that citizens can participate meaningfully in both the current consultations and any subsequent referendum.

The Fiji Labour Party submits these recommendations in a constructive spirit, with the firm belief that constitutional reform undertaken through proper parliamentary and democratic channels will produce outcomes that are more stable, legitimate, and reflective of the collective will of the Fijian people.

Section 2:

2.0 Common National Identity

A Call for Unity, Equality, and the Rejection of Ethnic Categorisation in National Identity

Fiji Labour Party firmly believes that the name “Fijian” must be the common and unifying identity for all citizens of this country, without exception. This principle is already enshrined in the 2013 Constitution, which states that all citizens of Fiji shall be known as Fijians and that all Fijians have equal status and identity. The Party submits that this constitutional promise must be defended and strengthened, not undermined by any attempt to reintroduce ethnic categorisation or to create different classes of citizens.

2.1 The Constitutional Foundation of Common and Equal Citizenry

Section 5 of the 2013 Constitution is clear and unambiguous:

All citizens of Fiji shall be known as Fijians.

Subject to the provisions of this Constitution, all Fijians have equal status and identity, which means that they are equally entitled to all the rights, privileges and benefits of citizenship; and subject to the duties and responsibilities of citizenship.

This provision moved Fiji away from the communal and ethnically divided framework of previous constitutions toward a civic, inclusive national identity. The Fiji Labour Party strongly supports this principle and warns against any regression that would once again divide citizens along ethnic lines.

2.2 The Demographic and Historical Reality

Indo-Fijians constitute approximately 33% of Fiji’s population, with other communities (Rotumans, Chinese-Fijians, Part Europeans, and others) making up a further 4–5%. Together, these groups represent a significant and integral part of the Fijian nation. Indians have lived in Fiji for over 140 years. They arrived as indentured labourers and stayed to build this country alongside iTaukei Fijians. They have contributed to every sector of the economy — sugar, commerce, professions, education, health, and public service. Their blood, sweat, and tears are woven into the fabric of modern Fiji.

To suggest that Indo-Fijians or other non-iTaukei citizens should be given a different category or class of citizenship — whether in name, identity documents, or constitutional status — is both historically inaccurate and morally wrong. It would create second-class citizens in a country they have helped build for generations.

2.3 **Rejecting Ethnic Categorisation in Identity and Politics**

The Fiji Labour Party submits that identity and nationality must be kept out of divisive ethnic politics. The 2013 Constitution's framework of common and equal citizenry must be reflected not only in law but also in the democratic process and in the everyday practice of governance. Any attempt to reintroduce ethnic categories — whether in passports, birth certificates, electoral rolls, or public discourse — would be a regressive step that undermines national unity and contradicts the spirit of the Constitution.

The Party further submits that the name “Fijian” belongs to every citizen by right of birth, upbringing, contribution, and loyalty to this country. To suggest otherwise is to deny the lived reality of thousands of families who have called Fiji home for generations and who have no other homeland.

RECOMMENDATIONS

The Fiji Labour Party respectfully recommends that the Constitutional Review Commission:

- 6. Affirm and strengthen Section 5 of the 2013 Constitution** by explicitly stating that the name “Fijian” is the common, equal, and indivisible identity of all citizens, and that no law, policy, or administrative practice may create different classes or categories of citizens based on ethnicity or ancestry.
- 7. Recommend the removal of any ethnic categorisation** from official documents, forms, or processes that distinguish between citizens on the basis of race or ethnicity, ensuring that all Fijians are treated as equal citizens in every respect.
- 8. Call for civic education and public messaging** that reinforces the principle of common and equal citizenry, so that all communities — especially younger generations — understand that being Fijian is a shared identity that transcends ethnic origin.
- 9. Reject any proposal** that would create separate categories of citizenship or identity for different ethnic groups, whether in the Constitution, legislation, or administrative practice.
- 10. Emphasise that the contributions of all communities** — iTaukei, Indo- Fijian, and others — to the building of modern Fiji must be recognised and respected, and that no community should be made to feel like a guest or outsider in their own country.

The Fiji Labour Party believes that a united Fiji is possible only when every citizen - regardless of ethnicity - feels equally valued, equally protected, and equally Fijian. The name “Fijian” is not a prize to be granted or withheld; it is the birthright of every person born in this country or who has made it their home through citizenship. Let us defend and strengthen this principle for the sake of our children and grandchildren.

Section 3:

3.0 Land Policy, iTLTB Administration, and Agricultural Leases

Addressing the Fundamental Crisis in Land Use, Lease Security, and Equitable Development

3.0 Stability

Land is the foundation of Fiji's economy, culture, and national security. The current framework governing native (iTaukei) land leases, administered by the iTaukei Land Trust Board (TLTB), presents one of the most pressing and unresolved challenges facing the nation. The system has not delivered consistent, fair, or productive outcomes for either the landowners or the long-term tenants.

The absence of a coherent, effective national land use policy has resulted in ad-hoc decision-making, uncertainty for farmers, underutilisation of productive land, and hardship for families who have invested generations of labour in the land. This situation requires urgent, principled reform.

3.1 Land Ownership in Fiji – The Scale of iTaukei Land

Recent data from the TLTB and government sources confirm the following breakdown of land tenure in Fiji:

iTaukei (Native) Land: Approximately 90% of Fiji's total landmass. This land is owned by iTaukei landowning units (mataqali and yavusa) and administered in trust by the TLTB under the iTaukei Land Trust Act.

Freehold Land: Approximately 6%.

State Land: Approximately 4%.

Given that nearly nine-tenths of the country is iTaukei land, the policies and practices of the TLTB have a decisive impact on national agricultural output, rural livelihoods, food security, and social stability.

3.2 The Absence of an Effective National Land Use Policy

Fiji has long lacked a comprehensive, integrated national land use policy and plan. Successive reviews and policy documents over decades have identified this gap as a major constraint on sustainable development. Decisions on whether land is leased for agriculture, reserved for landowners, or converted to higher-value residential or commercial uses are often made on a case-by-case basis without a clear strategic framework. This vacuum has contributed to conflicting priorities: the need to maintain productive agricultural land versus pressure for subdivision and commercial development, particularly near growing urban centres. The result is uncertainty, under-utilisation of land, and a failure to optimise land for the long-term national interest.

3.3 Lease Terms, Renewals, and the Hardship Faced by Tenants

Agricultural leases on iTaukei land are typically granted for periods of 30 years. While the TLTB reports relatively high renewal rates in aggregate (historically 77–85% for agricultural leases since 1997, and around 75% for recent expired cane leases) but this figure is disputed by cane farmers organisations. Individual cases continue to cause significant distress.

Many tenant families - particularly Indo-Fijian families with multi-generational ties to the land - have invested heavily in homes, infrastructure, and improvements over decades. When leases are not renewed, these families face not only loss of livelihood but also the emotional and financial trauma of displacement after years of building their lives on the land. Although the TLTB states that residential alternatives are offered and compensation under the Agricultural Landlord and Tenant Act (ALTA) may be available, the process often leaves families in precarious situations.

A 30-year term is insufficient for meaningful agricultural investment, especially in sugar cane and other perennial or capital-intensive crops. Secure, longer-term tenure is essential for farmers to plan, invest, and pass on viable operations to the next generation.

3.4 Rental Structures, Premiums, and Distribution to Landowners

Concerns have been raised regarding the rental and premium structures applied by the TLTB, including charges linked to the capital value of developments or improvements, and the overall level of returns flowing to individual landowners. When land is reserved and not leased, productive output often declines, and landowners receive minimal or no direct income. The TLTB, as trustee, manages funds and distributions, but many landowners report that the amounts they ultimately receive are very small after administrative costs and sharing among large mataqali members.

This situation can create friction between tenants and landowners and fuels perceptions that the current system does not optimally serve either party. An independent, transparent review of lease terms, rental methodologies, and distribution mechanisms would help build confidence and fairness.

3.5 Agricultural Land as a Pillar of National Security

The Fiji Labour Party submits that prime agricultural land should be prioritized for food production and agricultural use. Substantial and subsistence farming forms a critical component of Fiji's national security — ensuring food self-sufficiency, rural employment, and resilience against external shocks.

Converting productive agricultural leases into commercial, residential, or subdivided developments on a large scale risks undermining this foundation. While urban development is necessary, it should not come at the expense of the nation's long-term food security. A clear policy distinction between agricultural land (to be protected for farming) and land suitable for other uses would serve the national interest.

RECOMMENDATIONS

Fiji Labour Party respectfully recommends that the Constitutional Review Commission:

- 11. Recognize the critical importance of secure, long-term agricultural leases** and recommend a minimum lease term of 50 years for bona fide agricultural purposes to encourage investment, productivity, and intergenerational farming.
- 12 Recommend the establishment of an independent Land Lease Review Committee** or similar body, with representation from landowners, tenants, agricultural experts, and government, to conduct a comprehensive, transparent review of lease terms, rental structures, premiums, improvement charges, and distribution mechanisms to landowners.
- 13. Advocate for the development and adoption of a National Land Use Policy and Plan** that clearly designates and protects prime agricultural land for food production while providing transparent criteria for other land uses, ensuring decisions serve the long-term national interest rather than short-term highest-and-best-use considerations alone.
- 14. Recommend measures to improve transparency and timeliness** in TLTB lease renewal processes, including clearer guidelines, earlier notifications, and support mechanisms for both landowners and tenants to facilitate mutually beneficial outcomes.
- 15. Emphasize the national security dimension of agricultural land** and recommend that productive agricultural leases be prioritized and protected from widespread conversion to non-agricultural commercial or residential subdivision, except where compelling national interest is demonstrated through a structured planning process.
- 16. Support initiatives that ensure fair returns to iTaukei landowners** while providing security of tenure to productive tenants, recognizing that a well-functioning lease system benefits both parties and strengthens national cohesion and economic resilience.

Fiji Labour Party believes that land reform, conducted through inclusive dialogue and with the long-term interests of all Fijians at heart, can resolve longstanding tensions and unlock the productive potential of Fiji's most important resource for the benefit of current and future generations.

Section 4:

4.0 Electoral System Reform – constituency-based accountability

Restoring Local Accountability, Representation, and Parliamentary Scrutiny

Fiji Labour Party has long advocated for an electoral system that delivers genuine accountability between elected representatives and the communities they serve. The current open-list proportional representation system, while providing a form of national proportionality, has significant shortcomings in terms of local representation, constituency accountability, and the ability of Parliament to effectively scrutinise the executive. This section sets out the Party's proposals for reform, drawing on the strengths of the 1997 Constitution's electoral arrangements while adapting them to contemporary needs.

4.1 The Shortcomings of the Current Electoral System

Under the 2013 Constitution, Fiji uses a single national constituency with open-list proportional representation (using the D'Hondt method and a 5% threshold). While this system has certain merits - including simplicity and a degree of proportionality - it has produced several problems:

- **Lack of local constituency accountability** — Members of Parliament are elected from a national list. There is no direct link between an MP and a specific geographic constituency or community. Voters do not have a local representative they can approach with constituency issues, and MPs have no defined area for which they are responsible.
- **Low barriers to entry and weak mandates** — Candidates can be elected with very small numbers of personal votes (in some cases fewer than 500–1,000 votes). This undermines the legitimacy and authority of Parliament and allows individuals with limited community support to enter the legislature and even become ministers.
- **Weak parliamentary scrutiny** — The current Standing Orders, particularly provisions such as Order 51, allow bills to be fast-tracked with limited debate and committee scrutiny. Select committees have limited powers and resources, and the executive dominates the legislative agenda.
- **No meaningful constituency development link** - Without defined constituencies, there is no clear mechanism for MPs to advocate for and be held accountable for development in specific areas.

4.2 Lessons from the 1997 Electoral System

The 1997 Constitution provided for a mixed system with communal seats (reserved for iTaukei, Indo-Fijian, and other communities) and open seats.

While the communal element was contentious, the open seats and the Alternative Vote (AV) system had strengths:

- Candidates had defined constituencies and were directly accountable to voters in those areas.
- The AV system encouraged moderation and cross-community appeals, as candidates needed preferences from voters outside their own ethnic group to win.
- There was a clearer link between representation and local development priorities.

The Fiji Labour Party does not advocate a return to the full communal system of the 1997 Constitution. However, we believe that elements of constituency-based representation — adapted to a non-communal, inclusive framework — would significantly improve accountability and the quality of parliamentary democracy in Fiji.

4.3 Proposed Reforms: Constituency-Based Voting with Strengthened Parliamentary Scrutiny

The Fiji Labour Party proposes the following reforms to the electoral system:

- **Introduce a mixed member proportional (MMP) electoral system (or a similar mixed/hybrid model) that combines constituency based representation with overall proportionality.** A substantial proportion of parliamentary seats (eg 50-70% should be elected from defined geographic constituencies using a preferential voting method such as the Alternative Vote (AV) or Single Transferable Vote (STV) in single-member constituencies, where voters rank candidates by preference.
- The remaining seats should be allocated through national or regional party lists to ensure the overall composition of Parliament is proportional to the total votes received by each party or group of independents, compensating for any disproportionality arising from constituency results.
- **Strengthen parliamentary committees and scrutiny powers** — Select committees should have enhanced powers to summon witnesses, require the production of documents, and scrutinise government policy and expenditure. Standing Orders should be reformed to prevent the abuse of fast-track procedures and to guarantee adequate time for debate and committee consideration of all significant legislation.
- **Improve the quality of representation** — Higher thresholds for election (in terms of personal votes or support) and stronger disqualification provisions for candidates with serious criminal convictions or findings of corrupt conduct would raise the standard of those entering Parliament.

- **Enhance public participation and petition mechanisms** - Parliament should have formal mechanisms to receive and consider public petitions on matters of national importance, and committees should be empowered to conduct inquiries on issues of public concern.
- We raise here **disqualification provisions** in respect of the nomination of candidates in the 2013 Constitution. We propose that the disqualification of persons from being nominated as candidates for general election as provided for in s56-(2) (5) of the constitution be removed.

We submit that a person who has served his/her sentence or who is not serving a term of imprisonment when nominated should not be prevented from exercising his/her democratic right.

The restrictions placed on officials and employees of trade unions and trade union federations under s57-3(f)(g). from participating in political activity by being classified as holders of public office should be revoked. Trade unions or trade union federations are not public bodies or institutions. There is, therefore, no basis for their exclusion from participation.

This provision was inserted by the writers of the 2013 Constitution (by the Bainimarama administration) who saw trade unions as political competitors. Similar restrictions placed on the Federation of Employers under s57-(3) (h) must also be revoked.

RECOMMENDATIONS

Fiji Labour Party respectfully recommends that the Constitutional Review Commission:

- 17. Introduce a mixed or constituency-based electoral system** in which a substantial proportion of parliamentary seats are elected from defined geographic constituencies, while maintaining overall proportionality through national or regional list seats.
- 18. Reform Standing Orders** to strengthen the powers of select committees, guarantee adequate time for debate and scrutiny of legislation, and prevent the abuse of fast-track procedures that bypass proper parliamentary process.
- 19. Raise the threshold for election and strengthen candidate disqualification provisions** to ensure that only candidates with genuine community support and clean records can enter Parliament.
- 20. Establish formal public petition and inquiry mechanisms** so that citizens can bring matters of national importance directly to Parliament for consideration.
- 21. Ensure that any new electoral system** is designed to promote moderation, cross-community cooperation, and the election of candidates who command broad support rather than narrow sectional interests.

22. Provide for comprehensive public education on any proposed electoral reforms so that voters understand how the new system works and why it will improve accountability and representation.

The current electoral system has delivered a form of proportionality but at the cost of local accountability and effective parliamentary scrutiny. The Fiji Labour Party believes that a reformed system — combining constituency representation with national proportionality, stronger committees, and better safeguards — will produce a Parliament that is more responsive to the people, more effective in holding the executive to account, and better able to deliver genuine development and good governance for all Fijians.

Section 5:

5.0 Strengthening democratic oversight of independent institutions and public borrowing

Enhancing Accountability in Appointments and Fiscal Responsibility

A robust democracy requires strong, independent institutions that are insulated from undue political influence, alongside effective parliamentary oversight of the government's fiscal decisions. The Fiji Labour Party submits that the current constitutional arrangements concentrate excessive power in the executive, particularly the Prime Minister, in both the appointment of key office-holders and in the management of public debt. Reforms are needed to restore greater parliamentary involvement and transparency.

5.1 Democratic Appointment Processes for Independent Institutions

Under the 2013 Constitution, the Prime Minister exercises significant influence over appointments to critical independent bodies through the Constitutional Offices Commission (COC) and direct recommendations to the President. The COC, which advises on appointments to institutions such as the Police, Corrections Service, RFMF, Electoral Commission, Auditor-General, and others, has a composition that gives the executive substantial control. This structure risks politicising institutions that are meant to operate independently and impartially.

International democratic practice in parliamentary systems emphasises mechanisms that balance expertise with accountability. While the executive often plays a role in nominations, independent commissions or parliamentary committees provide scrutiny to ensure merit, integrity, and freedom from active political affiliation. No person holding current political office or recent partisan affiliation should serve on bodies responsible for overseeing independent institutions.

The Fiji Labour Party proposes that appointments to independent commissions and key constitutional offices should be subject to scrutiny by a Parliamentary Select Committee. Even with a government majority on such a committee, the process introduces transparency, cross-party input, and public confidence. Following committee consideration, the President should exercise the appointment authority directly, rather than acting solely on the recommendation of the Prime Minister.

5.2 Parliamentary Oversight of Public Borrowing

Fiji's public debt has risen significantly in recent years, reaching levels that place considerable pressure on public finances and future generations. Under current arrangements, the government can enter into borrowing arrangements with domestic and international institutions and subsequently report to Parliament.

While the overall financing requirement is reflected in the budget, individual major borrowing decisions often lack prior detailed parliamentary scrutiny.

International best practice in democratic governance, as reflected in guidelines from organisations such as the World Bank, IMF, Westminster Foundation for Democracy, and the Commonwealth, strongly supports meaningful parliamentary involvement in debt management. Key principles include:

- Annual parliamentary approval of the government’s overall borrowing strategy and debt ceiling as part of the budget process.
- Specific parliamentary approval (or ratification) for major individual loans, guarantees, or contingent liabilities above a defined threshold.
- Regular, detailed reporting to Parliament on debt stock, new borrowings, debt servicing, and risks.
- Clear legal frameworks that define borrowing authority and require legislative oversight for significant fiscal commitments.

Many democracies set benchmarks — for example, requiring parliamentary approval for external borrowing, loans above a certain monetary threshold, or new guarantees. This ensures that elected representatives, who are accountable to the people, scrutinise decisions that have long-term implications for the nation’s finances and the well-being of citizens.

In Fiji, establishing a constitutional or legislative requirement for prior parliamentary approval of borrowing above a specified threshold (or for major external loans) would strengthen fiscal discipline, transparency, and accountability. It would prevent the accumulation of debt without adequate democratic oversight and help protect citizens from the consequences of unsustainable borrowing.

RECOMMENDATIONS

The Fiji Labour Party respectfully recommends that the Constitutional Review Commission:

- 23. Reform appointment processes for independent institutions** by requiring scrutiny and clearance by a Parliamentary Select Committee before appointments to bodies such as the Constitutional Offices Commission and key offices (judiciary, police, military, audit, elections, etc.). No individual holding current or recent political affiliation should be eligible for such positions.
- 24. Strengthen the role of the President** as the direct appointing authority for independent offices and commissions, following parliamentary committee processes, rather than appointments being made primarily on the recommendation of the Prime Minister.

- 25. Introduce constitutional or legislative requirements for prior parliamentary approval** of government borrowing above a defined threshold, major external loans, and significant guarantees or contingent liabilities.
- 26. Require the government to present an annual Debt Management Strategy** to Parliament for approval or endorsement as part of the budget process, including clear limits and risk assessments.
- 27. Mandate regular, detailed reporting to Parliament** on public debt, new borrowings, debt servicing costs, and associated risks, with opportunities for parliamentary debate and scrutiny.
- 28. Support the development of a modern Public Debt Management legal framework** aligned with international best practices, ensuring transparency, accountability, and parliamentary oversight throughout the borrowing cycle.

These reforms would strengthen the independence of key institutions and ensure that decisions with profound long-term consequences for Fiji's finances are subject to proper democratic scrutiny by the people's elected representatives.

Section 6:

6.0 Confronting Race-based Politics and Securing Indigenous Rights within a United Nation

An Honest Assessment of Fiji's Political Failures and the Path to Genuine National Unity

For too long, politicians in Fiji have exploited race and ethnicity to divide the nation and advance narrow political agendas. The coups of 1987 and 2000 were direct manifestations of this destructive approach. Race-based politics has set Fiji back by decades, diminished investor confidence, accelerated brain drain, and caused immense suffering to ordinary citizens of all communities. The Fiji Labour Party has been a direct victim of this politics of division.

It is time for an honest national conversation. The facts are clear. Indigenous iTaukei Fijians, through their chiefs and landowning units, own 90% of all land in this country. Their land has never been taken by Indians or any other group. Their land remains safe. Their indigenous rights are protected. Future generations must accept this reality rather than allow politicians to manufacture fear and division.

6.1 The Legacy of Race-Based Politics

Race has been weaponised by politicians for electoral gain and to justify unconstitutional actions. The coups of 1987 and 2000 were disguised as protecting indigenous rights, yet delivered neither prosperity nor security to ordinary iTaukei Fijians. Instead, they entrenched poverty, weakened institutions, and created an environment of fear and uncertainty that continues to affect the country even today.

The military has been drawn into politics on multiple occasions, often at the behest of politicians and state actors pursuing sectional interests. This has damaged the professionalism of the security forces and undermined democratic norms. The Fiji Labour Party has consistently opposed the use of race as a political tool because it harms all Fijians and prevents the country from moving forward as one nation.

6.2 Indigenous Rights and Land Ownership – The Facts

iTaukei Fijians are the traditional owners of the land. This right of ownership has been recognised and protected under all four Constitutions.

The Bill of Rights in the 2013 Constitution provides strong protections for all citizens, including specific recognition of indigenous rights. Fiji is also a signatory to relevant international instruments concerning indigenous peoples and human rights.

The land is not under threat from Indians or other communities. The land is managed by the iTaukei Land Trust Board (TLTB). Many of the problems faced by indigenous landowners — low returns, lack of development, and politicisation — stem from how the TLTB has operated and how politicians have used land issues to create division between communities rather than focusing on genuine economic empowerment of landowners.

It must be stated clearly and without equivocation: Indigenous land is safe. Indigenous rights are safe. There is no factual basis for claims that Indians or other races have taken iTaukei land. Such narratives are politically manufactured and must be rejected.

6.3 Equal Citizenship and Equal Opportunity

Fiji is a multicultural nation. All citizens — iTaukei, Indo-Fijian, and others — have contributed to building this country. Indians and other communities have toiled in the sugar industry, commerce, professions, and every sector of the economy. They deserve equal citizenship, equal opportunity, and equal dignity.

Politicians must be prohibited from creating artificial divisions based on nationality, land, or ethnicity for political gain. The 2013 Constitution already establishes the principle of common and equal citizenry. This principle must be defended and strengthened, not undermined by those who seek to return to the politics of fear and exclusion.

Continued race-based politicking is directly responsible for Fiji's ongoing challenges: accelerating brain drain, declining investment, weak institutions, and persistent poverty affecting all communities. The country cannot afford another generation lost to division.

6.4 The Path Forward – Honesty and National Unity

The Fiji Labour Party calls for a definitive break from the politics of race. Indigenous Fijians must be assured — with facts, not rhetoric — that their land and rights are secure. At the same time, all other citizens must be assured of equal treatment and opportunity. True leadership requires telling the truth: division benefits only those who exploit it. National progress requires unity, equal citizenship, and a shared commitment to building a prosperous Fiji for all.

RECOMMENDATIONS

The Fiji Labour Party respectfully recommends that the Constitutional Review Commission:

29. Affirm unequivocally that iTaukei land ownership and indigenous rights are fully protected under the 2013 Constitution and must remain so.

- 30. Strongly condemn the use of race-based politics** by any political actor and recommend constitutional or legislative measures to discourage the exploitation of ethnicity for political gain.
- 31. Reaffirm the principle of common and equal citizenry** for all Fijians regardless of ethnicity, and ensure that the Bill of Rights and equality provisions are not weakened.
- 32. Recommend reforms to the TLTB** to improve transparency, returns to landowners, and depoliticise land administration so that iTaukei landowners receive genuine economic benefit from their land.
- 33. Call for national leadership** across all communities to publicly reject divisive race-based narratives and commit to building a united, prosperous Fiji based on equal opportunity for all citizens.
- 34. Support civic education programmes** that clearly explain the protections for indigenous rights and land ownership alongside the principles of equal citizenship, to reduce the space for political manipulation.

Fiji's future depends on honesty about the past and courage to reject the politics of division. The land is safe. The rights are protected. It is time to move forward together as one nation.

Section 7:

7.0 Protecting Minority Rights Advancing Women's Representation

Strengthening the Framework for Inclusive Equality and Equitable Development

The 2013 Constitution establishes a strong foundation for equality through its Preamble on common and equal citizenry and the comprehensive Bill of Rights, particularly Section 26, which guarantees equality before the law and prohibits unfair discrimination on grounds of race, ethnicity, gender, and other characteristics. These provisions are commendable. However, the Fiji Labour Party submits that the constitutional promise of equality requires stronger implementation mechanisms to ensure that minorities and women enjoy genuine equal opportunity in practice, not merely in law.

7.1 Minority Rights: Beyond Formal Equality to Substantive Inclusion

Fiji's demographic reality is evolving. While iTaukei Fijians constitute the majority (approximately 62%), Indo-Fijians represent a significant minority (approximately 33%), with their share of the school-age population now around 20% due to emigration and demographic trends. Other communities, including Rotumans, Chinese-Fijians, and Pacific Islanders, Part Europeans form smaller but important minorities. The Constitution rightly protects all citizens equally, but the actual institutional framework has not always delivered balanced representation.

Concerns persist regarding under-representation of Indo-Fijians and other minorities in key institutions such as the Republic of Fiji Military Forces (RFMF), the Fiji Police Force, and the civil service. Historical patterns and recruitment practices have led to imbalances that do not reflect Fiji's national demographic composition. This undermines public confidence in these institutions as truly national bodies serving all citizens equally.

Furthermore, many minority communities and specific population groups in the outer islands (maritime provinces) and rural areas face persistent disparities in access to services, infrastructure, economic opportunities, and development investment. Isolation, high transport costs, and limited government presence exacerbate these challenges, leading to marginalization that affects national cohesion.

Fiji Labour Party advocates for proactive, merit-based measures to achieve equitable representation. This includes targeted outreach, transparent recruitment processes, diversity monitoring with public reporting, and capacity-building programmes. Such measures should aim for institutions that reflect the face of the nation without compromising merit or introducing discrimination against any group.

7.2 Women’s Representation: Equal Opportunity Without Discrimination

Women constitute half of Fiji’s population yet remain significantly under-represented in political decision-making. Following the 2022 general election, women held only approximately 9–11% of seats in Parliament, a decline from previous highs of around 19–20%. This falls far short of global and regional aspirations for gender parity in leadership.

Fiji Labour Party firmly believes in equal opportunity for women and men. We support increasing women’s representation in Parliament and at constituency level through measures that remove structural, cultural, and financial barriers rather than through mechanisms that could be perceived as discriminatory. This includes:

- Encouraging political parties to adopt internal targets and mentoring programmes for women candidates.
- Providing capacity-building, leadership training, and campaign support for aspiring women leaders.
- Addressing cultural and societal norms that discourage women’s political participation through public education and awareness.
- Ensuring safe and respectful political environments free from harassment and violence against women in politics.

We emphasise equal opportunity without discrimination. Special measures (Reserved Seats), if considered, must be carefully designed, time-bound, and implemented in a manner that builds genuine capability rather than creating perceptions of tokenism or reverse discrimination.

RECOMMENDATIONS

Fiji Labour Party respectfully recommends that the Constitutional Review Commission:

- 35. Strengthen implementation mechanisms** for Section 26 equality provisions through mandatory diversity monitoring and public reporting on ethnic and gender representation in the RFMF, Fiji Police Force, civil service, and other public institutions, with targets aligned to national demographics.
- 36. Recommend proactive, merit-based diversity measures** including targeted recruitment outreach, cadetship programmes, and leadership development for under-represented minorities in security forces and senior civil service roles.
- 37. Constitutional or legislative emphasis on equitable development** for outer islands and rural communities, including dedicated funding mechanisms, infrastructure priorities, and service delivery standards to address geographic marginalization affecting all communities in those areas.

38. **Support measures to increase women’s political participation** through party-level commitments, capacity building, mentorship, and removal of structural barriers, while upholding the principle of equal opportunity without discrimination or tokenism.
39. **Establish independent monitoring and reporting** on progress toward equitable representation in public institutions and Parliament, with annual public reports to Parliament and the Human Rights and Anti-Discrimination Commission.
40. **Promote national dialogue and civic education** on the importance of inclusive institutions that reflect Fiji’s diversity, fostering public understanding that equitable representation strengthens national unity and institutional legitimacy for all citizens.

Fiji Labour Party believes that a Constitution which truly delivers on its promise of equality must ensure that every community — majority and minority alike — and every woman and man sees themselves reflected in the institutions that govern and protect them. This is not about division; it is about building a stronger, more cohesive, and more legitimate nation for all Fijians.

Section 8:

8.0 Equal Citizenship Rights and Inclusive Electoral Participation

Ensuring Equal Treatment for All Fijians in Citizenship and the Right to Serve

Fiji Labour Party has consistently championed the principle of common and equal citizenry as enshrined in the 2013 Constitution. All Fijians — regardless of ethnicity, ancestry, or place of birth — must enjoy equal rights, equal opportunities, and equal protection under the law. This section addresses two critical areas where current laws and recent legislative changes create unequal treatment: citizenship rights for children born overseas and the ability of dual citizens to participate fully in public life by contesting elections.

8.1 Citizenship for Children Born Overseas – Equal Rights for All Communities

Under the Citizenship of Fiji Act and its amendments, children born in Fiji generally acquire citizenship by birth. For children born overseas, citizenship is acquired by registration if at least one parent is a Fijian citizen. Recent legislative changes, including the Citizenship of Fiji (Amendment) Bill 2026, have introduced facilitative provisions that recognise links to land-owning units (mataqali) for iTaukei children born overseas, making it easier for them to regularise or acquire Fijian citizenship through ancestral connections.

The Fiji Labour Party supports measures that strengthen ties between the diaspora and Fiji. However, we submit that these facilitative provisions must be extended equally to all communities. Children of Indo-Fijian parents born in Fiji but living overseas, as well as children of other minority groups (Rotumans, Chinese-Fijians, and others), should have access to the same streamlined registration processes and recognition of family/ancestral links. Citizenship rights must not be differentiated on ethnic grounds.

Equal citizen rights demand that the law treats all Fijian families the same, whether their children were born in Fiji or overseas. Any provision that makes it easier for one ethnic group's diaspora children to claim or regularise citizenship while imposing higher barriers on others violates the constitutional guarantee of common and equal citizenry. The Fiji Labour Party calls for immediate legislative amendment to ensure uniformity across all communities.

8.2 Allowing Dual Citizens to Contest Elections and Reducing the Residency Requirement

Section 56 of the 2013 Constitution currently provides that a person may be a candidate for election to Parliament only if they are a citizen of Fiji and do not hold citizenship of any other country. Additionally, candidates must be ordinarily resident in Fiji for at least two years immediately before nomination.

Fiji Labour Party believes these restrictions are outdated and counterproductive in a globalised world. Fiji has a large, skilled diaspora. Many Fijians who migrated retain strong ties to the country, hold Fijian citizenship (often alongside another nationality), and possess valuable expertise in fields such as medicine, engineering, finance, technology, education, and governance.

Prohibiting dual citizens from contesting elections prevents these experienced professionals from returning to serve the nation in elected office.

Furthermore, the current two-year residency requirement creates an unnecessary barrier. Reducing this to one year would still ensure candidates have a meaningful connection to Fiji while allowing skilled returnees to contribute sooner. Many countries with large diasporas have successfully balanced residency requirements with the need to attract talent back into public life.

Fiji Labour Party therefore calls for two specific reforms to the electoral law:

- **Remove the prohibition on dual citizens contesting elections**, allowing Fijian citizens who hold another nationality to stand for Parliament, provided they meet all other eligibility criteria.
- **Reduce the ordinary residency requirement from two years to one year** immediately preceding nomination, to facilitate the return and participation of skilled diaspora members while maintaining a genuine connection to the country.

RECOMMENDATIONS

Fiji Labour Party respectfully requests the Constitutional Review Commission to recommend that:

- 41. The Citizenship of Fiji Act** be amended to ensure that facilitative provisions for registration and recognition of ancestral/family links for children born overseas apply equally to all communities — iTaukei, Indo-Fijian, Rotuman, Chinese, Part Europeans and other minority groups — without ethnic differentiation.
- 42. Constitutional and legislative prohibition on dual citizens contesting elections be removed**, enabling Fijian citizens who hold another nationality to stand for Parliament and contribute their expertise to national development.
- 43. The ordinary residency requirement for parliamentary candidates be reduced from two years to one year** immediately preceding nomination, to facilitate the electoral participation of skilled members of the Fijian diaspora.

44. **All reforms uphold the principle of common and equal citizenry** and do not create or perpetuate any form of ethnic or other discrimination in the acquisition or exercise of citizenship rights and political participation.
45. **Public consultation and clear communication** on these reforms be undertaken so that all Fijians — at home and in the diaspora — understand that citizenship rights and the opportunity to serve are equal for every community.

Fiji Labour Party believes that true equality means treating every Fijian family the same, whether their children were born in Fiji or overseas, and whether they hold one citizenship or two. It also means opening the door for talented Fijians who have gained experience abroad to return and serve their country in elected office. These reforms will strengthen our democracy, enrich our institutions, and reaffirm that all citizens are equal.

Section 9

9.0 Judicial Reforms and Oversight of Political Party Funding

Strengthening Timely Justice, Institutional Integrity, and Democratic Accountability

Fiji Labour Party submits this section to highlight two critical areas requiring urgent constitutional and legislative attention:

- the need for comprehensive judicial reforms to address chronic delays and ensure timely justice, and
- the imperative to place the regulation of political party funding under the independent oversight of the Electoral Commission with clear rules approved by Parliament.

These issues directly affect public confidence in the rule of law and the integrity of Fiji's democratic institutions.

9.1 Judicial Reforms: Ending Delays, Ensuring Timely Justice, and Improving Access for Ordinary Citizens

The Current Crisis of Delay

Fiji's judicial system faces a serious and well-documented crisis of delay. The Chief Justice, Hon. Salesi Temo, has publicly expressed concern over the significant backlog, with cases dating back 10 to 20 years still pending.

Civil cases, in particular, drag on for many years, causing immense hardship to litigants, especially ordinary citizens who cannot afford prolonged legal battles. Criminal cases, including serious matters such as rape and sexual violence against children, have also suffered unacceptable delays.

A stark and troubling example is the case highlighted by the Fiji Women's Rights Movement in May 2026 involving a young girl who waited six years for justice in a sexual violence matter, only for the case to be withdrawn.

Children constitute the majority of rape victims in Fiji. Such prolonged delays not only deny justice to victims and survivors but also erode public trust in the entire justice system. "Justice delayed is justice denied" is not merely a slogan — it is the lived reality for too many Fijians.

Additionally, the high cost of litigation places justice beyond the reach of many ordinary citizens. Legal fees can be prohibitive, and the perception that the system primarily benefits those who can afford expensive lawyers undermines the constitutional guarantee of equal protection under the law.

Lessons from New Zealand, Australia, and Other Commonwealth Jurisdictions

New Zealand and Australia have implemented robust judicial case management systems that significantly reduce delays while maintaining fairness. Key features include:

Active judicial case management - Judges take early and ongoing control of proceedings through docket systems and regular case management conferences, rather than allowing parties to drive the pace.

- **Clear time standards** - Courts set and publish time standards for different categories of cases (e.g., ordinary civil matters to be resolved within 12 months; judgments delivered within three months of final submissions in the Federal Court of Australia).
- **Strict control of adjournments** - Unnecessary adjournments are discouraged or disallowed except for compelling reasons.
- **Electronic case management and e-filing** - Modern technology streamlines processes, reduces paperwork, and improves transparency and monitoring.
- **Performance measurement and accountability** - Courts regularly publish statistics on case disposal times, backlog, and clearance rates.
- **Expanded use of mediation and alternative dispute resolution** - Many civil matters are resolved without full trial, freeing court resources for complex cases.

These jurisdictions demonstrate that with strong judicial leadership, clear rules, technology, and accountability mechanisms, significant reductions in delay are achievable without compromising fairness or the rights of parties.

Proposed Reforms for Fiji

The Fiji Labour Party recommends a comprehensive judicial reform package, including:

- Introduction of active judicial case management with binding time standards for different categories of cases (civil, criminal, family, etc.).
- Mandatory publication of judgments within defined timeframes (e.g., within three months of final submissions in most cases).
- Strict limits on adjournments, with judicial discretion to refuse unnecessary delays.
- Full rollout of electronic case management, e-filing, and digital court records.
- Strengthened legal aid and pro bono schemes to improve access for low-income litigants.
- Enhanced judicial training in case management and the use of technology.

9.2 Oversight of Political Party Funding by the Electoral Commission

Transparent and accountable political party funding is essential for the integrity of democracy. Under the current framework, there have been concerns about the allocation of public funds to political parties — reportedly around FJD 325,000 per year — without sufficient transparency, clear criteria, or robust parliamentary oversight. The Fiji Labour Party submits that the regulation of political party funding, including any state support or disclosure requirements, must be placed under the independent authority of the Electoral Commission, with the overarching framework approved by Parliament.

The Electoral Commission is the appropriate independent body to oversee party registration, funding disclosure, campaign finance rules, and compliance. Placing this responsibility clearly with the Commission, backed by legislation passed by Parliament, will enhance transparency, reduce the risk of political manipulation, and strengthen public confidence in the electoral process.

9.3 Strengthening the DPP and FICAC for Public Confidence

The Office of the Director of Public Prosecutions (DPP) and the Fiji Independent Commission Against Corruption (FICAC) are critical institutions for upholding the rule of law and combating corruption. However, recent administrative issues, perceived politicisation, and public statements by FICAC have raised serious concerns about institutional independence and public trust. The Fiji Law Society has called for a radical overhaul of the anti-corruption framework, including consideration of whether FICAC should retain its current prosecutorial powers.

Fiji Labour Party supports a review of these institutions to ensure they operate with genuine independence, professionalism, and accountability. Structural reforms may include clearer constitutional safeguards for the DPP's independence, review of FICAC's mandate and governance, and improved coordination between investigative and prosecutorial bodies.

RECOMMENDATIONS

The Fiji Labour Party respectfully recommends that the Constitutional Review Commission:

1. **Introduce constitutional or legislative provisions for active judicial case management** with binding time standards for the disposal of civil and criminal cases and for the delivery of judgments.
2. **Mandate the adoption of modern case management tools** including electronic filing, digital case tracking, limits on adjournments, and regular publication of court performance statistics.
3. **Place the regulation of political party funding and disclosure** under the independent oversight of the Electoral Commission, with the detailed framework to be set out in legislation approved by Parliament.

4. **Ensure transparency in any state funding to political parties** through clear, published criteria and independent oversight by the Electoral Commission.
5. **Review the structure, independence, and mandate of the DPP and FICAC** to strengthen public confidence, ensure genuine institutional independence, and improve coordination in the fight against corruption.
6. **Support increased resources and training for the Judiciary** including additional judges, improved court infrastructure, legal aid expansion, and judicial education in modern case management techniques.

Timely justice is not a luxury — it is a fundamental right.

An independent, efficient judiciary and transparent political financing rules are cornerstones of democratic governance.

Fiji Labour Party urges the Commission to recommend bold, practical reforms in these areas so that every Fijian - rich or poor - can have confidence that justice will be delivered fairly and without undue delay, and that political competition is conducted on a level playing field.

International Instruments on Human Rights

Fiji has acceded to the following international Conventions or Covenants:

- International Covenant on Civil and Political Rights (ICCPR)
- International Convention on the Elimination of all forms of Racial Discrimination (CERD)
- International Convention on Elimination of Discrimination Against Women (CEDAW)
- UN Declaration on the Rights of Indigenous Peoples
- International Covenant on Economic, Social and Cultural Rights of
- International Convention Against torture and other Inhuman or Degrading Treatment and Punishment (CAT)
- International Convention on the Rights of Persons with Disability (CRPD)

The nation's Constitution and its laws must be aligned in conformity to the provisions of these international instruments.

Submitted respectfully on behalf of the Fiji Labour Party,



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