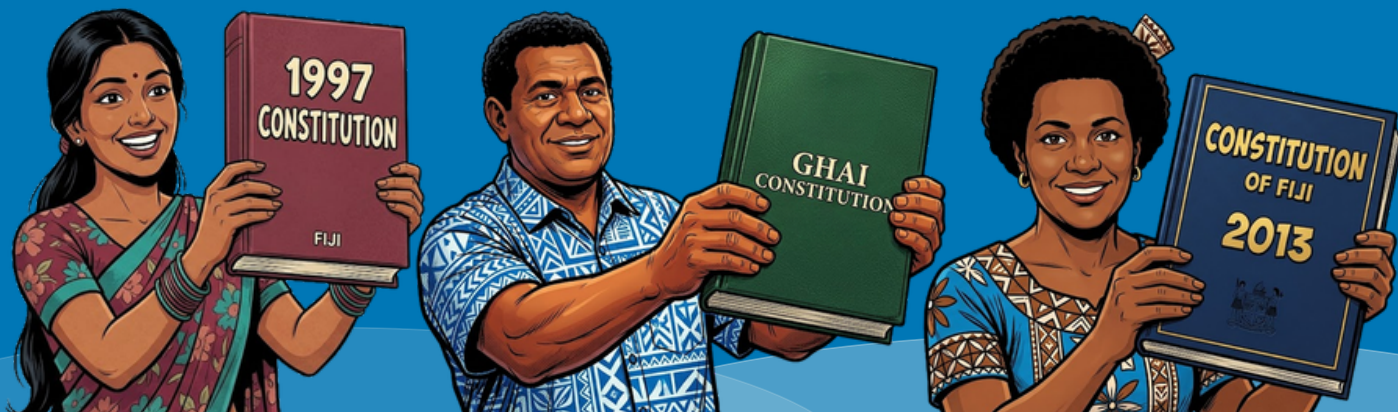


Understanding Fiji's Recent Constitutions

A Citizen's Illustrated Guide

What each constitution says, how they differ, and what it means for you

1997 Constitution | Ghai Draft Constitution | 2013 Constitution



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Our Three Recent Constitutions

A brief history of how we got here

About This Guide

Across Fiji today, conversations about the constitution are everywhere. People speak with conviction about whether the 2013 Constitution should be retained, amended, or replaced. Yet many of these views are shaped less by a close understanding of what each constitution actually says, and more by political loyalties and perceptions of legitimacy.

This guide begins from a simple premise: a meaningful national conversation about Fiji's constitutional future must be grounded in knowledge, not assumption. It is produced by Dialogue Fiji to empower ordinary Fijians to engage with these important discussions from a place of understanding.

1997 Constitution

Born from inclusive cross-party negotiations, the 1997 Constitution aspired to replace the 1990 framework with a multiracial compact. It established a bicameral parliament utilising both ethnic and open electoral rolls and mandated multi-party Cabinets to encourage power-sharing. It intended to resolve conflict between indigenous Fijians and Indo-Fijians, prioritising human rights and rule of law. Though challenged by the 2006 coup, the framework remained legally in effect until its formal abrogation in April 2009.

2012- The Ghai Draft

Developed through the most extensive nationwide consultations in Fiji's constitution making history, the Ghai Draft (2012) envisioned a unified, multicultural state. It proposed a unicameral parliament elected via proportional representation on a single national roll, and abolished ethnic voting. Key features included an eight-year term limit for the Prime Minister, enforceable socio-economic rights, and a unique National People's Assembly to ensure ongoing public accountability

2013 - The Current Constitution

Promulgated by decree, the 2013 Constitution established a secular state and a unified identity, declaring all citizens "Fijians". It introduced a unicameral parliament elected via an open-list proportional representation system on a single national roll, effectively abolishing ethnic voting. While expanding the Bill of Rights to include socio-economic protections and lowering the voting age to 18, the framework significantly concentrated executive power in the Prime Minister's office.



What is a Constitution

Why the Rules at the Top Matter to Everyone

A constitution is the highest law in the country. It sets out how the State is organised, what powers leaders have, what rights people enjoy, and how power can be checked. A constitution answers some of the biggest questions in public life:

- Who makes the laws?
- Who runs the government?
- What rights do citizens have?
- What limits are there on State power?
- Who steps in when those limits are broken?
- How can the rules be changed in the future?

Without a constitution, power can become uncertain, arbitrary, or too concentrated in the hands of a few.



What Does a Constitution Do?

1. It creates the State

A constitution sets up the main institutions of government, such as Parliament, the Executive, the courts, and independent commissions.



2. It distributes power

It decides who can do what, and how far their authority goes.

3. It protects rights

It sets out the rights and freedoms people are entitled to, such as freedom of speech, religion, political participation, and fair trial rights.

4. It limits power

A constitution does not only give power. It also places limits on power, so leaders cannot rule however they wish.

5. It defines National Identity and Values

It establishes the core principles and goals of the nation, often fostering national unity by reflecting the shared history and aspirations of its people.

Why it Matters for You

A constitution is not only for lawyers, judges, or politicians.

It matters in everyday life because it affects:

- how you vote
- whether your rights are protected
- how leaders are chosen
- whether government can be challenged
- how courts and watchdog bodies work
- whether future generations can change the rules fairly

Even if you never read a constitution from beginning to end, it still shapes the country you live in and the kind of government you experience.



What is constitutionalism?

Constitutionalism means that everyone, including the government, must follow the rules set out in the constitution. It ensures that power is not used arbitrarily and that leaders are accountable. In a constitutional system, laws, rights, and decisions are guided by agreed rules, not personal or political interests.



How the Preamble Sets the Tone

Each constitution opens with a preamble — a statement of who Fiji is and what it stands for.

1997

Historical and Christian in tone.

Recalls the Deed of Cession, independence, and the contributions of all communities. Acknowledges Christianity's conversion of indigenous people. Commits to harmony, social justice, and human dignity. Recognises the contributions of all communities.



"**REAFFIRMING** our recognition of the human rights and fundamental freedoms of all individuals and groups, safeguarded by adherence to the rule of law, and our respect for human dignity and for the importance of the family."

(Preamble, 1997 Constitution)

GHAJ DRAFT

Healing and forward-looking.

Seeks to heal past divisions and build a unified, multicultural nation. Emphasises trust, tolerance, inclusiveness, and respect for human dignity and nature. Offers the constitution as a gift to future generations for peace and happiness.



"Striving now to live in unity, we resolve— to create a modern, progressive, multicultural nation founded on trust, tolerance, inclusiveness, compassion, the dignity and equality of each individual, and respect and stewardship of nature's gifts."

(Preamble, Ghaj Draft Constitution)

2013

Civic and unifying. Recognises iTaukei, Rotumans, descendants of indentured labourers, settlers and immigrants. Declares all as *Fijians united by common and equal citizenry*. Commits to human rights, justice, national sovereignty, and environmental stewardship.



"**DECLARE** that we are all Fijians united by common and equal citizenry; **RECOGNISE** the Constitution as the supreme law of our country that provides the framework for the conduct of Government and all Fijians."

(Preamble, 2013 Constitution)

Why the preamble matters

The preamble is not usually where day-to-day rules are found, but it tells us what vision of Fiji the constitution is built on. Courts, lawmakers, and citizens often look to it for guidance on national values.



Your Rights Under Each Constitution

Coloured dots* show which constitution protects each right ● Blue=1997 ● Green=Ghai ● Orange=2013

 Right to Life ● ● ●	 Right to Personal Liberty ● ● ●	 Right to Housing ● ●	 Right to Health ● ●	 Right to Education ● ● ●	 Environmental Rights ● ●
 Fair Trial ● ● ●	 Freedom of Speech ● ● ●	 Freedom of Religion ● ● ●	 Right to Privacy ● ● ●	 Children's Rights ● ●	 Disability Rights ● ●
 Women's Rights Article ●	 Right to Dignity ●	 Freedom from Slavery ● ● ●	 Freedom from Torture ● ● ●	 Right to Strike ●	 Foreshore & Reef Access ●

**A dot means the constitution protects that right in some form. It does not mean the protection is identical.*



What is a Bill of Rights and why is it important?

A Bill of Rights is a section of the constitution that sets out the fundamental rights and freedoms of all people, such as freedom of speech, religion, equality, and the right to a fair trial. These rights need protection in a constitution because ordinary laws can be changed easily by governments, but constitutional rights are harder to remove or limit. This helps safeguard individuals from misuse of power. A Bill of Rights also gives courts the authority to review laws and decisions, ensuring that everyone is treated with dignity, fairness, and respect.



Human Rights: Strongest in Ghai Draft

The Ghai Draft remains the gold standard for Fiji, offering a robust and extensive Bill of Rights that strictly limits state interference to international norms. Conversely, the 1997 Constitution remains the least comprehensive, protecting only basic fundamentals rather than modern liberal standards. While the 2013 Constitution lists numerous modern rights, it ironically weakens them through "clawback" clauses, allowing the government to bypass protections via simple legislation.

When Can Rights Be Restricted?

Every constitution allows some rights to be limited, but the rules on how, and the standard the government must meet, differ significantly between the three.

1997

1997 Constitution:
"Must be reasonable and justifiable in a free and democratic society"



GHAII DRAFT

Ghai Draft Constitution:
"Proportionate, necessary, least restrictive means. The State must PROVE it to a court."



2013

2013 Constitution:
"Must be necessary, prescribed by law – but no explicit proportionality test required"



Notable Difference in Expression Restrictions

The 2013 Constitution makes it easier for the government to limit your speech compared to previous frameworks. It is the only one that allows for the direct regulation and registration of media organisations as a specific ground to restrict expression (s. 17(3)(h)). In contrast, the Ghai Draft explicitly states that media (other than broadcast) must not be subject to licensing. Furthermore, while the 1997 Constitution required that any speech limits on public workers be 'reasonable' and for the sole purpose of ensuring 'impartial service,' the 2013 version (s. 17(3)(f)) removes these protections, granting the state broader power to silence public office holders. These changes are reinforced by a 'catch-all' clause in the 2013 text that allows the state to limit any right if it is deemed 'necessary' by a law, even if that reason isn't listed in the Constitution (s. 6(5)(c)).



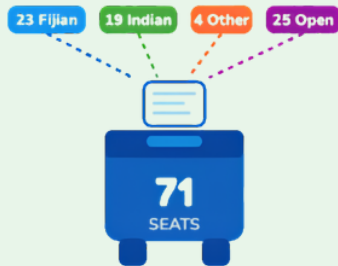
Parliament & Elections

How you vote and how your vote becomes representation

1997: Separate Rolls by Ethnicity

Under 1997, your ethnicity determined which roll you voted on. Of 71 seats, 46 were communal – 23 Fijian, 19 Indian, 1 Rotuman, 3 General – and 25 were open to all. Voting used preferences (Alternative Vote) and was compulsory. The Senate was 32 appointed members – the GCC nominated 14, PM nominated 9, the LOTO appointed 8, and the Council of Rotuma nominated 1.

Voting age: 21. If you were iTaukei you voted on the Fijian roll, Indo-Fijian on the Indian roll. You also got a vote on the open seats.



Ghai & 2013: One Roll for All

Both the Ghai Draft and the 2013 Constitution abolished ethnic electoral rolls, establishing equal suffrage through proportional representation on a common register. Every citizen, irrespective of ancestry, votes as a "Fijian" under this non-racial framework

Ghai Draft: Uses a closed list PR system across 4 regional electoral districts (60 seats) plus 11 national seats allocated proportionally. A 1% national vote threshold applies to the 11 national seats. Parliament serves 4-year terms.

2013 Constitution: Uses an open-list PR system on a single national roll, allowing voters to choose specific candidates. It enforces a 5% threshold and initially established 50 seats, requiring periodic reviews to preserve the original Fijian MP-to-population ratio.



♀ Gender Representation – Only the Ghai Draft Addresses This

The Ghai Draft is the only constitution with a constitutional gender quota for parliamentary candidates. Article 80(3) requires party candidate lists to strictly alternate women and men – a full "zipper" system – from the third election. Transitionally, at least 1 of the first 2 candidates must be a woman; 2 of the first 5; 3 of the first 8.

Article 117(1) also requires the Prime Minister to endeavour to select a Cabinet reflecting the ethnic, cultural and gender diversity of Fiji – the only constitution with such a requirement.

The 1997 and 2013 Constitutions have no constitutional gender quotas for parliamentary candidates or Cabinet.



Parliament at a Glance

Key Features Side by Side

Feature	1997	Ghai Draft	2013
Ethnic rolls	Yes — 46 communal seats	No — abolished	No — abolished
Parliament size	71 elected + 32 appointed senators	71 elected (60 district + 11 national)	50 elected (reviewed each election)
Voting age	21	18	18
Senate / Upper House	Yes — 32 appointed	None	None
Electoral system	Alternative Vote (preferential)	Closed list PR — 4 electoral districts + 11 national	Open list PR — single national roll
Electoral threshold	Not applicable to electoral system used	1% for 11 national seats	5% national vote — s. 53(3)
Gender quota	None	Zipper system — Art. 80(3)	None
Compulsory voting	Yes — s. 56	No	No
MP loses seat for defying party during voting in parliament	No	No	Yes — s. 63(1)(h)
Parliamentary term	5 years	4 years	4 years



Fiji's Electoral System Shift: From Majoritarian to Proportional

Fiji's Alternative Vote (AV) system failed because it deepened ethnic polarisation instead of fostering moderation. Although designed to encourage cross-ethnic voting, parties often manipulated preference swaps through "below-the-line" deals that prioritised ethnic blocs, resulting in a parliament divided along racial lines.

Conversely, the Proportional Representation (PR) system, adopted in 2013, is considered fairer as it ensures a party's seats closely match its share of the national vote. In divided societies, PR is ideal as it ensures a broadly representative legislature. By guaranteeing minorities a voice, it gives all groups a stake in governance, preventing them from becoming "perpetual outsiders" sidelined by winner-takes-all majoritarian outcomes.



The President, PM & Cabinet

Who runs the government, how they get there, and what limits them

BLV

Chose the President in 1997

**Great Council of Chiefs
appointed President after
consulting PM**

NPA

Elected President in Ghai Draft

**National People's Assembly –
civil society + state officers**

MPs

Choose President in 2013

**Parliament votes; after 3 ties,
PM's nominee wins automatically**

1997 CABINET

Multi-Party

Required Power-Sharing

**Any party with 10%+ of House
seats had to be invited into
Cabinet proportionally. You
couldn't win and govern alone –
all parties with significant vote
shares had to have a seat at the
table.**

GHAI CABINET

Max 15

Capped & Diverse

**PM + maximum 14 Ministers only
(Art. 113). Up to 4 can come
from outside Parliament. PM
must endeavour to reflect
ethnic, cultural and gender
diversity (Art. 117). PM term-
limited to 8 years.**

2013 CABINET

PM Decides

No Constitutional Limit

**The PM determines Cabinet size
freely – no constitutional cap.
No multi-party requirement. No
gender or diversity obligation.
PM has no constitutional term
limit.**



How is the PM Appointed?

The 1997 Constitution empowered the President to appoint the Prime Minister based on his/her personal judgment of who could best command House confidence. Because the President was not an elected entity, this discretion could circumvent the democratic will of voters. Conversely, the Ghai Draft mandates that Parliament elects the PM from its own members. The 2013 Constitution allows the leader of a party winning more than 50% of seats to assume office automatically; otherwise, Parliament elects the PM, replacing subjective discretion with formal elective procedures.



The Judiciary & Rule of Law

Courts, judicial appointments, independence, and access to justice



Why the Judiciary Matters

An independent judiciary is the citizen's last line of defence when government oversteps its constitutional bounds. The questions that matter most are: Who appoints judges, and how? Who can remove them, and for what? How is access to justice guaranteed for those who cannot afford lawyers? All three constitutions answer these questions differently – with significant consequences for how reliably courts can hold power to account.

The Court Hierarchy – All Three Constitutions

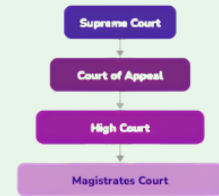
All three constitutions share the same basic court structure, though with important differences in composition and jurisdiction.

Supreme Court – final appellate court; also has original jurisdiction in constitutional matters

Court of Appeal – hears appeals from the High Court; constitutional matters appealable as of right

High Court – unlimited original jurisdiction in civil and criminal matters; supervises lower courts

Magistrates Court – jurisdiction conferred by written law; handles the majority of criminal and civil cases



Common to all three constitutions

Judicial Service Commission – Who Controls Appointments?

The Judicial Service Commission (JSC) is the body that recommends judicial appointments and oversees judicial discipline. Its composition determines how independent it is from political influence.

1997 – S. 131

Smallest Commission

3 members:

- Chief Justice (Chair)
- Chairperson of the Public Service Commission
- President of the Fiji Law Society

GHA1 – ART. 135

Broadest & Most Representative

6 members:

- Chief Justice (Chair)
- One High Court Judge
- One representative from the Ministry of Justice
- One representative from the Fiji Law Society
- Two non-lawyers – one woman and one man – appointed by the Constitutional Offices Commission

2013 – S. 104

Mixed Legal & Non-Legal

5 members:

- Chief Justice (Chair)
- President of the Court of Appeal
- Permanent Secretary for Justice
- A legal practitioner (nominated by the Attorney-General)
- A non-lawyer appointed by the President on advice of the Chief Justice and Attorney-General

Judicial Appointments, Removal & Access to Justice

Key differences in how judges are appointed and citizens access courts

Judicial Appointments & Removal

Feature	1997	Ghai Draft	2013
Chief Justice appointed by	President on PM's advice after consulting LOTO — s. 132	President on JSC rec. after consulting PM and LOTO — Art. 129	President on PM's advice after consulting AG only — s. 106
Other judges appointed by	President on JSC recommendation — s. 132	President on JSC recommendation — Art. 129	President on JSC recommendation — s. 106
Grounds for removal	Incapacity or misbehaviour — s. 138	Incapacity or wrongdoing — Art. 134 + Schedule 5	Incapacity or misbehaviour — s. 111
Removal process	Tribunal or medical board appointed by President	Judicial/lay panel; written reasons required (Schedule 5)	Tribunal appointed by President
Retirement age — CJ & SC	70 — s. 137	70 (CJ), 75 (SC & CA) — Art. 133	75 (SC & Court of Appeal) — s. 110
Retirement age — High Court	65 — s. 137	70 — Art. 133	70 — s. 110

Access to Justice

LEGAL AID — 1997

No Express Provision

The 1997 Constitution does not contain an express Legal Aid Commission provision. The right of access to courts is protected, but there is no constitutional obligation to fund legal assistance for those who cannot afford it.

LEGAL AID — GHAI

State Duty to Legislate

Article 40(3) requires the State, through legislation and other measures, to provide legal aid for those who cannot afford to pursue or access justice. There is no standalone Legal Aid Commission, but a constitutional duty on the State to ensure access.

LEGAL AID — 2013

Dedicated Commission

The 2013 Constitution (s. 118) is the only one to explicitly establish a **Legal Aid Commission** as an independent constitutional body providing free legal representation to those who cannot afford it. The most concrete provision of the three.



The 2013 Chief Justice Appointment

The 1997 and Ghai Draft frameworks require consulting the Leader of the Opposition before appointing a Chief Justice, ensuring essential cross-party buy-in. Conversely, the 2013 Constitution grants the Prime Minister effective control, requiring consultation with only the Attorney-General. This shift centers judicial power within the governing party alone, departing significantly from established principles of executive-judicial separation.

IMPORTANT: Access to justice is not only about courts existing. It is also about whether ordinary people can actually afford to use them.



Independent Institutions

The watchdogs that hold power to account

Institution	1997	Ghai Draft	2013
Human Rights Commission	✓ Yes — s. 42	✓ Yes — Art. 52	✓ Yes — s. 45
Ombudsman	✓ Yes — ss. 157–165	✓ Yes — Art. 170–172	✗ Not established
Auditor-General	✓ Yes — s. 166	✓ Yes — Art. 162	✓ Yes — s. 151
Anti-Corruption Commission	✗ None	✓ Ethics Commission (broader)	✓ FICAC — s. 115
Ethics & Integrity Commission	✗ None	✓ Yes — Art. 66	✗ None
Electoral Commission	✓ Yes — ss. 78–79	✓ Yes — Art. 82	✓ Yes — s. 75
Accountability Commission	✗ None	~ Ethics Commission covers this	✓ Yes — s. 121
Freedom of Information law	Yes — directed to Parliament	✓ Fundamental right — Art. 32	✓ Yes — by written law — s. 150
Parliament approves appointments	✓ Yes — s. 143(4)	~ Consultation required	✗ No direct role
Legal Aid Commission	✗ No provision	~ State duty to legislate — Art. 40(3)	✓ Yes — s. 118

Ghai Draft's Unique Ethics & Integrity Commission

Article 66 of the Ghai Draft establishes a unique Ethics and Integrity Commission to monitor high governance standards and combat systemic corruption. It combines broad ethical education with the independent power to investigate and directly prosecute corrupt practices across all state organs. Any citizen can lodge formal complaints, which ensures that public officers remain accountable to a mandatory national code of conduct

The 2013 Constitution Has No Ombudsman

The Ombudsman is typically the main body ordinary citizens use to complain about unfair government administration — without needing a lawyer or going to court. The 1997 and Ghai Draft constitutions both establish this office. The 2013 Constitution does not create an Ombudsman, leaving a notable gap for citizens seeking redress against day-to-day administrative unfairness.



Constitutional Offices & Appointment Processes

Who gets appointed, who decides, and why it matters



Why This Matters

Constitutions do more than create institutions. They also decide who appoints the people who run those institutions. This matters because

- Appointment processes shape independence or political influence.
- They affect who leads courts, commissions, and watchdog bodies.
- They determine whether power is shared, balanced, or concentrated

Constitutional Offices Commission (COC)

The Constitutional Offices Commission (COC) is the body responsible for recommending or advising on appointments to some of the most important public offices in the country, including leaders of independent commissions and key state institutions. Because these offices oversee elections, public finance, human rights, and accountability, the composition of the COC has a direct impact on how independent these institutions are in practice. If the COC is broadly balanced, appointments are more likely to reflect independence and diversity. If it is dominated by one side, it can allow greater political influence over bodies that are meant to act as neutral watchdogs.

How COC is Appointed

1997

Parliamentary Oversight Model

- Chairperson + 2 other members
- All appointed by the President
- Nominated by government (Minister)
- Subject to approval by a parliamentary committee

What this means:

Appointments involve both the Executive and Parliamentary oversight

GHAI

Shared & Participatory Model

Members drawn from:

- Chair of Human Rights Commission or Ombudsman
- Chair of Ethics & Integrity Commission or Electoral Commission
- 2 women and 2 men jointly selected by PM and Leader of Opposition

What this means:

A mixed and balanced body, combining independent institutions, Government, Opposition and Gender representation

2013

Executive-Centred Model

- Prime Minister (Chairperson)
- Attorney-General
- Leader of Opposition
- 2 members appointed on Prime Minister's advice
- 1 member appointed on Opposition Leader's advice

What this means:

6 members total, 4 aligned with government, 2 aligned with opposition
→ Government holds a decisive majority

Who controls appointments often determines who really holds power. A constitution may promise independent institutions, but their independence depends heavily on who selects their leaders and how those selections are made.



Land, Identity & the Great Council of Chiefs

Indigenous rights, the BLV, and what each constitution says about belonging

BLV in the 1997 Constitution

The 1997 Constitution recognised the Bose Levu Vakaturaga (BLV) in Chapter 8, granting it the power to appoint the President and Vice-President. The BLV also nominated 14 of the 32 Senators, providing an institutional veto over laws affecting protected iTaukei interests, which required consent from 9 of those appointees.

Feature	1997	Ghai Draft	2013
BLV constitutional role	✓ Yes – s. 116 (legislative + executive)	~ Cultural advisory only – Art. 56	✗ Not recognised
BLV appoints President	✓ Yes – s. 90	✗ No	✗ No
BLV appoints senators	✓ Yes – 14 of 32	✗ No Senate	✗ No Senate
iTaukei land inalienability	✓ Protected	✓ Protected – Schedule 2	✓ Explicit – s. 28(1)
Mineral royalties for landowners	Parliament must make provision	✓ Yes – Art. 14(3)	✓ Yes – s. 30
All citizens called "Fijians"	✗ No	✓ Yes	✓ Yes – s. 5(1)
Dual citizenship permitted	✗ No – forfeit Fijian citizenship	✓ Yes – Art. 9(3)	✓ Yes – s. 5(4)



The Ghai Draft's Unique BLV Approach

The Ghai Draft situates the BLV as a cultural custodian and non-partisan advisory body under Article 56. By framing the BLV as an organ of civil society rather than a state institution, the Ghai model preserves traditional legitimacy while ensuring that only elected officials hold the power to make decisions affecting the general public. This structural balance supports the principle of equal citizenry by preventing an unelected body from exercising state power over all citizens, offering a calculated "middle path" between the institutional entrenchment of 1997 and the total exclusion seen in 2013.



iTaukei Land – Strongest in 2013

The 2013 Constitution provides the most explicit constitutional protection for iTaukei land: section 28(1) states that ownership of all iTaukei land shall remain with the customary owners and shall not be permanently alienated by sale, grant, transfer or otherwise. If the State acquires land for a public purpose, it must revert to the customary owners when no longer needed (s. 28(2)). Section 30 also gives landowners the right to a fair share of royalties from mineral extraction on their land – a provision absent from the other two constitutions.



Immunity Provisions

All three constitutions have them – but they work differently



Important: All Three Constitutions Contain Immunity Provisions

Immunity for political events and unconstitutional government is not unique to any one constitution. The 1997 Constitution continued immunity for the 1987 coups (via Chapter XIV of the 1990 Constitution, s. 195(2)(a)). The Ghai Draft granted conditional immunity only through personal renunciation. The 2013 Constitution contains three separate layers of immunity. The difference is in scope, conditions, and whether the immunity can ever be changed.

1997

Carries Forward 1990 Immunity

Section 195(2)(a) kept Chapter XIV of the 1990 Constitution in force – which immunised those involved in the 1987 coups. It could in principle be amended by future Parliament through the regular amendment process.

GHAI DRAFT

Conditional on Renunciation

Immunity is granted only to those who personally sign the **Oath of Reconciliation and Allegiance** – renouncing past unconstitutional actions and committing to democracy (Schedule 6, §27). Not a blanket grant. Article 2(3)(b)(ii) explicitly **prohibits future coup amnesties**.

2013

Absolute & Unamendable

Three layers: (1) continues 1987 immunity via s. 155; (2) continues immunities granted under *Limitation of Liability for Prescribed Political Events Decree 2010* via s. 156; (3) grants new absolute immunity for 2006–2013 via s. 157. Section 158 makes all of this **permanently unamendable** – courts have no jurisdiction to challenge it.

Feature	1997	Ghai Draft	2013
Immunity for 1987 coups	✓ Yes – via 1990 Ch. XIV	Conditional – sworn oath only	✓ Yes – s. 155
Immunity for 2006–2013	N/A (predates)	Conditional – sworn oath only	✓ Absolute – s. 157
Immunity conditional on renunciation	✗ No	✓ Yes – Oath of Reconciliation	✗ No
Future coup amnesties prohibited	✗ No	✓ Yes – Art. 2(3)(b)(ii)	✗ No
Immunity permanently unamendable	✗ No	✗ Yes	✓ Yes – s. 158(1)



Changing the Constitution

How hard is it for future generations to update the rulebook?

2/3 & 3/4

1997 Constitution

Two-thirds majority in both Houses.

Three-quarters for urgent House measures. 9/14 BLV senator's consent for iTaukei laws. No referendum is required

2/3

Ghai Draft

48 of 71 MPs support required (twice). 6-month public consultation between votes. NPA has a non-binding advisory vote.

3/4

2013 Constitution

Three-quarters of ALL MPs (twice, 30 days apart), then referendum approved by three-quarters of ALL registered voters.*

The Ghai Draft's Detailed Amendment Process

The Ghai Draft prioritises broad public participation in its amendment process. An amendment can be proposed by a petition of at least 1,000 citizens, a resolution from the National People's Assembly, or a resolution in Parliament. All proposals are then published and considered by the NPA, which holds an advisory vote. After that, Parliament must pass the bill with at least 48 members in favour. The bill is then published for public discussion for at least 6 months. A second parliamentary vote within one year, again requiring 48 members' support, completes the process. This multi-stage approach ensures public deliberation at every step, and provides safeguards against rushing amendments. The only weakness that the Ghai draft has compared to the 2013 constitution is that the latter requires a referendum for any constitutional amendments.

Feature	1997	Ghai Draft	2013
Parliament threshold	2/3 both Houses	48 of 71 MPs (twice)	3/4 of ALL MPs* (twice)
Referendum required	✗ No	✗ No	✓ Yes – 3/4 of all registered voters*
Public consultation period	✗ Not required	✓ 6 months minimum – Art. 183	30 days between readings only
Citizen petition can initiate	✗ No	✓ Yes – 1,000 signatures	✗ No
Absolutely unamendable provisions	✗ No	✓ Yes (Art. 182)	✓ Immunity Chapter – s. 159(2)
Urgent amendment provision	✓ Yes – s. 191(3)	✗ No	✗ No
Public deliberation body	✗ Not specified	✓ National People's Assembly – Art. 68(1)(e)	Parliamentary committee report only

* Note: The Supreme Court, in a 2025 opinion, has interpreted the amendment threshold differently from what the constitutional text states. The table above reflects what the text says.



The National People's Assembly

A unique institution proposed only in the Ghai Draft – civil society meets the state

What Is the National People's Assembly?

The National People's Assembly (NPA) is a unique institution found only in the Ghai Draft Constitution (Chapter 6, Articles 68–72). It is an **annual assembly** where representatives of civil society and officers of the state meet together to discuss national issues, hold government to account, and participate in constitutional processes. It meets during the first full week of October each year. It has no equivalent in the 1997 or 2013 constitutions.

What Does the NPA Do?

- Considers new or emerging national challenges
- Reviews progress toward national constitutional goals
- Receives annual reports from the President, Prime Minister, and all Independent Commissions
- Makes non-binding recommendations to Cabinet, Parliament, or any Independent Commission
- Elects the President of Fiji (in a joint session with Parliament)
- Debates and holds advisory votes on proposed constitutional amendments
- May be convened urgently by the Speaker for matters of urgent national concern

Who is in the NPA?



The President

Current + all former Presidents of Fiji



Parliamentary Leaders

Speaker (Chair) + Deputy Speaker (Deputy Chair), PM, Cabinet, Leader of Opposition



MPs (10 total)

4 selected by PM + 6 by Leader of Opposition to represent Parliament's diversity



Independent Officers

Ombudsman, Chair of Human Rights Commission, Chair of Ethics & Integrity Commission



Local Government

10 urban + 10 rural local government representatives



Civil Society

10 women + 10 men appointed by COC, 36 women + 36 men chosen by lot from civil society nominations across 4 electoral districts



Why the NPA Matters

The NPA was the Ghai Draft's answer to a recurring challenge in democracy: how do citizens participate between elections? The NPA creates a structured, annual forum where civil society representatives (chosen for their civic contributions, not political connections) sit alongside elected officials and hold them to account. It represents a form of participatory democracy that goes beyond simply voting every four years. Because it is composed partly by lot (random selection from civil society nominees), it is also resistant to capture by political elites.

The Choice Belongs to the People of Fiji

Each constitution reflects different answers to Fiji's hardest questions: How should ethnic and cultural diversity be recognised? How should power be distributed? Who should be accountable to whom? What can never be changed?

None of these questions has a single correct answer. Different Fijians — with equally genuine commitment to their country — may prioritise stability or accountability, ethnic recognition or civic equality, strong leadership or distributed power. This guide presents what the documents actually say. The evaluation is yours.



This guide is grounded in the actual text of all three constitutional documents. Section and article references are provided throughout. This guide does not constitute legal advice and does not advocate for any particular constitution.

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