



Listening to the people of Fiji

THE CONSTITUTION COMMISSION



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THE MEMBERS OF THE CONSTITUTION COMMISSION ARE:

Yash Pal Ghai (Chairperson)

Penelope Moore

Christina Murray

Satendra Nandan

Taufa Vakatale

The purpose of the Fiji constitution process is to draft a constitution for Fiji that:

- ❖ Is the result of full, inclusive and fair participation of Fijians
- ❖ Meets the needs of Fiji and the aspirations of its people
- ❖ Unites the people of Fiji

THE COMMISSION MUST:

Show respect for human dignity, human rights, people's participation and openness

Ensure that the people of Fiji are able to participate in the process without any distinction based on race, gender, religion, age, occupation, status, residence, learning or disability

Listen to the people of Fiji and write a constitution that is:

- ❖ based on the wishes of the people of Fiji, the lessons of the past and best practice in constitutions
- ❖ true to the Fiji constitutional principles and values

Principles and Values

The Decree says that the new Constitution must establish:-

- ❖ true democracy
- ❖ respect for, and protection and promotion of, human rights

AND

Common and equal citizenry

- ❖ All citizens will have the same rights

Secular state

- ❖ Respect for all faiths
- ❖ No official religion; no religion will be given preference by the state
- ❖ Members of all religions will have equal rights to practise their belief and faith, individually or in association with fellow members
- ❖ A secular state separates state and religion but is not hostile to religion
- ❖ The freedom of religion will be guaranteed

Removal of systemic corruption

- ❖ Government accountable to the people
- ❖ A system for punishing corrupt practices in government and the private sector
- ❖ Standards for members of the government, Parliament and public employees

An independent judiciary

- ❖ Courts must always decide in accordance with the law, not under pressure or bribes
- ❖ The constitution will have to provide rules to protect courts' independence and impartiality

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Principles and Values

Elimination of discrimination

- ❖ The constitution will establish and enforce principles of non-discrimination
- ❖ It will protect the equality of all people

Good and transparent governance

- ❖ Protection of human rights and a democratic government accountable to the people
- ❖ Open government giving people access to information about decisions that affect their lives
- ❖ Fair, transparent, effective and lawful state practices
- ❖ Public participation

Social Justice

- ❖ All people entitled to a life of dignity
- ❖ Government must help end poverty and inequality
- ❖ Equal opportunities for all

One person one vote one value; elimination of ethnic voting; proportional representation; and voting age of 18

- ❖ All votes count the same
- ❖ No reserved seats based on ethnicity
- ❖ The electoral system ensures that the number of seats a party gets in Parliament reflects its support in the election
- ❖ Vote when you are 18 years old

The constitution must also give legal immunity to the government, members of the security services and civil servants

FIJI CONSTITUTION PROCESS

STAGE ONE: **Public education** on what constitutions do, the Fiji constitutional principles and the constitution-making process

STAGE TWO: August to October 2012
The **Constitution Commission** consults the people of Fiji about what the Constitution should say

STAGE THREE: October to December 2012
The Constitution Commission writes a draft Constitution taking into account the views of the people. The Commission then presents the draft Constitution to the President

STAGE FOUR: January to March 2013
The **Constituent Assembly** debates and adopts the draft Constitution and presents it to the President

STAGE FIVE: **The Tribunal**
A Tribunal chaired by the Chief Justice checks that the Constitution complies with the Principles and Values

The President signs the Constitution. Fiji has a Constitution.
2014 Elections

HOW TO MAKE A SUBMISSION ON THE CONSTITUTION

- ❖ Go to a Commission meeting and tell it what you think The Commission is travelling around Fiji - check the timetable
- ❖ Write to the Commission
Send it to: [P.O. Box 2082, Govt Buildings, Suva.](#)
- ❖ Email your submission to:
constitution.fiji@gmail.com
- ❖ Join up with a group of friends or members of your organisation and write a group submission
- ❖ Use FACEBOOK to talk to the Commission:
[Constitution Commission of Fiji](#)

CONTACT | **Office:** Admin Block 1, Parliament Complex, Battery Rd, Suva, Fiji. P.O. Box 2082 Govt Bldgs, Suva.
Phone: (679) 362 9066 **Mobile:** 865 7080 **Fax:** (679) 330 5323 **Email:** submissions@constitution.org.fj

WHAT SUBMISSIONS CAN BE ABOUT:

The Constitution will govern your life. The Commission needs to know what you think that Constitution should say. Also, what works well in your community and what should change?

Below are some questions to guide your submission - but your submission need not deal with these questions.

1. What is your vision for Fiji and its people?
2. What are biggest problems that face a government that wants to help the people?
3. What can be done to ensure that the government, politicians and public servants serve the people of Fiji?
4. What can the constitution do to build unity in Fiji and trust among its people?
5. How can the constitution ensure women's equality?
6. Which groups and communities are disadvantaged? What should the constitution do for them?
7. What problems face the youth of Fiji? How can they be solved?
8. Should the constitution say anything about how land in Fiji is to be regulated and protected? If so, do you have any suggestions?
9. What should the constitution say about the security forces including military and the police?
10. Is it important that you should have an MP who represents your area or would you be happy voting for a party that represents your views?
11. How many MPs should there be? (Before 2006 there were 71) Should there be a limit to how long a politician can serve?
12. Is corruption a serious problem in Fiji? If so, what institutions are involved and how can corruption be stopped?
13. What human rights should be included in the constitution?
14. What do you think is meant by "social justice" in the Fiji context, and what should be done to achieve it?
15. Do you want an elected government to deal with local issues? If so, what should its functions be and should it be a village or town government or a government for a region?
16. How should the new Constitution be protected? How can we ensure that there are no more coups?

Deadline for submissions: 10 October, 2012

Submissions can be: Long or short and in any language, from adults or children, from groups or individuals, from Fijians in the diaspora.